

# Strategic Planning Board

## Agenda

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| <b>Date:</b>  | <b>Wednesday, 27th July, 2022</b>  |
| <b>Time:</b>  | <b>10.00 am</b>  |
| <b>Venue:</b> | <b>Council Chamber, Municipal Buildings, Earle Street, Crewe<br/>CW1 2BJ</b> |

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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 making meetings are live audio recorded and the recordings will be uploaded to the Council's website.

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 5 - 12)

To approve the minutes of the previous meeting held on 4 May 2022 as a correct record.

4. **Public Speaking**

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For requests for further information

**Contact:** Sarah Baxter

**Tel:** 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies

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. **20/5700C-Reserved Matters application for appearance, landscaping, layout & scale following outline approval 13/3449C for 390 dwellings, retail unit, public open space, and associated works, Glebe Farm,, Booth Lane, Moston, Middlewich for Mr G Bancroft, Taylor Wimpey UK Ltd (Pages 13 - 42)**

To consider the above application.

6. **21/2412C-Reserved Matters for approval of access, appearance, landscaping, layout and scale following outline approval 14/1193C for the erection of 160 dwellings, car parking, public open space and associated works, Land South Of, Old Mill Road, Sandbach for Mr C R Muller, Muller Property Group (Pages 43 - 70)**

To consider the above application.

7. **21/0966M-Reserved matters application for 306 dwellings, for appearance, landscaping, layout and scale, pursuant to Condition 2 of the outline planning permission 18/3245M. The Outline consent (18/3245M) was not an environmental impact assessment application and therefore no environment statement was submitted to Cheshire East Council at that time, Land At, Gaw End Lane, Lyme Green for Ms Jackie Edwards, Vistry Homes (Pages 71 - 94)**

To consider the above application.

8. **21/1249M-Full planning permission for the erection of 42 dwellings including access and associated works, Land West Of London Road And South Of, Gaw End Lane, Lyme Green for Morris Homes & The Trustees, of The Lyme Green Settlement (Pages 95 - 118)**

To consider the above application.

9. **21/5724C-Outline planning permission for the construction of employment floorspace up to 94,761sq.m (1,020,000 sq.ft) for use within Use Classes B2, B8 and ancillary Use Class E(g) of the Use Classes Order (as amended), including detailed approval of means of access at Radway Green Road, Land Off, Radway Green Road, Radway Green for Tilstone Radway Limited (Pages 119 - 150)**

To consider the above application.

**Membership:** Councillors S Akers Smith, A Critchley, B Burkhill, S Edgar, S Gardiner (Vice-Chair), P Groves, A Harewood, S Hogben, S Holland, M Hunter (Chair), B Murphy, B Puddicombe, P Redstone and J Weatherill

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 4th May, 2022 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor S Gardiner (Chair)

Councillors S Akers Smith, A Critchley, B Burkhill, S Edgar, P Groves,  
S Hogben, B Puddicombe, P Redstone and J Weatherill

### **OFFICERS IN ATTENDANCE**

Mr D Evans (Planning Team Leader), Mr A Goligher (Highways Officer), Mr D  
Malcolm (Head of Planning), Mr J Thomas (Planning Lawyer) and Ms Natalie  
Wise-Ford (Principal Planning Officer)

### **85 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M Hunter and B  
Murphy.

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

In the interest of openness in respect of application 21/4136N, Councillor  
S Edgar declared that he was a member of the Public Rights of Way  
Committee (PRoW) and a member of Shavington Parish Council who were  
consultees on the application, however he had not discussed the  
application.

In the interest of openness in respect of application 21/4136N, Councillor  
S Hogben declared that he was a non-Executive Director of ANSA who  
were a consultee on the application, however he had not discussed the  
application or made any comments on it.

In the interest of openness in respect of application 19/1685M, Councillor  
S Gardiner declared that the application site straddled the boundary site  
with Cheshire East Council and Warrington Borough Council. He advised  
that he was employed by the MP for Warrington South and that the site  
was within his constituency. Councillor S Gardiner was aware that the MP  
had made representations to the Secretary of State regarding the  
application, however he had not been involved in the piece of work nor  
seen the correspondence. He had spoken to the Legal Officer who had  
advised he had not fettered his discretion in any way from taking part in  
the application.

**87 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes of the previous meeting held on 6 April 2022 be approved as a correct record and signed by the Chair.

**88 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**89 19/1685M-THE APPLICATION IS FOR OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED SAVE FOR ACCESS FOR THE CONSTRUCTION OF UP TO 287,909M<sup>2</sup> (3,099,025FT<sup>2</sup>) (GROSS INTERNAL) OF EMPLOYMENT FLOORSPEACE (USE CLASS B8 AND B1(A) OFFICES), DEMOLITION OF EXISTING AGRICULTURAL OUTBUILDINGS AND ASSOCIATED SERVICING AND INFRASTRUCTURE INCLUDING CAR PARKING AND VEHICLE AND PEDESTRIAN CIRCULATION, ALTERATION OF EXISTING ACCESS ROAD INTO SITE INCLUDING WORKS TO THE M6 J20 DUMBBELL ROUNDABOUTS AND REALIGNMENT OF THE EXISTING A50 JUNCTION, NOISE MITIGATION, EARTHWORKS TO CREATE DEVELOPMENT PLATFORMS AND BUNDS, LANDSCAPING INCLUDING BUFFERS, CREATION OF DRAINAGE FEATURES, ELECTRICAL SUBSTATION, PUMPING STATION, AND ECOLOGICAL WORKS. LAND OFF, M56 TO M6 LINK ROAD, MACCLESFIELD FOR MR NEAL BIDDLE, LANGTREE PP & PANATTONI**

Consideration was given to the above application.

Gavin Winter, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

1. Time Limit
2. Development in accord with approved plans
3. Submission of reserved matters
4. No unit hereby approved shall be occupied unless and until a scheme for the design and implementation of freight traffic signage including timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the freight traffic signage shall highlight that the

recommended route for goods vehicles to and from the motorway network is M6 J20 along A50 Cliff Lane to B5356 Grappenhall Lane. The approved scheme shall be implemented prior to first occupation of the development hereby approved.

5. Updated badger survey of the ecological mitigation area is to be submitted at the time of the submission of the first reserved matters application.
6. Detailed design and habitat creation method statement for the ecological mitigation area to be submitted at the time of the submission of the first reserved matters application.
7. The submission and implementation of a 30 year habitat management plan for the ecological mitigation area, to include all existing and newly created habitats.
8. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority.
9. The first reserved matters application shall be accompanied by: a Construction Environmental Management Plan detailing safeguarding of Bradley Brook, a habitat creation specification detailing the types of habitats to be created, a habitat creation method statement, an ecological monitoring strategy and a 30 year habitat management plan for all the retained, enhanced and newly created habitats for the Ecological Mitigation Area shown on the submitted Illustrative Masterplan (drawing reference 16-184-F013 001 Rev: AG) .

The habitat creation method statement to detail how the newly created habitats will be delivered and include a timetable for the delivery of habitats in accordance with the proposed details.

The 30 year habitat management plan will provide target conditions for all retained, enhanced and newly created habitats in the ecological mitigation area and detail how the newly created, retained and enhanced habitats in the ecological mitigation area be managed to achieve these target conditions.

The ecological monitoring strategy shall include proposals for the surveying and reporting of the results of the habitat creation and management works to the LPA for the duration of the management plan period. The strategy shall include a mechanism whereby revised management and habitat creation proposals shall be submitted to and approved by the Local Planning Authority in the event that habitats are found to be failing to achieve their condition targets.

The agreed, habitat creation specification, a habitat creation method statement; ecological monitoring strategy and 30 year habitat management plan to be implemented in full.

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

(Councillor S Gardiner requested it be minuted that he abstained from voting on the application. Prior to consideration of the next item, the meeting was adjourned for a short break).

90 **21/2082N-5NO. EXTENSIONS TO EXISTING BUILDINGS ON SITE TO ADDRESS URGENT BUSINESS PROTECTION MEASURES BROUGHT ABOUT BY BREXIT/COVID WARDLE CAMP, WARDLE CAMP, GREEN LANE, WARDLE, CHESHIRE FOR MIDWOOD, TI MIDWOOD AND CO**

Consideration was given to the above application.

(Sarah Baxter, the Democratic Services Officer read out a short statement on behalf of the applicant).

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the completion of a S106 Agreement to secure offsite habitat creation and long-term management and subject to the following conditions:-

1. Approved Plans
2. Within 2 months of the date of permission a detailed drainage strategy / design, associated management / maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority
3. Within 2 months of the date of permission 9 Mode 3 compliant Electric Vehicle Charging Points with cabling provided for a further 9 units (to enable the easy installation of further units) shall be provided and thereafter retained.
4. Unexpected land contamination
5. Importation of soil
6. Implementation of great crested newt mitigation
7. Wildlife Sensitive lighting scheme to be submitted within 2 months of the date of decision
8. Within 2 months of the date of decision a Habitat Creation method statement, 30-year management plan, ecological monitoring



strategy and biodiversity metric for offsite habitat creation (secured by legal agreement).

9. Within 2 months of the date of decision a 30 year habitat management plan for on-site habitats
10. Within 2 months of the date of decision a strategy for the incorporation of features such as bird/bat boxes, brash piles etc.
11. Landscape Implementation
12. Covered cycle parking (15 spaces) to be provided within 2 months of the date of permission
13. Materials to match
14. Within 2 months of the date of decision a scheme to secure at least 10% of the predicted energy requirements for that unit from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- The completion of a S106 Agreement to secure offsite habitat creation and long-term management.

**91 21/4136N-HYBRID PLANNING APPLICATION COMPRISING (I) A FULL PLANNING APPLICATION FOR RESIDENTIAL DWELLINGS (USE CLASS C3) WITH ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE; AND (II) AN OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS) FOR UP TO 700SQM OF COMMERCIAL DEVELOPMENT (USE CLASSES E AND SUI GENERIS), LAND SOUTH OF, NEWCASTLE ROAD & STOCK LANE, SHAVINGTON FOR MATHEW TUDOR OWEN, ANWYL HOMES**

Consideration was given to the above application.

(Councillor J Clowes, the Ward Councillor and Richard Barton, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be delegated to the Head of Planning in consultation with the Vice Chair of the Strategic Planning Board to approve subject to the facilitation of a discussion on the location of the ecological mitigation

with the two Local Ward Members Parishes Councils to see if other more local sites were available and subject to the completion of a S106 Agreement securing the following:-

|   | <b>Requirement</b>   | <b>Triggers</b>  |
|---|--|--|
| <b>Affordable Housing</b>                                     | 30% provision to include commuted payment of £11,840<br><br>(68% Affordable Rent / 32% Intermediate)   | No more than 80% open market occupied prior to affordable provision within each phase. |
| <b>Biodiversity Net Gain - Off site Ecological Mitigation</b> | Delivery of offsite habitat creation measures to deliver Biodiversity Net gain   | Prior to commencement  |
| <b>Open Space</b>   | Management Scheme for POS and landscaped areas   | Prior to occupation  |
| <b>Recreation &amp; Outdoor Sports Contribution</b>           | £1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment.  | Prior to commencement  |
| <b>Education</b>  | Total - £225,269<br><br>Secondary £179,769 - towards mitigation measure as local schools are forecast to be cumulatively oversubscribed<br><br>SEN £45,500 - Due to significant shortage of SEN placements across the Borough. | 50% Prior to first occupation<br>50% at occupation of 50 <sup>th</sup> dwelling        |
| <b>Healthcare</b>   | Total: £81,360<br><br>Towards local healthcare infrastructure/provision  | 50% Prior to first occupation<br>50% at occupation of 50 <sup>th</sup> dwelling        |
| <b>Community Facilities Off- Site Contribution</b>            | Total: £40,000<br><br>- £20,000 towards St Marks Church Project, Shavington<br>- £20,000 towards Sally   | Prior to commencement  |

|  |  |  |
|--|--|--|
|  | Clarkes Lane Playing Fields Project, Wybunbury |  |
|--|--|--|

