

Strategic Planning Board

Agenda

Date: Wednesday, 25th September, 2019
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are 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 3 - 10)

To approve the minutes of the meeting held on 28 August 2019 as a correct record.

4. **Public Speaking**

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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. **17/6471M-Full planning application for 134 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space, Land off Hazelbadge Road, Poynton, Cheshire for Mr Sean McBride, Persimmon Homes (North West) (Pages 11 - 54)**

To consider the above application.

6. **17/4497M-Outline application for extension to the existing Marks and Spencer unit and amendments to the car park layout, Marks and Spencer Plc, Coppice Way, Handforth for Mrs Andrea Mac-Gregor Barbour, Marks and Spencer Plc (Pages 55 - 74)**

To consider the above application.

7. **19/2489N-Full application for the erection of two units totaling 12,615 sqm (135,784 sqft) for Use within B1(b) (Research and Development), B1(c) (Light industry), B2 (General Industrial) and B8 (Storage and Distribution), with ancillary office use, associated car parking, service areas, fencing and landscaping at Basford West Strategic Site at Jack Mills Way, Crewe, Basford West Development Site, Plot 1 Crewe Commercial Park, Jack Mills Way, Shavington for Crewe Land Unit Trust (Pages 75 - 88)**

To consider the above application.

8. **WITHDRAWN-19/3162C-Outline planning application for the erection of up to 98 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from Waggs Road. Footpath and carriageway improvements along Waggs Road fronting properties between 75 and 89 Waggs Road. All matters reserved except for means of access, Land South of, Waggs Road, Congleton for Gladman (Pages 89 - 114)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 28th August, 2019 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor M Hunter (Chairman)
Councillor S Gardiner (Vice-Chairman)

Councillors S Edgar, A Farrall, P Groves, S Hogben, D Jefferay, R Moreton,
P Redstone, B Roberts, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Ms Dillon (Planning Lawyer), Mr D Evans (Principal Planning Officer), Mr N
Hulland (Principal Planning Officer), Mr P Hurdus (Highways Development
Manager) and Mr D Malcolm (Head of Planning (Regulation))

19 APOLOGIES FOR ABSENCE

None.

20 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 19/1392M, Councillor
S Gardiner declared that he was the Ward Councillor for Knutsford and
because the site had been subject to a number of discussions he was well
known to Brian Chaplin, Terri Griffiths and Councillor Q Abel who were all
speaking on the application as well as being known to a number of
Knutsford Town Councillors. He had not had any detailed discussions with
any of the speakers and had come to the meeting with an open mind.

In the interest of openness in respect of applications 19/1392M and
19/2539C Councillor S Hogben declared that he was a Director of ANSA
who were consultees on the applications, however he had not made any
comments nor the discussed the applications.

In the interest of openness in respect of application 19/0782C, Councillor
M Hunter declared that he was the neighbouring Ward Councillor.

It was noted that all Members knew Councillors Q Abel and M Benson who
were in attendance at the meeting and speaking on applications 19/1392M
and 19/2539C.

21 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 24 July 2019 be approved as a correct record and signed by the Chairman subject to the removal of the incomplete last sentence under Minute No 13 'Declarations of Interest/Pre Determination' which was there in error and subject to the job title of Paul Hurdus under Minute No.14 being amended to read Highways Development Manager.

22 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

- 23 WITHDRAWN-17/6471M- LAND OFF HAZELBADGE ROAD, POYNTON, CHESHIRE: FULL PLANNING APPLICATION FOR 134 DWELLINGS ON LAND OFF HAZELBADGE ROAD WITH ASSOCIATED ACCESS IMPROVEMENTS, LANDSCAPING AND PUBLIC OPEN SPACE FOR MR SEAN MCBRIDE, PERSIMMON HOMES (NORTH WEST)**

This application was withdrawn prior to the meeting.

- 24 WITHDRAWN 17/4497M - MARKS AND SPENCER PLC, COPPICE WAY, HANDFORTH SK9 3PB: OUTLINE APPLICATION FOR EXTENSION TO THE EXISTING MARKS AND SPENCER UNIT AND AMENDMENTS TO THE CAR PARK LAYOUT FOR MRS ANDREA MAC-GREGOR BARBOUR, MARKS AND SPENCER PLC**

This application was withdrawn prior to the meeting.

- 25 WITHDRAWN 19/0562M - LAND TO THE WEST OF MACCLESFIELD ROAD, EATON: OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 150 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND A SUSTAINABLE DRAINAGE SYSTEM (SUDS) ON LAND OFF MACCLESFIELD ROAD CW12 2NB. ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR GLADMAN DEVELOPMENTS LTD**

This application was withdrawn prior to the meeting.

- 26 19/0782C - LAND OFF WARMINGHAM LANE, MIDDLEWICH: FULL PLANNING PERMISSION FOR THE PARTIAL REMOVAL OF AN EXISTING PIPELINE CORRIDOR AND THE CREATION OF A NEW PIPELINE CORRIDOR DIVERSION FOR GLADMAN DEVELOPMENTS**

Consideration was given to the above application.

(Sian Hayle, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Standard timescales for implementation;
2. Approved drawings;
3. Scheme of aftercare submitted prior to completion of the works;
4. All land to be restored in full and land subject to 5 years of aftercare;
5. Scheme of tree, hedgerow and vegetation planting submitted prior to completion of the works;
6. A detailed access facilitation tree pruning/felling specification prior to commencement of development;
7. A detailed scheme of tree and hedge protection measures with a tree and hedge protection plan prior to commencement of development;
8. An arboricultural method statement with key stage arboricultural supervision prior to commencement of development;
9. Implementation of ecological mitigation identified in ecological assessment and letter from FPCR prior to and throughout the proposed works;
10. Scheme of measures to safeguard semi natural woodland, ponds, the river Wheelock and species rich grassland in close proximity to the proposed development during the construction phase submitted prior to the commencement of development;
11. Protection of nesting birds throughout the development;
12. Scheme of lighting prior to commencement of development;
13. Retention of waterbodies throughout the development;
14. Construction environmental management plan submitted prior to development commencing;
15. Construction highways management plan submitted prior to development commencing;
16. Hours of operation;
17. Scheme for communication strategy submitted prior to development commencing;
18. Implementation of improvements to visibility splay prior to development commencing;
19. Measures to deal with unexpected contamination throughout the development.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management 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.

- 27 **19/1392M - LAND NORTH OF NORTHWICH ROAD, KNUTSFORD: RESERVED MATTERS IN RELATION TO SCALE, APPEARANCE, LANDSCAPE AND LAYOUT FOR THE ERECTION OF 190 DWELLINGS INCLUDING ALLOTMENTS, COMMUNITY ORCHARD, PLAYING PITCH, LANDSCAPING, OPEN SPACE, CAR AND CYCLE PARKING, DRAINAGE AND ASSOCIATED WORKS PURSUANT TO OUTLINE APPLICATION 17/3853M FOR MICHAEL BLACKHURST, REDROW**

Consideration was given to the above application.

(Councillor Q Abel, the Ward Councillor, Town Councillor J McCulloch, representing Knutsford Town Council, Brian Chaplin, an objector, Terri Griffiths, representing Knutsford's Nether Ward Community Group, a supporter and John Copper, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred to allow officers to work with the applicant's agents and other stakeholders (including the Nether ward Community Group and Knutsford Town Council) to address the concerns raised about the scheme, which are housing mix; affordable housing location; environmental/sustainability factors on the site along with the policies in the Knutsford Neighbourhood Plan and Design Guide.

(The meeting was adjourned for a short break).

- 28 **19/2539C - LAND SOUTH OF, OLD MILL ROAD, SANDBACH: HYBRID PLANNING APPLICATION FOR DEVELOPMENT COMPRISING: (1) FULL APPLICATION FOR ERECTION OF A DISCOUNT FOODSTORE (CLASS A1), PETROL FILLING STATION (SUI GENERIS) AND ANCILLARY SALES KIOSK (CLASS A1), DRIVE-THROUGH RESTAURANT (CLASS A3 / A5), DRIVE-THROUGH COFFEE SHOP (CLASS A1 / A3), OFFICES (CLASS A2 / B1) AND 2 NO. RETAIL 'POD' UNITS (CLASS A1 / A3 / A5), ALONG WITH CREATION OF ASSOCIATED ACCESS ROADS, PARKING SPACES AND LANDSCAPING. (2) OUTLINE APPLICATION, INCLUDING ACCESS FOR ERECTION OF A CARE HOME (CLASS C2), UP TO 85 NEW DWELLINGS (CLASS C3), CONVERSION OF EXISTING BUILDING TO 2 DWELLINGS (CLASS C3) AND REFURBISHMENT OF TWO EXISTING DWELLINGS, ALONG WITH CREATION OF ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE AND LANDSCAPING. (RESUBMISSION OF PLANNING APPLICATION REF. 18/4892C) FOR MR C MULLER, MULLER PROPERTY GROUP**

Consideration was given to the above application.

(Councillor M Benson, the neighbouring Ward Councillor and Matthew Wedderburn, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed development would have a high trade impact. There are also concerns regarding the potential loss of linked trips associated with the trade impacts on the Waitrose and Aldi anchor stores in Sandbach Town Centre. The impact on Sandbach Town Centre as a whole would be significantly adverse and would outweigh the small improvement in consumer choice that the application scheme would deliver. The proposed development would be contrary to policy EG5 of the CELPS, HC2 of the Sandbach Neighbourhood Plan and the NPPF.
2. This is an important gateway location and prominent site in Sandbach. The commercial buildings are standard generic designs that pay little regard to Sandbach as a place and consequently the development will not suitably integrate and add to the overall quality to the area in architectural terms. Furthermore the topography of the site is not conducive to a large floorplate/car park format and would result substantial engineered retaining structures. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy SE1 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.
3. The commercial part of the development would be car dependent and Old Mill Road would act as a barrier between the application site and Sandbach Town Centre. Furthermore the development would not encourage linked trips and is not considered to be sustainable. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
4. The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated along narrow corridors at the rear of the retail development or residential properties affording no natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
5. The application site is of a very challenging topography including an escarpment that runs along the central part of the site. The

submitted information demonstrates that the development will require engineered retaining walls with minimal landscape mitigation along the western boundary, whilst there would also be minimal landscape mitigation along the eastern boundary with Condliffe Close and Palmer Road. On this basis the development would not achieve a sense of place and would be harmful to the character of the area. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

6. The proposed development is located partly within the Sandbach Wildlife Corridor. The proposed development would result in a loss of a substantial area of habitat within the wildlife corridor. The proposed development would result in an overall loss of biodiversity from the designated wildlife corridor. As a result the proposed development would be contrary to Congleton Local Plan Policy NR4, CELPS Policy SE3, SNP Policies PC4 and JLE1 and the NPPF.

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	For a development of 85 dwellings; 15 x £11,919 x 0.91 = £162,694.00 (primary) 13 x £17,959 x 0.91 = £212,455.00 (secondary)	SEN – Full amount prior to first occupation of the housing development Secondary – Full amount prior to first occupation of 30 dwellings Primary – Full amount prior to

	<p>1 x £50,000 x 0.91 = £45,500.00 (SEN)</p> <p>Total education contribution: £420,649.00</p>	<p>first occupation of 50 dwellings</p>
Health	<p>Contribution of £72,972</p>	<p>Full amount to be paid prior to the commencement of the housing/care home</p>
Indoor recreation	<p>Contribution of £29,531</p>	<p>Full amount to be paid prior to the commencement of the housing/care home</p>
Outdoor recreation	<p>Contribution of £1,000 for a family dwelling or £500 per 2 bed apartment space</p>	<p>Full amount prior to first occupation of 50 dwellings</p>
Public Open Space	<p>Private Management Company</p> <p>Provision of a NEAP and the open space (amount based on calculation within Policy SE 6) – to include 30m buffer from NEAP to the nearest housing.</p>	<p>On first occupation</p> <p>On occupation of 50% of the dwellings</p>
Highways Contribution for works between the The Hill junction and the site access roundabout	<p>Contribution of £200,000</p>	<p>50% prior to the commencement</p> <p>50% prior to the first occupation/use of any part of the development</p>

The meeting commenced at 10.00 am and concluded at 1.10 pm

Councillor M Hunter (Chairman)

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Application No: 17/6471M

Location: Land off Hazelbadge Road, Poynton, Cheshire

Proposal: Full planning application for 134 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space

Applicant: Mr Sean McBride, Persimmon Homes (North West)

Expiry Date: 28-Jun-2019

SUMMARY

The proposal seeks to provide 134 dwellings on a site allocated within the CELPS for around 150 dwellings. Some conflict with the site specific principles of development listed under LPS 48 of the CELPS in terms of the bus service contribution, the railway car park contribution and the retention of habitats on the site has been identified. However, whilst the contributions towards the bus service to the town centre and the railway car park are not being secured, significant contributions are being made towards the Council's strategic project of the Poynton Relief Road to mitigate for the impact of the development. Similarly, whilst LPS 48 requires the retention of habitats, again for the reasons stated this cannot be achieved if the primary policy objective of delivering housing is to be realised on the site. Adequate off site mitigation is being provided.

The provision of a car park / drop off on the school playing field conflicts with Green Belt and open space policies within the Development Plan and attracts objections from Sport England and ANSA as well as some local residents. Accordingly the provision of a car park in this location cannot currently be supported.

Despite the recent flooding event in Poynton, the flood risk issues remain as they were at the time of the previous report. Appropriate drainage and flood risk conditions are recommended.

The comments received in representation are acknowledged, and whilst some limited conflict with LPS 48 has been identified, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the proposals should therefore be approved without delay.

RECOMMENDATION

Approve subject to s106 agreement and conditions

REASON FOR DEFERRAL

The application was deferred from the Strategic Planning Board on 26 June 2019 *“in order for further consideration to be given to a revised parking/drop off area for the school”*

POLICIES

Since the deferral of the application, the stage of the Poynton Neighbourhood Plan (PNP) has advanced from Regulation 17 to the Referendum Stage. The referendum on the PNP is due to be held on 10 October 2019. This increases the weight that can be attached to the draft policies within the PNP. However, this increased weight does not affect the assessment of the proposal and recommendation.

CONSULTEES

Consultation with ANSA and Sport England was undertaken to establish their views on the principle of utilising an area of playing field for the parking / drop off area given the policy issues this raises.

ANSA – Object on the grounds that the use of the playing fields is contrary to CELPS policies which seek to protect outdoor sports facilities

Sport England – Holding objection, which may be addressed when the following is received:

- A ball strike risk assessment including details of any required ball stop mitigation and how this will be managed and maintained should be submitted. This should take into account any of the mitigation package required by the loss of the playing field due to the proposed car park, such as community use.
- A mitigation package for the loss of the playing field brought about by the proposed car park is required.

In light of recent flooding events in Poynton, the further consultation has been carried out with the Environment Agency and the Lead Local Flood Authority (LLFA).

Environment Agency – No objections subject to conditions (as previously recommended)

LLFA – No objections subject to conditions (as previously recommended)

The Town Council have also provided further comments on flooding matters.

Poynton Town Council - This site is bordered entirely to the east by Poynton Brook, which experienced very significant flooding on 31 July 2019. While this site just avoided being flooded, there was serious flooding and damage to houses and commercial premises upstream along Poynton Brook, and downstream in Bramhall, Stockport.

The plans submitted by the developers show that the surface water drainage from the site will be discharged into Poynton Brook, so increasing the flow of water in wet weather compared to the current use as agricultural land.

Poynton Town Council requests that consideration of this planning application cease with immediate effect until the full investigations into the recent floods have been completed.

In no case should any run-off from the new houses be discharged into either Poynton Brook or the foul water sewer. The current 8 metre gap between Poynton Brook and the development should be increased. The developer should be required to provide sustainable drainage solutions wholly contained within the site, at their expense.

In addition, Cheshire East should conduct a review of all drainage and culverts to assess whether the system can cope with all three of the strategic sites in extreme (but now regular) events. This should be reviewed holistically and not each site in isolation.

REPRESENTATIONS

Since the deferral 7 letters of representation have been received from local residents and former residents of Poynton objecting to the proposal on the following grounds:

- Flood risk
- Review of recent flooding events should be undertaken before application is determined
- Recent flooding increased level of Poynton Brook by about 10 foot.
- Long term maintenance of easement to river
- Contamination from former brickworks and gasworks site
- Need for the development?
- If genuine need for housing, must be safer sites than this.
- Impact on wildlife
- Damage adjacent to footpath 43 through erosion from recent flooding
- Car park proposal would reduce provision of playing fields
- Hazelbadge Road unsuitable for the access to the site
- Provision of alternative access
- Drainage system in Poynton deeply flawed – flood risk assessments obsolete
- Increased volume of water will be washed into Brook
- Any new car park proposal should be within application site
- loss of valuable playing field open space, in stark contrast to the Council's commitment to the preservation of open spaces

APPLICANTS SUBMISSION

The applicant has investigated the potential for providing the parking/ drop off area on the playing field and provided two options for how this could be provided on a site area of around 2,000sqm; one option showing 56 parking/drop off spaces, and the other showing 32 spaces.

They have also undertaken a costing exercise for these proposals and identified that it would cost between £60,000 and £70,000 to provide either of these options on the site. The applicant has stated that they would be make a £70,000 contribution towards the provision of the car park on the school playing field, and would like the application to proceed to a decision on this basis.

They do however wish to make clear that the application does not seek consent for the proposed car park, and therefore the issue of whether it is acceptable is not one for committee members when determining the application. The applicant also points to the views

of the Council's Highways team that have confirmed that the car park is not necessary to mitigate for the impact of the development.

The provision of additional car parking either on the school site or on land within their control would be to alleviate an existing problem and not problems arising from their development, and therefore the applicant considers that additional car parking should not have to be provided on their site.

A supplementary drainage statement has also been submitted reiterating that there will be no increase in the flow of water discharging into Poynton Brook. The drainage strategy for the site is designed to mimic current greenfield flow rates, with the proposed strategy providing a betterment during 30 and 100 year storm events through the use of hydrobrake manhole chambers, oversized pipes and cellular storage.

KEY ISSUES

Green Belt

The application site was removed from the Green Belt under the allocation of LPS 48 when the CELPS was adopted in July 2017. However, the Green Belt boundary extended up to the southern boundary of the application, and included the school site and the site of the adjacent playing field, where Members have requested the parking / drop off area is located. As the justification to policy PG 3 of the CELPS explains, the extent of the existing Green Belt remains unchanged, apart from the removal of land from the Green Belt associated with the identified Strategic / Safeguarded Sites identified in the CELPS. As such the proposed location of the parking / drop off area on the existing playing field remains in the Green Belt.

Paragraph 146 of the Framework and policy PG3 of the CELPS identify engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location as forms of development that are not inappropriate development in the Green Belt, subject to them preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

It could be said that by deferring the application to investigate the provision of the parking/drop off area on the school field Members acknowledge a need for a Green Belt location for this transport infrastructure.

The parking/drop off area would cover an area of around 2,000sqm on what is a very open playing field, and as such it would not preserve the openness of the Green Belt. It can also be said that the parking / turning area proposal would conflict with two of the purposes of Green Belts, namely safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built up areas. The proposal is therefore considered to be inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Protection of Open Space

CELPS policy SC2 seeks to protect existing indoor and outdoor sports facilities, unless they are proven surplus to need or improved alternative provision is provided and would not result in the loss of an area important for its amenity. CELPS policy SE6 4. i. seeks to protect and enhance existing open spaces and sport and recreation facilities. Similar policy requirements exist at paragraph 97 of the National Planning Policy Framework. The provision of a parking/drop off area on this playing field would conflict with these local and national policies.

ANSA have commented on the application and noted that the site is identified in the CEC Open Spaces Assessment as outdoor sports facilities. It is also identified within the more recently updated CEC Playing Pitch Strategy (PPS). Policy SC2 of the CELPS states that any proposal affecting an outdoor sports facility will be judged in relation to any emerging or adopted PPS.

Aim 1 of the Council's PPS is

- To protect the existing supply of playing pitches and ancillary facilities where it is needed for meeting current and future needs.

Recommendations:

- a. Ensure, through the use of the Playing Pitch Strategy, that playing pitches are protected through the implementation of local planning policy.
- b. Secure tenure and access to sites for high quality, development minded clubs, through a range of solutions and partnership agreements.
- c. Maximise community use of education facilities where needed

ANSA note that the Poynton area analysis has current and predicted shortages in youth grass football pitches. The proposed site has previously hosted youth football games but is now in need of some remedial work to manage the water on site.

Aim 2 of the Council's PPS is

- To enhance playing fields, pitches and ancillary facilities through improving quality and management of sites

The proposed development is already required to make an offsite contribution for the provision of ROS facilities in lieu of any on site provision. The playing fields form part of a wider network of playing field provision in an area with recognised shortfalls and deficiencies; as such it is an important community facility for existing and future residents and is protected under CELPS policy.

Sport England also raise similar concerns noting that the proposed development would not, in its current form, accord with any of the exceptions to Sport England's playing fields policy. However, they advise that their concerns may be addressed if the loss of part of the playing field is satisfactorily mitigated. They note that the most appropriate form of mitigation will depend on local circumstances, but suggestions based on experience from elsewhere would include:

- Improving the quality of the remaining playing field (e.g. through potential improvements to drainage, ground levels and/or maintenance);

- Formally securing the community use of the school's playing field through a community use agreement (unless there are already secured community access to the playing field);
- Marking out additional playing pitches on the playing field;
- Providing changing facilities as part of the development;

On this occasion, a package of mitigation measures would need to be proposed due to the extent of the impact of the proposed development.

Whilst the applicant has confirmed that they are willing to provide a financial contribution towards the provision of the car park, no mitigation measures are proposed. (As noted above, the applicant is not seeking consent for the car park). Accordingly, the proposal for a parking/drop off area on the school playing field would be contrary to policies SC2 and SE6 of the CELPS, and paragraph 97 of the Framework.

Sport England initially also raised concern that the proposed residential development gives rise to a potential conflict with the use of the playing field for football, however they have since confirmed that the ball stop netting is not required for the development.

Flood Risk

The comments from the Town Council and local residents regarding flood risk concerns are acknowledged. Further consultation has been carried out with the Environment Agency and the LLFA and both parties have confirmed that their positions on the development remain unchanged from their previous responses.

Conclusion

The harm arising from the loss of the open space would also need to be added to the identified harm to the Green Belt, which as noted above, attracts substantial weight. The applicant has offered a financial contribution towards the provision of this parking/drop off area, which could be secured and retained for future use within a defined period.

However, the delivery of the car park, the additional mitigation measures, and (if required) the securing of other consents such as ensuring the Council achieves best value for the site as an asset, and a possible application to the Secretary of State for Education under Section 77 of the School Standards and Framework Act seeking to dispose of land which is defined as school playing field, will all fall to the Council to provide / address. Given the significant planning policy issues highlighted above, it is not considered to be likely that the policy issues can be satisfactorily addressed, and the provision of a parking/drop off area on the site is unlikely to be realised in a timely manner. It is therefore considered that the financial contribution offered by the applicants cannot be accepted, as the requirements of the CIL regulations would not be met.