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Details of materials and finishes
4. Submission of landscaping scheme
5. Implementation of landscaping scheme
6. Design detail, specification and implementation of LEAP
7. Submission of Landscape Management Plan
8. Details of Boundary treatment
9. Development in accordance with submitted Arboricultural Method Statement..
10. Protection of trees in accordance with submitted Arboricultural Method Statement
11. Retention of trees shown as being retained
12. Details of lighting – minimise impact on bats
13. Updated badger survey prior to commencement
14. Safeguarding of nesting birds
15. Submission and implementation of a method statement for the eradication of non-native invasive species.
16. Submission and approval off Ecological Enhancement strategy
17. Submission and approval of 30 year habitat and landscape management plan for on-site habitats
18. Provision of controlled pedestrian crossing on Newcastle Road prior to occupation
19. Provision of visibility splays for site access
20. Noise protection measures to be implemented
21. Provision of Electric Vehicle infrastructure
22. Provision of Ultra Low Emission Boilers
23. Sustainable Travel Information Pack shall be submitted and agreed
24. Phase 2 Contaminated Land remediation strategy to be submitted prior to commencement .
25. Contaminated land - Verification report
26. Contaminated land – soil testing
27. Measures to deal with unexpected contamination
- 28 Implementation of CEMP
29. Provision of Cycle Storage for houses and apartments
30. Provision of Bin Stores
31. Implementation of surface water drainage scheme
32. Foul & surface water to be drained on separate systems
33. Obscure glazing to bathroom window in side elevation of Plot 19
34. Removal of permitted development rights (Part 1 Classes A-E)
35. No dig solution for hard surfacing around root protection area for tree T5
36. No barriers / bollards on cycle paths
37. Local liaison group to be formed

## **OUTLINE**

1. Outline Timescales
2. Outline Matters Reserved
3. Approved plans
4. Provision of visibility splays for access
5. Use Classes E (a) and E(b)
6. Details of levels to be submitted and approved
7. Implementation of a scheme of landscaping
8. Lighting scheme to be approved
9. Boundary treatment
10. Approval of operating hours prior to occupation
11. Approval of hours for deliveries prior to occupation
12. Provision of Electric Vehicle infrastructure
13. Provision of Ultra Low Emission Boilers
14. Phase 2 Contaminated land remediation strategy to be submitted prior to commencement
15. Contaminated land - Verification report
16. Contaminated land – soil testing
17. Measures to deal with unexpected contamination
18. Details of surface water drainage scheme to be submitted, approved and implemented
19. Provision of cycle parking
20. Details of Bin Storage
21. Updated badger survey prior to commencement
22. Safeguarding of nesting birds
23. Submission and implementation of a method statement for the eradication of non-native invasive species.
24. Submission and approval of Ecological Enhancement strategy
25. Submission and approval of 30 year habitat and landscape

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

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor (none)

Application No: 20/5700C

Location: Glebe Farm, BOOTH LANE, MOSTON, MIDDLEWICH

Proposal: Reserved Matters application for appearance, landscaping, layout & scale following outline approval 13/3449C for 390 dwellings, retail unit, public open space, and associated works

Applicant: Mr G Bancroft, Taylor Wimpey UK Ltd

Expiry Date: 29-Jul-2022

## SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The housing mix has now been amended to provide a greater proportion of two bed units as requested by SPB in March.

The development will not have a detrimental impact upon residential amenity and would comply with Policy GR6 and GR7 of the CLP.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS and the CEC Design Guide.

The POS is considered to be acceptable and would be a benefit to this scheme.

The proposed landscaping scheme is acceptable and the development is acceptable in terms of its impact upon ecology (despite the potential impact upon two bird species) and would comply with Policies SE1 (Design), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland) and SE6 (Green Infrastructure) of the CELPS, Policies NR3 and NR4 of the CLP and policies ENV1 and ENV2 of the MNP.

The impact upon the trees on the site is considered to be acceptable.

The drainage/flood risk implications for this proposed development are considered to be acceptable and will be dealt with as part of conditions 16 and 17 attached to the outline consent.

The proposed access points and the traffic impact as part of this development have already been accepted. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2 and SE1 of the CELPS.

The development complies with the Development Plan as a whole and is recommended for approval.

**RECOMMENDATION**

**Subject to the outstanding issues relating to the impact upon the SSSI and SP Energy being addressed APPROVE subject to conditions.**

**DEFERRAL**

This application was deferred at the Strategic Planning Board meeting on 9<sup>th</sup> March 2022 for the following reason;

*That the application be deferred in order for the applicant to give further consideration to the housing mix notably the provision of 2 bedroom properties and for further clarification to be provided on the drainage and flooding issues.*

**SITE DESCRIPTION**

The site of the proposed development extends to 15.3 ha and is located to the south of Middlewich. It forms part of LPS42 in the Cheshire East Local Plan Strategy. To the north is residential development fronting Kingswood Crescent, Shilton Close, Northwood Avenue and Inglewood Avenue. To the south is agricultural land. A former sports ground is included within the site. To the east of the site is Booth Lane with the Trent and Mersey Canal beyond, to the west of the site is Warmingham Lane.

The majority of the site is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site. The site also includes a number of ponds.

**PROPOSAL**

This is a Reserved Matters application for 390 dwellings which has been reduced from 405 dwellings as part of the recent amendments. The appearance, landscaping, layout and scale to be determined at this stage.

The access points to serve the site were approved as part of the outline planning permission and are taken from Booth Lane to the east and Warmingham Lane to the west.

The proposed development would have the following housing mix;

|                 | Amended Scheme | Scheme considered by SPB in March |
|-----------------|----------------|-----------------------------------|
| One bed units   | 12             | 12                                |
| Two bed units   | 89             | 47                                |
| Three bed units | 202            | 269                               |
| Four bed units  | 87             | 77                                |

All dwellings would be two-storeys in height apart from 34 units which would be 2.5 storeys in height (reduced from 78 units as part of the earlier scheme).

The development includes 10% affordable housing provision (39 units). All will be rented units.

Finally, the application includes the provision of a single-storey convenience store which would be located onto the Booth Lane frontage of the site.

## **RELEVANT HISTORY**

21/2600C - Variation of condition on application 13/3449C Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure – Application Undetermined

21/0607C - Application for the approval of reserved matters for the appearance, landscaping, layout and scale following outline approval 13/3449C - Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure - Application Undetermined

20/5702C - Non-material amendment to 13/3449C - Approved 17<sup>th</sup> February 2021

20/5699C - Variation of condition 21 on 13/3449C - Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure – Refused 22<sup>nd</sup> April 2021

13/3449C - Outline application for residential development (approximately 450 dwellings), retail unit (A1, A2, A3, A4 and/or A5) and supporting infrastructure - Approved 20<sup>th</sup> February 2018

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

LPS42 – Glebe Farm, Middlewich

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

SC4 – Residential Mix

CO1 - Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

## IN2 – Developer Contributions

### **Congleton Replacement Local Plan**

GR6 & GR7 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR13 Public Transport Measures  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
BH4 Listed Buildings – Effect of Proposals  
BH9 Conservation Areas  
NR2 Statutory Habitats  
NR3 Habitats  
NR5 Habitats

### **Middlewich Neighbourhood Plan**

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'

### **Moston Neighbourhood Plan**

The Moston Neighbourhood Plan was made on the 11<sup>th</sup> November 2019 and forms part of the Development Plan.

HOU1 – Location of New Homes  
HOU2 – Housing Mix and Type  
LCD1 – Design and Landscape Setting  
LCD2 – Dark Skies  
INF1 – Utilities  
INF3 – Surface Water Management  
ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity  
ENV2 – Trees, Hedgerows and Watercourses.

### **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.  
50. Wide choice of quality homes  
102-107 Promoting Sustainable Transport  
124-132 Requiring good design

### **Supplementary Planning Documents**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2017



## CONSULTATIONS

**CE Flood Risk Manager:** Make the following comments;

- No objection in principle to the proposed reserved matters application.
- The catchment analysis undertaken by Taylor Wimpey confirms that the diverted watercourse will retain 1 in 100 year + CC% flows without causing adverse flooding.
- The developer will also need to apply for land drainage consent under Land Drainage Act 1991 prior to any construction along the existing watercourses.
- Within the pond hydrology assessment, there is no objection in principle retaining minimal catchment flows into these networks. However, the developer must consider a high-level overflow to the existing ordinary watercourse network, this will ensure no overtopping to the surrounding areas during extreme events. This should be included within the overall drainage strategy once submitted under application no. 21/0228D.

**United Utilities:** No objection subject to the imposition of a planning condition to require compliance with the submitted drainage plans.

**Cheshire Brine Subsidence Board:** As a Reserved Matters application the Brine Board will not make any comments.

**Canal & River Trust:** Offers the following general advice;

- The revised scheme has reduced the number of dwellings, resulting in an amended layout and reduced density. It is welcomed that additional landscaping and tree planting has been introduced to the Booth Lane frontage, to assist with softening the appearance of the development and reducing the potential impact on the setting of the conservation area.
- The canal corridor is within a designated conservation area. The amended layout plan shows that the density of development along the Booth Lane frontage has been reduced and a marginally greater landscape buffer and more planting would be provided here, which would assist with softening the appearance of the development and reducing the potential impact on the setting of the conservation area.
- The required acoustic fence along Booth Lane would undermine the role of this greater landscape buffer as the fence would provide quite a harsh edge to the development, however it is understood why this is required to prevent a buffer to the highway/traffic noise. This fence could be coloured green to attempt to blend it into the landscaping.
- In terms of the revised CEMP, the C&RT welcome that this has been updated to include details of the temporary hoarding/fencing with debris netting to be fitted close to sensitive receptors and that the canal has been considered as a sensitive environmental receptor. The C&RT also note at paragraph 7.2.2 the matter relating to preventing silt runoff mitigation to watercourses within and outside the site, including the canal.
- Unable to comment on the Flood Risk Assessment as having difficulty accessing via the website.

**CEC Education:** No comments received.

**Strategic Housing Manager:** No objection.

**Sustrans:** No comments received.

**Sport England:** Sport England have no specific comments in relation to the reserved matters application. The Section 106 Agreement associated with the outline consent dated 15<sup>th</sup> February 2018 formally secures the mitigation package associated with the loss of playing field to address Sport England's previous comments.

**Natural England:** The application could have the potential to have significant effects on Sandbach Flashes SSSI. Natural England require the following further information;

- An Impact Assessment which considers the potential impacts during the construction and operation to the designated site
- A revised Construction Environment Management Plan (CEMP) containing further details of measures taken to prevent any adverse effect upon the SSSI

Without this information Natural England may need to object to the application.

**Environment Agency:** No comments to make.

**Health and Safety Executive:** No comments received.

**National Grid:** No comments received.

**SP Energy Networks:** The amended layout results in bringing the convenience store very close to the line which is unacceptable. It would be helpful if the applicant can provide a layout showing the actual position of the overhead line. This said, SP Energy are carrying out their own survey of the positioning of the conductors in order to inform the distance between the proposed convenience store and our network assets.

**Cheshire Wildlife Trust:** No comments received.

**Archaeology:** No comments received.

**PROW:** No comments received.

**Strategic Highways Manager:** The internal road layout of the site has an acceptable design as is the hierarchy of the roads within the site.

The applicant has provided a revised plan that indicates the pedestrian and cycle connectivity within the site. There revised layout is now considered an acceptable design and no objections are raised.

With regard to the amendment to the access from Booth Lane, it is not considered that a traffic signal junction is now required to serve the development and that a ghost right turn lane junction is an acceptable replacement.

**Environmental Health:** The following conditions are suggested;

- Implementation of the noise mitigation measures within the acoustic report
- Submission and approval of a Phase II Contaminated Land Report
- Submission of a Verification Report before occupation

- Importation of soils
- Unexpected contamination

**Public Open Space:** Offer the following comments;

- It is unfortunate we cannot establish a sustainable access to connect the new development to the existing Cheshire East open space land across the brook. However, this appears to have not followed through to the S106 Agreement. To complicate matters further Taylor Wimpey has identified there is a strip of unregistered land situated between Glebe Farm and Cheshire East owned land.
- The POS Officer recommends a reduction in size of the swale with mown pathways however the swale situated within the linear park forms part of the drainage strategy for the scheme. It is therefore not possible to reduce the swale in size as this would adversely impact the drainage strategy which is accepted.
- A second bench with arm rests and back will be incorporated into the linear park along with the area of wildflower seed mix to the south of the NEAP/east of the LEAP is replaced by close mown grass seed mix. This has been confirmed and the change will be actioned, and the landscaping plans updated accordingly.
- It has been confirmed the removal of the two paths currently dissecting the wildflower area will be removed and the layout updated. Unfortunately, due to the easement of the brine pipe it is understood the LEAP cannot be located further north. The removal of the bulb planting was to facilitate greater informal recreational space however with the easement in place the bulb planting should remain.
- With regards to the condition for the revised LEAP and NEAP. The latest submission is much more 'in keeping' with the surroundings than its previous design, however further information as to the specification, inclusivity and accessibility are required. Some of the equipment appears repetitive with the surfacing being unsuitable due to lack of accessibility and inclusivity. This statement is not an acceptance that the general design, number of items are agreed or approved as this is difficult to do without full specifications.
- A condition should be attached in relation to the design of both the LEAP/NEAP and surrounding open space.