The advice from the Highways Authority is that the turning and short stay parking provision within the application is satisfactory.

Despite the recent flooding event in Poynton, the flood risk issues remain as they were at the time of the previous report. Appropriate drainage and flood risk conditions are recommended.

Accordingly, as in the original report below a recommendation of approval is made, without the requirement for additional parking/drop off areas within the playing field.

ORIGINAL REPORT PUBLISHED 18 JUNE 2019

DESCRIPTION OF SITE AND CONTEXT

The site is an 8.28 hectare greenfield site lying to the west Poynton. The site is located at the northern end of Hazelbadge Road, which is a residential cul-de-sac. Lower Park Primary School and its playing field is currently located at the end of Hazelbadge Road, and the application site borders the east, west and northern boundaries of the school. Hazelbadge Road runs between the school's eastern boundary and the application site. Poynton Brook runs along the eastern boundary of the site and the railway line runs along the western boundary beyond existing woodland on the western side of the site. The woodland is formally protected by Tree Preservation Order and there is also a linear group of protected trees in the centre of the site. A number of public rights of way also cross the site. The site is allocated for housing development under policy LPS 48 in the CELPS, which allows for the delivery of around 150 new homes.

DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of 134 dwellings with associated access improvements, landscaping and public open space.

RELEVANT HISTORY

10438P - RESIDENTIAL (OUTLINE) – Withdrawn 30.08.1977

10309P - RESIDENTIAL DEVELOPMENT (OUTLINE) – Withdrawn 1.09.1977

35818P – HOUSING – Refused 13.01.1984

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

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 Heritage Assets
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 48 Land adjacent to Hazelbadge Road, Poynton

Macclesfield Borough Local Plan saved policies (MBLP)

NE9 Protection of River Corridors
NE11 Nature conservation
NE16 Nature Conservation priority areas
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 (PNP)

Poynton Neighbourhood Plan – Regulation 17 stage reached (Examination of the plan), therefore whilst the plan is at a relatively advanced stage only limited weight can be attached to these policies.

Relevant draft policies include:

EGB 6 Surface Water Management
EGB 8 Natural and Historic Environment
EGB 9 Access to the countryside
EGB 10 Improving access to the countryside
EGB 11 Landscape Protection and Enhancement
EGB 12 Landscape Enhancement
EGB 13 Woodland Retention and Enhancement
EGB 14 Protection of Rural Landscapes
EGB 15 Protect landscape and other key views within Poynton
EGB 16 Nature Conservation
EGB 17 Wildlife Corridor
EGB 19 Development of Additional Facilities
EGB 20 Additional Allotments
EGB 24 Heritage Assets
HOU 2 Amount of Housing Development
HOU 6 Infrastructure for Strategic Housing Sites
HOU 7 CECLP July 2017 Strategic Sites
HOU 9 Land at Hazelbadge Road
HOU 15 Housing Mix
HOU 16 Density of Development
HOU17 Environmental Considerations
HOU 18 Density and Site Coverage
HOU 19 Affordable Housing
HOU 21 Design
TAC 1 Walking
TAC 2 Cycling
TAC 3 Cycle Parking
TAC 8 Traffic Volumes
HEWL 1 Encouraging a Healthy Lifestyle
HEWL 2 Getting About within Poynton and its Environs
HEWL 4 Sports and Social Activities for All
HEWL 5 Growing Up in Poynton

CONSULTATIONS (External to Planning)

There have been two rounds of consultation on the application, one in January 2018 and one in February 2019. The responses below are the most up to date from each consultee.

Environment Agency – No objection subject to conditions relating to groundwater and contaminated land

United Utilities – No objection subject to drainage conditions

Network Rail – Provide comments on the following: S106 funds should be sought for improvements to Poynton Railway Station; requirements for open space; risk assessment for works close to railway; safety of railway; scaffolding; vibro-compaction machinery / piling machinery; drainage; excavation and earthworks; gaps to railway boundary; noise mitigation; trees; roads / hardstanding

Housing Strategy & Needs Manager – No objection

Flood Risk Manager – No objection subject to conditions relating to FRA and surface water drainage

Environmental Health – No objection subject to conditions relating to noise mitigation, electric vehicle infrastructure, ultra low emission boilers, anti-idling signage and contaminated land

Education – No objection subject to a financial contribution towards local primary and secondary schools

Public Rights of Way – Initially objected due to obstruction of 2 rights of way. Revised plan showing diversion is a welcome amendment.

Head of Strategic Infrastructure – No objections subject to conditions relating to a revised travel plan, a construction management plan, and implementation of highway improvements, and financial contributions towards the Poynton Relief Road, Traffic Regulation Order along Hazelbadge Road, provision of a new bus stop opposite Hilton Grove and bus service improvements to be secured through a s106 agreement.

ANSA – No objections subject to confirmation of play space equipment

CEC Leisure – No objection subject to a financial contribution of £22,500 for health & fitness equipment at Poynton Leisure Centre

Cheshire Archaeology Planning Advisory Service – No objection

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

Poynton Town Council –

January 2018

Recommend refusal on the following grounds:

- Overdevelopment and over intensification of use causing harm to character and appearance of area
- Adverse impact on Green Belt
- Unsustainable - fails to address key matters of infrastructure, impact on local and site amenities and flood risk and mitigation
- Unacceptable increase in traffic at the junction of Hazelbadge Road and Chester Road and creates highway safety risk
- A6MARR and PRR should be completed prior to the site being considered for development
- Access along Hazelbadge Road will have detrimental impact on adjacent properties
- Contrary to sustainable environment policies SE3, SE4 and SE5 concerning matters of biodiversity and geodiversity, landscape and trees, hedgerows and woodland
- Application submission makes no attempt to assess social and community infrastructure needs to be generated from this development

- Risk of surface water run-off from the site which would drain towards Poynton Brook which has suffered serious flooding in recent years.
- Fails to comply with the Borough Council's Statement of Community Involvement
- Adverse impact on the Poynton Brook wildlife corridor
- Insufficient and contradictory information to allow a full and informed assessment of the development now being proposed
- Public Footpaths, Poynton with Worth numbers 43 and 46, will be obstructed by the proposed development
- Inadequate visibility at the point of access onto Chester Road
- Contrary to the interests of highway safety due to the fact that a number of turning movements into and out of the site
- Contrary to the interests of highway safety as it would result in additional traffic using Hazelbadge Road and Chester Road which are already used at unacceptable levels.
- The development would adversely affect the free flow of traffic on Chester Road.
- By reason of its design, in particular the 3 storey mews and apartment blocks, would adversely affect the character and appearance of the area which it is located
- The apartments and to some extent the mews houses, the scale and form of these are totally out of keeping with the surrounding buildings
- Identified by Cheshire Wildlife Trust as having medium and high values on the habitat distinctiveness score as well as a wildlife corridor. The mitigation plan only focuses on Great Crested Newts and not the other variety of wildlife such as badgers and bats
- Contamination of site in area of former gas works and brick works
- Proposals do not adequately address the impact the construction works will have on the school, in terms of noise and dust

February 2019

- Overdevelopment and over intensification of use causing harm to character and appearance of area
- Adverse impact on Green Belt
- Unsustainable - fails to address key matters of infrastructure, impact on local and site amenities and flood risk and mitigation
- Do not adequately address the adverse impact that the construction works will have on the school, in terms of noise, dust or the danger from construction traffic
- Unacceptable increase in traffic at the junction of Hazelbadge Road and Chester Road into the proposed new estate and would create highway safety risk
- A6MARR and PRR should be completed prior to the site being considered for development
- The application is unneighbourly in that the access road will have a serious detrimental impact on adjacent properties.
- The proposed development is contrary to sustainable environment policies SE3, SE4 and SE5 concerning matters of biodiversity and geodiversity, landscape and trees, hedgerows and woodland.
- The application submission makes no attempt to assess social and community infrastructure needs to be generated from this development
- There is some risk about run-off of surface water from the site which would drain towards Poynton Brook which has suffered serious flooding in recent years.
- The application fails to comply with the Borough Council's Statement of Community Involvement

- The development would have an adverse impact on the Poynton Brook wildlife corridor as identified by the Cheshire Wildlife Trust in the submitted Poynton Neighbourhood Plan
- The planning application provides both insufficient and contradictory information to allow a full and informed assessment of the development now being proposed

March 2019

- Support concern raised by parents of children attending the primary school about the highway and personal safety
- Support the assessment of the Council's Design Officer
- Cheshire East Public Right of Way team continues to object to the development as the applicants have to date failed to commence the process for the diversion of appropriate footpaths
- The Borough Council is requested to ensure that site investigative works to enable this development to progress are undertaken by the developer and their advisors and prior to the grant of any planning permission
- Highway authority approach is very limited and fails to assess the impact of the development on the local community as national planning policy requires
- The Town Council endorses the concerns expressed by the Headteacher in the published letter and would request that if planning permission is granted for the development being proposed, the council should seek to meet the Headteacher's requests through an appropriate planning agreement or condition.

OTHER REPRESENTATIONS

Letters have been received from local residents, the neighbouring school, interested parties and the local MP.

January 2018

99 letters of representation were received objecting to the proposal on the following grounds:

- Impact on local school
- Exacerbate existing issues on Hazelbadge Road
- Impact on other local services, doctors etc.
- Impact on highway safety
- No additional infrastructure planned
- Inadequate infrastructure in Poynton
- Increased congestion
- Allocation in local plan does not validate proposal to build 147 houses
- Hazelbadge Road too narrow to accommodate additional vehicles
- Safe and suitable access cannot be provided
- Service vehicle access is impossible and will not be improved by increased traffic flows
- Plans show road up to boundary with GB - contract to site specific principles of development
- No land for railway station parking and no contribution towards public transport links
- Measures need to be put in place to ensure site is built out
- Risk of injury to school pupils
- Loss of open space
- Impact on wildlife

- Effects on drainage of the area
- Disruption to residents during construction
- Existing school traffic blocks access to properties
- Little consideration given to pedestrians and cyclists
- Increased flood risk
- Allotments planned on contaminated land
- Impact on protected trees
- Visibility at Chester Road inadequate
- Double yellow lines will be ignored by parents
- Second access via Glastonbury Drive should be considered
- Loss of grassland habitats and wildlife
- Station traffic already parks on Hazelbadge Road
- 22/01/18 between 8 & 9am 84 cars delivered children to school
- 24/01/18 between 8 & 9am 109 cars delivered children
- Car park promised by Persimmon on the school playing field not provided
- Mini roundabout inadequate for coaches to turn around
- Improvements to public footpaths should be made
- Contamination to western part of site
- Loss of biodiversity
- Who will be responsible for cost of management of open spaces
- Parking will be displaced to other nearby roads
- How will yellow lines be policed
- Increased noise and pollution
- Plans do not account for public rights of way
- Riverside walk and community orchard should be provided
- Traffic survey carried out at the end of term - false results
- Negative impact on character of Poynton
- No need for site to be released from GB as other sites can meet housing targets for Poynton
- No bungalows and starter homes provided
- Inadequate traffic modelling
- Cul-de-sac exceeds guideline maximum distance of 350m
- Height of some of the dwellings is out of keeping
- Impact of dust and noise on school children
- Access to train station should be provided
- A6 MARR and PRR will not reduce traffic to this site
- Roadwork should be done during the night
- Loss of pavement opposite school - should be reinstated to maintain safe walking route
- Housing mix incorrect - 5 bed houses not required, smaller 2 & 3 bed houses needed
- 3 storey apartments are an overbearing form of building in an area of predominantly 2 storey housing contrary to design guide
- Over development
- D&A indicates density to parcels 1, 2, 3, 5 & 6 will be between 33 & 60 units per hectare - 30 units per hectare proposed in neighbourhood plan
- Garages do not appear wide enough to accommodate a car
- Biodiversity is more extensive than applicants reports suggest
- Unacceptable impact on Poynton Brook Wildlife Corridor as identified in PNP
- Access along Hazelbadge Road will have detrimental impact on adjacent properties

- Contribution required to support local infrastructure, improve pedestrian and cycle access to station, secure cycle parking
- Derelict bridge over brook should be reinstated
- Construction management plan required to protect school
- Vehicles exceed 30mph along Chester Road mean visibility should be greater
- Nearby Woodford development traffic excluded from TA
- Inadequate parking for staff on school site
- Waiting restriction will prevent availability problem of parking for staff. The school needs a car park
- Lower Park Primary will not benefit from SC06 money - should be used to address specific issues of the school. e.g. new windows of cost f £80,000, boundary fencing for privacy
- Piled foundations will cause disturbance
- Main access should be re-routed along old railway embankment route away from school
- Inadequate air quality data (start from 7/2)
- Health Impact of building phase
- Traffic modelling software struggles to reproduce current peak hour conductors and is inadequate
- Land is on a flood plain
- Impact on GB
- Over development is over intensification
- 4 years of construction will have an impact children's education
- Site plan does not include highways works
- No construction management plan submitted
- No energy statements submitted
- Highways works not clear
- No swept path analysis for larger vehicles at Hazelbadge Road / Chester Road junction
- Safety audit should be carried out
- Any fence needs to be agreed with school
- Noise assessment incorrect and impact on school not considered
- Air quality assessment does not identify school as sensitive receptor
- Details of construction process should be considered prior to determination in consultation with school
- Play area should be moved away from existing residences
- Retirement accommodation is needed
- Many other housing developments taking place to address Poynton's housing needs
- Site previously refused PP due to access

February 2019

159 letters of representation were received objecting to the proposal reiterating the points above and on the following grounds:

- Any site visit should be done during term time at peak hours
- Site specific principles of development in LPS should be adhered to
- Impact on Poynton Brook
- Risk to health of pupils and homeowners
- Impact on highway safety
- All previous comments should be considered

- Road no wide enough to cope with additional traffic
- Bee bricks and bat boxes should be incorporated into buildings
- No public access recreation provision
- Double yellow lines should only be implemented following discussion with residents
- Yellow lines must not be considered
- Land is Green Belt
- Hazelbadge / Chester Road junction is dangerous
- Does not mitigate school traffic
- Still no car park provided on playing fields
- Old bridge should be replaced
- Impact on wildlife
- Loss of greenspace
- Homes not needed
- Details of improvement works should be available for review
- Increased noise and air pollution
- Bin lorries and fire engines cannot access properties
- Impact of construction traffic
- Inadequate parking
- Impact on village infrastructure
- Increased flood risk
- Enhancement works at Kerridge Hill do not mitigate for impact of development in Poynton
- Impact on infrastructure
- Poynton Relief Road must be completed before this site should be considered for development
- Loss of trees, hedgerows and woodland
- Damage to Poynton Brook Wildlife Corridor
- Does not respond to comments of the local community
- Impact of three-storey buildings on Green Belt
- Conclusions within LVIA are worthless
- No provision of housing for the elderly or bungalows
- Discrepancies in numbers of dwellings proposed in application documents
- Concur with all 13 points raised by Town Council
- Lack of thought shown to the school and protection of its pupils
- Land should not have been removed from the Green Belt
- Yellow lines will displace parking to other roads
- Road spur to north is unnecessary and suggests boundary will not endure
- Little provision for cyclists or pedestrians
- Brownfield sites should be used
- Concern over safety and welfare of children
- School will not directly benefit from the proposal
- Additional zig-zag lines should be put into place between the two existing zig-zag lines to help prevent cars from double parking at this most critical and busiest section of Hazelbadge Road.
- Impact of construction traffic / process
- Poynton has limited employment opportunities so more people will travel out of Poynton to work, which means more traffic

- A residents survey of the traffic on Chester Road on Monday 11th February 2019 between 08.00 am and 09.00am produced the following information:
841 Vehicles traveling westwards away from Poynton centre, including 24 lorries, 5 buses and 7 bikes
693 vehicles traveling eastwards towards Poynton centre including 23 lorries and 15 bikes
202 vehicles emerging from Clifford Road to travel west.
66 uses of the Pedestrian Crossing
These figures exceed those in a previous survey taken before the opening of the bypass and it is clear that traffic has increased along Chester Road rather than decreased as residents were promised.
- Revised submission is technically deficient
- No Construction Environment Management Plan submitted
- Increased congestion
- Unneighbourly
- Might contaminate the water supply to Poynton
- Community should be fully involved
- Housing type
- Application documents refer to width of road as 5.5m wide, when it is 6.1m wide
- Fencing off contaminated land is inappropriate

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 48 states that the development of Land adjacent to Hazelbadge Road over the Local Plan Strategy period will be achieved 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. The creation of links with footpaths to the north and east; and
 - iii. Pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities including improved pedestrian links to the town centre and the railway station.
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.

The proposal for 134 dwellings is considered to meet the definition of "around 150 new homes" and is therefore considered to be acceptable in principle. The delivery of the site for residential development will contribute towards the Council's housing land supply and assist in meeting the development requirements of Poynton and the wider Borough. The further requirements of policy LPS 48 are considered further below.

HOUSING

Affordable Housing

Policy SC5 of the CELPS states that “in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable.” As a full application for 134 dwellings, in order to meet the Council’s Policy on Affordable Housing there is a requirement for 40 dwellings to be provided as affordable units. 26 units should be provided as Affordable rent and 14 units as Intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Poynton as their first choice is 114. This can be broken down to 58x 1 bedroom, 36x 2 bedroom, 15x 3 bedroom and 5 x 4+ bedroom dwellings. The majority of the need in this area is therefore for smaller dwellings.

The applicant’s Affordable Housing Statement explains that they are providing the full policy requirement in Affordable housing. The proposal will provide:

Intermediate tenure

3 x 1 bed three-storey “F4” apartments

3 x 2 bed three-storey “F4” apartments

8 x 3 bed two-storey semi-detached “Hanbury” dwellings

Rent

4 x 1 bed two-storey “Beadnell” apartments

3 x 3 bed two and a half storey “Moseley” mews dwellings

7 x 2 bed two-storey “Alnwick” terraced dwellings

6 x 1 bed three-storey “F4” apartments

6 x 2 bed three-storey “F4” apartments

The Housing Strategy and Needs Manager is satisfied that the submitted Affordable Housing Statement and the Affordable Housing Plan are meeting the identified housing need. The units are adequately pepper potted across the site, and as such the proposal is in accordance with policy SC5 of the Local Plan. A query was raised by the Housing Strategy & Needs Manager seeking confirmation that Registered Providers will take the apartments with the extra communal service charges that can be associated with them. Confirmation has been received from a Registered Provider (MSV Housing) that they are willing to take the affordable housing as proposed, which satisfies this query. The affordable housing provision should be secured as part of the s106 agreement.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

This is reflected in draft policies HOU 9 and HOU 15 of the Draft PNP. HOU 9 states that given the size and location of the Hazelbadge Road site, a mixture of 2, 3, and 4 bedroom properties should be achievable.

The proposed development comprises:

16 x 5 bed units

32 x 4 bed units

22 x 3 bed units

9 x 2 bed units

15 x 1 bed units

Taken together with the affordable provision outlined above, the proposed residential mix is considered to meet the requirements of policy SC4 of the CELPS, and the draft policies of the PNP.

OPEN SPACE

The local plan allocation (LPS 48) states that the development of this site should include “*an appropriate level of amenity open space and children’s play space*” and “*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.*”

Public Open Space

Policy SE6 of the CELPS sets out the open space requirements for housing development which 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 proposal for 134 dwellings triggers a requirement for 2,680sqm of formal and informal play provision in line with policy SE6 of the CELPS. A play area is now proposed on the northern boundary, which meets the size requirement for the children’s play space provision. The formal play area, which will include 8 items of equipment in a combined LAP and LEAP, is now located alongside an area of free-play amenity grass, to provide a comprehensive opportunity for formal and informal, imaginative and social play and activity. A gate will need to be provided between the fenced play area and amenity space, which can be dealt with as part of recommended landscape conditions.

2680sqm of amenity greenspace is also required, and the site plan indicates that over 6,000sqm of amenity greenspace will be provided, including over 3,000sqm around the protected trees in the centre of the site.

The same amount (2680sqm) is required for green infrastructure, and again provision of this type of open space exceeds the amount required by policy SE6, with over 9,000sqm being provided across the site.

In terms of allotments, the requirement is 5sqm per family dwelling. It was initially proposed to include allotments to the west of the site close to the woodland, however, due to the contamination issues associated with this part of the site (explained further below), a financial contribution for offsite provision will be required. The contribution is calculated on the basis of £562.50 per family home and £281.25 per apartment and will be used to expand, enhance and improve allotment and community garden provision in Poynton, on existing sites and new opportunities in line with policy EGB 20 of the draft Poynton Neighbourhood Plan.

There are 46 apartments and 88 family dwellings which results in a required allotment and community garden contribution of £61,937.50 (£49,500 for the family dwellings and £12,937.50 for the apartments).

Policy SC2 of the CELPS requires major residential developments to contribute, through land assembly and / or financial contributions, to new or improved sports facilities where development will increase demand and / or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

Outdoor sports facilities

In terms of outdoor sports facilities, the proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family [2+bed] dwelling and £500 per 2+ bed apartment. There are 88 family dwellings and 18 2 bed apartments within the proposed development. This results in a required contribution of £97,000 (£88,000 for the dwellings and £9,000 for the apartments). The funds would be required on commencement of development and would be used in line with the Council's adopted Playing Pitch Strategy and the FA's Local Football Facilities Plan at Deva Close Playing Fields Poynton.

Indoor sports facilities

The Indoor Built Facility Strategy has identified that any existing shortfalls for Poynton should look to focus on improvement of provision at Poynton 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 fully addressing 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 Poynton Leisure Centre to accommodate localised demand for indoor physical activity.

A contribution of £22,500 is therefore sought to address this increased demand. This has been calculated as follows:

134 dwellings at 1.61 people per residence = a population increase of 216

- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East = 92 additional "active population" due to the new development in Poynton
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional four (4) stations. Requirement for:
x 3 running machines (£6,500 per treadmill), x 1 resistance / weight pieces (£3,000 per piece). Total £22,500

For the above reasons the proposal is considered to comply with the open space and sport and recreation requirements of LPS 48 and policies SC2 and SE6 of the CELPS.

EDUCATION

One of the site specific principles of LPS 48 in the CELPS is "contributions to education and health infrastructure".

In the case of the current proposal for 134 dwellings, this is expected to generate:

25 primary children (134 x 0.19) – 1 SEN
20 secondary children (134 x 0.15) – 1 SEN
2 SEN children (134 x 0.51 x 0.023%)

The development is expected to impact on 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 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. It is acknowledged that this is an existing concern, however the 2 children expected from the proposed 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.

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

24 x £11,919 x 0.91 = £260,311 (primary)
19 x £17,959 x 0.91 = £310,511 (secondary)
2 x £50,000 x 0.91 = £91,000.00 (SEN)
Total education contribution: £661,822

Without a secured contribution of £661,822 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, 24 primary children, 19 secondary children and 2 SEN children would not have a school place in Poynton, and the proposal would not comply with LPS 48 in the CELPS.

HEALTHCARE

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application noting that Poynton is serviced by two GP practices with a combined patient population of 17,551. As a Key Service Area (identified in the CELPS), there are a number of sites identified for housing development within Poynton and surrounding geographical areas. Additional growth in patient numbers will add pressures to the GP practices, with an increase in clinical and non-clinical staff required in order to meet these future patient needs.

The two GP practices in Poynton - Priorsleigh Medical Centre and McIlvride Medical Centre - had 17,551 registered patients in January 2018. The predicted number of patients in 2028 (based on annual 1% growth plus known planned housing developments) is 20,390.

Priorsleigh Medical Centre operates from a purpose built, GP owned premises, which opened in 1995 and is situated in the centre of Poynton. Increases in the local ageing population, along with a vision to transform the way in which Primary Care is delivered has given rise for

further development and expansion of the Medical Centre going forward. Expansion of the building has been supported by the CCG via the NHS England Estates & Technology Transformation Fund (ETTF), however it is acknowledged that this NHS funding source will not be sufficient to cover 100% of any planned expansion costs.

Mcllvride Medical Practice operates from GP owned premises in the centre of Poynton. The GP practice consists of a single building which is now at capacity. Due to the location of the building, expansion options are limited. Development to restructure the internal layout of the GP practice would be supported by the CCG in order to optimise existing space.

Additional growth in patient numbers will add further pressures to the two GP practices, with 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 sites. Both Priorsleigh Medical Centre and Mcllvride Medical Centre are open to further development of their sites for the benefit of the local patient population, and there is an expectation that further development will be needed in order to meet the projected increase in local population over the next 5-10 years. Both GP practices are therefore actively engaged with the CCG in investigating potential primary care estates development opportunities. Both GP practices have identified estates development work which, if funding can be sourced, would allow for further expansion and greater utilisation of the buildings.

A financial contribution is therefore sought 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.

Size of Unit	Occupancy Based on Size of Unit	Assumptions	Health Requested per unit	Need/Sum
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	

The proposed development comprises:

- 16 x 5 bed units
- 32 x 4 bed units
- 33 x 3 bed units
- 25 x 2 bed units
- 28 x 1 bed units

As such the CCG requests a contribution to health infrastructure via Section 106 of £133,344 based on the proposed 134 dwellings, and the occupancy stated above. This would comply with policy LPS 57 of the CELPS.

LIVING CONDITIONS

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank 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.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located along the eastern spur of Hazelbadge Road and a separation distance of over 30 metres is achieved between these existing dwellings and the proposed development. Properties to the east on Kirkstall Close, Furness Close, Whitby Close and Easby Close are over 50 metres from the nearest of the proposed dwellings on the opposite side of the vegetated Brook corridor. These relationships with the nearest existing dwellings are considered to result in acceptable standards of amenity for existing and proposed residents having regard to the distance guidelines set out above.

Similarly the layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants. The development is therefore considered to be in accordance with policies DC3 and DC38 of the MBLP.

NOISE

Policy SE12 of the CELPS seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise, and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

Policy DC14 of the MBLP states that development may be permitted provided that the effects of noise can be mitigated by soundproofing measures.

The applicant has submitted an acoustic report which considers the impact of the noise from the nearby road, rail and school on the proposed development in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings Department of Transports (1988) Calculation of Road Traffic Noise (CRTN). This is an agreed methodology for assessing noise of this nature.

The noise report identifies that railway noise is sufficiently low, and no mitigation measures are necessary in respect of railway noise. However, acoustic fencing is recommended for the gardens of houses that will be nearest to the school and its playing field. The assessment of noise impact from the use of Hazelbadge Road to access the development concluded that traffic generated by the proposed development would not result in any significant noise impact upon existing dwellings on Hazelbadge Road. Environmental Health advises that the

conclusions of the report and methodology used are acceptable. The proposed mitigation can be secured by condition.

A number of the letters of representation raise concern about the impact of the development upon the adjacent school particularly during the construction phase in terms of noise, as well as vibration, dust etc. Impacts during the construction phase are a temporary manifestation of the development process, and as such will be temporary in nature. A residential development itself does not raise any significant concerns in this regard and it is considered that a construction environmental management plan (CEMP) can ensure that any such impacts upon existing development are minimised. The submission and implementation of a CEMP can be secured by condition.

Subject to the conditions referred to above, the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP.

AIR QUALITY

As noted above, 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 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on local air quality, it is necessary to have 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 2017).

Air quality impacts 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 assessment uses ADMS Roads to model Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) 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:

- Scenario 1 (S1): '2016 Baseline' representing the 'existing' air quality situation in 2016
- Scenario 2 (S2): '2022 Without Development' (without the proposed development in place, but with the A6 Manchester Airport Relief Road (A6MARR) and the Poynton Relief Road (PRR) in place);
- Scenario 3 (S3): '2022 With Development' (with the proposed development, the A6MARR and the PRR in place)

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to NO₂, PM₁₀ and PM_{2.5} concentrations, with none of the receptors experiencing greater than a 1% increase.

However, it is necessary to consider the cumulative impact of a large number of developments in a particular area. Particularly, the impact of transport related emissions on

Local Air Quality. Taking account of the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

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.

A travel plan will be implemented for this site, which will help to promote alternatives to the private car, in the interests of air quality. However, further mitigation measures are recommended to reduce the impact on sensitive receptors in the area. Therefore, conditions are recommended relating to the provision of electric vehicle infrastructure across the site, and the provision of anti-idling signage in order to prevent accumulations of poor air quality in the area around the school, particularly where the designated short stay parking bays will be. Subject to these conditions, the proposal will comply with the air quality aspects policy SE12 of the CELPS.

Environmental Health also recommended a condition relating to the provision of ultra low emission boilers; however such a condition is not considered to be necessary or reasonable.

PUBLIC RIGHTS OF WAY

There are three public rights of way within the site, and the original layout showed that Public Footpaths Poynton with Worth nos. 43 & 46 (which head north east and north west respectively) will be obstructed by the proposed development. As there was no mention of the legal alignments requiring a diversion order under s. 257 of the TCPA 1990 or being appropriately accommodated (not along the principal streets) within the site layout the Public Rights Way team objected to the proposal.

The application documents originally showed the Public Right of Way running along the estate roads. It should be noted that national guidance on Rights Of ways states that any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

Revised plans have been received that now divert footpaths 43 and 46 through the green infrastructure to the east of the site, away from estate roads. The Rights of Way team have confirmed that the revised plans achieve the requirement to seek off road diversion routes for the public footpaths affected by development, and are therefore a welcome amendment. They also note that there would be a number of details to iron out when an application to divert under s.257 TCPA is made.

The other public right of way Footpaths Poynton with Worth no. 88 is unaffected by the proposal.

ACCESSIBILITY

Pedestrian and cycle access will be provided from the same location as the vehicular access off Hazelbadge Road. Foot and cycle access will be available to nearby facilities, namely the

primary school, railway station and shops/local services in Poynton centre, which is less than 700m from the application site. The development will also provide a footpath link from the north of the site onto the existing public right of way network north of the site boundary.

Poynton railway station, which provides frequent rail services to Stockport/Manchester and Macclesfield is less than 400m from the application site and is within walking distance along existing footways.

Bus services are accessed via nearby bus stops which have services to Macclesfield and Poynton/Stockport. Further details on this service are discussed in the Highways section below.

The local plan allocation for this site (LPS 48) requires *“the creation of links with footpaths to the north and east; and pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities, including improved pedestrian links to the town centre, and the railway station.”*

In this regard, the Public Rights of Way team originally requested that the applicant delivers improvements such as:

- a) Provide a fenced surfaced path for Poynton Footpath No. 43 which runs northwards from the site along the edge of an agricultural field to Lower Park Road for pedestrians and potentially cyclists.
- b) Widen Poynton Footpath No. 88 to a minimum 3m usable width, including the bridge structure, as a shared use pedestrian/cyclist route.
- c) The improvement of the permissive path within Cheshire East land on the east side of the brook – complaints are received from the public about the condition of this path: under the development proposals the footfall would increase and therefore worsen the condition.

The development as proposed provides links with footpaths to the north and east. As such, a fenced 3m wide surfaced path for FP No. 43 running from the north of the site is not considered to be necessary to make the development acceptable in planning terms. This would also require encroachment into the Green Belt and require land that is outside of the control of the applicant or the Council. Footpath 88 leads eastwards from the site over the Brook, but opportunities for widening are restricted between two residential properties on Kirkstall Close, which prevents the widening of its full length from the site to Kirkstall Close. The PROW team have since confirmed that due to the constraints of the path width at its eastern end, and the limitations of the trajectory into the housing estate, rather than the town centre, it is recognised that the quality and width of the bridge structure is considered to be adequate for present and future footfall.

As noted above, pedestrian and cycle access will be provided from the same location as the vehicular access off Hazelbadge Road, which will provide suitable links to those facilities specified in LPS 48. With regard to the permissive path, it appears that there is an existing issue with the surface of this path, and it is considered to be unreasonable to expect the developer to address a pre-existing issue. In addition to this the development includes diverted public rights of way routes through the green infrastructure within the site, which connect into the wider PROW network.

There are existing cycle lanes along Chester Road which start to the east of the pedestrian crossing on Chester Road and lead to the shared surface in the town centre. These lanes have faded over time and do require re-painting. Given that this will be the main route to the town centre for cyclists, and having regard to the requirements for cycle lane provision in policy LPS 48, it is considered that in order to promote cycling as a viable option for travel to and from the site, the developer should fund the painting of these lanes, which can be secured as part of the s106.

Subject to this improvement scheme, in terms of the accessibility of the site for pedestrians and cyclists, the proposal is considered to comply with the relevant requirements of LPS 48.

HIGHWAYS

Hazelbadge Road runs in a north-south direction and provides access to the existing primary school as well as other small residential roads. Along the length of Hazelbadge Road, the carriageway measures 6.1m in width with footways between 1.8m and 2m wide on either side of the carriageway. There is a kerbed build-out in the vicinity of the school which acts as traffic calming and provides a shorter pedestrian crossing point. The carriageway width in this location is effectively narrowed as on-street parking takes place in this location.

Access to Hazelbadge Road is currently achieved through a simple priority controlled T junction with the A5149 Chester Road forming the major arm. The nearby A6 extension to Manchester Airport, also known as the A6 MARR, is now operational having opened in October 2018.

To the east of the junction of Hazelbadge Road and Chester Road there is a signalised pedestrian crossing. To the east of this crossing there is a cycle lane between the footway and carriageway on both the north and south sides of the road. This runs towards Poynton town centre and terminates immediately prior to the shared surface arrangement at the A5149 Chester Road / A523 London Road / Park Lane double mini roundabout.

Along Chester Road there are bus stops as well as an eastbound bus stop with shelter and timetable information to the west of the railway line

Public Transport

Pedestrian and cycle matters have been considered above. In terms of public transport LPS 48 requires *“Contributions to existing and the provision of new, public transport links to the town centre or contributions towards or the provision of land for additional car parking for Poynton Railway Station”*. CEC Highways have requested a financial contribution of £100,000 towards bus service improvements.

The policy refers to public transport links to the town centre. The town centre is less than 700m from the application site, and is approximately 300m from the nearest bus stop at Hilton Grove. Contributions are usually sought to mitigate for the impact of a development. Having regard to the distances involved, it is considered to be very unlikely that new residents from the application site would walk to the bus stop and then get on a bus for the last 300m (approximately) of the journey to the town centre. Whilst this might happen, it would not be at a level that would place additional pressure on bus services to justify a financial contribution. This does mean that there would be some conflict with LPS 48, however given the

circumstances outlined above and other contributions the applicant is making towards strategic highways projects of the Council (the Poynton Relief Road), this conflict is considered to be acceptable.

CEC Highways have also requested £5,000 to facilitate the provision of a bus stop opposite Hilton Grove, incorporating a flag pole, timetable information and appropriate kerbing. This is considered to be justified as it does help to increase the sustainability of the site by providing a bus stop for services to wider areas outside of Poynton.

With regard to the railway station car park, it is understood that since the station has started to charge to park here, it is underused, with vehicles being displaced to surrounding residential streets including, as many of the representations note, Hazelbadge Road. The case officer has visited the railway station on 3 separate occasions and every time spaces have been available. In addition given the proximity of the application site to the station, it is unlikely that residents would drive to the station. Once again a contribution or additional land for car parking is not considered to be necessary to make the development acceptable in planning terms, and again for the same reasons as the bus service contribution, this conflict with LPS 48 is considered to be acceptable.

Network Rail has provided extensive comments on the application, which include a request for financial contributions towards:

- *Level access to the ticket office area – Currently access is via the gate adjacent to the station building, this would require mods to the door & potentially ramps - £15k*
- *Cycle hoops adding to both sides of the station – £10k*
- *Resurfacing of the road leading up to the station building with additional car parking & traffic management - £30k*
- *Improve platform surfaces - £30k*
- *Store room to be converted for community use - £10k*
- *Overall cosmetic investment in the station facilities (painting, glazing in windows, new fencing etc) - £25k*

These appear to be existing issues that are not necessary to make the development acceptable in planning terms; not directly related to the development; and not fairly and reasonably related in scale and kind to the development. Accordingly they cannot be sought from the applicant. The other comments raised by network rail can be addressed by an informative / note on the decision notice to make the applicant aware of their obligations towards the railway.

Safe and suitable access and parking provision

Vehicular access to the development will be provided from Hazelbadge Road through the continuation of the existing carriageway into the site. The access road within the site will provide a standard 5.5m wide carriageway and 2m wide footways on both sides of the access road.

Immediately north of the current adopted highway boundary a mini-roundabout will provide access to the eastern and western sides of the site. This mini-roundabout will also assist with turning movements associated with the nearby school.

To assist the movement of vehicular traffic the widening of Hazelbadge Road on the eastern side of the carriageway to provide on-street parking lay-bys is proposed by the applicant. This will consist of a row of short-stay parking bays and will be located adjacent to the existing primary school. As part of the development it is proposed to introduce waiting restrictions to assist the free-flow of traffic, particularly at busy school drop off / pick up times. It is also proposed that Hazelbadge Road and the entirety of the site are subject to a 20mph speed limit. A contribution to fund the required traffic regulation order will be secured as part of the s106 agreement.

In addition to the above, the priority T junction of Hazelbadge Road / A5149 Chester Road will be widened to create a 'one lane plus flare' exit onto A5149 Chester Road. This will enable left and right-turning traffic to queue at the junction simultaneously, thereby assisting capacity. The improvements at this junction utilise land currently forming part of the residential gardens of 80 and 82 Chester Road, which is within the developer's control as demonstrated in the submitted documentation. The widening also allows an increase in the radii at the junction and widens the footway from 1.8m to 2.0m on the eastern side of Hazelbadge Road. The effect of this is that visibility splays of 2.4m x 43m are achievable in both directions along the A5149 Chester Road, which are in accordance with the current posted speed limit of 30mph.

The internal road network has been assessed and the principle of the design is acceptable subject to: service strips of 2.0m being provided on both sides of roads to become part of the adopted highway; the carriageway serving plots 123 to 132 shall be a minimum width of 4.5m, and; the proposed block material must comply the pallet of materials detailed within the Cheshire East Design Guide (May 2017). Amendments to the plans have been made to address these issues.

The movements of service vehicles including a refuse vehicle have been undertaken by means of a swept path analysis demonstrating a large refuse vehicle can be satisfactorily accommodated.

Parking within the site is compliant with current Cheshire East parking standards which state that for a principal town or key service centre, the following apply:

- 1 parking space per 1 bedroom dwelling
- 2 parking spaces per 2/3/more bedroom dwelling

Network Capacity

The capacity of the Hazelbadge Road junction with Chester Road has been tested using junction modelling for various traffic flow scenarios in both the morning and evening peak hours. The traffic flows utilised in these models have been informed by agreed (between Highway Authority and the applicant) traffic generation figures resulting from the proposed development.

The assessments have been carried out to include base traffic flows as predicted with the A6MARR (opened in 2018) and the Poynton Relief Road due to open in 2022.

These results demonstrate that the traffic capacity and associated queueing will remain broadly the same as the scenario with no improvements and no development traffic. This illustrates that the proposed improvements to the junction mitigate the impact of the proposed development traffic and are therefore acceptable.

This analysis does highlight some queuing and delay which is demonstrated by the highest demand showing to be on Hazelbadge Road during the early afternoon, which is the peak hour for the school. Delays of up to 22 seconds are experienced on average for cars leaving Hazelbadge Road at this time.

The effect of the opening of the A6MARR on Chester Road has resulted in a slight increase in traffic flows which have a small negative effect on capacity on the Hazelbadge Road junction. However the opening of the Poynton Relief Road (PRR) scheme will reduce traffic flow along Chester Road hence creating an improvement in the operation of the Hazelbadge Road/Chester Road junction. For this reason a financial contribution of £5,500 per dwelling towards the implementation of the PRR scheme is requested by CEC Highways.

The proposal therefore raises no significant highway safety or traffic generation issues, in accordance with policy DC6 of the MBLP. Conditions relating to the implementation of the highway improvement works, provision of an amended travel plan and a construction management plan are recommended.

TREES / LANDSCAPE

Trees

The majority of the mature trees associated with the site are protected as part of the MBC (Poynton – Lower Park Road) Tree Preservation Order 1974. Accordingly the application is supported by an Arboricultural Impact Assessment (AIA) which identifies that in order to facilitate development the removal of 13 individual trees (5 Cat B, 4 Cat C, 4 Cat U) and 12 Groups including 4 parts of groups (9 Cat B, 3 Cat C). Parts of 2 woodland areas (cat B) would also be removed to preserve the species mix and allow better specimens to develop. The majority of these trees are small early mature Oaks which are not formally protected; these trees can be replaced and accommodated as part of any proposed landscape scheme. The felling and removal of those trees which form part of the on site 1974 TPO is not contested, the reasons provided are justified; replacement planting will be required and this can broadly be accommodated within the specific group designation.

The original layout raised a number of concerns in terms of construction implementation and social proximity. However the revised plans adequately addressed all of these issues. The remaining development configuration is considered to be acceptable with adequate space available to ensure that any problems associated with shading and seasonal nuisance does not result in future pressure to allow inappropriate pruning or felling of the protected trees, and are considered defensible.

The Arboricultural officer raises no objections to the proposal subject to conditions. The proposal is considered to comply with policy DC9 of the MBLP and SE5 of the CELPS.

Landscape

The site currently forms an attractive transition between the more urban areas to the south and east and the wider rural landscape to the north and west. The green infrastructure network identified on the site plan indicates the intention of retaining areas of woodland to the west and south, a green buffer along the eastern boundary and an existing line of mature trees towards the central part of the site. The Design and Access Statement also identifies

opportunities for additional tree planting within rear gardens and within the corridor of open space along the eastern boundary.

The Design and Access Statement identifies a landscape strategy for the site, namely that existing elements that make up the site's green infrastructure should be retained, the retention of existing trees and hedges along Hazelbadge Road and recognition of the wider landscape setting and views into and out of the site. LPS 48 identifies one of the site specific principles of development as *"Appropriate boundary treatments should be implemented to provide a clearly defined Green Belt boundary that is likely to endure"*. The original layout showed a number of properties, along the northern edge of the site, as having gable ends hard up against the northern boundary, facing the open countryside to the north and a number of other properties that would have the proposed native hedgerow along the northern boundary as both a site and domestic garden boundary. The close proximity of some of the proposed dwellings to this proposed hedgerow boundary would have influenced its long term viability and success.

The revised plans significantly reduce the number of buildings along this boundary to create a much less dense boundary to the Green Belt, and provide a 5 metre wide landscape buffer to the boundary. This buffer is considered to satisfy the requirement for appropriate treatment of the Green Belt boundary, in accordance with LPS 48. However, this has resulted in an increase in the scale of 3 buildings that now sit close to the Green Belt boundary, but this is considered to be an acceptable compromise. No significant landscape impacts are now identified, and subject to standard landscape conditions the proposal is considered to comply with policy SE4 of the CELPS.

ECOLOGY

An updated ecological assessment has been submitted with the application, and the following matters are relevant to the proposal. It should also be noted that whilst the application has been with the Council for some time, the nature conservation officer has advised that the ecological reports that have been submitted can still be relied upon.

Priority Habitats

LPS 48 of the CELPS requires *"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"*.

Approximately 4.73ha of the semi-improved grassland,(which meets the criteria to be designated as a Local Wildlife Site) will be lost from the site in order to facilitate the proposed development. In addition to this, a small area of the semi-natural broad-leaved woodland in the west of the site will be lost, along with ephemeral pond P17. Furthermore all of the tall ruderal and bare ground habitats will be lost as a result of the development proposals. These areas cover approximately 5 hectares, which is virtually the whole of the developable area of the site. If all of these habitats were retained, the site could not be developed. Clearly this would be contrary to the overriding objectives of the policy, to provide housing.

On other sites within the Borough the Council has accepted a financial contribution to offset the loss of habitats, in order to fund the provision or enhancement of other sites for nature

conservation purposes. However, in this case, due to the extent of habitat loss, the applicant was requested to find a site that could be used to directly mitigate for the impact.

This process was carried out in consultation with the Council's nature conservation officer, and was focused within the Cheshire East area, in order to provide compensatory habitat as close to the Hazelbadge Road site as possible. The benefits of the offsetting site location being within the Cheshire East area represent a best practice approach, in order to replace habitats close to where they have been lost.

The Cheshire Wildlife Trust (CWT) has recently acquired a 7ha nature reserve on the eastern side of Kerridge Hill, Macclesfield, approximately 8km south east of Hazelbadge Road. The site comprises a mix of scrub, semi-natural grassland and plantation woodland. CWT is now seeking funding for the restoration of the site to improve its value for wildlife and a scheme for provision of this funding as offsetting for the Hazelbadge Road development has been agreed between the applicant, the CWT and the Council's nature conservation officer. The scheme includes grassland restoration, woodland restoration and grassland management, and the total cost for this will be £46,137.

The nature conservation officer has confirmed that the proposed offsetting compensation package will adequately address the compensation requirement for this application. The financial contribution will be secured as part of the s106 agreement.

Poynton Brook

Site plans include the retention of the trees along the brook margin. The submitted *Ecological Assessment* (TEP, January, 2018) recommends the production of a Construction Management Plan to set out how any indirect adverse impact on Poynton Brook will be avoided. This should include the fencing off of a buffer zone during the construction phase, and an appropriate condition is recommended to secure this plan.

Great Crested Newts

Great Crested Newts (GCN) have been recorded within the application site. The usage of the site by GCN is likely to be limited to a small population. The loss of aquatic/terrestrial habitat on this site in the absence of mitigation is likely to have a medium impact on GCN at the local level and a low impact upon the conservation status of the species as a whole.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

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 planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has

considered these issues will be required by Natural England prior to them issuing a protected species license.