## **VIEWS OF THE PARISH COUNCIL**

**Middlewich Town Council:** Objection due to concerns over traffic and the traffic plan done in 2013 and improvement to infrastructure, doctors, and schools required.

**Moston Parish Council:** Moston Parish Council object to the application. The applicants have purchased a large site which will have a major impact on the locality adding to the fact houses are being built in the area with a lack of infrastructure. The applicants seem to have begun a process of seeking to make changes to the outline permission, changes which if accepted would increase the use of Warmingham Lane which does not have the capacity to cope with extra traffic.

## **REPRESENTATIONS**

Letters of objection have been received from 7 local households raising the following points:

- The original application should not have been approved
- Middlewich cannot cope with another 400+ dwellings
- Traffic infrastructure is at capacity in Middlewich

- Infrastructure cannot cope with this level of development (doctors, hospitals, pubs, schools, roads)
- No need for further housing
- Impact upon wildlife
- The site is prone to flooding and the site includes streams and wetland areas
- The proposed access joins two busy roads and will be used as a rat run
- Measures should be put in place to prevent large vehicles using the access as a through route
- Speed bumps will not as a deterrent to vehicle movements through the site
- A 1.8m boundary fence is proposed and this will prevent existing homeowners maintaining their boundaries
- Proximity of the access to an oak tree – potential damage to the root system of this tree
- Increased air pollution
- The development will create a recreational area without adequate surveillance and will lead to high crime
- Detrimental impact upon quality of life
- Inadequate parking – increased parking within the highway
- Existing traffic congestion on Warmingham Lane, Booth Lane and Long Lane south
- Increased risk of speeding on Warmingham Lane especially at the Sycamore Drive roundabout which has poor visibility
- The adjacent Bellway and Morris development failed to stick to the original plans. Money from both developments has not been spent on improving highways infrastructure
- Introducing young families into an area with dangerous roads
- Proposed plans are not clear with potential drafting errors
- The site is home to large amounts of wildlife
- How will the watercourse be treated on the site
- Plots 280 & 281 should have no side facing windows
- Proximity of plots 280 & 279 to the boundary
- Additional tree planting should take place to the boundary with the existing dwellings
- Query over land ownership
- The adjacent dwellings are designed to overlook fields. When purchased 30 years ago – residents were advised that the site would never be developed
- Privacy
- Accidents along Warmingham Lane in 2022
- Traffic problems when there is an accident on the M6
- No adequate retail provision
- Subsidence problems

A representation has been received from British Salt which raises the following points;

- British Salt own and operate Warmingham Brinefields which is located 3km south of Glebe Farm and the Middlewich Salt Factory located 150m to the east. Several brine and associated pipes connect the brinefield and the salt factory.
- The pipework is located below ground and continual ongoing access to the pipework is essential for the safe and effective operation of the brineworks and salt factory.
- A Deed of Grant of Easement was signed between British Salt and the original applicants (Bovale Ltd). The Deed grants rights to British Salt and provides certain covenants to Bovale (and now Taylor Wimpey) including the following;
  - *“Not to do, or cause or permit any other person to do, anything calculated or likely to cause damage or injury to the Pipework’s or any apparatus or equipment whatsoever*

*attached to it or used in connection with it...not without the prior written consent of the Grantee [British Salt Limited] (such consent not to be unreasonably withheld or delayed), make, or cause or permit any other person to make, any material alteration to the Pipeline Strip or deposit anything upon it so as to interfere with or obstruct the Grantee's access to it or the Pipework or so as to lessen or in any way interfere with the support afforded to the Pipework..."*

- The design of the site is reliant upon an access arrangement in part from Warmingham Lane that prohibits access to the pipeline easement contrary to the signed Deed of Easement. As designed there is no means for British Salt to access, repair, replace or upgrade their in-situ pipelines. This has clear and demonstrable implications to British Salt.
- The purpose of the planning system is to regulate the development and use of land in the public interest. It is not to protect the private interest of one person from the activities of another, and the Local Planning Authority should not act as an arbiter in civil disputes. However, the expression 'public interest' includes all public interests' in the broadest sense including the national public interest. It must not be interpreted as referring only to the interests of the public locally. The supporting text to the Planning Act 1990 within Sweet and Maxwell Encyclopaedia of Planning Law confirms that the scope and extent of material planning considerations is wide. Whilst not exhaustive it does include topics that may be considered material to planning decisions. This includes the planning and operational history at the site. Generally existing uses can be expected to be retained and preserved, and restrictions on those established uses arising from new proposal, can be material in the determination of any planning application.
- In this instance that is clearly the case, and the impact on British Salt's interest is demonstrably a material consideration which Cheshire East Council should have regard to in the determination of this application.

## **APPRAISAL**

### **Principle of Development**

A number of representations raise issues relating to the principle of development. However, the principle of development has been accepted following the approval of application 13/3449C. The site is also allocated for development as part of LPS42 within the CELPS. This application is to consider the appearance, landscaping, layout and scale of the proposed development only.

### **Housing Mix**

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). Following the deferral of this application in March the number of 2 bedroom units has been increased and the development would provide the following mix:

- 12 x one-bedroom dwellings
- 89 x two-bedroom dwellings
- 202 x three-bedroom dwellings
- 87 x four-bedroom dwellings

The number of two bedroom open market units is now 19% of the open market units within the development (increased from 5% of the open market units as part of the scheme presented to SPB in March).

All dwellings would be two-storeys in height apart from 34 units which would be 2.5 storeys in height. The development proposes 10% affordable housing (39 units all rented).

In this case it should be noted that this is a Reserved Matters which is broadly in accordance with the Design and Access Statement submitted at the outline stage. Policy SC4 does not specify a mix of housing. On this basis the housing mix which is not dominated by larger executive homes is considered to be acceptable.

In terms of dwelling sizes, it is noted that HOU6 of the Site Allocations and Development Policies Document (SADPD) requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*‘as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6’*

For the deferred application 73% of the units proposed were NDSS compliant. All of the proposed dwellings are now NDSS compliant apart from one house type which totals just 6 units on the site.

### **Affordable Housing**

The S106 Agreement completed as part of the outline application requires 10% of the housing on the site to be affordable (all rented).

The applicant is providing the correct amount of Affordable Housing being 39 dwellings. The mix shown on the submitted plans identifies that the following affordable units will be provided as part of this proposed development;

- 12 x one-bedroom units
- 17 x two-bedroom units
- 6 x three bed units
- 4 x four bed units

The proposed location of the affordable units is acceptable as they are provided in 10 groups within the development. The application is acceptable in terms of its affordable housing provision.

### **Loss of Recreational Open Space**

The application site includes a former sports ground which is protected by Policy RC2 (Protected Area of Open Space/Recreational Facility) which would be lost as part of this

development. The S106 Agreement completed as part of the outline application secures a contribution of £220,000 towards playing pitch improvements at Sutton Lane.

### **Public Open Space**

The layout shows that that the proposed development would provide a significant amount of open space in the form of the linear park and the central POS. This open space will provide a number of functions such as for recreation, ecology, landscaping and drainage. The amount of POS on this site is considered to be acceptable and no objection is raised from the POS Officer.

The outline application requires that the development provides both a NEAP (Neighbourhood Equipped Area of Play) and LEAP (Local Equipped) within the site. These are shown on the proposed plan and details could be secured via the imposition of a planning condition.

The Councils POS Officer has requested some amendments in the form of landscaping and footpath changes, these have been secured as part of the application.

It has not been possible to secure a link to the existing open space to the north of the site at this stage. This was not a requirement of the outline consent and there is intervening unregistered land between the application site and that controlled by Cheshire East.

The management of the POS would be secured as part of a management company secured as part of the outline consent.

### **Education**

The impact upon education infrastructure was considered as part of the outline planning permission. In this case no contribution for education was secured due to viability issues associated with the outline application and preference was given to securing other mitigation in the form of 10% affordable housing, playing pitch contribution (£220,000) and a Middlewich Bypass contribution (£4,780,000).

### **NHS**

The concerns raised in relation to the impact upon health care infrastructure are noted. However, no contribution was secured as part of the outline consent and contributions were prioritised for other mitigation (playing pitch provision and for the Middlewich Bypass).

### **Location of the site**

The site was found to be locationally sustainable as part of the outline application.

### **Residential Amenity**

In this case the Congleton Borough SPG requires the following separation distances:

- 21.3 metres between principal elevations
- 13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance  
18 metres for typical frontage separation distance  
12 metres for reduced frontage separation distance (minimum)

In terms of the impact upon the properties to the north which front Shilton Close and Kingswood Crescent the proposed dwellings meet the separation distance requirements and have separations distances varying from 21-26m in length.

There are some minor exceptions to the above as plot 271 has a separation distance of 15m to its nearest corner with No 9 Kingswood Crescent. However, the proposed dwelling is angled with only an en-suite window to its side elevation and there is no direct rear-to-rear relationship. Plots 265 and 270 have secondary windows to their side elevations facing north and separation distances of 12m and 17.5m. These windows will be conditioned to ensure that they are obscure glazed.

In addition to the above all dwellings backing onto the dwellings fronting Shilton Close and Kingswood Crescent are two-storeys in height apart from the dwellings on plots 280, 281, 289 and 290 which are two and a half storeys in height. However, it should be noted that the dormers are sited to the front elevation only and the rooflights to the rear elevation would be secondary serving an en-suite and dressing room would not raise any privacy issues. A condition will be imposed to removed permitted development rights for rear dormers to these plots and to ensure that the rooflights are obscure glazed.

To the north-west of the site are the dwellings fronting Warmingham Lane, Northwood Avenue and Inglewood Avenue. Due to the layout of the development there are no proposed dwellings sited in close proximity to these existing dwellings.

To the west of the site is a residential development which is under construction and at the time of the case officers site visit there did not appear to be any occupied dwellings on this site. The relationship and separation distances to these approved dwellings would be acceptable.

To the east of the site are a number of dwellings and traveller sites which front onto Booth Lane. The relationship to these residential properties is considered to be acceptable and would be in part mitigated by the proposed boundary treatment.

The impact upon surrounding residential amenity is considered to be acceptable and complies with Policy GR6 of the CLP.

### **Levels**

Condition 23 attached to the outline planning permission requires details of the existing ground levels, proposed ground levels and the level of proposed floor slabs to be submitted as part of the first Reserved Matters application.



The levels plan shows that the existing levels on the eastern part of the site are below the level of Booth Lane by up to 0.5m in places. The level of Booth Lane varies from 39.8 Above Ordnance Datum (AOD) to the north-east and 42.9AOD to the south-east, the responding finished floor levels (FFL) would be increased on the site along the eastern boundary to 39.85AOD to the north-east and 42.85AOD to the south east. This would mean that there would be localised increases in the level of the site by up to 1m but the proposed levels would be comparable to those which exist along Booth Lane. A sectional drawing has been provided through to Booth Lane and this confirms that the proposed levels are comparable to the gypsy traveller site on Booth Lane.

To the north of the site adjacent to the boundary with the dwellings fronting Shilton Close and Kingswood Crescent, the existing levels drop as a ditch runs along the site boundary. In this area the levels would be raised for the proposed dwellings adjoining the northern boundary of the site. The greatest level changes would be the dwellings at plots 292-295 which are at another localised dip on the site. Of these plots 294 and 295 (which sees the greatest level change at 1.83m) do not share a close relationship with the dwellings to the north. A section through plot 294 shows that the nearest adjacent dwelling (18 Shilton Close) has a finished floor level of just 0.32m below that of the proposal on plot 294 with a separation distance of 27m and an off-set relationship.

The dwellings at 12-16 Shilton Close to the rear of plots 292-294 are sited higher than the dwelling at 18 Shilton Close referred to above and although the proposed dwellings on plots 292-294 share a closer relationship the impact in terms of level difference would be less than that referred to above.

Elsewhere along the northern boundary the levels plan shows that the greatest increase in levels is at plots 280 and 270-271. In terms of plot 280 the proposed dwelling does not have a direct rear to rear relationship with the dwelling at the rear. The same applies to plots 270-271 which are 0.59m higher than the nearest adjacent dwellings at 23 Kingswood Crescent.

Within the remainder of the site the levels largely work with those which exist. The exception being the plots which are located closest to the central wetland area where the site level dips. The dwellings which front onto the wetland area would be sited at a higher level than the wetland and four sections have been provided to show the level increases would work. These sections are at plots 258, the road between 239 and 228), 224 and 201. The levels show that there would be steep embankments along this boundary to the retained wetland (these would be up to 2m in height at their highest). An embankment would be provided and this would be largely screened by the existing vegetation within the wetland area which would be retained.