Alternatives

The site was identified as a development site following an extensive local plan process, which included removing land from the Green Belt. As such there are no known alternatives.

Overriding public interest

The proposed development will meet an identified social need for housing within Poynton and within the wider Cheshire East area, which is considered to be of overriding public interest.

Mitigation

The submitted report recommends the creation of two new ponds, the enhancement of two existing ponds, and the creation of a native species connective hedgerow along the northern site boundary, as a means of compensating for the loss of habitat and also recommends the timing and supervision of the works to reduce the risk posed to any GCN that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable. However to ensure that the favourable conservation status of GCN is maintained it is recommended that the 5m buffer zone along the northern site boundary in addition to, and inclusive of, the native species hedgerow is included as part of the mitigation strategy. The buffer zone should remain undeveloped and not contain any features such as gardens, car parking, etc.

Bats

The tree known as T31 in the *Ecological Assessment* (TEP, January 2018) was classed as offering low potential to roosting bats due to a potential roost feature. The tree is proposed for removal under the current plans. However, the potential risks posed to bats by the removal of the tree will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within section 6.8 of the *Ecological Assessment* report. Accordingly a condition is recommended to secure the implementation of the report's recommendations.

Badgers

Badger activity has been recorded on site. An updated badger survey was carried out on 13 May 2019, which confirmed that the badger situation on site had not significantly changed since the last survey in June 2017. One sett is proposed to be closed after monitoring. The applicant's Badger Mitigation Strategy is acceptable, and a condition is recommended to ensure the development is carried out in accordance with the submitted badger mitigation strategy (TEP, January 2018).

Breeding Birds

If planning consent were to be granted a condition requiring a nesting bird survey is recommended.

Reptiles

There is a considered low risk that the proposed development may have an adverse impact upon reptile species which may occur in the surrounding habitat. The nature conservation

officer is satisfied that the risks will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within the Reptile Reasonable Avoidance Measures report (TEP, 04/01/2018), which can be secured by condition.

Wildlife sensitive lighting

Prior to the installation of any lighting, details should be submitted for approval to ensure that lighting does not have any adverse impacts upon wildlife. The scheme should include dark areas and avoid light spill upon boundary hedgerows and trees. The scheme should also include details of: number and location of proposed luminaires; luminaire light distribution type; lamp type, lamp wattage and spectral distribution; mounting height; orientation direction; beam angle; type of control gear; proposed lighting regime; and projected light distribution maps of each lamp. An appropriate condition is therefore recommended.

Schedule 9 Species

The applicant should be aware that Himalayan Balsam, Japanese Knotweed and Cotoneaster species are present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause these species to grow in the wild.

Conclusion on ecological matters

Whilst the proposal does not strictly comply with the ecological criteria set out under LPS 48 due to the loss of priority habitats, adequate mitigation is provided on an alternate site. As noted, it would be virtually impossible for any meaningful development of the site to comply with these criteria. In addition to this, whilst policy SE3 of the CELPS seeks to resist development which has a significant adverse impact upon sites comprising priority habitats (amongst other designations), it does allow it where the reasons for, or the benefits of, the proposed development outweigh the impact of the development. The benefits of providing much needed housing within the local area are considered to outweigh the impact of the development in this case. The proposal will ultimately positively contribute to the conservation and enhancement of biodiversity in accordance with policy SE3 of the CELPS. No further ecological issues are raised, and it is therefore considered that the ecological aspects of the proposal comply with the development plan as a whole.

LAYOUT / DESIGN

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections

The site is a greenfield site located on the north western edge of the Poynton settlement, positioned between Poynton Brook and the railway line. The site is accessed from a single point of access from Hazelbadge Road. Footpaths 43 and 46 cross the site and provide access to the north, and are now proposed to be diverted through the green infrastructure at the eastern side of the site. The diverted footpaths will also link in with footpath 88 which crosses the Brook ensuring connectivity to the surrounding area. To reach the nearest shops / facilities in Poynton centre, access is likely to be along Hazelbadge Road and Chester Road.

Facilities and services

Poynton centre and all its facilities and services is approximately 700m from the application site, and within walking distance. The site is therefore well served by existing facilities.

Public transport

There is a bus stop approximately 300m from the site which provides services to Middlewood and Hazel Grove. Other services to Macclesfield and Stockport are available from the town centre. In addition the railway station is less than a 5 minute walk from the application site and has regular services north to Manchester and south to Stoke-on-Trent. There is a cycle path along Chester road to the east of the pedestrian crossing, which leads to and from the shared space within the town centre.

Meeting local housing requirements

Draft policy HOU 9 of the PNP states that *“given the size and location of the Hazelbadge Road site, a mixture of 2, 3, and 4 bedroom properties should be achievable”*. The evidence base for this is not clear, however the aspiration of the policy is noted, and the majority (90) of the 134 dwellings proposed are 2, 3 or 4 bedroom properties. Provision of 1 (x28) and 5 (x16) bedroom properties increases the mix of units available. The 1 bedroom properties also meet an identified affordable housing need.

Character

A basic study of local vernacular, character and materials is included within the Design & Access Statement. The proposed houses are generally a standard product, although additional detailing and materials for some units has been requested to respond to the context of the site. For example, the elevations to the apartment blocks have been amended to give more acknowledgement to their rural edge location with the inclusion of agricultural references such as black weatherboard cladding, which also gives the buildings a more recessive appearance in the landscape, simpler window designs, exposed eaves and lower ridge heights. Corner plots turn corners well with dual aspect elevations. The density of the developable area of the site is 31 dwellings per hectare, or of the entire site it is 16 dwellings per hectare. The requirement for 30 dwellings per hectare within draft policy HOU 16 of the PNP is acknowledged, however the proposed density is considered to be acceptable given that the development is providing fewer dwellings than the site is allocated for.

A variety of building heights are proposed, up to 11.2m for the tallest of the three-storey apartments, and some properties have chimneys which help to create an interesting and varied roofscape and skyline. The apartments are located close to the northern boundary where the site interfaces with the Green Belt. Some concern has been raised within the representations about the appropriateness of the apartments in this location. The density of

the development along its northern edge has been reduced and only the three apartment buildings are proposed along this 380m long boundary. The compromise to this being that the height of the buildings has increased. As noted above, amendments to the materials and detailing of the apartments have been received to ensure the relationship between the development and rural fringe is successful. Added to this a proposed 5m wide landscape buffer is proposed along the northern boundary and, when viewed from the north, the apartments will be seen against the backdrop of the protected trees within the central belt, which are taller than the apartments with most being between 13m and 16m in height. It should also be noted that three-storey structures are not alien features to Poynton. Three-storey properties are present on Chester Road, opposite the entrance to Hazelbadge Road. For these reasons the character of the development is considered to be acceptable.

Working with the site and its context

The existing features within the site are predominantly the tree cover to the east alongside the Brook, the woodland to the west, and the central belt of protected trees. The Green Belt boundary is also a positive aspect of the site. The interface with the Green Belt has been discussed above, and all of these positive features of the site are retained as part of the development and have informed the layout and form of the development. The proposal is outward facing and provides a green buffer to the edges, softening the appearance from the long views over the adjacent landscape.

Some concern has been raised regarding the proposed road spur to the north of the site. One of the questions in the Urban Design Checklist within the design guide is whether *“the layout does allow for connections out into the surrounding area, even if they cannot be delivered at the present time”*. In addition to the public rights of way connections this spur achieves this, but does not suggest in anyway the acceptability of further development on the land to the north of the site, which is Green Belt.

Creating well defined streets and spaces

There is a defined street hierarchy with streets, lanes and shared drives identified, and areas of public space are well defined. The woodland to the west will be fenced off with railings in the interests of public safety due to the contamination issues associated with this area; however, the ecological value of the woodland will be retained, and will provide an attractive green buffer to the railway line beyond.

Easy to find your way around

The site is easily legible with feature buildings at key nodes. The street hierarchy is reflected in the surface materials, which will need to comply with the requirements of the CEC Design Guide; however, the street hierarchy could also be strengthened further, particularly in relation to the specification of the boundary treatments to the front of plots. This can be picked up as part of landscaping conditions.

Streets for all

Materials, road widths, deflections in the carriageway are all used to reduce vehicle speeds. A 20mph limit is proposed along Hazelbadge Road and the application site in the interests of highway safety. This will help the streets to truly function as shared spaces.

Car parking

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles. There is a mix of different parking solutions across the site, however the Design Officer has suggested that there is a concentration of similar solutions in places, particularly where the proposal positions the parking spaces to the front of the units within the curtilage. Whilst these comments are noted, areas where parking is shown to the front of units is broken up by landscaping, which will serve to reduce the dominance of these vehicles on the street scene. The parking proposals are therefore considered to be in compliance with the design guide.

Public and private spaces

Additional windows have been added to some of the plots to the east of the site to encourage natural surveillance of the Brook area, and the diverted rights of way. The formal and informal play areas also benefit from surveillance from the outward facing properties opposite.

External storage and amenity

Features that encourage sustainable forms of transport, such as secure cycle provision has been provided for those properties that do not have garages, including the apartments.

Design conclusion

For the reasons outlined above it is considered that the proposal will comply with policies SE1 and SD2 of the CELPS and the Cheshire East Design Guide.

ARCHAEOLOGY

The application is supported by an Archaeological Desk-Based Assessment which outlines potential areas of archaeological interest within the application site. The heritage assessment highlights two areas of potential archaeological interest in the western part of the site, which includes brick works and brick kilns and to the south west a gas works. Cheshire Archaeology Planning Advisory Service has consulted relevant mapping and carefully considered the proposed development area, and note that these areas of archaeological potential sit within the area proposed for landscaping (within the woodland to the west of the site). As such, the level of impact on these areas of archaeological potential are minimal and they advise that no further archaeological mitigation is required for the brickworks, brick kiln or gas works. Accordingly, the proposal is considered to comply with the archaeological aspects of policy SE7 and LPS 48 of the CELPS.

FLOODING

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.

The majority of the site is located within flood zone 1 with some areas adjacent to Poynton Brook lying in flood zone 2. The site was allocated for residential development following an extensive local plan process, and the sequential test has been applied in line with national planning policy. Policy PG 6 of the CELPS identifies that an additional 650 dwellings should be provided at Poynton. In the absence of alternative, reasonably available sites within or

immediately adjacent to Poynton for housing development with a lower probability of flooding, the allocation of Land Adjacent to Hazelbadge Road satisfies the Sequential Test.

A site specific Flood Risk Assessment (FRA) carried out to inform the planning application should demonstrate that the proposed development would be safe from fluvial flooding, and would not increase the risk of flooding elsewhere. The Lead Local Flood Authority (LLFA) initially raised some concerns regarding the details within the FRA, and discussions have taken place on site with the applicant.

The LLFA has now confirmed that following a site walkover with the applicant and the submission of additional flood risk information, they have no objections to the proposal. There are however, a couple of points which need further consideration relating to an existing overgrown ditch line, and any possible connections to it. In addition further investigation should be carried out to identify whether a cut-off drain along the northern site boundary is required to manage potential overland flow due to the topography in this area. Accordingly, conditions are recommended which require the development to be carried out in accordance with the submitted FRA, and the submission of a surface water drainage strategy. Subject to these conditions, the proposal will comply with the requirements of policy SE13 of the CELPS.

The Environment Agency also raises no objections to the proposal subject to conditions relating to groundwater and contaminated land.

CONTAMINATED LAND

A number of reports have been submitted in support of the application. Works carried out to date in the proposed residential area have identified a low risk, with the top soil chemically suitable for residential use, in all but one location where a piece of asbestos containing cement was identified. This is to be removed and the surrounding soils tested to ensure there are no residual fibres.

On the western side of the site, within the area of the former Poynton Brick Works and Poynton Gas works, which appears to have undergone no demolition or remedial works since closure, contamination has been identified.

The proposed layout originally showed this area as public open space comprising existing woodland, ponds and allotments. Since then, further ground investigations have been carried out, and have identified contamination to be present in surface soils which is not suitable for public open space areas near residential housing. Remedial recommendations were made but these were likely to have a significantly detrimental affect on the existing habitat and protected woodland. The habitat enhancements proposed as part of the on site ecological works include woodland management which will be *“implemented to protect and retain amphibian habitat as well as habitat for other protected species. Native structure planting will provide additional screening for the badger sett in the south of the western woodland while also enhancing the quality of the woodland itself”*.

As a result it is considered that the most appropriate solution is to fence off this entire area to the west of the site and prevent public access to the woodland. Confirmed details of this will need to be provided within a Remediation Strategy and the presence and effectiveness of such fencing will need to be demonstrated within a Verification Report. This area is currently

utilised informally, such as by dog walkers, however this is private land and not an area of public open space. Given the remains of the previous structures that formerly existed here, there are physical hazards to anyone using this land. Consequently, fencing this area off will improve public safety and will not remove any identified open space, despite the existing informal use. In addition the nature conservation officer has confirmed that the woodland, which is protected by Tree Preservation Order, contains several important ecological features including great crested newt breeding ponds and a badger sett and would benefit from public access being restricted to reduce the possible disturbance and contamination of the features.

The Contaminated Land Officer has raised no objections to the proposal subject to conditions relating to a remediation strategy, a verification report, the testing of imported soil, and a condition relating to any unforeseen contamination.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and policy SE12 of the CELPS.

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.

OTHER MATTERS

The issues raised in representation that are material planning considerations have been considered by the relevant specialist officers of the Council, and in the preceding text. Many of the representations relate to the impact of the development upon the adjacent primary school and the fact that the school does not benefit from the proposal. There are no planning policies that seek to secure improvements to a school (such as replacement windows) because a development is taking place next door. As noted above, impacts upon the school and local environment generally, during the construction process can be minimised through the implementation of a construction environment management plan. There are also logistical matters relating to construction that can be addressed through a construction management plan, as recommended by CEC Highways, but this will be a matter to be agreed between the applicant the Local Planning Authority and the Highway Authority.

S106 HEADS OF TERMS

Further to the comments above, a s106 agreement will be required to secure:

- 30% affordable housing
- Off site ecological mitigation contribution of £46,137
- Open space provision and management
- Education contributions of:
 - £260,311 (primary)
 - £310,511 (secondary)
 - £91,000 (SEN)
- Indoor sports contribution of £22,500

- Recreation and outdoor sport contribution of £97,000
- Allotments and community gardens contribution of £61,937.50
- Healthcare contribution of £133,344
- Contribution to Poynton Relief Road of £737,000
- £7,000 to fund TRO
- £5,000 to fund bus stop opposite Hilton Grove
- £10,000 contribution towards cycle lane improvement

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, off site ecological mitigation, indoor and outdoor sport (financial) mitigation, Highways (financial) mitigation, the cycle lane contribution and healthcare (financial) mitigation are all 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.

The development would result in increased demand for school places at the secondary school within the catchment area which currently have no projected spare capacity. In order to increase the capacity of the school which would support the proposed development, a contribution towards 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

PLANNING BALANCE & CONCLUSIONS

The proposal seeks to provide 134 dwellings on a site allocated within the CELPS for around 150 dwellings. Some conflict with the site specific principles of development listed under LPS 48 of the CELPS in terms of the bus service contribution, the railway car park contribution and the retention of habitats on the site has been identified above. However, whilst the contributions towards the bus service to the town centre and the railway car park are not being secured for the reasons set out above, significant contributions are being made towards the Council's strategic project of the Poynton Relief Road to mitigate for the impact of the development. Similarly, whilst LPS 48 requires the retention of habitats, again for the reasons stated above this cannot be achieved if the primary policy objective of delivering housing is to be realised on the site. Adequate off site mitigation is being provided.

The comments received in representation have been given due consideration in the preceding text, and whilst some limited conflict with LPS 48 has been identified, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable

form of development. In accordance with policy MP1 of the CELPS, 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 to secure the following:**

	Requirement	Triggers
Affordable Housing	30% (40 units) of total dwellings to be provided (65% (26 units) Affordable Rent / 35% (14 units) Intermediate)	No more than 80% open market occupied prior to affordable provision within each phase
Off site Ecological Mitigation	£46,137 towards Kerridge Hill Nature Reserve	Prior to commencement
Open Space	a) Open space scheme to be submitted b) Management scheme to be submitted	Prior to commencement Prior to occupation
Indoor Sports Contribution	£22,500 towards Poynton Leisure Centre	Prior to occupation
Recreation & Outdoor Sports Contribution	£97,000 towards Deva Close Playing Fields, Poynton	Prior to commencement
Allotments & Community Gardens Contribution	£61,937.50 towards existing facilities and new opportunities in Poynton	Prior to commencement
Education	Primary £260,311 Secondary £310,511 SEN £91,000	50% Prior to first occupation 50% at occupation of 67 th dwelling
Healthcare	£133,344 towards development of Priorsleigh Medical Centre and McIlvride Medical Centre	50% Prior to first occupation 50% at occupation of 67 th dwelling
Poynton Relief Road Contribution	£737,000 towards Poynton Relief Road	50% Prior to first occupation 50% at occupation of 67 th dwelling
Traffic regulation Order Contribution	£7,000 to fund the required traffic regulation order for works on Hazelbadge Road	Prior to occupation

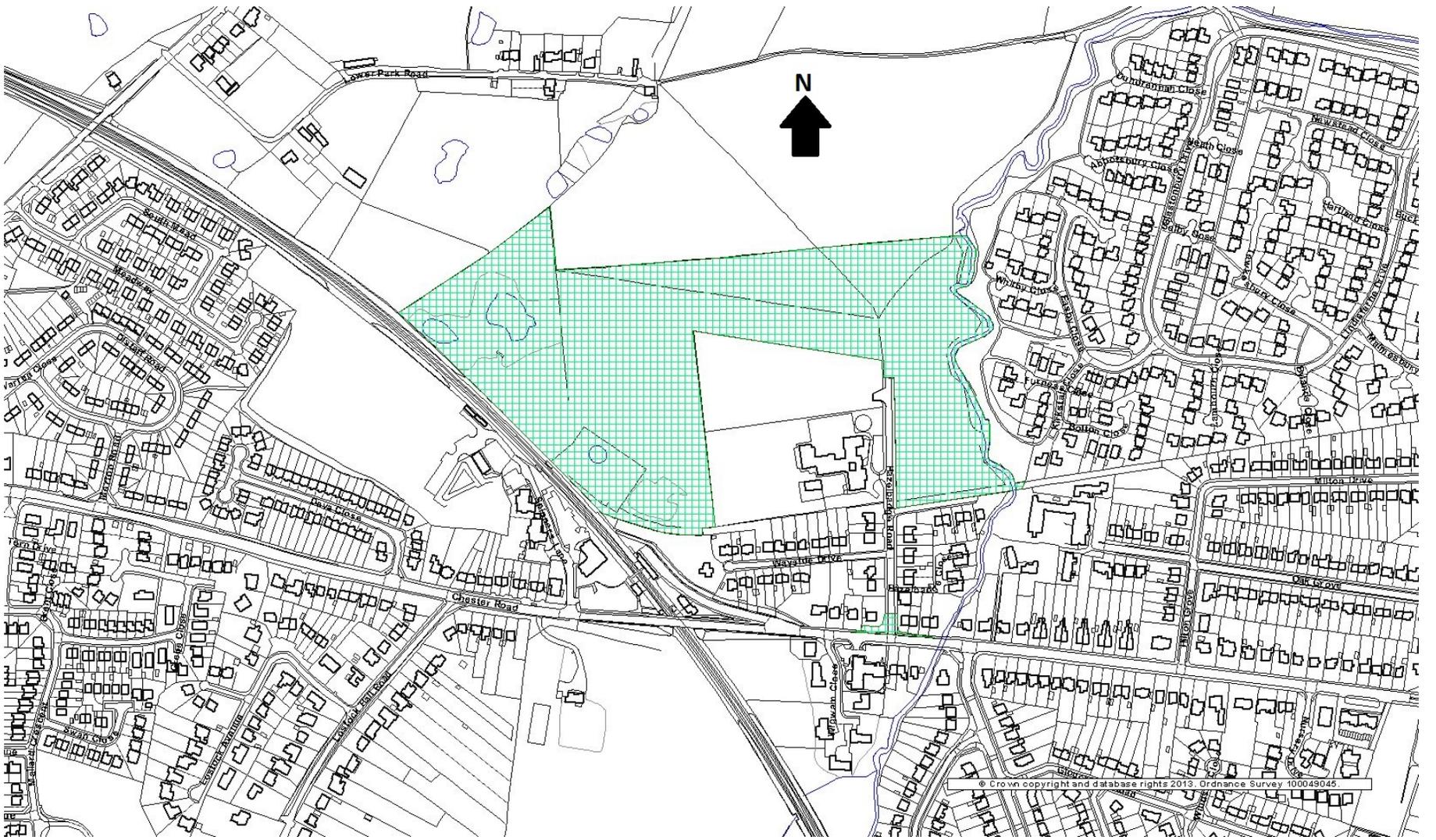
Bus Stop Contribution	£5,000 to facilitate the provision of a bus stop opposite Hilton Grove	Prior to occupation
Cycle Lane Contribution	£10,000	Prior to occupation

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of details of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Tree retention
7. Tree protection
8. Construction specification/method statement for access road serving Plots 1-4 and for footpath adjacent to trees T24- T46
9. Arboricultural method statement
10. Levels details to be submitted which provides for the retention of trees on the site
11. Service / drainage layout which provides for the long term retention of the trees to be submitted
12. Implementation of noise mitigation measures
13. Electric vehicle infrastructure to be provided
14. Anti idling signage to be provided
15. Remediation Strategy to be submitted
16. Verification report to be submitted
17. Testing of any imported soil
18. Reporting of any unforeseen contamination
19. Implementation of Highway improvements
20. Construction management plan to be submitted
21. Amended travel plan to be submitted

22. No infiltration of surface water drainage into the ground is permitted
23. Development to be carried out with GCN mitigation strategy (to include 5m buffer zone to north of site)
24. Implementation of the reasonable avoidance measures detailed within section 6.8 of the Ecological Assessment Report (bats)
25. Development to be carried out in accordance with the submitted badger mitigation strategy (TEP, January 2018).
26. Nesting birds survey to be submitted
27. Implementation of Reptile Reasonable Avoidance Measures (TEP, 04/01/2018)
28. Details of proposed external lighting scheme to be submitted
29. Foul and surface water shall be drained on separate systems.
30. Surface water drainage scheme to be submitted
31. Development to be carried out in accordance with submitted Flood Risk Assessment
32. Obscure glazing to be provided
33. Construction Environmental Management Plan to be submitted
34. Details of railings to western boundary of site to be submitted. Railings to be retained in perpetuity.
35. Construction Management Plan to demonstrate out how any indirect adverse impact on Poynton Brook will be avoided to be submitted



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Application No: 17/4497M

Location: MARKS AND SPENCER PLC, COPPICE WAY, HANDFORTH, CHESHIRE, SK9 3PB

Proposal: Outline application for extension to the existing Marks and Spencer unit and amendments to the car park layout

Applicant: Mrs Andrea Mac-Gregor Barbour, Marks and Spencer Plc

Expiry Date: 07-Dec-2018

SUMMARY

The application proposes a retail use on a site allocated as existing employment land in the MBLP. Policy EG3 of the CELPS seek to retain employment land in employment use. In this case the site has a longstanding use as a retail park, and as such there will be no loss of employment land compared to the existing situation. The principle of retail development on this area of employment land is therefore considered to be acceptable in this case.

Whilst M&S have implemented a programme of store closures in town centres across the country in recent times, the proposal is not considered to have a significant adverse impact upon existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and does not have a significant adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment. It has also been demonstrated that there are no sequentially preferable sites to the application site. The proposal therefore complies with the requirements of policy EG5 of the CELPS.

No significant highway safety, flood risk, air quality or residential amenity issues are raised by the proposal. Whilst the application has been submitted in outline with all matters reserved except for access, indicative plans have been provided that show that the development can be accommodated without undue impact upon then character of the area. However, the scale, layout, appearance and landscaping will be determined as part of a later reserved matters submission.

Accordingly, the proposal is recommended for approval subject to conditions.

SUMMARY RECOMMENDATION**Approve**

DESCRIPTION OF SITE AND CONTEXT

The application site comprises part of the existing Marks & Spencer store at the Handforth Dean Retail Park, and the car park area immediately to the south of this building. The site is bordered by further car parking serving the retail park to the east and vacant land to the west, on the opposite side of Coppice Way. To the south, also on the opposite side of Coppice Way, there is a landscaped mound, with the construction of a care village taking place beyond the mound. The whole of the Handforth Dean Shopping Centre (including the application site) is allocated as an Existing Employment Area within the Macclesfield Borough Local Plan, but the site has long been an established out of centre retail site.

The application site was amended during the course of the application to exclude an area of land to the north west of Marks & Spencer off Kiln Croft Lane, where a new car park was proposed, due to concerns relating to the loss of employment land.

DETAILS OF PROPOSAL

This application seeks outline planning permission with all matters reserved except for access, to erect an extension to the existing Marks and Spencer store and make amendments to the car park layout. Appearance, landscaping, layout and scale are reserved for subsequent approval.

Indicative plans and elevations have been provided. The proposed extension is stated on the plans to have a floor area of 2,450sqm. The application form also states that 2,450sqm off gross internal retail floorspace is being sought. However, measurements taken from the submitted indicative plans indicate a floor area (measured externally) of approximately 2,590sqm.

The proposed extension will have a net sales area of 1,960sqm. It has been confirmed that all of the net sales area will be used for the sale of comparison goods.

POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

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 instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan (saved policies) (MBLP)

NE11 (Nature conservation interests)
E3 (Employment land – business)
E4 (Employment land – industry)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC63 (Contaminated land)

Handforth Neighbourhood Plan (HNP)

H8 Landscape and Biodiversity
H9 Trees and Hedgerows
H11 Encouraging High Quality Design
H12 Surface water management
H13 Supporting the Local Economy
H16 Congestion and Highway Safety
H18 Promoting sustainable transport
H19 Improving access to the countryside in Handforth and the surrounding area.

Other Material Considerations

National Planning Practice Guidance
National Planning Policy Framework

CONSULTATIONS (External to Planning)

There have been two rounds of public consultation on this scheme following amendments / additional information being received. The most up to date responses are summarised below:

United Utilities – No objection subject to condition relating to drainage

Environmental Health – No objection subject to conditions relating to pile foundations, floor floating, electric vehicle infrastructure and contaminated land

Head of Strategic Infrastructure – No objection

Lead Local Flood Authority (LLFA) - No objection subject to conditions relating to drainage

Public Rights of Way – No objection – request improvements to FP91.

Handforth Parish Council – No objection but note that this will provide, not only, more adequate and safe car parking provision for employees at the site, but will also free up extra car parking spaces for customers. Request that Marks and Spencer PLC consider giving more support to the subsidy of local community bus services, either as a company or under any S106 agreement which may be drawn up as part of this development proposal.

OTHER REPRESENTATIONS

Three letters of representation were received during the first round of consultation from Peel Holdings (owners of the Peel Shopping Centre in Stockport), Eskmuir (owners of Grosvenor Shopping Centre in Macclesfield) and the Handforth Neighbourhood Plan Steering Group making the following comments:

- Any loss of woodland as a result of new car park would be contrary to HNP.
- Insufficient information to assess retail impact of proposal
- Cumulative impact of development together with Orbit and CPG applications on Earl Road needs to be considered, and a robust decision cannot be made until the Secretary of State has determined these applications.
- The potential for the development to be subdivided needs to be controlled by conditions
- Sequential search limited to one site. Other sites are available e.g. Churchill Way site in Macclesfield
- No assessment of the impact upon the viability and vitality of surrounding town centres has been undertaken

Since the second round of consultation 1 further letter has been received on behalf of Eskmuir objecting to the proposal on the following grounds:

- Material change in circumstances since last objection letter with SoS decisions on the retail applications at Earl Road, Handforth
- Macclesfield Town Centre now cannot be described as a healthy town centre. Its health is considered to be worse than that of nearby centres of Stockport (Inspectors report para 9.273) and Wythenshawe.
- Macclesfield is experiencing issues of a fall in footfall, spin off trade and vacant stock due to growth in internet sales, reduced retailer and shopper confidence and the pressure from out of centre retail parks Inspectors report paras 9.144-9.148)
- Decisions by CEC to pursue the preparation of the Strategic Regeneration Framework for Macclesfield centre and apply for funding through the Future High Streets Fund further demonstrate difficulties faced
- Impact of proposals need to be carefully considered in light of SoS decisions where two called in applications were refused due to the impact they would have on Macclesfield and Stockport centres
- Development of retail floorspace outside of designated centres is contrary to national and local planning policy

- Such proposals would make securing occupiers more difficult in Macclesfield town centre, and given high vacancy rates in the centre, would further weaken the centre's viability and vitality.
- Impact would be further magnified if the proposal is for fashion clothing in an out of centre location, as demonstrated by condition on SoS approved retail scheme restricting floorspace for such goods to 15% of total.
- Closure of M&S Macclesfield town centre store would compound this further

Following the publication of the Committee agenda for the August SPB meeting, a further letter has been received on behalf of Eskmuir objecting to the proposal on the following grounds:

- Sites not considered in sequential assessment
- Proposal would have a significant adverse impact upon Macclesfield Town Centre
- Committee Report fails to actually provide a figure for the cumulative impact on Macclesfield Town Centre and, in doing this, fails to consider what other proposals this application was considered in cumulation with.

OFFICER APPRAISAL

Background

This application has been held in abeyance by officers whilst the outcome of 3 planning applications and 1 appeal on sites at Earl Road in Handforth, which were called in by the Secretary of State (SoS) was awaited. The decisions for these applications have now been issued by the SoS and were as follows:

15/0400M - Demolition of existing buildings and erection of five units to be used for Class A1 (non-food retail) purposes, and two units to be used for Use Class A1 (non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5, creation of car park and provision of new access from Earl Road, together with landscaping and associated works – **Allowed subject to conditions**

16/3284M - Erection of 2,320 square metres retail floorspace – **Approved subject to conditions**

16/0802M - Erection of four Restaurants and three Drive-thru Restaurant/Café's along with associated car parking, servicing and landscaping – **Refused**

16/0138M - Construction of 23,076 square metres of class A1 retail floorspace and 2,274 square metres of class A3/A5 floorspace along with associated car parking, access and servicing arrangements and landscaping – **Refused**

A total of 8355sqm of retail floorspace has been approved as a result of these decisions (6,035sqm under application 15/0400M and 2,320sqm under application 16/3284M).

Principle of the development

As noted above the site is allocated as existing employment land in the MBLP. Policy EG3 of the CELPS seek to retain employment land in employment use. In this case the site is already in use as a retail park, and as such there will be no loss of employment land

compared to the existing situation. The principle of retail development on this area of employment land is therefore considered to be acceptable in this case.

Retail Impact

CELPs policy EG5 sets out a hierarchy of retail centres in Cheshire East. The policy states that the Principal Towns will be the main focus for high quality comparison retail, supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential. Macclesfield is identified as a Principal Town by policy PG2 of the CELPS and Wilmslow and Handforth are the nearest centres to the site, which are identified as Key Service Centres in the CELPS, which are approximately 2.5km and 1km from the site respectively.

Policy EG5 sets out that there will be a sequential approach to main town centre uses, including retail, with town centres being promoted as the primary location for such uses. The policy states that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. It is advised that where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. The policy sets out the following criteria which must be satisfied where edge-of-centre and out-of-centre retail development is proposed:

- There is no significant adverse impact on the vitality and viability of the surrounding town centres; and
- It is demonstrated that the tests outlined in current government guidance can be satisfied.

The supporting text to Policy EG 5 states that the Council is keen to preserve and enhance the vitality and viability of its existing town centres. Therefore, it is important to make sure that proposals for town centre uses located outside of these town centres do not have a significant adverse impact on these existing centres. These impacts could include an increase in the number of vacant units and a reduction in turnover. The supporting text goes on to state that information on town centre impacts can be found in government guidance, but the Council will apply the sequential test (it is understood that this is a typo and this should read 'impact test') set out in paragraph 26 of the NPPF (now replaced by paragraph 89 of the revised NPPF) when determining retail applications with a floorspace in excess of 2,500sqm. A retail impact assessment has been submitted with the application.

Sequential assessment

Paragraph 86 of the Framework states that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.”

Paragraph 87 continues:

“Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Policy EG5 of the CELPS states that *“Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of*

development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out of centre locations.”

The site sits at the southern end of the Handforth Dean Shopping Centre which is not a designated retail shopping area. The Framework defines out of centre as “a location which is not in or on the edge of a centre but not necessarily outside the urban area”. Edge of centre for retail purposes is defined as “a location that is well connected to, and up to 300 metres from, the primary shopping area” Having regard to these definitions it is clear that the site is located in an out of centre location.

As part of their original submission, the applicant undertook a search for sites which comprised the following:

- Daisy Bank Lane, Heald Green;
- Land South East of the Junction of Styal Road and Finney Lane, Heald Green;
- Metropolitan House, Cheadle Hulme;
- Massie Street Car Park, Cheadle;
- Cheshire East Leisure Centre Car Park, Wilmslow;
- Land at Meadway, Bramhall;
- Water Street, Stockport; and,
- Barracks Mill, Macclesfield.

Each of these sites was dismissed, and it is accepted that none of them are available and suitable to accommodate the proposed development, either in part or in full. The applicant was subsequently asked to consider vacant sites in Macclesfield, Stockport and Wythenshawe town centres.

Stockport

All units are too small to accommodate the extended store. The two largest vacant units in and around the town centre are the former Toys R Us unit and the former Marks & Spencer unit. At the time the updated assessment was carried out, the Toys R Us unit was under offer and was therefore unavailable for the proposed extended store. The former Marks & Spencer store is also too small for the extended store subject to this planning application and the proposed additional floorspace is intended to serve a specific purpose – i.e. meet a location specific need and extend an existing Marks & Spencer store rather than introduce a new separate retail unit – therefore this is a further reason to dismiss the former Marks & Spencer unit in Stockport.

The former Toys R Us site has also now been considered. This site has been re-let to The Range and is therefore now not available.

Macclesfield

The majority of vacant units shown in Macclesfield town centre are under 200sqm. there are only four larger units although these extend to only 410-520sqm and therefore there are not any suitable alternative vacant units in Macclesfield town centre.

However, other sites within Macclesfield were raised by officers as potential alternatives. Consideration of each of these sites is set out below:

- Churchill Way Car Park

The Draft Strategic Regeneration Framework for Macclesfield suggests a change in direction from the previously proposed cinema and leisure led development for Macclesfield, by proposing town centre living on this site. Historical proposals for this site suggest that retail and leisure proposals are not commercially viable on this site. Clearly the site forms part of the wider regeneration proposals for the town centre being put forward by the Council. The site is therefore not considered to be available (within a reasonable period), suitable or viable.

- Duke Street Car Park
The SRF suggests the consolidation of car parking is a priority, which in the longer term could include a possible decked car park on Duke Street. This reflects the applicant's statement that the Duke Street car park is important in supporting good accessibility and increasing the appeal of the Town Centre, allowing it to compete with out-of-centre locations. As the car park supports accessibility to the town centre it is not considered suitable or available within a reasonable period.
- Exchange Street Car Park
The Exchange Street car park supports a B&M store and provides parking for one of the larger convenience goods units (Tesco) in the centre. The loss of the car park would be significant for both units, which play an important anchor role within the centre and attract and support trade. Its loss would be detrimental to the prospect of retaining or attracting national retailers to these units. It is not considered to be a suitable or viable alternative.
- Arighi Bianchi depot (South east of Samuel Street)
The Arighi Bianchi depot is in use and therefore is not considered available.
- Craven House, Churchill Way
The Craven House site benefits from planning permission for an office to residential conversion. It is not considered suitable for the form and scale of development proposed by this development nor available due to ongoing redevelopment.

It should also be noted that the current proposal is for an extension to an existing retail unit. As a consequence, the proposal has a locational specific need and it would be unreasonable to suggest that the additional floorspace should be disaggregated from the existing retail unit.

Wythenshawe

All vacant units in Wythenshawe town centre and are all under 300sqm. therefore, these units are not suitable alternatives to the proposed development and extended Marks & Spencer store.

Conclusion on Sequential Assessment

There are not considered to be any available sites that are sequentially preferable to the application site and therefore it is considered that the proposal satisfies the sequential test.

Impact on Investment

Paragraph 89 of the Framework states:

“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;...*

Stockport and Macclesfield are the two centres that are likely to be most affected by the proposals. In the recent decisions for the called in applications on Earl Road in Handforth, when considering the health of town centres affected by the proposals, the Secretary of State noted the high vacancy rate in Stockport against the national average, decline in national rankings, and decreasing footfall along the primary retail frontage. A causal link between the issues faced by Stockport town centre and out of town shopping in general is also acknowledged. He also agreed with the Inspector that Macclesfield is a significantly more vulnerable centre than Stockport. The Inspector described Macclesfield as *“without seeking to be disparaging it has a functional quality with insufficient attributes to raise it to being described as a vital and viable centre.”*

In their updated retail statement, the applicant makes the following comments:

- That the current investment project at Churchill Way in Macclesfield town centre is a leisure led project and as such, the proposed extension to M&S will not impact upon the realisation of this scheme.
- That the future success of the Merseyway Shopping Centre in Stockport will not be materially affected by the proposed extension at Handforth Dean. The applicant notes that the loss of M&S from the shopping centre does create additional vacancy but is it not of a direct consequence of the Handforth Dean store extension proposal. Furthermore, the applicant refers to evidence which was put forward at the recent public inquiry to show that the shopping centre remains attractive to retailers and the future / on-going interest in the centre will be materially affected by an extension to an existing store at Handforth Dean.
- Consideration has also been given to The Peel Centre and the potential for the adjacent gasholder site. The applicant states that there is no credible suggestion that the extension of an existing Marks & Spencer store will affect existing investment in The Peel Centre which is a successful and attractive shopping destination.
- The applicant has not identified any current investment projects within either Wilmslow or Wythenshawe town centres.

With regard to the first point above, Members will be aware that the leisure proposals at Churchill Way by Ask Developments are no longer proceeding, and other options are currently being considered. However, investment has recently been made into the town in the form of the expanded and improved Grosvenor Centre by Eskmuir, the growth of high quality independent units and the growing popularity of the Treacle Market. It is understood that there is also increasing interest in town centre living that will further boost the local economy.

The applicant's retail impact assessment has been considered by independent retail consultants (WYG) on behalf of the officers, and they advise that the applicant's assessment of the planned and committed investment is acceptable and do not consider that the proposal would have a significant adverse impact on the realisation of any of the schemes identified. There are also no known additional schemes which need to be considered for the purposes of the assessment.

The proposal will therefore not have a significant impact upon existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.

Impact on Town Centre Vitality and Viability

Policy EG 5 of the CELPS requires edge of centre and out of centre proposals to have no significant adverse impact on the vitality and viability of the surrounding town centres. This requirement is reflected in paragraph 89 of the Framework.

WYG have advised that whilst they question the age of some of the data used to inform the applicant's impact assessment and the methodology used, they have undertaken their own assessment of the information submitted by the applicant.

Assessment Year

The applicant has adopted a design year of 2022 within the impact assessment. The NPPG states that the design year for impact testing should be selected to represent the year when the proposal has achieved a 'mature' trading pattern. This is conventionally taken as the second full calendar year of trading after opening of each phase of new retail development.

It is unlikely that the extension will be open for trading by 2020, and as such, 2022 is also unlikely to be the year at which the scheme will reach its mature trading pattern. However, given that the scheme relates to an extension to an existing unit and therefore the build-out period may be quicker and that altering the assessment year would likely reduce any identified impact (given that turnovers of existing destinations, population and available expenditure will all increase), WYG are comfortable with continuing the assessment using the assessment year adopted by the applicant.

Turnover of the Application Proposal

The application seeks permission for 2,450sqm of new Class A1 non-food retail floorspace. The assessment of impact has assumed that the net sales area of the extension will measure 1,960sqm, or 80% of the gross floorspace, and that all of this net sales area will be used for the sale of comparison (non-food) goods.

As such, the applicant has applied a benchmark sales density of £3,910 per sqm, which is stated to have been derived from the latest Mintel Retail Rankings 2018. In using the assumed sales density applied by the applicant, the estimated turnover of the extension is expected to be £8.1m at 2018, rising to £8.8m at 2022.

The applicant has adopted a 2013 Price Base, but have applied a benchmark sales density from 2015 (and without an allowance for VAT). WYG therefore calculate that the 2018 sales density would be closer to £4,778 per sqm (including VAT) at a 2013 Price Base. Applying this increased sales density to the net sales area would increase the turnover at 2018 to approximately £9.4m, an increase in £1.3m from the applicant's assumed figure. It is important to note that it has also previously been accepted by the applicant's agent through their evidence prepared for the Public Inquiry (called in applications) that Handforth Dean is trading well and above benchmark and as such, the applied turnover appears to underestimate how the scheme is trading.

In any event, given that it is the turnover and impact of an extension to an existing store that is being assessed, WYG accept that there is the potential for the turnover to be diluted slightly and have undertaken the assessment based on the applicant's assumptions, providing appropriate caveats where necessary.

Trade Diversion and Impact

As part of their trade diversion figures, it is important to note that other than the Next commitment at Handforth Dean, the applicant does not allow for any diversion from existing operators at Handforth Dean. This is a robust approach which is welcomed by WYG. The solus trade diversion assumptions as set out in the table below which is taken from the applicant's impact assessment are considered to represent broadly appropriate levels for the purpose of the assessment.

Destination	Solus Diversion to Proposal at 2022
Stockport town centre	£2.2m
Manchester City Centre	£1.5m
Trafford Centre	£1.0m
Cheadle Royal	£0.7m
Macclesfield town centre	£0.3m
Wilmslow town centre	£0.3m
<i>Next, Handforth Dean</i>	<i>£0.3m</i>
<i>Barracks Mill</i>	<i>£0.3m</i>
Altrincham town centre	£0.2m
The Peel Centre, Stockport	£0.1m
Stanley Green Retail Park	£0.1m
Cheadle Village	£0.1m
Inflow	£0.4m

The trade diversion figures identify at 2022 that the proposal will result in £2.2m being diverted from Stockport town centre (£2.3m when combined with the Peel Centre) and £0.3m from Macclesfield town centre. To put this in context the pre-development turnover identified by the applicant for Stockport town centre is £608.5m (when combined with the Peel Centre it is £735.1m) and for Macclesfield it is £223.4m. As a percentage of the turnover of these centres this equates to a 0.36% impact on Stockport (0.31% when combined with Peel Centre), and a 0.13% impact upon Macclesfield town centre.

As part of the decisions on the called in applications whilst the Secretary of State does not identify a specific % impact that the schemes would have on nearby centres, he notes that by virtue of application 16/3284M's small size (2,500sqm), there are no overriding unacceptable effects arising from this proposal. It is also notable this is scheme was a similar scale to the current application from M&S.

Additionally the Inspector and the Secretary of State concluded that the impact of the Orbit proposal (15/0400M) would not undermine the vitality and viability of Stockport town centre

(including the Peel Centre) to a material degree, and would not amount to a significant adverse impact on Stockport town centre.

In terms of Macclesfield town centre the Inspector referred to the 10.4% impact of the Orbit scheme (15/0400M) with commitments identified by CEC during the course of that application and appeal, noting that this was little more than that assessed and accepted by the Inspector at the Barracks Mill appeal (just outside of Macclesfield). The overall conclusions of the Inspector (and accepted by the SoS) were that the Orbit proposals would have a very limited effect on the current level of vitality and viability in the town centre and it would not undermine existing or planned investment. The overall effect would not amount to a significant adverse impact on Macclesfield town centre as a whole.

Given the figures referred to above, the level of impact arising from the current proposal would not have such significant impacts to suggest an alternative conclusion should now be reached in terms of the impacts on Macclesfield and Stockport town centres.

It is also important to note what is being considered as part of this current proposal, in that the application seeks permission to extend an existing retailer at Handforth Dean instead of the introduction of a new operator at the retail park. In this regard, in the event the application is approved, it is considered to be important that the internal subdivision of the unit is controlled to ensure that the proposal does function as is presented and intended.

Whilst the monetary level of diversion from a centre is important, the consideration of impact goes beyond just solely the quantitative impact and looks at whether a proposal could result in the relocation of operators, the implications of the potential reduction in linked-trips as a result of the scheme and what impacts a potential reduction in footfall could have on a centre.

M&S is an existing retailer at an existing well-established retail destination. The application seeks to expand the current offer of the operator by increasing the level of comparison floorspace within the unit. It is likely that the result of the proposal will be to dilute the current turnover across the expanded floorspace. Whilst there is the potential for the larger store to attract some additional trips, it is unlikely that the application will substantially alter shopping patterns in the area. As such, it is not considered that the proposed extension to the store will have a significant adverse impact on the vitality and viability of defined centres.

The proposal is therefore considered to comply with the impact tests set out in policy EG5 of the CELPS.

It does have to be highlighted that M&S have implemented a programme of store closures in town centres across the country (the Stockport store being one that has closed) in the past year or so, and consequently, the proposed expansion of a successful out of town store at Handforth Dean inevitably raises concerns that it could result in further closures locally, notably, the Macclesfield store. As far as officers are aware, this is not an intended consequence of the proposed extension, and as noted above, in planning terms, the retail impact of the proposal is acceptable.

Design / Character

As noted above, the application is made in outline with all matters reserved except for access. Therefore the specific design and appearance of the extension will be considered in detail at

the reserved matters stage. However, indicative plans and a design and access statement have been submitted to illustrate the current thinking in terms of the external appearance of the extension.

Policy SD2 of the CELPS expects all development to “*Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:*

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;”*

Similar requirements are also identified in policy H11 of the HNP.