In terms of the level changes and the relationship the Councils Ecologist considers that this would help to limit access to the retained wetland area and its ecological value whilst the hydrology of the large wetland is maintained through the submitted drainage scheme.

The access road from Warmingham Lane shares a close relationship with dwellings which front Inglewood Avenue. The applicant has provided 4 sections through this part of the site and the proposed levels are comparable to those which exist.

To the western portion of the site adjacent to the Seddon Development (approved as part of applications 18/0083C and 21/3020C) there would be some increase in the levels on the site but the development would sit slightly lower than that being built out on the Seddon Site.

Finally, the proposed NEAP is set at a lower level than the nearby dwellings, the applicant has stated that the area of the NEAP will be raised as part of the development by 1m. Sections have been provided and this shows an acceptable relationship to the nearby dwellings.

### **Impact from Construction Disturbance**

This issue will be dealt with as part of the condition imposed as part of the outline planning permission (5 – construction hours, 9 – dust management plan, and 10 – environment management plan).

### **Noise**

Condition 12 attached to the outline planning permission requires the reserved matters application to include a detailed scheme of glazing, ventilation mitigation measures and acoustic screening fences.

Due to noise from traffic using Booth Lane and industrial noise from the British Salt Works, noise mitigation measures will be required. The noise mitigation measures will take the form of 2m high acoustic fencing for the rear gardens of certain plots and high specification glazing and trickle vents for certain plots. No objection has been raised in terms of the proposed noise mitigation from the Environmental Health Officer.

The acoustic fencing would be set back from Booth Lane and would be screened in part by existing vegetation and the proposed dwellings and would not be unduly prominent.

### **Air Quality**

The issue of air quality was considered as part of the outline application and conditions were imposed in relation to electric vehicle charging (condition 14), travel plan (condition 13) and dust management (condition 9).

### **Contaminated Land**

The issue of contaminated land was considered as part of the outline application and condition 7 has been attached in relation to this issue.

### **Lighting**

Policy LCD2 of the MNP states that future outdoor lighting systems should have a minimum impact on the environment, minimising light pollution and adverse effects on wildlife. In this case lighting on the site is controlled via condition 8 attached to the outline planning permission.

### **Highways**

The letters of objection raising concerns over the points of access and traffic generation are noted. However, these details were approved as part of the outline application.

In terms of the highway impact the outline application for this development secures a substantial contribution of £4,780,000 towards the delivery of the Middlewich Eastern Bypass.

The proposed layout incorporates a mixture of standard road infrastructure and also shared surface roads, the proposed road types do not raise a design issue and where it has been possible to provide shared surfaces, this had been done. The internal layout as proposed is acceptable.

Revised plans have provided pedestrian connections to the Seddon Development to the west. The highways officer has also confirmed that there are acceptable pedestrian and cycle links from Booth Lane to Warmingham Lane as required by LPS42.

In terms of cycle parking a condition will be imposed to require cycle parking details to be submitted and approved for the proposed apartments.

The level of car parking for the residential units is in accordance with CEC parking standards, 2/3 beds have 2 spaces and 4/5 beds have a minimum of 3 spaces. There are some on-street visitor parking spaces provided at various locations within the development.

The development complies with Policies GR14, GR15 and GR18 of the CLP and policies SD1 and CO2 of the CELPS.

### **Trees and Hedgerows**

The outline application was supported by a Tree Report, but no detailed assessment of tree implications was provided at that time. As stated previously Condition 26 of the outline approval required the submission of a tree protection scheme, together with supervision, monitoring of the scheme and other approved construction and tree works as part of an Arboricultural Method Statement to be submitted as part of a reserved matters application. The submission of an Arboricultural Impact Assessment as part of any reserved matters application was not conditioned as part of the outline approval.

A revised Arboricultural Method Statement (AMS) was submitted to the Council on 3<sup>rd</sup> May 2022. As with the previous AMS, the revised AMS is split into a number of sections.

The absence of a submitted Arboricultural Impact Assessment has meant that that whilst tree losses are indicated on the submitted drawings, a detailed appraisal and the extent of such losses and a discussion of other above and below ground constraints as a consequence of the development has not been possible

However, an assessment of the supporting plans suggest that the majority of High and Moderate category trees are to be retained. One moderate category tree (T10) is proposed for removal to accommodate Plot 245 and a number of groups of low (C) category trees within the western and northern sections of the site will require removal. It is anticipated that the loss of these trees will not have implications for the wider visual amenity of the area and there is adequate provision within the site for mitigation.

As previously stated, issues of above and below ground tree constraints do not appear to have been fully considered in the layout. This is particularly apparent with the position of Plots 201-216 in relation to the group of high and moderate category trees (T18-T24) on the southern boundary. The position of these plots, small gardens and dominance of trees, presents an unsustainable long-term relationship, that may result in requests to fell or severely prune the trees.

Reference in the AMS is also made to the root pruning of a number of retained trees (T28, T30 T40, T44 and T45) to accommodate internal roads and provision of footpaths. Trees T44 and T45 stand offsite to the north of the proposed access in existing residential gardens. One of the trees (Oak T44) has previously showed significant signs of dieback and consequently the extent of roots from this tree may be significantly reduced. The extent of root encroachment due to the proposed access into the root protection area (RPA) of these trees has not been quantified however root pruning is proposed within the method statement under supervision.

Having regard to tree T44, any anticipated root damage is not likely to be significant due to the trees condition. Encroachment into the root protection area of T45 will partly be for a footpath which will require less excavation; the impact of the road access accounts for about 10% or less of the RPA where major roots are not anticipated.

As stated above, the absence of a detailed Arboricultural Impact Assessment and the reliance on an Arboricultural Method Statement to assess the impact of the development on trees has meant that a detailed appraisal has not been possible. The majority of the proposed tree losses are however low quality and could be adequately compensated within the site as part of a comprehensive landscape scheme. A condition will be imposed to require compliance with the submitted Arboricultural information.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 126 states that:

*'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*

### Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development was considered at the outline stage.

### 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?*

The development would have a vehicular access running through the site and access points onto Booth Lane and Warmingham Lane. There would be pedestrian access points to the Seddon Development to the west of the site to provide connections between the two sites.

To the north the developer is not proposing to make any connections to the existing open space, for the following reasons the footbridge required should have been included within the S106 Agreement as part of the outline application, the footbridge would be located outside the red line boundary of the site and therefore could not be agreed as part of this application and, there is also a strip of unregistered land situated between the Glebe Farm site and the land owned by Cheshire East to the north.

It is unfortunate that further connections cannot be made to the residential areas to the north. However, this is not possible due to the layout of the residential properties to the north.

### 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?*

The site has outline planning permission, is allocated for development within the CELPS and it is therefore considered that the has access to facilities and services.

It should also be noted that in accordance with the outline consent the development includes a convenience store to serve the development and the wider area.

### Public transport

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

Again, this issue was considered as part of the outline application. See above.

### Meeting local housing requirements

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

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). In this case the development would provide the following mix:

- 12 x one-bedroom dwellings
- 89 x two-bedroom dwellings
- 202 x three-bedroom dwellings
- 87 x four-bedroom dwellings

All dwellings would be two-storeys in height apart from 34 units which would be 2.5 storeys in height. The development proposes 39 rented units as the affordable housing provision.

The proposed development would provide consist of 1-4 bedroom units. 22% of the dwellings would have four bedrooms and the development would not be dominated by larger dwelling types. Following the deferral at the SPB meeting in March the number of two-bedroom dwellings has been increased from 47 to 89 and this equates to 19% of the open market dwellings

(increased from 5% as part of the earlier application). For open market and affordable units the number of two bedroom units equates to 22.8% of the dwellings on the site.

Policy SC4 does not specify a mix and HOU1 cannot be given full weight. On this basis the housing mix is considered to be acceptable.

### Character

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

Middlewich and Moston are located within the Salt & Engineering Towns area (although it is not an identified example settlement) and the design cues for this are include the following;

- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.
- All eras of architecture are found within the settlement character area
- Existing landscape features should be retained on site to preserve the landscape character.

There is a variation of house-types adjoin the site. There majority appear to be two-storeys in height (although there are some caravans sited along Booth Lane). To the west of the site is a development which is currently under construction. The properties to the north have a more suburban appearance. The dwellings in the area predominantly detached and semi-detached, with a mix of hipped and pitched roofs, the material pallet also includes a mix of red and buff brick and render and includes a mix of grey and red tiled roofs. The age of the surrounding dwellings is mixed but is largely post-war in age.

The dwellings in the locality of the site include a number of design features such as projecting gables, bay windows (single storey), porch detailing, window header and sill details, brick banding, ridge tile detailing, and chimneys.

The proposed dwellings would vary from two storey units to two and a half storeys. They would have a gabled roof design and the roof heights vary across the development which would add some interest. The height variation is consistent with the wider locality in this part of Middlewich and is considered to be acceptable.

Largely it is considered that the proposed development respects this character of the area. Many of the design cues within this location are incorporated into the development with features such as projecting gables, window header and sill details, brick banding and porch detailing (although all appear to be open porches/canopies).

Details of external materials would be controlled through the imposition of a planning condition as would details of the proposed boundary treatments.

### 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?*

The site includes a number of natural features such as trees, hedgerows, ponds and the centrally located wetland area. There is also a pipeline running centrally through the site and pylons with overhead cables crossing the site.

Given the significant constraints and easements shown on the plan (the no-build zone and the brine easement in particular) the layout is limited in what it can do but is considered to be broadly successful.

The level of POS and the green heart to the layout is welcomed. Due to the easement constraint associated with the pipeline the development includes a centrally located linear park which runs through the development from east to west. In addition, the centrally located wetland area would be retained and lines up with the existing open space to the north.

The pylons run through a narrow part of the site and the development would be located on either side outside the overhead easement.

Internal connectivity generally good, the housing is laid out in perimeter blocks with a welcome lack of cul-de-sacs which alongside the positioning of the taller 2.5-storey units, will aid legibility and wayfinding.

To the southeast of the site the development shares a closer relationship to Booth Lane and the Canal Conservation Area opposite. The proposed dwellings to this part of the site would be set behind private driveways and a landscaping strip and face onto Booth Lane. This helps with the frontage to the canal and its conservation area which is close to the street at this point.

The houses on plots 4-11 present their backs to the boundary, which is generally not acceptable, but in this case the retention of the mature hedge is considered more important and on balance, this is considered to be acceptable.

### 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?*

The majority of the open space would be to the centre of the site in the form of the linear park and the retained wetland habitat.

The proposed dwellings would be sited to ensure that they overlook the proposed highway network and the open space on the site. The development would use corner-turning units on the corner plots.

Internally within the site the proposed development would include a mix of car-parking solutions. The car-parking to the front of the proposed dwellings would be within small pockets and would be broken up with landscaping. Parking would also be provided to the side of the dwellings and within small parking courtyards.

In terms of the landscaping within the development this is discussed elsewhere within the report and includes a comprehensive scheme of tree-planting.

### Easy to find your way around

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

The site is well connected internally and it would be easy to navigate throughout the development.

### Streets for all

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

It is considered that the proposed highways design is appropriate and, on the whole, avoids large straight stretches which would encourage speeding. The surfacing materials would be controlled via the imposition of a planning condition.

### Car parking

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

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be acceptable with the parking also provided to the side/rear of the dwellings and within parking courtyards.

### Public and private spaces

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

The management of the open space and landscape buffers is secured as part of the S106 Agreement.

### External storage and amenity space

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

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. There would be adequate space for future occupiers to store their bins/cycles.

### Design Conclusion

On the basis of the above assessment, it is considered that the proposed development represents an acceptable design solution. The development would comply with Policies SE1 and SD2 of the CELPS and the CEC Design Guide.

## **Landscape**

Impact upon the wider landscape was considered as part of the outline application. The application includes a detailed landscaping scheme, and this was originally unacceptable due to the lack of tree planting within the site and to the Booth Lane frontage. Amended plans have now addressed



the concerns of the Councils Landscape Architect and the proposals are considered to comply with Policies SE1 and SE4 of the CELPS or LCD1 of the MNP.

## Ecology

### Statutory Designated Sites

Natural England were consulted on the outline application at this site and did not object subject to conditions. One of these conditions related to further survey information in respect to the use of the application site by birds associated with the Sandbach Flashes SSSI. A wintering and breeding bird survey has now been submitted, which has been provided in part to address this issue.

As part of the latest consultation response Natural England have now requested a SSSI Risk Assessment. This has now been submitted and an update will be provided once a revised consultation response has been received from Natural England.

*Condition 18: Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone (at least 5 metres wide) between the ponds / watercourses.*

The 2020 ecological assessment identifies three permanent ponds and two ephemeral ponds on site. The three permanent ponds would be satisfactorily retained under the proposed layout, but the two ephemeral ponds and a length of ditch would be lost.

*Condition 19: No development shall commence until details of bat and bird nest boxes to be provided at the site have been submitted.*

Proposals in respect of this condition have been included with the submitted 'Bat, Bird, Invertebrate and hedgehog Mitigation scheme version 1.1' submitted in support of this reserved matters application. The Councils Ecologist advises that the proposed features are acceptable and are sufficient to allow the discharge of this condition.

*Condition 27: Should the reserved matters application result in the loss of any ponds, these shall be replaced as part of the development in accordance with a scheme to be submitted to and approved in writing by the local planning authority.*

As discussed above, two of the existing ponds on site would be lost under the currently proposed layout. Detailed designs for replacement ponds have been submitted to address the loss of these ponds. The Councils Ecologist advises that considering the nature of the ponds lost the submitted proposed replacement ponds are acceptable. The location of the replacement ponds is now shown on the submitted landscape drawings.

It must be ensured that sufficient surface water continues to be directed to the retained existing ponds to prevent them from drying out as a result of changes to the sites hydrology following the development. The plot drainage plans for the site have now been revised to reflect the latest layout and include drainage measures to safeguard the hydrology of the retained ponds. A condition would be required to secure the implementation of these measures.

### Bats

Further bat surveys have been undertaken. Temperatures were slightly low during the initial survey visit. This is however unlikely to be a significant constraint on the results of the survey overall. No bat roosts were identified in the trees on site and so the application is unlikely to result in a significant adverse impact upon this species.

The site is considered to be of Local Importance for some species of foraging bats. Most Bat activity occurred around the southern boundary and pond 1. Activity was also concentrated around pond 2. These features would be retained as part of the proposed development, reducing potential impacts upon foraging and commuting bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development vegetation, it must be ensured that the lighting strategy for the site submitted under condition 8 avoids any light spill onto retained vegetation and ponds particularly Ponds 1 and 2 and the southern boundary vegetation.

### Breeding Birds

A detailed breeding bird survey has been undertaken. The application site is of local value for nesting birds and supports a number of more widespread priority bird species which are a material consideration for planning. The loss of hedgerows and existing tree cover would result in the loss of habitat for nesting birds.

Cetti's Warbler (a species receiving specific protection under the Wildlife and Countryside Act) was identified as probably breeding on site due to favourable habitat around pond 1. Pond 1 would be retained as part of the development; however, the adjacent development is likely to deter this species from nesting on site in the future. The proposed development therefore potentially would result in a localised adverse impact upon this species.

The provision of features for nesting birds are required under condition 19 and condition 20 of the outline relates to the safeguarding of nesting birds.

### Wintering Birds

Snipe was recorded on site during the wintering bird surveys. Regular presence of this species over a number of years is considered sufficient for a site to be designated as a Local Wildlife Site. In this instance only a single year's data is available, so it is not possible to fully assess the importance of the site for this species. Only a single bird was recorded at any one time, so the site is unlikely to be critically important for this species. Suitable habitat for this species would be retained as part of the proposed development. However, it is difficult to say whether this species would be likely to continue to use the site post development due to increased levels of disturbance.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. There are extensive hedgerow losses resulting from the proposed layout with a co-responding loss of biodiversity.

Replacement native hedgerow planting is included on the revised landscape drawings and is considered to be acceptable.

### Moston Neighbourhood Plan

The MNP identifies that parts of the application site are supporting 'medium distinctiveness habitat'. In these locations Policy ENV1 of the MNP states that applications will require 'a comprehensive ecological evaluation if they are put forward for development'. This has been provided as part of this application.

Policy ENV2 of the MNP states that development that '*would result in the loss of, or the deterioration in the quality of an important natural feature, including trees and hedgerows and watercourses will not normally be permitted. In exceptional circumstances where the benefit of development is considered to outweigh the benefit of preserving natural features, developments may be permitted subject to adequate compensatory provision being made*'. In this case the principle of the development on this site has already been accepted and adequate compensatory provision is being made.

### Great Crested Newts

No evidence of Great Crested Newts was recorded during the surveys undertaken to inform the outline application. The 2020 ecological assessment however advises that newts have subsequently been recorded at ponds within 250m of the development. The proposed development may therefore result in an adverse impact on this species as a result of the loss of suitable terrestrial habitat and the risk of animals being disturbed or injured during the construction process.

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

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

The site has outline planning permission and is allocated within the CELPS. The provision of housing on the site is of overriding public interest and there are no suitable alternatives.

In order to address the potential impacts of the proposed development upon great crested newts the applicant has proposed entry into Natural England's District Licencing Scheme. This approach is supported and would be sufficient to maintain the favourable conservation status of the species.

A copy of the countersigned Impact Assessment and Conservation Payment Certificate has now been submitted, as evidence of the developments eligibility to enter the licencing scheme.

### Additional conditions

If reserved matters consent is granted conditions would be required to deal with the following:

- Updated badger survey to be undertaken and submitted prior to commencement of development. If any evidence of badgers is recorded the submitted report to include mitigation and compensation measures.
- Submission and implementation of hedgehog reasonable avoidance measures.
- Entry into Natural England's District Level licensing scheme.
- Ecological mitigation features are to be provided on site as detailed on submitted layout plan. Where features are associated with a dwelling these are to be installed prior to first occupation of that dwelling. All features to be permanently retained.
- Replacement ponds on site are to be provided in accordance with submitted plans
- Measures to safeguard the hydrology of the retained ponds to be implemented in accordance with the recommendations of the submitted Pond Hydrology Review.

Subject to the above the proposed development complies with Policy SE3 of the CELPS, NR2, NR3 and NR4 of the CLP and ENV1 and ENV2 of the MNP.

### **Hazardous Installations**

Part of the site is located within the outer zone of a hazardous installation and a major hazard pipeline crosses the site. In the HSE Padhi+ system identified that the HSE require formal consultation as well as consultation with the National Grid. All residential dwellings proposed as part of the application lie outside the inner zone of the pipeline route covered by the Hazardous Substances Consent which runs through the site.

The HSE and National Grid were formally consulted but have not provided any comments. Given that outline planning permission is in place, the development is acceptable in terms of its impact upon the hazardous installations.

In terms of the electricity infrastructure crossing the site, Scottish Power have been consulted and raised no objection subject to the imposition of an informative.

### **Flood Risk**

#### **Flood Risk**

The impact of the development in terms of drainage was considered as part of the outline application and conditions 16 (surface water run-off) and 17 (manage the risk from overland flow) relate to the drainage implications of the development.

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the outline application, with an updated FRA provided as part of this Reserved Matters application.

The site includes a number of existing ditches/ordinary watercourses running through the site and along the northern and southern boundaries (Ordinary watercourses include every stream, ditch, drain, cut, dike/dyke, sluice, sewer (other than a public sewer) and passage through which water flows and which does not form part of a main river). A large natural wetland is located within the site as well as some small ponds (these would largely be retained although

2 small ponds would be lost, as noted within the Ecology section above). The greenfield run-off rate for the existing site has been calculated at 77.74 litres per second.

In preparation for this application soakaway testing was undertaken, using trial pits over a 24-hour period. The outcome of the tests is that infiltration to the ground is not a suitable option.

Several existing watercourses/ditches that run through the site will be connected to suite the site levels, and in some locations, they will be diverted/reconfigured to suite the site levels. Some lengths will be culverted below the proposed highway and these works will be dealt with as part of a land drainage consent application. The culverting of these watercourses should not increase the risk of flooding from the proposed development. Any alterations to an existing ordinary watercourse will need to be consented under Land Drainage Act 1991 by the Cheshire East Local Flood Authority.

The proposed development will result in an increase of impermeable areas and an increase in surface water run-off. It is proposed to restrict the surface water run off to the greenfield rate (77.74 litres per second). This restriction will result in volumes of storage being required, and attenuation ponds, swales, oversized pipes and tanks will be provided to hold the surface water run-off for up to the 100-year + climate change storm event

The current requirement for surface water drainage is 1 in 100 year + 40% climate change. This is specified Government Guidance and has been confirmed with the Councils Flood Risk Manager.

The storage required for the 1 in 100 year + 40% climate change is between 3569m<sup>3</sup> and 4911m<sup>3</sup> (the drainage layout provided shows storage provision across the site of 4240m<sup>3</sup>, the mean value). The exact volume of storage will be determined at the detailed design stage and agreed as part of the discharge of the planning conditions. Sufficient storage volumes will be provided to accommodate the 1 in 100 year +40% climate change storm events with no plots at risk of flooding.

The proposed surface water drainage network is to be connected to the existing watercourse via several new outfall points. United Utilities will be involved in discussions to determine whether they will adopt the ponds and swales.

The surface water maps show that there is a predominantly low risk of flooding from surface water (pluvial – where intense rainfall causes the ground to be saturated and its capacity exceeded). The areas at a medium-high risk from pluvial flooding are around the existing watercourses, ponds and wetlands which are being retained/diverted on site with reconfiguration works and additional capacity of the culvert works. This will not increase the risk of flooding on or off the site. There is also a small area of the northern corner of the site which is at high risk from pluvial flooding. The proposed improvements culverting will provide enough capacity for the existing pluvial flood risk outlined and finished floor levels have been set appropriately within these areas.

The Councils Flood Risk Team and the Environment Agency been consulted as part of this application and have raised no objection whilst United Utilities have raised general comments only. As a result, the development is considered to be acceptable in terms of its flood

risk/drainage implications and the drainage scheme will be considered as part of the discharge of conditions 16 and 17 attached to the outline consent.

### **Other issues**

The comments made in the representation from British Salt are noted. In this case the issue relates to the proposed access onto Warmingham Lane and the existence of a covenant. This is a Reserved Matters application and is to consider the matters of landscaping, appearance, layout and scale only. The access points including the access point onto Warmingham Lane were approved as part of the outline application and this application does not represent an opportunity to reconsider the access to the site. The issue is a civil matter between the two parties and is not an issue that can be considered in the determination of this Reserved Matters application.

The comments made by SP Energy Networks are noted. The applicant has provided further details in response and an updated consultation response is awaited.

### **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approval on this site. The housing mix has now been amended to provide a greater proportion of two bed units as requested by SPB in March.

The development will not have a detrimental impact upon residential amenity and would comply with Policy GR6 and GR7 of the CLP.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS and the CEC Design Guide.

The POS is considered to be acceptable and would be a benefit to this scheme.

The proposed landscaping scheme is acceptable and the development is acceptable in terms of its impact upon ecology (despite the potential impact upon two bird species) and would comply with Policies SE1 (Design), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland) and SE6 (Green Infrastructure) of the CELPS, Policies NR3 and NR4 of the CLP and policies ENV1 and ENV2 of the MNP.

The impact upon the trees on the site is considered to be acceptable.

The drainage/flood risk implications for this proposed development are considered to be acceptable and will be dealt with as part of conditions 16 and 17 attached to the outline consent.

The proposed access points and the traffic impact as part of this development have already been accepted. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2 and SE1 of the CELPS.

The development complies with the Development Plan as a whole and is recommended for approval.