The area is largely characterised by the existing retail buildings which are predominantly two-storey in scale and constructed in red / yellow brick, render and glazing under a slate pitched roof. Further afield there are a range of utilitarian buildings serving a variety of commercial uses and the red brick and render of the care village currently being constructed on the opposite side of Coppice Way.

The extension will project from the southern elevation of the existing retail building, and will be a relatively prominent feature when viewed from Coppice Way and from within the store’s own car park. Even though the indicative scale of the extension at two-storey is taller than the existing building, it ‘book ends’ the existing elevation and creates a natural visual stop to the corner. The proposal offers an active frontage to all the elevations, providing a focal point and areas of natural surveillance.

The suggested materials include matching brickwork to the existing, but also incorporate more contemporary materials including glazing features and grey cladding, with a deep standing seam profile roof.

The footprint of the extension follows the existing frontage although projecting gables break up the massing. The extension projects out to the south side of the existing structure but again, the way the elevations are treated; it works well with the existing building.

Overall the proposal is considered to comply with policies SD2 of the CELPS and H11 of the HNP. The design officer has also commented on the application and noted that the indicative proposals are a well considered design which is sympathetic to the context of the site and is a welcome addition.

Policy SE9 of the CELPS requires non-residential development over 1,000sqm will be expected to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This can be secured by condition.

Living conditions

The site is located within the car park of the existing shopping centre and is bordered by similar uses and open land. The nearest residential properties are over 60 metres from the site on the opposite side of Coppice Way, and as such no significant amenity issues are raised, and the proposal is considered to comply with policy DC3 of the MBLP.

Highways

Policy H16 of the HNP recommends that detailed traffic management studies are carried out before access routes to any new development sites are finalised. Policy H18 of the HNP seeks to promote sustainable transport options for new development. Policy DC6 of the MBLP requires pedestrian and vehicular access to be safe and convenient, and policy CO1 of the CELPS seeks to deliver the council objectives of delivering a safe, sustainable, high quality, integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking.

Sustainable access

The site is served by an hourly bus service linking the retail park (Mondays to Saturdays 0800-1800) to residential areas to the north of the site and Stockport town centre. In addition the bus and train routes serving Handforth are within walking distance of the site. Contributions towards enhancing the existing bus service/infrastructure along Earl Road and the wider retail park were secured as part of the 'Next' retail store planning permission to the north of the application site, which will benefit staff and customers visiting the application site.

Good footway provision is provided on both sides of the carriageways that abut the site and link nearby proposed and existing commercial and residential uses.

A new, purpose-built sheltered cycle parking facility will be provided within close proximity of the existing and proposed entrances to the M&S retail space. As acknowledged in the Transport Assessment and Design and Access Statement, Public Footpath No. 91 leads from the south of the application to Hall Road. This route is used by both pedestrians and cyclists to travel between the retail park, residential areas and Handforth Station. As part of the care village development, currently being constructed on the opposite side of Coppice Way, part of this footpath was diverted and constructed to an improved standard and width for the use of both pedestrians and cyclists, in recognition of the important link which this route offers. That improvement extends within the landownership of that developer, up to the landownership boundary of M&S. It leaves the short section of the footpath within the M&S land ownership (approximately 50m in length) at its existing width of approximately 1.5m. The proposed development would increase the potential number of users on this footpath, and therefore should consent be granted, the applicant has been requested to deliver the improvements to the path within their landownership in order to increase the carrying capacity of the path to mitigate the impact of the development. The works could be included within the scope of any s278 agreement for the delivery of highways works. Confirmation of the applicant's response to this request will be provided as an update.

An employee travel plan has been submitted which will be supported by the production of employee travel information packs promoted by the appointment of a travel plan co-ordinator.

Safe and suitable access and parking provision

There are some alterations to the retail park car park include minor modifications to the access (ingress) off the Coppice Way site access roundabout located adjacent to the south west corner of the retail park and alterations to vehicle access and car park circulation arrangements and car parking provisions.

No changes are proposed to the existing service yard or associated access arrangements.

The previously proposed staff car park accessed off Kiln Croft Lane has been removed under the amended plans with staff parking taking place within the existing main retail car park. A survey on current utilisation of the existing main retail car park has been undertaken and this has shown that there is spare capacity which could accommodate car parking demand, both staff and customer, associated with this proposal.

Network Capacity

An estimate of the vehicular trip attraction of the proposed use of the site has been based on trip rates derived from the TRICS database.

The traffic generation for the proposed A1 (non-food) retail extension has been estimated for the traditional highway weekday morning and evening peak periods and Saturday midday peak period using survey information contained within the Trip Rate Information Computer System for year 2017 (year of application submission) and a sensitivity test in future year 2022.

As part of the assessment process it was imperative to ensure that the proposed retail development didn't result in severe harm (in terms of the tests within paragraph 109 of the Framework) to the operation of the surrounding highway network.

The above modelling has predicted that the proposed extension would generate around 6 two-way vehicle trips per hour during the traditional weekday morning network peak period (08:00-09:00) which is a minimal volume given existing traffic flows on the local road network and is not considered to be a material impact.

To assess the weekday PM peak and Saturday midday peak traffic impacts previously agreed figures contained within the Transport Assessment that supported the mixed-use retail development located to the north east of the Retail Park (planning application reference 16/0138M) were utilised. This predicts that the proposed extension would likely generate around 46 to 67 two-way vehicle trips per hour during the weekday evening peak period and around 101 to 103 two-way vehicle trips per hour during peak periods on a Saturday.

However, not all of these trips would be new to the highway network, with a relatively high proportion likely to be linked or pass-by along with some diverted trips. Accordingly, in the context of the Framework, and considering the significant number of trips that currently occur on the local road network, the applicant states that the increase in traffic flows associated with the proposed extension would not be noticeable to other road users or have a significant adverse traffic effect on the operation of nearby junctions.

Whilst the principle of this view is accepted, the potential effect of the proposed development on the local highway network has been considered in further detail below.

Additional standalone junction capacity assessments have taken place at the following junctions at Weekday PM and Saturday peak period using appropriate software (in brackets):

- Junction 1: Retail Park Ingress / Coppice Way (Roundabout Junction)
- Junction 2: Retail Park Egress / Coppice Way (Priority Junction)
- Junction 3: Retail Park Southern Access / Coppice Way / Long Marl Drive / A34 Access (Roundabout Junction)
- Junction 4: Retail Park Northern Access / Long Marl Drive / Handforth Dean Business Park/ A34 Access (Roundabout Junction).

These assessments estimate that the proposed development has the potential to increase peak hour two-way traffic flows at the site access junctions by around 1% to 3%. The applicant states that based on these results it is considered that the potential increase in traffic flows at the site access junctions would not be significant and would be acceptable in terms of the operation of the junctions once the development traffic flows have distributed onto the network. In the context of paragraph 109 of the Framework and the 'severe' harm test the Strategic Infrastructure Manager concurs with this view.

Highways conclusions

Accordingly, the estimated traffic impact from the proposal is considered to be acceptable from a network operation, access and parking provision perspective. The proposal is therefore considered to comply with policy DC6 of the MBLP, CO1 of the CELPS and H16 and H18 of the HNP.

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.

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, 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.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern, sustainable commercial properties. A condition is therefore recommended requiring the provision of electric vehicle charging points. Subject to this condition the proposal will comply with policy SE12 of the CELPS.

Contaminated Land

The submitted phase I site investigation report recommends further site investigations are carried out. The contaminated land officer agrees with this and recommends that it be proportionate to the risk and end use. Appropriate conditions are therefore recommended to secure further details relating to contaminated land.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and SE12 of the CELPS.

Flood Risk

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the Borough and provide opportunities to enhance biodiversity, health and recreation.

The LLFA and United Utilities have been consulted on the application. The LLFA have noted that the application is acceptable in principle. The key issue moving forward with this site is ensuring all surface water is drained within site boundary at a limited greenfield run-off rate listed within submitted FRA causing no adverse overland flooding with appropriate attenuation on site. The LLFA is aware of a potential local land drainage issue within the proximity of site boundary. Consequently conditions are recommended requiring a detailed drainage strategy to be submitted. Subject to these conditions the proposal will comply with policy SE13 of the CELPS.

CONCLUSIONS

The application proposes a retail use on a site allocated as existing employment land in the MBLP. Policy EG3 of the CELPS seek to retain employment land in employment use. In this case the site has a longstanding use as a retail park, and as such there will be no loss of employment land compared to the existing situation. The principle of retail development on this area of employment land is therefore considered to be acceptable in this case.

Whilst M&S have implemented a programme of store closures in town centres across the country in recent times, the proposal is not considered to have a significant adverse impact upon existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and does not have a significant adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment. It has also been demonstrated that there are also no sequentially preferable sites to the application site. The proposal therefore complies with the requirements of policy EG5 of the CELPS.

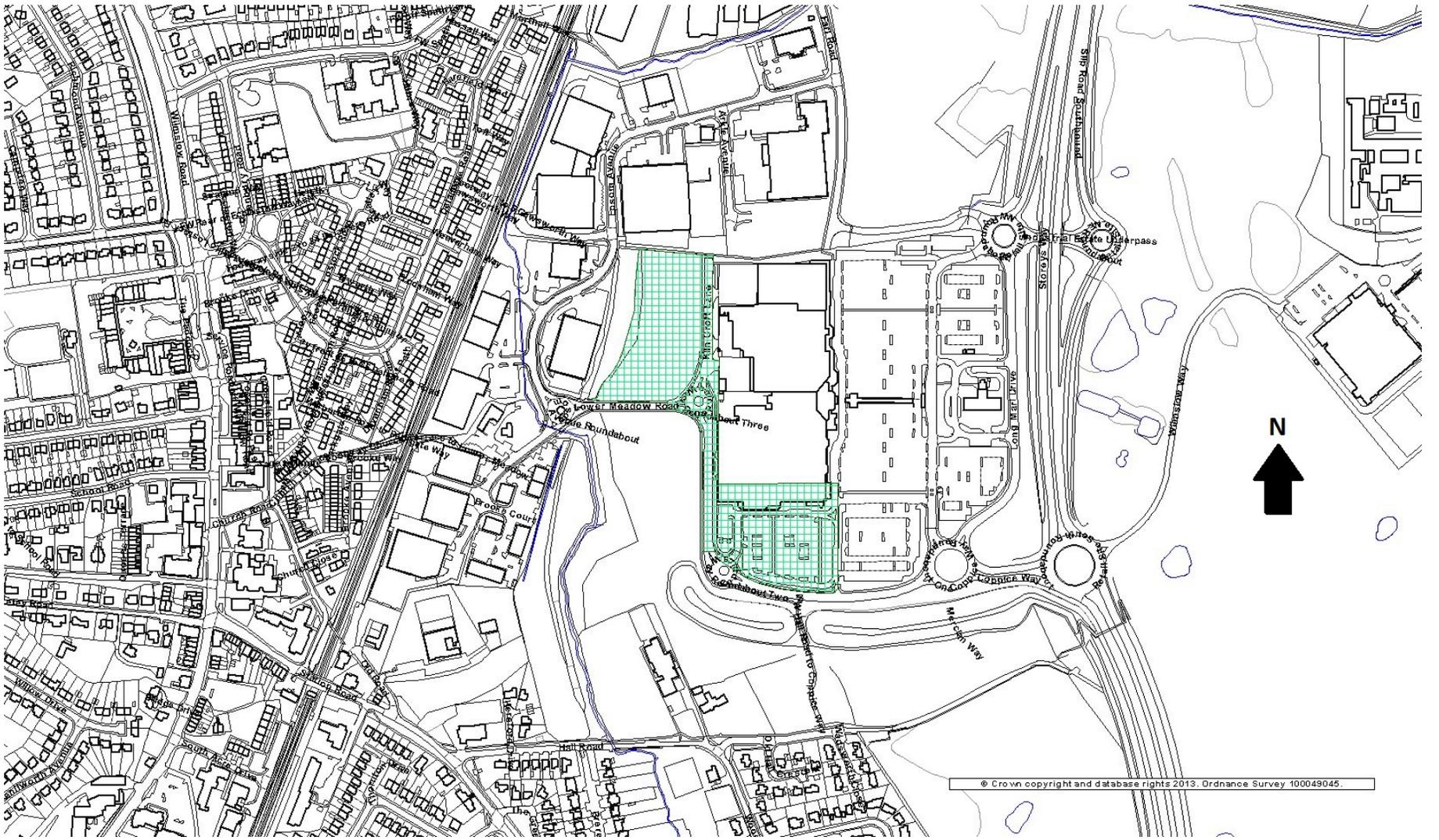
No significant highway safety, flood risk, air quality or residential amenity issues are raised by the proposal. Whilst the application has been submitted in outline with all matters reserved except for access, indicative plans have been provided that show that the development can be accommodated without undue impact upon then character of the area. However, the scale, layout, appearance and landscaping will be determined as part of a later reserved matters submission.

Accordingly, the application is recommended for approval subject to the following conditions:

RECOMMENDATION: Outline Approval

1. Submission of reserved matters
2. Time limit for submission of reserved matters

3. Commencement of development
4. Development in accord with approved plans
5. No subdivision of retail unit (as extended) - only to be occupied by one retailer
6. Floorspace shall not exceed 2450sqm, and shall be used for the sale of comparison goods only
7. Footway/cycleway improvements to be carried out
8. Detailed strategy / design and associated management / maintenance plan of surface water drainage to be submitted
9. Development to be carried out in accordance with submitted FRA
10. Electric vehicle infrastructure to be provided
11. Phase II ground investigation and risk assessment to be submitted
12. Verification Report prepared in accordance with the approved Remediation Strategy to be submitted
13. Imported soil tested for contamination
14. Procedures in event of unidentified contamination
15. At least 10% of predicted energy requirements from decentralised and renewable or low carbon sources



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Application No: 19/2489N

Location: BASFORD WEST DEVELOPMENT SITE, PLOT 1 CREWE COMMERCIAL PARK, JACK MILLS WAY, SHAVINGTON, CHESHIRE

Proposal: Full application for the erection of two units totaling 12,615 sqm (135,784 sqft) for Use within B1(b) (Research and Development), B1(c) (Light industry), B2 (General Industrial) and B8 (Storage and Distribution), with ancillary office use, associated car parking, service areas, fencing and landscaping at Basford West Strategic Site at Jack Mills Way, Crewe

Applicant: Crewe Land Unit Trust

Expiry Date: 23-Aug-2019

SUMMARY

This is a full application for a development of two new warehouse / distribution units incorporating two storey office facilities providing total floor space of 12,615 sq. m.

The site is an integral part (plot 1) of the area known as Basford West which is identified for residential and employment development by the CELPS under Policy LPS 3. The provision of employment development is the principle overriding objective of the Basford West site and the delivery of the employment elements of the site are considered to be of vital importance to the delivery of "All Change for Crewe : High Growth City".

The principle of significant employment development and associated infrastructure has been established under outline planning approval 14/0378N. It is considered critical that this vital scheme is progressed as this strategic site makes an important contribution to employment provision in line with the main objectives of Cheshire East employment policy which seek to encourage growth in the Borough through a sustainable pattern of development by ensuing an appropriate balance between the creation of jobs with services, facilities and housing.

The proposal is considered to be of an acceptable scale, layout and design and includes appropriate landscaping. The buildings are set back from Jack Mills Way by over 80m with a substantial area of existing earth screen bunding, water attenuation ponds and landscaping.

The proposals are acceptable in highway terms and will not adversely affect the amenities of nearby properties in terms of noise or disturbance. The implementation of the submitted landscaping scheme and ecological mitigation ensures their overall acceptability.

On the basis of the above, it is considered that the proposal represents sustainable development in accordance with the Development Plan and is recommended for approval.

SUMMARY RECOMMENDATION

Approval subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The application relates to Basford West which is a strategic site allocated for residential and employment development under Policy LPS 3 of the Local Plan Strategy.

Outline planning approval (14/0378N) was granted on the eastern portion of the Basford west site for 96,851 square metres of B2 and B8 uses incorporating office accommodation in July 2014. Access to the employment area was approved from the southern roundabout on Jack Mills Way.

The application site known as Plot 1 occupies the northernmost part of the Basford west employment area. It is located to the east of John Mills Way, which is the spine road, running north/south through the strategic development site.

Residential development has detailed approval on the opposite (western) side of Jack Mills Way and which is currently being implemented by Taylor Wimpey. It is screened from the employment area by planting and landscaped bunding.

The West Coast Main Railway Line and Basford Hall Sidings lie beyond a landscaped area which is to be implemented alongside the eastern site boundary. Landscaped areas incorporating SUDS drainage ponds adjoin the northern boundary of the application site.

The southern site boundary adjoins plot 2/3 of the employment area which is itself the subject of a separate application location for a warehouse and distribution unit (18/1049N) and which is still under consideration.

An approved scheme of earthworks was completed across the employment areas last year, and which has created a level development plateau for the proposed development of Plot 1.

DETAILS OF PROPOSAL

This is a full application for a development occupying Plot 1 of the Basford West employment area comprising two new warehouse / distribution units incorporating 2 storey office facilities providing a total floor space of 12,615 sq. m.

A full application is submitted as access to Plot 1 is proposed from the northern roundabout on Jack Mills Way via a new fourth arm access which was approved under 18/5599N earlier this year. In addition the proposed layout of the development within Plot 1 has the potential to result in a small increase in the total floor space at Basford West specified by the outline approval.

Unit 1B occupies the narrowest part of the site to the north of the site access road and is the smaller of the two buildings with floor space of a 4,023 sq. m. Unit 1A is sited on the southern

side of the access road and will provide floorspace of 8,592 sq. m. The proposed maximum building heights, to roof ridge levels, are 16m for Unit 1A and 12.75m for Unit 1B.

The building is orientated to ensure glazed office two-storey office elements face towards Jack Mills Way on either side of the access road. Warehouse elevations are constructed with trapezoidal profiled metal cladding used in both vertical and horizontal orientations and of contrasting colours.

The development has been based on low energy design principles through minimising energy demand and through incorporating Photovoltaic Panel installation on each unit to provide at least 10% of the development's total predicted energy consumption.

The proposals also include rear service yards and loading docks, with the development being accessed via an access road leading from the new arm of the northern roundabout on Jack Mills Way. Docking facilities are provided within the service yards to the long side of the buildings, creating separate goods in and dispatch facilities. The car parking areas are located to the front side of the office elevations to both units, segregated from the goods vehicle entrances.

Landscaping is proposed within the car parks and along the access road to the frontage of the development and alongside the northern and eastern boundaries of the site to strengthen existing landscape infrastructure and planting.

The proposals also include 2.4m high security fencing, , smoking shelters, galvanised steel water storage tanks (10m diameter x 6.0m high) for a fire fighting sprinkler system, and the potential provision of vehicle wash and refuelling facilities (subject to future occupier application).

RELEVANT PLANNING HISTORY

18/5599N - Full planning application for new fourth arm access off existing northern roundabout into Basford West Strategic Site at Jack Mills Way, Crewe - Approved 08.02.019

18/1601N - Non-material amendment to 14/0378N - Approved 20.9.2018

18/1191N - Non-material amendment to approved application 14/0378N – Approved 23.8.2018

18/1049N - Approval of reserved matters (appearance, landscaping, layout and scale), pursuant to 14/0378N - undetermined

18/0475N - Approval of reserved matters (access and landscaping), pursuant to 14/0378N of the Basford West development site, Crewe Road, Crewe - Outline planning application for B2 (general industry) and B8 (storage and distribution) comprising 1,042,500 sq ft with ancillary offices and maximum storey height of 18m, and associated works including construction of new spine road with access from Crewe Road and A500, creation of footpaths, drainage including formation of swales, foul pumping station, substation, earthworks to form landscaped bunds and landscaping. – Approved 2.5.2018

18/0377N - Approval of reserved matters (access and landscaping), pursuant to 4/0378N of the Basford West development site, Crewe Road, Crewe Approved 1.5.2018

18/0156N - Non material amendment to application 14/0378N – Approved 13.4.2018

17/3374N - Approval of reserved matters (appearance, landscaping, layout and scale), pursuant to 14/0378N for phase 1 of the Basford West development site, Crewe Road, Crewe – Approved 3.1.2018

17/1071N - Construction of road to provide access to approved development plots within Basford West Development site. – Approved 07/04/2017

17/1360N - Erection of a Pub/Restaurant including managers flat, car parking and ancillary works – Approved 06/07/2017

15/2943N - Reserved Matters application pursuant to outline planning permission ref. 13/0336N for the construction of 370 dwellings, associated on site highways infrastructure, car parking and pedestrian routes, formal and informal open space provision and associated works. Approved 24/09/2015

14/0378N - Outline planning application for B2 (general industry) and B8 (storage and distribution) comprising 1,042,500 sq ft with ancillary offices and maximum storey height of 18m, and associated works including construction of new spine road with access from Crewe Road and A500, creation of footpaths, drainage including formation of swales, foul pumping station, substation, earthworks to form landscaped bunds and landscaping - Approved 18/07/2017

POLICY

Cheshire East Local Plan Strategy (CELPS)

LPS3 Basford West, Crewe
MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
EG1 Economic Prosperity
EG3 Existing and Allocated Employment Sites
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport

CO2 Enabling Business Growth Through Transport Infrastructure
CO4 Travel plans and transport assessments

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

Borough of Crewe and Nantwich Replacement Local Plan

NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.10 (New Woodland Planting and Landscaping)
NE17 (Pollution control)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
TRAN.3 (Pedestrians)
TRAN.4 Access for the Disabled)
TRAN.5 (Cycling)
TRAN.6 (Cycle Routes)
RT.9 (Footpaths and Bridleways)

Weston and Basford Neighbourhood Plan

The Weston and Basford Neighbourhood Plan was made on the 16 November 2017.

LC2 - Landscape Quality, Countryside and Open Views
LC3 - Woodland, Trees, Hedgerows and Walls
LC5 - Footpaths
D2 - Environmental Sustainability of buildings
D3 - Employment Development
D5- Adapting to climate change
T1 - Footpaths, Cycle ways and Bridleways
T2 - Traffic Congestion
T3 - Improving Air Quality
T6 - Cycle parking

Other Material Considerations

National Planning Policy Framework (2019)
National Planning Practice Guidance

CONSULTATIONS

Environmental Health: No objection subject to conditions in relation to contamination and provision of Ultra Low Emission Boilers, and

informatives in relation to hours for construction, piling, floor floating and dust management plan.

Highways: No objection

Public Rights of Way (PROW): No objection

United Utilities: No objection subject to a condition requiring the implementation of the drainage scheme.

Flood Risk: No objection in principle but further clarification of measures for the storage of surface water within the site is required.

Natural England: No objection

HS2 Ltd : No objection

Network Rail: No objection subject to standard informatives

VIEWS OF THE PARISH / TOWN COUNCIL:

Weston Parish Council: No objection

OTHER REPRESENTATIONS:

None received

OFFICER APPRAISAL

Principle of Development

These proposals directly relate to the Basford West strategic site which is identified for employment and residential development under Policy LPS 3 of the Cheshire East Local Plan Strategy (CELPS). This sets out that the provision of employment development is the principal and overriding objective of the Basford west site, and of importance in supporting the aims of “All change at Crewe : High Growth City”.