**RECOMMENDATION:**

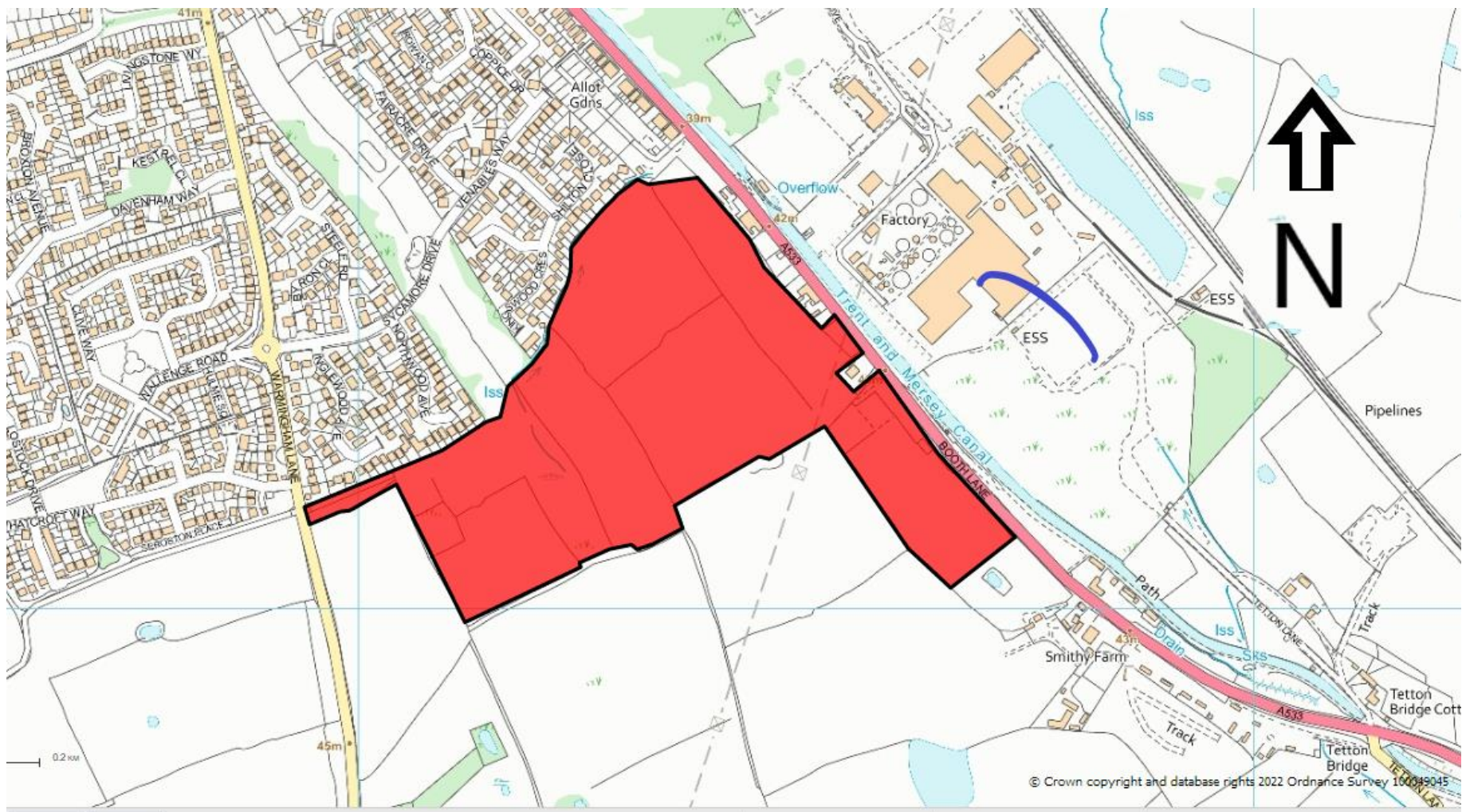
Subject to the outstanding issues relating to the trees on the site and the levels around the NEAP impact upon the SSSI and SP Energy being addressed APPROVE subject to the following conditions;

1. Approved plans
2. Remove Permitted Development Rights – roof alterations/dormers plots 292, 293, 301 and 302
3. Obscure glazing side windows – plots 265, 270 and 271
4. Obscure glazing rear rooflights – plots 280, 281, 289 and 290
5. Submission and implementation of Measures to safeguard retained ponds and marshy grassland during the construction process.
6. Submission and implementation of a 30-year habitat management plan.
7. Implementation of measures recommend in the submitted 'Invertebrate and Hedgehog Mitigation Scheme' version 1.1.
8. Parking areas in areas where water will be directed to retained ponds should be constructed from permeable paving.
9. Prior to the commencement of development the consented development is to be entered into Natural England's District Licensing Scheme for Great Crested Newts.
10. Updated badger survey to be undertaken and submitted prior to commencement of development. If any evidence of badgers is recorded the submitted report to include mitigation and compensation measures
11. Entry into Natural England's District Level licensing scheme.
12. Ecological mitigation features are to be provided on site as detailed on submitted layout plan. Where features are associated with a dwelling these are to be installed prior to first occupation of that dwelling. All features to be permanently retained.
13. Replacement ponds on site are to be provided in accordance with submitted plans
14. Measures to safeguard the hydrology of the retained ponds to be implemented in accordance with the recommendations of the submitted Pond Hydrology Review.
15. External Lighting
16. Implementation of the proposed landscaping
17. Notwithstanding the approved plans – materials to be submitted and approved
18. Notwithstanding the approved plans – Boundary Treatment to be submitted and approved
19. Notwithstanding the approved plans – Surfacing Details to be submitted and approved
20. Details of the design of both the LEAP/NEAP and surrounding open space
21. Implementation of the noise mitigation measures within the acoustic report
22. Bin/cycle stores for the proposed apartments and convenience store
23. Development to be carried out in compliance with the submitted AMS

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Strategic Planning Board (or Vice

Chair in their absence) provided that the changes do not exceed the substantive nature of the Board's decision.







Application No: 21/2412C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: Reserved Matters for approval of access, appearance, landscaping, layout and scale following outline approval 14/1193C for the erection of 160 dwellings, car parking, public open space and associated works

Applicant: Mr C R Muller, Muller Property Group

Expiry Date: 11-Mar-2022

### Summary

The application site is within the Settlement Zone Line as identified by the SNP and has outline planning permission for residential development.

The highways implications of the development are considered to be acceptable and a contribution for off-site highway works is secured as part of the outline consent.

The issues of noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE 12 of the CELPS. The impact upon the amenities of the surrounding residential properties is considered to be acceptable.

The site is a prominent location Sandbach and the proposed development fails to create a high quality, beautiful and sustainable place and is contrary to Policies SE1, SD1 and SD2 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

The site has a challenging topography and the development would require large retaining structures and little landscape mitigation. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS and PC2 of the SNP.

The impact upon the trees on the site is largely acceptable. However, the impact upon Lime Tree (T19) remains a weakness in the proposed design.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would affect PROW 19. The development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot. As a result, there would be conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP.

The impact upon ecology is considered to be acceptable and the proposed development complies with Congleton Local Plan Policy NR2 of the CLP, Policy SE3 of the CELPS, Policy PC4 of the SNP and the NPPF.

The proposed development does not integrate the open space/play area into the development, it lacks natural surveillance, and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.

On the basis of the above the application is recommended for refusal.

### **RECOMMENDATION**

**REFUSE**

### **PROPOSAL**

This is a Reserved Matters application following the approval of application 14/1193C. The application seeks permission for the access, appearance, landscaping, layout and scale for the erection of 160 dwellings (reduced from 170 dwellings during the course of this application).

### **SITE DESCRIPTION**

The application relates to 7.21 ha of land. The site is located within the open countryside as defined by the Congleton Borough Local Plan. However, the site is located within the Settlement Zone Line as identified within the Sandbach Neighbourhood Plan. Part of the site is also located within a wildlife corridor.

The site comprises agricultural land and the farm complex known as Fields Farm. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condcliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the east. The site includes a number of hedgerows and trees which cross the site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

There are a number of Public Rights of Way (PROW) which cross the site.

### **RELEVANT HISTORY**

19/5736C - The construction of 57 dwellings and erection of a petrol filling station (sui generis) and associated convenience store (class A1), drive-through restaurant (Class A3 / A5), drive through café (Class A1 / A3), offices, (Class B1(a)) along with the creation of associated access roads, parking spaces and landscaping – Refused 26<sup>th</sup> February 2020

19/3784C - Full planning application for erection of a care home (class C2), 85 new dwellings (class C3) and creation of associated access roads, public open space and landscaping – Refused 19<sup>th</sup> December 2019 – Appeal Allowed 12<sup>th</sup> October 2020

19/2539C - 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). – Refused 28<sup>th</sup> August 2019 – Appeal Dismissed 12<sup>th</sup> October 2020

18/4892C - Hybrid Planning Application for development comprising: (1) Full application for erection of a foodstore (Class A1), petrol filling station (sui generis) and ancillary kiosk/convenience store (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), farm shop (class A1) 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), 92 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 – Refused 1<sup>st</sup> March 2019

18/2540S - EIA Screening Opinion – EIA Required 6<sup>th</sup> June 2018

14/1193C - Outline planning application for up to 200 residential dwellings, open space with all matters reserved – Approved 12<sup>th</sup> October 2017

13/2389C - Outline Planning Application for up to 200 Residential Dwellings, Open Space and New Access off the A534/A533 Roundabout at Land South of Old Mill Road – Appeal for non-determination – Strategic Planning Board 'Minded to Refuse' – Appeal Allowed 11<sup>th</sup> December 2014

13/2767S – EIA Scoping – Decision Letter issued 7<sup>th</sup> August 2013

13/1398S – EIA Screening – EIA Required

12/3329C - Mixed-Use Retail, Employment and Leisure Development – Refused 6<sup>th</sup> December 2012. Appeal Lodged. Appeal Withdrawn

## **POLICIES**

### **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

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 – The Landscape  
SE 5 – Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 7 – The Historic Environment  
SE 12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
SC4 – Residential Mix  
SC5 – Affordable Homes  
CO1 – Sustainable Travel and transport  
CO2 – Enabling Growth Through Transport Infrastructure  
CO4 – Travel Plans and Transport Assessments

### **Congleton Borough Local Plan**

PS4 – Towns  
PS8 – Open Countryside  
GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR10 - Accessibility, servicing and provision of parking  
GR13 – Public Transport Measures  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Non-statutory sites

### **Sandbach Neighbourhood Plan (SNP)**

The Sandbach Neighbourhood Plan was made on 21<sup>st</sup> March 2022.

PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
PC5 – Footpaths and Cycleways  
HC1 – Historic Environment  
H1 – New Housing  
H2 – Design and Layout  
H3 – Housing Mix and Type  
H4 – Housing and an Ageing Population  
IFT1 – Sustainable Transport, Safety and Accessibility  
IFT2 – Parking  
IFC1 – Community Infrastructure Levy  
CW1 – Amenity, Play, Recreation and Outdoor Sports Facilities  
CW3 – Health  
CC1 – Adapting to Climate Change

### **National Policy:**

National Planning Policy Framework  
National Planning Policy Guidance

## CONSULTATIONS

**United Utilities:** No objection subject to the imposition of a drainage condition. A public sewer crosses this site and UU may not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

**CEC Housing:** The applicant has reduced the total housing number to 160 and they are proposing 48 Affordable Dwellings which is 30%. Of these 48, 31 are to be rented and 17 are to be Intermediate dwellings. This amount and tenure split is policy compliant. However, there is still no Affordable Housing Statement that is required with any reserved or full application. Until the Affordable Housing Statement is provided the objection is maintained.

**CEC Environmental Health:** No comments to make.

**CEC PROW:** Object to the application on the following grounds;

- FP17 is shown aligned along the footway of the estate road, this effectively represents an extinguishment of the PROW. Whilst the current path is acknowledged to be difficult and unattractive this represents a lost opportunity to create an improved east-west off road route. This proposed development should present an opportunity to deliver and improve walking and cycle facilities for transport and leisure purposes.
- The link from FP17 and FP18 to Laurel Close is shown as a pedestrian/cycle link. If cycle access to be accommodated then it must be confined to the road network as FP18 is only proposed to be 2m wide and is not suitable for shared use.
- *FP18 is largely accommodated along the eastern boundary of the site within a green swathe although it will require a minor diversion for the section around the parking area off the end of shared surface road 4.* It is stated in that no part of this route will not be less than 6 metres wide.
- It is disappointing that there has been no reassessment of how FOP19 could be better served than placing it largely along the spine road for half of its length. The spine road does not offer the green corridor environment or avenue that has been delivered elsewhere. The verges are narrow and the route will be continually crossed by driveways and a side road. This section will also require an extinguishment of the footpath. The southern half of FP19 is proposed to be diverted and offers an acceptable alternative provision through a largely green landscape.
- FP50 – There is no accommodation of this small section of footpath where it leaves FP18. It looks like some of the proposed wildflower planting will also be across the footpath.
- Where each of the footpaths exit the site, there should be suitable provision of pedestrian gates and/or cycle access. There are also no details of the widths and surfacing of the footpaths.

**Natural England:** No objection.

**Sustrans:** No comments received.

**Ramblers Association:** No comments received.

**Cheshire Wildlife Trust:** No comments received.

**CEC Head of Strategic Infrastructure:** No objection.

**CEC POS:** Offer the following comments;

- The site layout has removed the Local Area of Play (LAP) adjacent to Plot 76 which is a positive change being in an inappropriate location. However this has not been mitigated elsewhere.
- There are still concerns regarding the levels of the main area of open space, how the SUDs storage tank and adjacent attenuation tank will impact of the open space? These aspects may influence the inclusivity, accessibility, and useability. The level plans shows a 5m – 7m difference from dwellings to Neighbourhood Equipped Area of Play (NEAP) effectively siting the play in a depression. Although the tank is below the NEAP final level. There are concerns in practice how the depression in which the NEAP sits will affect the usability.
- The NEAP is predominately flat however the surrounding space is not making it difficult for informal games.
- Concerns regarding the safety of the NEAP/open space. To the west is the bypass with tall hedges and vegetation. There is very little, if any opportunity for the facility to be visible from passing traffic. Although Footpath 9 runs alongside the facility this will give intermittent natural passing surveillance. Plots 130 – 134 are rear facing with significant planting and distance between the properties and the NEAP. To the north Plots 136 and 138 give very limited natural surveillance with only Plot 137 facing the site
- The main open space containing the NEAP should be better integrated into the scheme. It is for safety, usability, inclusivity and accessibility
- Do not support the current layout.

**CEC Flood Risk Manager:** Make the following comments;

- Upon reviewing the submitted information we would have no objections in principle to the reserved matters application.
- It is worth noting that there is a significant increase in proposed ground levels on the western boundary of the site therefore can the applicant please clarify how surface water run-off will be managed safely and contained onsite in this area? Ideally in this instance we would expect to see the implementation of a cut-off drain with a positive outfall to prevent adverse flooding off-site. Has effective boundary treatment been included within the drainage strategy/overall design layout to date?
- Can the applicant please provide confirmation on the above prior to the LLFA's approval?

**Environment Agency:** Very little information has been provided regarding the access road crossing of Arclid Brook. The applicant has not yet provided details or drawings of the crossing design or has provided any evidence of options that have been explored.

The Environment Agency are generally opposed to the culverting of watercourses due to the negative impacts that they can have on habitats, wildlife corridors and river continuity. Culverting should not be considered until all other options, such as an open span bridge, have been explored. When culverts are unavoidable, they should be kept as short as possible.

Conditions are suggested.

## **VIEWS OF THE TOWN COUNCIL**



**Sandbach Town Council:** Sandbach Town Council objects to this application for the following reasons;

- Given the N.E.A.P will attract people from out of the development, there does not appear to be any allocated parking available for visitors. Members are also concerned that there will be an overspill of parking on the roads of this development when the Town Centre is busy, given the development's proximity to the Town.
- Members are not happy with the new proposed route for FP17. A green path in the countryside has now been converted into a completely hardstanding path through the development that does not appear to go anywhere.
- Members would like reassurance that the proposed driveways are long enough that 2 cars parked in front of each other may park on them without overhanging the footpaths.
- As a result of the above, this application is in contravention of Policy PC5 (Footpaths and Cycleways) of the Sandbach Neighbourhood Development Plan (2022)

## **REPRESENTATIONS:**

Letters of objection have been received from 57 local households which raise the following points;

- Increase in traffic at the roundabout to the A534/A533. The traffic levels are already higher than the roundabout can cope with
- The new development envisages an additional 372 vehicles which will increase traffic congestion and cause unacceptable access, noise pollution and air pollution.
- The Transport Assessment acknowledges that the existing infrastructure is operating beyond capacity by 2024. The redesign of the roundabout will not solve this problem.
- The Transport Plan is out of date and based on data and assumptions from 2014.
- Traffic regularly backs up at peak times and regularly uses the hatched area to avoid blocking the roundabout (an area where the current proposal would site a Toucan crossing).
- The application refers to comments made by a Planning Inspector on a different application (19/3784C). This application was for half the number of dwellings as the current application and the comments are not valid
- Loss of green space which surrounds Sandbach
- The proposed three-storey buildings along the central spine road are not in keeping with the design or aesthetic of Sandbach
- The drainage plan does not provide sufficient detail or guarantee through-life maintenance of the proposed flood storage facility. It is hard to envisage the solution being anything other than a stagnant pond.
- Sandbach has grown exponentially over the last 20 years
- The town is at gridlock if there are any problems on the M6
- Difficulty getting access to a dentist or Dr appointment
- Local schools are at capacity
- The site includes public footpaths which make a significant contribution to the area
- The approved local housing plan should be afforded high weight
- Continuous planning applications on this site
- Lack of infrastructure within Sandbach
- Sandbach does not need further housing development
- Sandbach is meeting its housing needs
- The roundabout is at capacity and cannot cope with an additional 372 vehicles
- Junction 17 is overwhelmed at peak times
- Lack of public transport
- Loss of wildlife habitat

- Impact upon the PROW Network – FP17, FP18 and FP19
- PROW network is important for physical and mental health
- The PROW Network on the site is well used
- Agree with the comments made by the Sandbach Footpaths Group
- Impact upon the privacy of 11 Condliffe Close
- Greater landscape buffer should be provided to the properties fronting Condliffe Close and Laurel Close
- The PROW on the site should have a more rural aspect
- Impact upon the Town Centre
- The PROW Officer is objecting to the application
- Queuing traffic along Old Mill Road
- The footpaths on the site are well used
- The design is unimaginative and does not comply with the SNP
- Significant tree/hedgerow removal is proposed
- Impact upon the Wildlife Corridor
- Impact upon air quality
- Highways congestion
- Lack of public transport serving Sandbach
- Traffic congestion is restricting emergency vehicle movements
- The plans do not accurately show the position of openings to the side elevation of 74 Palmer Road
- Loss of privacy to 74 Palmer Road. The hedgerow does not provide sufficient screening
- The site is not allocated within the CEC Local Plan
- Loss of agricultural land

A representation has been received from Cllr Corcoran which states that he supports the comments made by Cycling UK. In particular the comments relating to 'cycle storage' v 'cycle parking' and that he supports *'The provision of pedestrian/cycle links from the application site onto Houndings Lane/Laurel Close'*

An objection has been received from Sandbach Footpath Group which raises the following points;

- The site includes the following footpaths FP19, FP18 and FP17
- Sandbach Parish only has 20 PROW which go somewhere, rather than ending in a busy main road or a dead end. This application degrades 3 of those footpaths (a 15% reduction).
- PROW are enshrined in Law in perpetuity and must be retained as best as possible.
- Regarding PROWs it seems that 21/2412C is an improvement over 19/5736C.
- The PROW Officer has objected to this application
- FP17 – it would have been preferable if this had a more open aspect, but on balance the new route is preferable to the previous which was via a cluttered yard. However, the route is traversed by 22 driveways and an alternative route would reduce this to 14 driveways. The stile to Laurel Close should be replaced with a gate or kissing gate. To make the route more accessible FP50 needs to be re-instated with a proper surface and gradient.
- FP18 – If the width is no less than 6m then this is a reasonable compromise. There should be gates or kissing gates where necessary.
- FP19 – From Houndings Lane to the farm buildings and care home plot this should be no less than 6m wide. However, FP19 joins the spine road and this would not be in compliance with DEFRA 1/09 (clause 7.8) so the Sandbach Footpath Group objects to the application. The route would be traversed by 12 driveways and would not be a safe or satisfactory footpath route. It would need extinguishment and is likely to receive a lot of local opposition.

- It is suggested that FP19 is diverted to the west of the site through the green corridor. There should be gates or kissing gates where necessary.

A representation has been received from Sandbach Woodland and Wildlife Group which raises the following comments;

- Support the comments made by the Sandbach Footpaths Group
- The largest asset in Sandbach is the Wildlife Corridor along Arclid Brook
- The junction of Old Mill Road and the Wheelock Bypass is the only interruption to safe pedestrian passage along the whole length of the wildlife corridor from the M6 to Wheelock. It is requested that this application represents an opportunity to put this right

A representation has been received from Cycling UK (Sandbach) which raises the following points;

- Very pleased that the three secondary entrance points are now labelled as 'pedestrian/cycle links' on the proposed plans
- The middle link should include the conversion of a footpath into a shared use
- The term 'cycle storage' should be replaced with 'cycle parking'. This may prevent unworkable cycle parking being provided

## APPRAISAL

### Procedural Matters

It should be noted that outline application 14/1193C had been due to expire on 12<sup>th</sup> October 2020. However, The Business and Planning Act 2020 modified the Town and Country Planning Act to enable certain permissions in England which have lapsed or were due to lapse during 2020 to be extended. This was due to the impact of the Coronavirus on the planning system and construction sector. Planning permissions that are affected by the provision were extended to 1<sup>st</sup> May 2021, by which time Reserved Matters had been validated on 29<sup>th</sup> April 2021.

### Planning History

As can be seen within the planning history section the site has an extensive history. As well as the extant outline consent it is worth noting the two recent appeal decisions following the refusal of applications 19/3784C and 19/2539C

The appeal following the refusal of application 19/3784C relates to the enlarged roundabout, spine road and the development of the far southern part of the site (a care home and 85 dwellings). This appeal was allowed.

The appeal following the refusal of application 19/2539C relates to the entire site and included a retail/commercial led development to the north with a residential part to the south. This appeal was dismissed as the Inspector found that *'substantial harm would arise from the layout and design of the commercial development and moderate harm from the way it deals with the routing of footpaths 18 and 19. No other significant harm would arise'*. Of particular concern were the treatment of the levels on the site and the provision of extensive retaining features. The inspector found as follows;

- A paragraph 18 the proposed development would *'involve a major remodelling of the existing landform, with obliteration of a significant proportion of the valley slopes which run through the site from north-east to south-west and loss of the gentler sloping field up towards Fields Farm.*

*The edges of the platform, above the deep narrowed valley to the west and close to the eastern boundary, would be formed by retaining structures with a height of up to about 7m on the western side and rising to around 5m on the eastern side'*

- *At paragraph 20 'notwithstanding these mitigating factors and the explanation for the approach in the Technical Notes, the extent of the reforming of the landscape and the size of the development platform and the retaining structures that result would, to my mind, be excessive. The commercial development would not work with the flow and grain of the landscape. This approach runs counter to the need to work with topography and landscape as described by the National Design Guide, Building for Life and the Cheshire East Borough Design Guide'*
- *At paragraph 21 the Inspector states that 'Some remodelling and retaining structures would be likely as a result of a housing development on the northern part of the site. However, as the floorplates of houses would be smaller scale and more adaptable to landform, a development platform of such a size would not be needed. Nor would the engineering structures need to be so large and extensive. That is not to say that a commercial development could not be successfully integrated into the landscape. But a finer grain layered approach would be required, rather than one which appears to have the objective of imposing a particular range of buildings with set floorspace all at a similar level on the site'*

In terms of the impact upon the PROW network the Inspector found as follows;

- *At paragraph 46 the inspector states that 'Appeal A shows Footpaths 18 and 19 being routed close to buildings or along the spine road as it passes through the commercial development. It is likely that this would result in a more urban environment for these routes, overall, than if the site was developed solely for housing where they could be integrated into a more spacious public realm'*
- *In terms of Footpath 18 the Inspector found at paragraph 48 that 'despite the width of the corridor and height of the footpath, users would have a feeling of being hemmed in when behind the coffee shop and foodstore as fencing and high hedging to the neighbouring residential properties would be retained. The steep drop to the level of the foodstore, the need for safety railings and the proximity of the bulky foodstore building would exacerbate the perception of an uncomfortable over-engineered environment'*
- *At paragraph 55 the Inspector states that 'Overall, the proposals would result in a significant change in character for the footpaths. The value of the footpaths as recreational routes would be diminished. The new routes would be heavily influenced by the urban character of the development, particularly where running along the spine road and by the eastern boundary. A significant change in character would occur with a solely residential development. But it is likely that the change would be less drastic'*
- *At paragraph 57 the Inspector states that 'there would be conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP as the commercial development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot, and parts of Footpaths 18 and 19 would be degraded'*

## **Principle of Development**

The principle of development for up to 200 dwellings has been accepted as part of application 14/1193C. Therefore the principle of residential development on this site is considered to be acceptable.

This application relates to the Reserved Matters of access, appearance, landscaping, layout and scale.

## Housing Mix

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). Policy H3 of the SNP states that new development should demonstrate how they have been designed to meet the most up to date assessment of local housing need. New residential developments should provide a mix of dwellings to meet the identified need, e.g. affordable housing, starter homes and provision for housing an ageing population. New developments should primarily seek to deliver the following types of market housing:-

- One, two or three bedroomed housing
- Single storey housing or apartments for older people or those with reduced mobility
- Nursing and care homes and sheltered accommodation for older people

This development would provide the following mix:

- 22 x one-bedroom dwellings
- 24 x two-bedroom dwellings
- 59 x three-bedroom dwellings
- 55 x four-bedroom dwellings

All dwellings would be two-storeys in height apart from 32 units which would be 2.5 storeys/3 storeys in height.

The contents of Policy H3 of the SNP are noted. In this case the Design and Access Statement submitted as part of the outline application states that the development will consist of a mix of house types varying from 1-4 bedrooms. The proposed mix complies with this and is not dominated by larger homes, the mix is therefore considered to be acceptable.

In terms of dwelling sizes, it is noted that HOU6 of the Site Allocations and Development Policies Document (SADPD) requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6'*

In this case 7 of the proposed house types totalling 56 of the units on the site comply with the NDSS. Given the 6-month transitional period referred to above this is considered to be acceptable.

## Highways Implications

As noted above the outline consent was in outline with all matters reserved. As a result, the proposed access is to be determined as part of this current application.