The site is also identified in the Weston and Basford Neighbourhood Plan as a strategic allocation.

In addition the principle of employment development and access from Jack Mills Way was established following the approval of the outline application 14/0378N in July 2014. Significant components of the Basford West development have now been delivered including its spine road, (Jack Mills Way) which links the site to the A500 , together with significant landscaping and green infrastructure.

Design and Context

The Outline planning approval established the principle of siting large industrial buildings within the Basford West employment area, and set out approved parameters including the maximum building height is limited to 18 metres across the site.

CELPS Policy SE1 advises that new development will only be permitted so long as it would achieve a high standard of design. In particular development should have due regard to the site and wider setting in respect to layout, movement and connections, scale and height, landscape character, townscape character and in their appearance both in terms of architectural quality and materials. These requirements are reflected by Policy D3 of the Neighbourhood Plan.

The proposal seeks the erection of a pair of adjacent warehouse units incorporating ancillary office accommodation within the narrowest and northernmost part of the Basford West employment area.

The structure of the proposed warehouses consist of long spanning steel portal frames, creating large column free internal areas, for maximum flexibility of the internal spaces. The roofs of each unit are designed with shallow pitched profiles, with a maximum height of 16m for Unit 1A and 12.75m for Unit 1B which accords with the outline planning consent for the employment area which sets a maximum building height parameter of 18.0m. This effectively reduces the impact of the development on the skyline.

The development is designed to provide an office frontage to Jack Mills Way, with service yards facing the railway to the eastern boundary. The buildings are set back from Jack Mills Way by over 80m with a substantial area of existing earth screen bunding, water attenuation ponds and landscaping.

The two-storey office elements are accommodated within corners of each building which lie adjacent to the site access road, to provide glazed frontages at prominent focal points from the roundabout access and Jack Mills Way. The warehouse elevations are constructed with profiled metal cladding used in both vertical and horizontal orientations utilising a simple colour palette with darker office elements which also incorporate glazed curtain walling and contrasting feature colours.

Together with the office elements, the different profiles and contrasting colours of the cladding materials add visual interest to elevations and help reduce the overall massing and visual impact of these buildings.

As a result of the above, it is considered that the layout, form, scale and appearance of the proposal would be acceptable given the context of this large development site, and would therefore accord with the principle of Policies LPS 3 and SE1 of the Local Plan Strategy.

Highways

The development will be served by single point of access connecting to a new fourth arm off the nearby roundabout on Jack Mills Way. The Head of Strategic Infrastructure has determined that the capacity assessments undertaken confirmed that Jack Mills Way would not suffer from capacity problems as a result of the development within Plot 1. The remainder

of the Basford West employment area will continue to be accessed from the southerly roundabout on Jack Mills Way near the A500 as originally approved.

The proposed access road from Jack Mills Way is an industrial access road of 7.3m width and has a footway/cycleway on both sides of the access up to the building frontages and car park access road. There are a total of 144 car parking spaces, 7 disabled and 4 electric spaces on the site with 43 HGV spaces. The level of parking is compliant with CEC car parking standards. There is also provision for cycle parking is 30 Sheffield type stands in total shared between the sites located in front of the building entrances.

In summary, it is considered that the traffic impact on the local highway network arising from the development and its proposed access arrangements would not result in any capacity or traffic management issues. The submitted site layout and proposed parking provision is considered to be acceptable and the Head of Strategic Infrastructure has raised no objections to the application.

Amenity

The impact of noise impact arising from the operation of the Employment Area was considered during the determination of the outline application. It was determined at the outline stage that operational noise levels from the employment development would be acceptable in the day and night-time periods at the adjacent residential development beyond Jack Mills Way and all existing residential properties.

Furthermore, proposed noise mitigation measures including the 3m high bunding alongside Jack Mills Way, has been provided, reducing the effects of both road traffic and operational noise in the locality.

An acoustic report has been submitted in support of this application. This has been assessed by the Council's Environmental Health Officer who has advised that the impact of noise from HGV movement, Staff parking and installed plant from the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for the assessment of the noise source.

The acoustic report recommends that no specific noise mitigation measures are necessary as noise generated from the development is shown to be within acceptable guidelines (WHO) and the operation of the site would not have an adverse affect on the noise climate of the locality. The Environmental Health Officer confirms that the methodology used for assessing noise of this nature is acceptable and the conclusions of the report are acceptable.

The outline approval for the Basford West site includes a condition requiring an Environmental Management Plan covering noise and disturbance, waste management and dust generation during it is therefore recommended that to safeguard the amenities of neighbouring properties during construction that a condition requiring the submission of and approval of an Environmental Management Plan is imposed.

Landscape

The outline planning approval determined that a scheme for woodland/landscape and SUDs (sustainable urban drainage) area, sited between the employment land and the housing area on the western side of Jack Mills Way was acceptable, and would achieve the highest degree of buffering without significantly compromising the viability of the scheme. This scheme has since been implemented and is considered to provide a robust landscape structure for the development and an appropriate landscape for this important gateway into Crewe.

The Council's Landscape Officer has assessed proposals and considers that the scale of development would not have an unacceptable visual impact along Jack Mills Way or in the wider locality, given the extensive landscaping and planting alongside the employment area and that to be provided along the northern and eastern site boundaries. In addition amended plans have been submitted providing further tree planting alongside the site access road which further softens and filters views of the buildings from the roundabout junction on Jack Mills Way.

Ecology

The Basford West site has been subject to protected species surveys, and mitigation strategies have been implemented on-site in respect of bats, badgers and great crested newts. The outline approval (14/0378N) secured the provision of ecological mitigation areas on the western part of the broader Basford West site and most recently alongside Jack Mills Way. Further mitigation, including wildlife ponds will be provided alongside the southern and eastern boundaries of the employment area boundaries.

The Ecological Assessment supporting this application has been assessed by the Council's Ecologist and the following issues have been addressed.

Mere Gutter with Basford Brook Local Wildlife Site

This wildlife site is located to the north of the proposed development, supports one of only a very small number of populations of White Clawed Crayfish remaining in Cheshire and this species is very sensitive to water quality changes. However surface water from the development will be directed towards the existing attenuation ponds and therefore crayfish and the Local Wildlife Site will not be adversely affected.

Badgers

An updated badger survey has been undertaken and the proposed development is not likely to have an effect on any of the badger setts known to occur in this locality.

Bats

Small numbers of bats were recorded previously foraging around site. The previous site clearance means limited suitable habitat for foraging bats remains. The proposed development is therefore unlikely to affect foraging bats. Whilst the Council's Ecologist raised concerns in relation to proposed lighting levels and impacts on roosting bats, badgers and wildlife in general, further assessment revealed that the mitigation area is currently subject to significant light pollution from the flood lighting of the adjacent Network Rail site. It is

therefore considered that the proposed lighting of the scheme is unlikely to have an effect on nature conservation interests.

Landscape Habitat Management Plan

A Condition of the Outline Approval for the Basford West employment area requires the submission of a habitat and landscape management plan to accompany each Reserved Matters application. As a result, and to ensure consistency with the requirements of the outline approval, the Council's Ecologist recommends that a condition should be imposed for the submission of a habitat and management plan in support of these proposals. .

Nesting Birds

Conditions are recommended to safeguard nesting birds and to ensure some provision is made for nesting birds as part of the proposed development:

In summary, it is considered that the ecological impact arising from the proposals as development of the application site can be satisfactorily mitigated.

Air Quality

An Air Quality Report has accompanied the application and 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 concludes that the impact of this development, subject to appropriate mitigation, will be negligible for all monitored pollutants, with two of the ten receptors seeing a slightly adverse impact. However, the Council's Environmental Protection Officer advises that some of these receptors are located within two nearby Air Quality Management Areas (AQMAs).

As a result, the Environmental Protection Officer considers that appropriate mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

A framework travel plan document has been submitted in support of the application, setting out the objectives of a detailed Travel Plan that will need to be prepared at a later stage as although the scale and purpose of the proposed development is known, the end occupier has yet to be confirmed. Consequently, the travel behaviour of staff and visitors cannot be identified at this stage. Therefore a condition is recommended to ensure the future submission and approval of a Travel Plan.

The proposals have also been amended to include the provisions of satisfactory electrical vehicle charging infrastructure within the site equating to around 10% of parking spaces being available for electric vehicle. In addition, the applicant has confirmed that ultra low NOx emission boilers will be installed within the development and this will be secured by a planning condition.

The Environmental Protection Officer considers that the provision of the proposed measures will satisfactorily mitigate the impact of the proposed development on air quality.

Flood Risk

No objections are raised to the proposal by the Environment Agency or United Utilities subject to a planning condition requiring that approved drainage scheme is implemented.

The overall drainage arrangements for the Basford West employment area were determined to be acceptable in principle following the consideration the outline application 14/0378. The drainage strategy set out that surface water of each plot would discharge into attenuation basins and the SUDS network along Jack Mills Way, and which have been provided.

However, following consideration of the Flood Risk Assessment accompanying this application, the Councils Flood risk Manager has requested further detailed clarification of measures for the storage of surface water within the site. Further information is to be submitted by the applicant for consideration by the Flood Risk Manager and Strategic Board will be updated accordingly.

CONCLUSION

The site is an integral part of the Basford West strategic site which is identified for residential and employment development by the CELPs under Policy LPS 3. The provision of employment development is the principle overriding objective of the Basford West site, and the delivery of the employment elements of the site are considered to be of vital importance to the delivery of “All Change for Crewe – High Growth City”.

The principle of significant employment development and associated infrastructure also been established under outline planning approval 14/0378N. It is considered critical that this vital scheme is progressed as this strategic site makes an important contribution to employment provision in line with the main objectives of Cheshire East employment policy which seek to encourage growth in the Borough through a sustainable pattern of development by ensuring an appropriate balance between the creation of jobs with services, facilities and housing

The proposal is considered to be of an acceptable scale, layout and design and includes appropriate landscaping. The proposals are acceptable in highway terms and will not adversely affect the amenities of nearby properties. The implementation of the submitted landscaping scheme and ecological mitigation ensures their overall acceptability.

On the basis of the above, it is considered that the proposal represents Sustainable development in accordance with the Development Plan and is recommended for approval.

RECOMMENDATION

APPROVE Subject to the following conditions:

- 1 Standard 3yr start**
- 2 Development in accordance with approved plans**
- 3 Submission of materials**
- 4 Implementation of landscaping**

- 5 Implementation of electric vehicle infrastructure
- 6 Implementation of cycle parking provision
- 7 Submission of Travel Plan
- 8 Implementation of Drainage scheme
- 9 Installation of Low Emission NOX boilers
- 10 Contaminated Land - Works to stop if unexpected contamination is discovered
- 11 Submission of Construction & Environmental Management Plan
- 12 Submission of Habitat and Landscape Plan
- 13 Protection of breeding birds
- 14 Incorporation of features into the scheme suitable for use by breeding birds

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 Development Management 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.



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Application No: 19/3162C

Location: Land South of, Waggs Road, Congleton, Cheshire

Proposal: Outline planning application for the erection of up to 98 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from Waggs Road. Footpath and carriageway improvements along Waggs Road fronting properties between 75 and 89 Waggs Road. All matters reserved except for means of access.

Applicant: Gladman

Expiry Date: 03-Oct-2019

SUMMARY

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.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Policy PS8 of the Congleton Borough Local Plan as the development would result in a loss of open countryside. The proposal has also been supported by insufficient/out of date information in which to inform an assessment of the full highway impacts associated with the proposal which is contrary to Policies SD1, SD2, SC3, CO1 & CO4 of the Cheshire East Local Plan and Saved Policies GR9, GR10 and GR18 of the Congleton Borough Local Plan. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to these factors.

The development would also result in some visual harm to the landscape given that it seeks to develop a site in the countryside that is currently free from built form and this factor is given moderate weight. The proposal would also result in the loss of agricultural land. This factor is given limited weight.

The development would provide benefits in terms of affordable and open market housing provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers. These factors can be given moderate weight.

The development would have a neutral impact upon education, protected species/ecology,

flooding, living conditions, landscape, trees, design, air quality and contaminated land.

It is not considered that the benefits outweigh the adverse impacts and there are no material considerations which outweigh the harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

The application seeks outline planning application for the erection of up to 98 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from Waggs Road. Footpath and carriageway improvements are also proposed along Waggs Road fronting properties between 75 and 89 Waggs Road.

All matters are reserved except for means of access. Access, both vehicular and pedestrian would be taken from a single point adjacent to No.124 Waggs Road.

The framework and illustrative plans shows that the north western corner of the site is to be retained as an area of public open space and a child's play area to the southern boundary.

SITE DESCRIPTION

The application site comprises an irregular parcel of greenfield land, 4.03 hectares in size, situated to the south of Waggs Road and Meadow Avenue, Congleton. The land is designated as being within the open countryside in the adopted local plan.

The land is in agricultural use. There are native hedgerows on the northern boundary with the existing housing development, a bank top hedgerow on the western boundary with Fol Hollow and a hedge and trees on part of the southern boundary in the vicinity of New Bank Farm. The remainder of the southern boundary and the eastern boundary are largely open giving views towards the hills. The site is divided by a continuous central hedge running north-south and there are two mature field oak trees near to the proposed site entrance.

Public Footpath No.6 runs along the eastern boundary of the site.

The north western corner of the site slopes steeply down several metres to Waggs Road where there is a large amount of mature vegetation and this is a valuable habitat for protected species.

RELEVANT HISTORY

17/0195C – The erection of 104 residential dwellings, including open space, together with associated works including landscaping, the formation of access, site works, necessary engineering works to facilitate highway and footway improvements to Waggs Road and other necessary works – Refused 19-Apr-2017 for the following reasons:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PS8 (Open Countryside), GR1 (New Development), GR2 (Design), H6 (Residential Development in the Open Countryside and the Green Belt) of the Congleton Local Plan, Policies PG5 (Open Countryside) and SD1 (Sustainable Development in Cheshire East) of the emerging Cheshire East Local Plan Strategy 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. As such it creates harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The visibility of an existing access opposite the proposed site access has been affected by the revised access plans and the visibility has been reduced to an unacceptable distance, rendering the access unsafe and unsuitable for the existing residents. The reduced carriageway widths and on-street parking on Waggs Road and Fol Hollow are existing issues. However the inadequate infrastructure that provides access to the site and local schools is considered not to be of a satisfactory standard to support further major development proposals whose generated traffic will have a direct impact on both Waggs Road and Fol Hollow. As a result the development would have a severe adverse impact on Waggs Road and Fol Hollow, due to the sub-standard nature of these two highway routes. This severe adverse impact would significantly and demonstrably outweigh the benefits of the scheme namely housing land supply. The development is therefore contrary to Policies GR1 (New Development), GR2 (Design), GR3, GR7, GR9 (New Development), GR10 and GR18 (Traffic Generation) of the adopted Congleton Borough Local Plan, Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SC3 (Health and Well-being), C01 (Sustainable Travel and Transport) of the Emerging Cheshire East Local Plan and the requirements of the NPPF*

16/25025 – EIA screening opinion for the proposed development of 104 no. dwellings, public open space, access and landscaping – approval not required 24-May-2016

13/3764C – The erection of 104 residential dwellings, including open space, together with associated works including landscaping, the formation of access, site works and other necessary works – Refused 10-Dec-2013 and dismissed at appeal APP/R0660/A/14/2214018 for the following reason:

The proposed development is located within Open Countryside and would have a severe adverse impact on Waggs Road and Fol Hollow due to the sub-standard nature of these two highway routes. This severe adverse impact would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies GR1(V), GR18, PS8 and H6 of the Congleton Borough Local Plan First Review 2005 and to a core planning principle of the National Planning Policy Framework (paragraph 17), which recognises the intrinsic character and beauty of the countryside.

13/30785 – Environmental Impact Assessment Screening Opinion for 104 Dwellings together with associated access roads, footpaths, parking and amenity planting and the provision of public open space/play areas – Approved 20-Nov-2013

20958/1 & 20956/1 – 8 NEW HOUSES – Refused 02-May-1989 for the following reason:

1. *the proposed development would be contrary to the policies and proposals contained in the recently approved congleton town local plan.*
2. *the site lies outside any area proposed for development and would represent an undesirable intrusion into the agricultural and rural surrounding to the town.*
3. *adequate supplies of land for housing to meet the requirements of the town for the next five years at least.*

DIFFERENCE BETWEEN THE PROPOSAL AND REFUSED SCHEMES

The current proposal seeks a reduction in the total number of houses proposed with subsequent alterations to the previous illustrative layout.

The proposal also seeks to improve the off site highway improvement/widening works.

NATIONAL & LOCAL POLICY

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS).

Cheshire East Local Plan Strategy (CELPS):

- MP1 – Presumption in Favour of Sustainable Development
- PG1 - Overall Development Strategy
- PG2 – Settlement Hierarchy
- PG6 - Open Countryside
- PG7 – Spatial Distribution of Development
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE3 – Biodiversity and Geodiversity
- SE5 – Trees, Hedgerows and Woodland
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE3 – Biodiversity and Geodiversity
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE 3 - Biodiversity and Geodiversity
- SE9 - Energy Efficient Development,
- SE12 - Pollution, Land Contamination and Land Instability
- SE 13 - Flood Risk and Water Management
- SE 6 – Green Infrastructure
- IN1 – Infrastructure
- IN2 – Developer Contributions

IN1 – Infrastructure

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

Congleton Borough Local Plan Saved Policies (CBLP):

PS8	Open Countryside
GR6-8	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR16	Footpath, Bridleways and cycleway networks
GR17	Car parking
GR18	Traffic Generation
GR 22	Open Space Provision
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
DP9	Transport Assessment

Congleton Neighbourhood Plan (CNP) – Plan withdrawn from examination so carries no weight

National Planning Policy Framework

The relevant paragraphs include;

- 17 - Core planning principles
- 47-50 - Wide choice of quality homes
- 55 - Isolated dwellings in the Countryside
- 56-68 - Requiring good design

CONSULTATIONS

CEC Highways: Object as the submitted a Transport Assessment that assesses the impact of development on the road network has been based on traffic flows and speeds surveyed in 2013 which is not acceptable when considering the development impact in 2019. Therefore up to date survey data is required to take into account any changes in traffic flow patterns on Waggs Road and Fol Hollow and also a check on current vehicle speeds.

CEC Flood Risk Manager: No comments received at the time of writing the report

CEC Environmental Health: Recommend conditions/informatives regarding working hours for construction sites, piling, dust, electric vehicle charging, boilers and contaminated land

CEC Education: No objection subject to developer contribution of £485,873 towards primary, secondary and Special Educational Needs (SEN).

CEC Housing: No objection subject to provision of 30% affordable housing. The exact mix and tenures can be finalised at the Reserved Matters stage.

CEC ANSA: Proposal requires the provision of 20m² amenity green space per dwelling, 20m² children's play space per dwelling, provision of a community allotment/orchard measuring 500m² and a contribution of £1,000 per family dwelling for improvements to outdoor sports

CEC Public Rights of Way (PROW): No objection subject to conditions/informatives requiring new residents to be provided with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted. Also advisory notes reminding the applicant of their obligations.

NHS England: No comments received at the time of writing the report

United Utilities: No objections subject to conditions regarding surface water and foul drainage

Ramblers Association: No comments received at the time of writing the report

Environment Agency: No comments received at the time of writing the report

VIEWES OF THE PARISH/TOWN COUNCIL

Congleton Town Council: Objection on the following grounds:

- Local, strategic, regional and national planning policies
- Previous planning decisions (including appeal decisions)
- Layout and density of buildings
- Noise and disturbance
- Highway and safety issues
- Traffic generation
- Vehicular access
- Nature conservation
- Intrusion into Open Countryside/Green Belt
- Risk of potential flooding
- Safer routes to school and general safety
- Traffic statements to take into account junction assessments at the bottom of Foll Hollow and into Town via Waggs Road. Also the traffic surveys to include information gathered at the beginning and end of the school days in addition to normal rush hour times
- In conflict with the draft neighbourhood plan

REPRESENTATIONS

283 letters of objection received regarding the following:

- Road and pedestrian safety
- Harm to character/appearance of the area
- Loss of amenity
- Loss of open countryside
- Not required to deliver the local plan housing

- Previously refused appeal
- Outside of the settlement
- Not sustainable location
- Impact on the future Congleton link road
- Impact on local infrastructure and services (schools, health, roads)
- Flooding
- Air quality
- Loss of landscape
- Loss of wildlife
- Merging of settlements
- Loss of trees/hedgerows
- No one bedroom units proposed
- Loss of agricultural land

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighborhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

SOCIAL SUSTAINABILITY

Affordable Housing

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of up to 98 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 29 Affordable Dwellings to be provided, 19 units should be provided as Affordable/Social rent and 10 units as Intermediate tenure.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

Policy SE6 of the Cheshire East Local Plan Strategy seeks to deliver a good quality and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits.

The Design and Access Statement submitted with this application states that the development would provide 1.19 hectares of land dedicated to formal and informal open space with the north western corner of the site retained as an area of public open space and a child's play area to the southern boundary.

Play/green space

In accordance with Policy SE6 the development needs to provide:

1960m² amenity green space (AGS) – defined as 'most commonly, but not exclusively in housing areas, inc. informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens'

1960m² children's play space – defined as 'including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas – for example 'hanging out' areas, teenage shelters'

The play and amenity green space should:

- Follow FiT guidance
- provide LAP's and a NEAP for all ages (minimum 1000m²) with associated freeplay / kickabout space
- be moved to a central location – currently sits on the southern boundary
- have good surveillance from overlooking properties
- be located to meet minimum buffer distances, away from roads and hazards and avoid conflict with future residents
- be enclosed to avoid problems with dogs, roads, water bodies etc. if necessary dependant on the design
- have good hard surfaced pedestrian access and be an inclusive facility with the play area being predominately flat
- include amenity greenspace and landscaping with seats and features for the wider community

Although the development framework plan shows the plan as providing 9,900m² AGS much of this is landscaping for the retention of existing trees/hedgerows, buffer planting and SUDS. However, this will contribute to the Green Infrastructure Connectivity requirement.

ANSA have been consulted who advise that the area of open space to the west, as in the previous application, does not flow. They suggest consideration is given to the removal of 3 properties and re-orientation of the fourth most southerly to give open purposeful entrance to the site. Again the current layout creates a narrow pinch point which has a potential to cause nuisance to the residents living the those plots. These comments are noted however as the proposal is submitted in outline form it is considered that this could be addressed at reserved matters stage once the layout has been fixed.

In addition to the above, the Green Space Strategy identifies a shortage of allotments therefore space allocated for allotments/community food production should be provided. Allotments are not practical on this site therefore ANSA suggest approximately 500m² uncontaminated land, preferably set away from roads should be allocated for community food growth. This could be in the form of a community allotment/orchard, herb gardens, raised beds etc. – ultimately once the community is established it will be for the community to decide.