A previous planning consent 13/2389C (now expired) for 200 residential dwellings has been approved on this site. The permission was in outline form with access being determined, the existing roundabout at the A533/A534 was to be significantly enlarged and a fifth arm providing access to this site.

It is also noted that the appeal decision following the refusal of application 19/3784C also gave approval for an access off an enlarged five-arm roundabout to the north.

The S106 Agreement to outline application 14/1193C secures a contribution of £120,000 towards the improvement of the junction at The Hill/Old Mill Road and the widening of the A534 between the site access roundabout and the Old Mill Road/The Hill junction.

The main access would have shared pedestrian/cycle paths and a new toucan crossing is to be provided across the A533 located just north of the roundabout that will link the site for both pedestrians and cyclists.

Given that the access has been approved as part of two recent applications (although one has now expired), it is considered that this current scheme which is the same as that proposed as part of the appeal applications in 2019 is an acceptable highways solution in terms of traffic generation and access safety.

The enlarged roundabout access would be delivered via a S278 agreement.

### Internal Layout

The main spine road is a 6.7m wide carriageway with a 3m ped/cycle footway on one side and 2m footpath on the other. This has been designed to accommodate the proposed 170 units. The secondary roads are either 5.5m wide with footways or 4.8m shared surface carriageways.

The internal road design is consistent with CEC road design standards for adoption and the submitted design is considered acceptable. Swept paths have been submitted to indicate that a refuse vehicle is able to manoeuvre within the turning heads provided.

### Car Parking

The level of car parking has been provided in accordance with CEC standards. The parking for each of the units is either on driveway or garage spaces.

### Cycle Provision

The proposed development could have cycle parking provision for each dwelling. This could be controlled via the imposition of a planning condition.

The provision of pedestrian/cycle links from the application site onto Houndings Lane/Laurel Close could be secured via a planning condition should the application be approved.

### Summary

The proposed internal road layout is acceptable with regards to the submitted design and no objections are raised to the application. It should be noted that the development is reliant upon the new enlarged roundabout access being provided as there is no alternative means of access to the site.

### **Amenity**

The Congleton Borough SPG requires the following separation distances;

- 21.3 metres between principal elevations
- 13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The main properties affected by this development are those to the east of the site fronting onto Laurel Close, Condliffe Close and Palmer Road.

No 8 Laurel Close is located to the east of the application site. This dwelling has been extended to the side and includes a ground floor kitchen window facing towards the application site. The proposed dwelling on plot 74 have a side elevation facing No 8 Laurel Close and have a separation distance varying from 13-14m. It is considered that the proposed development would result in an improvement in residential amenity. Currently there is an agricultural building at a similar distance and the proposed development would result in the removal of potential amenity impacts from the use of the farmyard at Fields Farm.

The dwelling at No 15 Laurel Close has a blank side elevation facing the application site. There would be a separation distance of 18m to the side elevation of the dwelling on plot 76. This relationship is considered to be acceptable.

The proposed dwellings on plots 28 and 29 are two-storey units with front elevations facing the rear elevations of the dwellings at 74 and 76 Palmer Road with a separation distance of 29m at the nearest point. This relationship is considered to be acceptable.

The proposed dwelling on Plot 26 would have a front elevation facing the rear boundary of the dwelling at 74 Palmer Road. There would be a separation distance of just 6.5m to the shared boundary at the nearest point with 15.5m to the nearest point of the dwelling (which is set at an angle). No 74 Palmer Road has a door at ground floor level and a secondary first-floor window to its side elevation facing the site. Given the level changes, boundary treatment and angled relationship between No 74 and the proposed dwelling on plot 26 the relationship is considered to be acceptable.

The dwelling at plot 25 (two-storey unit) has a blank side elevation facing the rear elevation of 70 Palmer Road and separation distance of 23m. This relationship is considered to be acceptable.

The dwelling on plot 23 would have a side elevation facing the rear elevation of No 70 Palmer Road with a separation distance of 26m at the closest point. This relationship is considered to be acceptable.

The apartments at plots 15-20 are two-stories in height and would be positioned with their rear elevation 10m from the rear boundary of the dwellings at 7-11 Condliffe Close. There would be a separation distance of 18m to the rear elevations of these properties at the nearest point. Given the off-set relationship and level changes the impact is now considered to be acceptable.

### Air Quality

The impact upon air quality was considered as part of the outline application and conditions have been imposed relating to a Travel Plan (condition 19) and electric vehicle infrastructure (condition 21).

### Contaminated Land

The issue of contaminated land was considered at the outline stage and is dealt with as part of condition 11 which requires the submission and approval of a Phase II Contaminated Land Report before development commences.

### Construction Impacts

The issue of disruption caused by the construction of the development was considered as part of the outline consent and an Environmental Management Plan is secured as part of condition 12.

### Impact from Houndings Lane Farm

As part of the previous appeal decision on the site the Inspector expressed concern over the impact from the working farm at Houndings Lane Farm to the south on the proposed housing development. Condition 13 of the outline approval requires the submission and approval of a noise and odour assessment before development commences.

## **Design**

### Integrating into the Neighbourhood (1 Connections - Amber, 2 Facilities and Services - Amber, 3 Public Transport - Amber, 4 Meeting Local Housing Requirements – Green)

It should be noted that criterion 1, 2 and 3 are permissible ambers under Building for Life (BfL), where that is as a consequence of matters outside the control of the applicant.

The site has outline permission and therefore the principle of residential is established. However, it's location on the southern side of Old Mill Way, does potentially create a barrier to movement and connectivity on foot/by cycle. Provision is made for ease of movement within the site with the primary street incorporating a combined footpath and cycleway.



Within the site, the main issue re: connectivity is how the three PROW are being accommodated within the scheme. Diversion of Public rights of way FP 17 and 19 is proposed, whilst 18 follows the eastern edge of the site. The PROW team have objected to the proposal, primarily because of the diversion entailing the PROW being on the alignment of proposed streets for much of their length through the site. Although FP19 is being maintained on its present alignment, there are certain sections where it would be less well surveyed.

The scheme generally overlooks the rural edge except the western boundary which backs onto the valley bottom and the A534. However, the majority are contained by existing landscape features or would be by proposed new hedging.

Creating a place (5 Character - Amber, 6 Working with the Site and its Context - Amber, 7 Creating Well Defined Streets and Spaces - Amber, 8 Easy to Find Your Way Around – Green)

### 5 Character (Amber)

There have been further refinements to the scheme and some provision of further information re: site engineering, updated cross sections and topographical information. Whilst revised landscape information has also been provided, more is needed to demonstrate that the approach to levels in the northern part of the site is the most sensitive approach and that design quality can be secured.

It is acknowledged that levels changes are necessary, despite the latest information provided, there is still some concern about the extent of re-modelling and its effect on the final design and character of the development. Consequently, this needs careful consideration as does the character of the proposed retention in this area and consideration of its practicality and final appearance.

Tiered, multiple gabion walls/terraces in rear gardens are being proposed for the north-eastern part of the site, which may well be a better design solution than previously identified, subject to the gabion design itself. However, a less pronounced cut and fill may be feasible to ease that change in levels.

There have been no changes to the house types (other than insertion of additional windows for plots adjoining footpaths and the rural edge) despite the concerns raised regarding some of the detailing/design quality. The character areas are generally the same as originally submitted, again despite previous comments that this seems a little arbitrary and perhaps excessive for a scheme of this size.

There has been no move to reconsider the SuDS design, other than the removal of the swale in the north-western part of the site and amended landscape treatment to the eastern, sloped side of the detention basin. As previously commented, Cheshire East is presently developing its own guidance in relation to SuDS design, and UU are also seeking more innovative SuDS trains within schemes. Consequently, delivering such a drainage scheme would help reduce the need for such a large detention storage facility and ease the effect this would have on the quality of the scheme, particularly in relation to POS.

One aspect overlooked is that the central avenue is aligned on both sides for the most part by 3 storey dwellings. Given the levels and the separation between frontages, the potential risk of this becoming overbearing would be reduced by properties being 2or 2.5 storey on the western side of the Avenue. The M unit also works far better as a semi-detached rather than as detached (plot2)

Therefore, despite the updated information provided, there is still concern about aspects of the layout, site levels and engineering and the design of house types that could affect the quality and character of the development.

#### 6 Working with the site and its context (Amber)

The primary issue is how the proposed development will positively respond to the topography of the site, not least that in the northern part of the site.

As noted above, there is still concern about how public rights of way are being affected, with the potential for amendments to ease those concerns.

The response in relation to trees and hedgerows within private gardens is noted but the Council's experience is that over time this leads to degradation or even loss of the green infrastructure. Therefore, should this arrangement be accepted then very specific management and control over retention for the areas affected should be secured.

#### 7 Well defined streets and spaces (Amber)

For the most part there are positive frontages and there is a clearly defined street hierarchy.

There has been further refinement and additional information confirming that no dead space will be created but certain areas of the layout could lead to that. A plan has been submitted identifying new hedgerow, including frontage planting, but this could be further extended in certain locations to clearly define public/private and further screen frontage car parking.

The re-arrangement of plots 130-134 has weakened the layout in this part of the site.

#### 8 Easy to Find Your Way Around (Green)

Internally the access is dominated by the tree lines spine road with a number of cul-de-sacs and PROW linkages off the spine road. The linear nature of the site and design would mean that the development would be easy to find your way around.

Street and Home (9 Streets for All – Amber, 10 Parking - Green, 11 Public and Private Open Space – Amber, 12 External Storage and Amenity Space - Green)

#### 9 Streets for all (Amber)

There remains a clear hierarchy and the avenue is a strong primary street in that structure. However, the design guide states that avenues both principal and secondary should include minimum 3 metre verges; the proposed are 2 metres. Depending on the issue of bus provision there may be scope to narrow the carriageway and perhaps increase the verge width. A crossing point has been designed in to incorporate a link between FP17 and FP19, a further crossing point could also be provided at the northern end of the site beyond the housing, between it and the Old Mill Road junction. This would also help to calm traffic entering the development.

Whilst additional trees have been included within secondary streets, many are shown as being within service strips. It is unlikely Highways will accept that, and consequent tree reduction would erode the quality of such streets and would not achieve the NPPF requirement for streets to be tree-lined.

The street materiality is not in accord with the CEC Residential Design Guide (chapter iii, vol 2 refers) and there is no justification or explanation for this in supporting documentation.

#### 10 Parking (Green)

The proposal now provides a mix of parking solution, which vary from parking courtyards, parking to the side of dwelling and limited frontage parking. The parking design on the proposed development is now acceptable.

#### 11 Public and private spaces (Amber)

Despite the additional information concern remains about how the proposed site levels will impact on the usability and character of the main area of POS, including the impact of the location of the underground SuDS storage tank. The continued concerns of the open space officer are noted.

Stronger entrance landscaping is now being proposed off Old Mill Road but more could be made of this area to help characterise the site and help tie this area into the Sandbach Wildlife corridor in terms of wetland character landscape.

#### 12 External storage and amenity space (Green)

The development would provide adequate private amenity and storage. Cycle parking provision will now be provided via the imposition of a planning condition.

#### Design Conclusion

There are a number of areas/issues within this scheme that need to be resolved. However, the most significant area of concern is in relation to the western and northern edge of the development: both how the development addresses these edges and announces arrival into the site from the north off Old Mill Road, and with particular focus upon the impact of the engineered solutions proposed in these areas of the site.

The proposed development is contrary to Policy SE1, SD1 and SD2 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

#### **Archaeology**

The impact upon archaeology was considered at the outline stage. Condition 14 attached to the outline consent requires a scheme of investigation to be approved in writing.

#### **Public Rights of Way**

The proposed development would affect PROW Nos 17, 18, 19 & 50. The character of all footpaths will change with the construction of the residential development which has outline planning permission.

Within the recent appeal decision for the hybrid mixed use development (19/2539C), the Inspector expressed concern over the impact upon FP18. At paragraph 48 the Inspector found that

*'despite the width of the corridor and height of the footpath, users would have a feeling of being hemmed in when behind the coffee shop and foodstore as fencing and high hedging to the neighbouring residential properties would be retained. The steep drop to the level of the foodstore, the need for safety railings and the proximity of the bulky foodstore building would exacerbate the perception of an uncomfortable over-engineered environment'*

At paragraph 49 the Inspector stated in relation to FP18 that;

*'Natural surveillance would be limited over the stretch behind the foodstore and coffee shop. However, the existing route lacks surveillance at this point. Although the function of the path would change, I do not consider that surveillance and any risk of anti-social behaviour or crime are matters that have a significant bearing on my consideration of the footpaths issue. Surveillance elsewhere within the development would be acceptable'*

FP18 would be retained along its current route within a 6m wide corridor which would gradually widen out to the south of Laurel