Outdoor sport

Policy SE6 & SC2 also require major developments (10 or more) contribute through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development. Therefore, a financial contribution of £1,000 per family dwelling is sought for improvements to outdoor sports in line with the recently updated Playing Pitch Strategy. Please note this figure is subject to change.

Indoor sport

In line with the Indoor Built Facility Strategy there should be a focus on improvement of provision at Congleton Leisure Centre (IBFS Page 40). 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 may not be sufficient to require substantial indoor facility investment through capital build there is currently a need to continually improve the quality and volume of health and fitness opportunities at the Leisure Centre to accommodate localised demand for indoor physical activity.

In this case the proposal would require the following contribution towards indoor sport based on 98 dwellings:

- 98 dwellings at 1.61 people per residence = a population increase of 158
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East = 67 additional “active population” due to the new development at Waggs Road, Congleton
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional equivalent 2.7 stations or their financial equivalent (one fitness station equivalent of £6,500). Total contribution requested £17,550

The above contributions towards open space, allotments and sports facilities can be secured as part of a S106 Agreement.

Education

A development of up to 98 dwellings is forecast to generate 18 primary, 15 secondary and 1 SEN school children.

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

$18 \times £11,919 \times 0.91 = £195,233$

$15 \times £17,959 \times 0.91 = £245,140$

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £485,873

As such there is a requirement for a contribution from this development towards school provision and the sum of £485,873 will be secured as part of a S106 Agreement.

Health

There are 3 medical centres in Congleton within 1 mile of the site and according to the NHS choices website these practices are currently accepting patients.

The South Cheshire Clinical Commissioning Group (CCG) have also been consulted to advise on capacity and whether or not any contributions are required towards medical provision. These were not available at the time of writing the report but will be provided in the update report.

Any requirement for medical provision will be secured as part of a S106 Agreement.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities 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.

An assessment detailing the proximity of the site to the services within the tool kit has not been provided however and brief assessment has been made by the case officer. The site is located 780m to the nearest bus stop of Newcastle Road however this is not assessable by public footpath. The site is also located 1100m to the nearest bus stop on West Street. Whilst this is assessable by public footpath it is quite narrow in places and was noted as a concern by the planning inspector for the appeal that was dismissed ref APP/R0660/A/14/2214018 where the inspector stated:

"Whilst town centre facilities, services and transport links would be nearby, access to these facilities by pedestrians would in the majority of cases be along the sub-standard footways of Waggs Road. The proposed road junction would fail to provide safe highway conditions"

As a result it is clear that the site is outside of those distances as recommended in the checklist and would likely result in future occupants relying on motor vehicles in which to reach local services and amenities. However it is noted that the planning inspector considered that "facilities, services and transport links would be nearby", suggesting that he considered the proximity of the site to be within acceptable levels.

Whilst the Council does not necessarily agree with this view given the distance of the site to services, the physical location of the site remains unchanged since the appeal decision, therefore it would be difficult to argue this point based on the comments of the Inspector.

Whilst locational sustainability is not considered to be the determinative factor in its own right it does nevertheless weigh against the proposal in the overall planning balance.

ENVIRONMENTAL SUSTAINABILITY

Housing Mix

Paragraph 61 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with

disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes’.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses

A condition could be imposed to secure a mix of house types at the reserved matters stage.

Residential Amenity

The main residential properties affected by this development are properties to the east of the site on Waggs Road (124-102) & 17-7 Meadow Avenue, property to the south New Bank Farm and properties to the north 139-135 Waggs Road.

The application is in outline form and the indicative layout suggests that adequate interface distances could be achieved without causing significant harm to neighbouring properties.

Whilst the final layout will not be set until reserved matters stage, it does appear that the site could accommodate the number of dwellings proposed.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

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 whilst Policy H2 of the SNP states that development should not cause unacceptable air pollution. This is in accordance with paragraph 170 of the NPPF and the Government’s Air Quality Strategy.

This outline proposal is for the residential development of up to 98 dwellings and has been supported by an Air Quality Assessment. This has been reviewed by Environmental Protection Officers who advise that the proposed development is considered significant in that it is likely to change traffic patterns and congestion in the area.

However, should, on balance, the application be recommended for approval, Environmental Protection Officers consider the following conditions necessary to ensure that local air quality is not adversely impacted for existing and future residents:

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure

- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Public Rights of Way (PROW)

According to the legal record of Public Rights of Way, the proposed development appears to be adjacent to Public Rights of Way, namely Footpaths No. 6 and 7 in the parish of Congleton (working copy extract enclosed).

The potential pedestrian access locations would affect the public footpaths and as such the further details on these is required i.e. surfacing, widths, gradients, landscaping and structures etc if planning consent is granted.

As a result the Councils Public Rights of Way Team have been consulted who have raised no objection subject to conditions/informatives requiring new residents to be provided with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Highways

This outline planning application for up 98 dwellings seeks access to be determined and all other matters reserved for subsequent approval. There are a number of changes proposed in this application that have sought to address the highway refusal reason in the previous application, most notably changes to the access and the introduction of wider footpath along a section of Waggs Road that currently has a very narrow footpath.

In support of this application, the applicant has submitted a Transport Assessment (TA) that assesses the impact of development on the road network. This has been assessed by the Councils Highways Engineer who advises that this document fundamentally, has been based on traffic flows and speeds surveyed in 2013 which is not acceptable when considering the development impact in 2019. To fully assess the highway impact up to date survey data is required to take into account any changes in traffic flow patterns on Waggs Road and Fol Hollow and also a check on current vehicle speeds.

Therefore, the Highways Engineer has advised that insufficient information has been provided to consider the acceptability of the site access proposals and also the impact of the proposed development on the local road network.

As a result the proposal is contrary to Policies SD1, SD2, SC3, C01 & C04.

Landscape

Although located within the Open Countryside there are no landscape designations on the site. The application site is currently agricultural land with native hedgerows along the northern boundary and a hedge and a number of trees along the southern boundary in proximity to New Bank Farm, and the remainder of the southern boundary being open. There is a hedgerow that divides the site along a north-south alignment and there are a number of mature trees located near to the proposed access from Waggs Road.

The Landscape and Visual Appraisal indicates that existing boundary hedgerows will be retained and enhanced; that green link corridors will be provided and that there will be new tree and shrub planting, as well as structural planting. However, this is an outline application and these objectives are indicative of what could be done, rather than what will be done.

The submitted Landscape and Visual Appraisal identifies the National Character Area as well as the most recently updated Cheshire East Landscape Character Assessment, which identifies that the application site is wholly located in the Lower Wooded Farmland –Landscape Type 7 and more specifically the Brereton Character Area 7e. The appraisal identifies that the site has a medium landscape value. The landscape appraisal indicates that there would be a minor adverse landscape effect during the construction period, and that following completion a negligible landscape effect on the local landscape character and a minor adverse to negligible effect on the site and immediate area character. The visual appraisal identifies a moderate adverse effect at the construction phase, major to moderate adverse effects for adjacent sensitive receptors, moderate to minor adverse effects to less sensitive receptors to the south and negligible effects to more distant receptors. The Councils Landscape Officer broadly agrees with landscape and visual appraisal.

The application has been the subject of a number of previous applications. The Planning Inspector at an appeal for this site (APP/R0660/A/14/22214018) noted that:

“The appeal site lies within an area known as Priestly Fields that has survived largely unchanged for many centuries and forms part of the rural setting of Congleton. The construction of 104 dwellings on the site would fundamentally alter its appearance resulting in the loss of its rural and agricultural character. Protection of the natural and historic environment is part of the environmental role of the planning system as set out in paragraph 7 of the Framework. In simple terms the proposal would conflict with this objective. That said, whilst suburban development would extend further along the northern end of Stony Lane, the proposed housing would be seen here in the context of existing housing in Meadow Avenue. From further south, down the slope and along Lambert’s Lane the appeal site is largely concealed by the ridge of the hill. Gardens and planting would form the southern boundary of the site and where visible at all only glimpses of the houses would be seen. From Fol Hollow the enclosing banks, rising ground and vegetation would largely screen the buildings none of which would sit on the road frontage. The visual impact of the development on the wider landscape character would therefore be limited and the weight I give to harm in this respect is therefore modest”..

The Councils Landscape Officer agrees with the Inspector’s comments that the proposed development would result in the loss of the site’s rural and agricultural character, and that this would be seen in the context of existing dwellings along Waggs Road and Meadow Avenue, and also that in terms of the visual effects, the proposals would also be seen in the context of existing development, largely screened along Waggs Road/Fol Hollow by existing residential dwellings and along the western part of the application site by the rising ground and vegetation.

Consequently the landscape officer does not feel that the proposed development would result in long term substantially adverse effects but notes the application site would have some landscape impact and it is located within an area identified as Open Countryside. The limited landscape harm is considered to carry modest weight against the proposal.

Trees

The loss of the trees located on Waggs Road to facilitate the proposed highways improvements was accepted as part of the application 17/0195C, the Councils Forestry Officer see no reason to alter this decision and implementation of a Tree Preservation Order individually or collectively is not considered appropriate.

The proposed access into the site is located between number 124 Waggs Road and two large mature Oak trees (T3 & T4) located within the proposed development area protected as part of the Cheshire East Borough Council (Congleton - Land to the South of Fol Hollow/Waggs Road) Tree Preservation Order 2013, and requires a significant degree of engineering to accommodate the change in levels between the lower level off Waggs Road and the higher elevation associated with the proposed development site.

The access associated with previous application (17/0195C) respected the Root Protection Areas (RPA) of both the protected trees T3 and T4 with the western edge of the access banking graded down to the carriageway outside the RPA's.

However the Croft Transport Planning and Design proposed site access arrangement plan (Ref 2210-F02 Rev E) supporting this present application depicts the western edge of the highway pavement on the edge of the RPA associated with T3 and makes no allowance for the grading of the banking or any retaining structure which will clearly be required and can only be accommodated within the trees RPA within this present layout, this is clearly not desirable.

As a result the proposal would not be fully in accordance with Policy SE5.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 127 states that decisions should ensure that developments;

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

The illustrative plan shows that the layout would be based on a cul-de-sac style layout with one point of access from Waggs Road to the north-west. An area of open space is proposed to the southern and north-western boundaries.

Design - Assessment

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

Need insurance re: securing the pedestrian links to the edge of the site to features and pedestrian routes beyond the site boundary.

Concern that the proposed off-site enhancements on Waggs Road to the north east of the site will not be sufficient to promote a positive pedestrian environment to promote walking and cycling to the various facilities identified closer to the town centre

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

Not enough evidence provided re: walking distances to the facilities identified in the DAS. Walking isochrones.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

More information needs to be provided to evidence the assertions in the DAS about access to public transport..

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

This cannot be fully assessed until the detailed stage, having regard to mix, distribution and design of both market and affordable housing. However, it is noted that strategic housing seem to be agreeable to the principles for affordable housing.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

This cannot be fully assessed given this is an outline application. However, based on the framework plan and the information in the DAS, there are likely to be a number of issues in any resulting ARM.

- The arrangement of streets and development blocks and likely orientation of housing to the feature trees at the site entrance and the central hedgerow
- The street hierarchy not reflecting that in the Design Guide leading to over engineered rather than social streets

- The potential for excessive areas of frontage parking, harming the character of streets
- The development encroaching too close to Stony Lane with little space to reinstate hedgerow
- The SUDS limiting the opportunity for edge landscaping on the southern edge of the site.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

Trees and hedgerows largely being retained, including 2 feature trees off Waggs Road. View to Astbury Church identified from area of open space on the Framework Plan.

A pocket of trees/greenery in the eastern parcel toward the southern boundary not being

The site slopes from north to south and so there is an opportunity utilise the topography to promote passive benefits in terms of solar capture which isn't considered within the application information or the design principles set out in the DAS.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

As this is outline, this cannot be fully asessed however, the principle of the framework of streets spaces and the street hierarchy set out in the framework plan can be considered.

The hierarchy does not reflect that in the design guide and the illustrative masterplan shows that lower tier streets would be overly engineered. The position of the street in the western corner of the site creates an awkward development block that could lead to housing having a poor relationship to the 2 feature trees at the site entrance (with housing backing onto the trees and associated space.

There are pinch points in the southern fringe of open space created by proximity to the site boundary and the SUDs and adjacent to Stony Lane on the eastern boundary .

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

Retained trees create a positive entrance into the site

As above in relation to street hierarchy. The framework plan also does not identify the feature spaces shown in the DAS and illustrative masterplan..

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

Based on the framework the street hierarchy is not in conformity with the Design Guide, which is further reinforced by the illustrative masterplan where the formality of lower tier streets is excessive and creates a pretty uniform street character rather than one with a clear hierarchy.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

As this is not a detailed scheme it is not possible to assess this. However, the scheme in the illustrative masterplan does present issues that would translate to over dominance of car parking in certain parts of the development that would be detrimental in a detailed proposal and could lead to a red assessment.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

This cannot be fully assessed at this time given it is an outline application. In terms of strategic principles in the framework plan, the rating is informed by the comments of landscape and open space colleagues are noted re: the quantum, quality and mix of open space within the proposal. It is not understood how all the open space requirements can be met based on the framework plan submitted.

Large flood attenuation facilities are identified on the development framework plan within open space on the southern edge of the site. The open space to the west will be contained by the sloping topography. It is unclear where the allotment space is to be provided

Natural features such as the central dividing hedgerow and 2 trees at the site entrance are proposed for retention but there is concern about the relationship that will be created to the space by the enveloping development.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

Outline and therefore it cannot be fully assessed and insufficient information has been included to explain that this has been provided in the supporting information to identify that this issue is being properly considered from the outset.

Adequate provision for bin, cycle and external storage – garage sizes, outbuildings for smaller house types.

Garden sizes on smaller units insufficient to enable adequate private amenity space.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development raises a number of concerns against the Cheshire East Design Guide. However given that the proposal has been submitted in outline form there will be scope to ensure that the detailed layout addresses these matters.

Land Levels

The application is in outline form and no land levels details have been provided. If approved a condition could be imposed to require the details at the reserved matters stage.

Ecology

Statutory Designated Sites

The application site does not fall within Natural England's SSSI impact risk zones. The proposed development is therefore not likely to have an adverse effect upon any statutory designated sites. No further action in respect of designated sites is therefore required under the Habitat Regulations or Wildlife and Countryside Act.

Local Wildlife Sites

The application site is located in relatively close proximity to two local Wildlife Sites, Astbury Mere and The Howty Corridor. Whilst these would not be likely to be directly affected by the proposed development, there is a risk of adverse impacts occurring as a result of construction phase related dust contamination.

In the event that outline planning permission is granted the Councils Ecologist recommends that the submission of dust control measures, as part of a Construction Environmental Management Plan, be secured by means of a planning condition.

Bats

Only one bat activity transect survey has been completed. Based on the available bat activity data bat activity on site was relatively low and is broadly as would be expected for a site of this nature. Bat activity on site occurred mostly around the hedgerows and boundary vegetation. The loss of sections of hedgerow as a result of the proposed development is likely to have a localised impact on foraging bats. This would however be unlikely to be significant enough to amount to an offence. To compensate for this impact the Councils Ecologist advises that it must be ensured that adequate compensatory planting is provided in relation to that lost. This can be assessed as part of the biodiversity metric calculation discussed below.

Two trees on site were identified as having potential to support roosting bats. Both of these trees can be retained as part of the proposed development. The Councils Ecologist therefore advises that the proposed development is not likely to have an adverse impact upon roosting bats. It must however be ensured, at the detailed design stage, that the retained trees are not subject to excessive lighting.

Lighting

Whilst levels of bat activity on site appear relatively low, the introduction of additional lighting of this site has the potential to have a localised impact upon foraging bats. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed.

Great Crested Newts and Common Toad

The Councils Ecologist advises that these amphibian species are unlikely to be significantly affected by the proposed development.

Reptiles

Limited potential for reptiles was identified on site. The low risk of any reptiles being harmed during the construction phase can be reduced through the implementation of Reasonable Avoidance Measures

during site clearance works. Outline mitigation proposals have been included with the submitted ecological assessment and these can be secured by condition.

Other Protected Species (OPS)

Two OPS setts were recorded. The proposed development is unlikely to have an adverse impact on the setts. The proposed development will result in the loss of OPS foraging habitat. This impact is unlikely to be significant, however if outline planning permission is granted the Councils Ecologist recommends that fruit trees be incorporated into the landscaping scheme produced at the reserved matters stage.

As the status of badgers on a site can change he also recommends that if outline consent is granted a condition should be attached which requires any reserved matters application to be supported by an updated survey and mitigation method statement.

Breeding Birds

The habitats on site are likely to support a range of breeding bird species including more widespread priority species which are a material consideration for planning. The Councils Ecologist advises that the impacts of the proposed development on breeding birds can be reduced if sufficient replacement hedgerows are provided to compensate for those lost.

Hedgerows

Native Species hedgerows are a priority habit and hence a material consideration. In addition Hedgerow (H6) was found to be Important under the Hedgerow Regulations. Much of the existing hedgerows could be retained under the submitted Framework Plan, however the potential pedestrian access points may result in the loss of sections of Important hedgerow H6 and access roads are likely to result in the loss of sections of other hedgerows on site. The Councils Ecologist therefore advises that the Framework plan must be amended to minimise the losses of existing hedgerows.

However he also suggests that if this is not possible if outline planning permission is granted, it must be ensured that any losses of hedgerow are minimised at the reserved matters stage and compensatory hedgerow planting must be provided for any sections of hedgerow unavoidable lost. This can be secured by condition.

Brown Hare, Hedgehog, Pole Cat

The above Biodiversity Action Plan priority species have been recorded within 1km of the application site and so it is reasonable that they would utilise the site on at least a transitory basis. The proposed development would result in the loss of habitat for these species, which would result in a low impact. This impact can be compensated for provided adequate habitat creation is proposed on site as assessed by the Defra metric below.

Ecological enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The Councils Ecologist recommends the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

At the time of writing the report no assessment was provided. It is expected that further details of this will be provided in the update report with updated comments from the Councils Ecologist.

Inclusion of features to enhance biodiversity

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

The Councils Ecologist therefore recommends that the applicant submits an ecological enhancement strategy which can be secured by condition.

Ecology conclusion

It would appear that most ecological impacts can be suitably addressed by conditions to mitigate any negative impacts. The suggested conditions are considered both reasonable and necessary to mitigate harmful impacts and could be added to any decision notice.

Therefore it would appear that the proposal could be accommodated without significant ecological impacts.

However further information is required to consider the residual ecological impacts using the Defra metric which has been requested and will be considered further in the update report.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and requires a Flood Risk Assessment (FRA) given the size of the site. The submitted FRA concludes that it has been demonstrated that surface water can be managed such that flood risk to and from the site following the development will not increase through restricted greenfield discharge rates and appropriately sized detention basins with outfalls to water course.

The FRA demonstrates the development would be operated with minimal risk from flood and would not increase flood risk elsewhere. The development should therefore not be precluded on the grounds of flood risk and surface water drainage.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions surface water and foul drainage.

The Councils Flood Risk team have also been consulted but have not provided comments at the time of writing the report. These will be provided in the update report. However they did respond to the initial application and raised no objection subject to condition requiring a drainage strategy. Given that the proposal is for the same use and the same site it is considered reasonable that these comments remain valid to the current application.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

Agricultural Land Quality

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land. This is defined in the glossary of the Local Plan as being land in grades 1, 2 and 3a of the Agricultural Land Classification.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, no Agricultural Land Quality Report has been provided in support of the application. However an Agricultural Land Use and Land Classification Report was submitted for the previously refused scheme. This report found the site is not graded in the 1 to 5 category and as such was not classed as being the 'best and most versatile agricultural land' defined in the NPPF.

Thus, it was concluded that whilst the proposal would have resulted in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and was weighed in balance against the benefits of the scheme.

It is considered reasonable to arrive at the same conclusion for this proposal.

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 Congleton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. This is considered to carry moderate weight in favour of the proposal.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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.

As explained within the main report, the area of open space/play area, is identified on the indicative plans. It is necessary to secure these works and a scheme of management and allotments and sports facilities. These are directly related to the development and are fair and reasonable.

The development would result in increased demand for school places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in a requirement for the provision of 30% affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Policy PS8 of the Congleton Borough Local Plan as the development would result in a loss of open countryside. The proposal has also been supported by insufficient/out of date information in which to inform an assessment of the full highway impacts associated with the proposal which is contrary to Policies SD1, SD2, SC3, CO1 & CO4 of the Cheshire East Local Plan and Saved Policies GR9, GR10 and GR18 of the Congleton Borough Local Plan. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to these factors.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form and this factor is given moderate weight. The proposal would also result in the loss of agricultural land. This factor is given limited weight.

The development would provide benefits in terms of affordable and open market housing provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers. These factors can be given moderate weight.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design, air quality and contaminated land.

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. It is not considered that the benefits outweigh the adverse impacts and there are no material considerations which outweigh the harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

REFUSE

- 1) The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside) & SD1 (Sustainable Development in Cheshire East) of the Cheshire East Local Plan Strategy, Saved Policy PS8 (Open Countryside) of the Congleton Borough Local 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 has been supported by a Transport Assessment based on traffic and road speeds surveyed in 2013 which is several years out of date and does not give an accurate reflection of current circumstances. As such insufficient information has been provided in which to inform the full highway impacts of the proposal. The development is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SC3 (Health and Well-being), C01 (Sustainable Travel and Transport), C04 (Travel Plans and Transport Assessments) of the Cheshire East Local Plan, Saved Policies GR9, GR10 and GR18 (Traffic Generation) of the Congleton Borough Local Plan and the requirements of the NPPF

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted and approved
Health	To be confirmed in the update report	To be confirmed in the update report
Public Open Space	Provision of 20m2 amenity green space per dwelling Provision of 20m2 children's play space per dwelling Provision of a community allotment/orchard measuring 500m2 Contribution of £1,000 per family dwelling for improvements to outdoor sports Contribution towards indoor sport using the below formula - Number of dwellings at 1.61 people per residence = the population increase - The annual Sport England	50% Prior to first occupation 50% at occupation of half the eventual number of dwellings (for e.g. if 98 provision at occupation of 49 th dwelling)

	<p>Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East = % based on the above figures additional “active population” due to the new development at Waggs Road, Congleton</p> <p>- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional equivalent ? stations or their financial equivalent (one fitness station equivalent of £6,500).</p>	
<p>Education</p>	<p>Contribution to support school provision using the below formula:</p> <p>18 x £11,919 x 0.91 = £195,233 15 x £17,959 x 0.91 = £245,140 1 x £50,000 x 0.91 = £45,500 (SEN)</p>	<p>50% Prior to first occupation 50% at occupation of half the eventual number of dwellings (for e.g. if 98 provision at occupation of 49th dwelling)</p>

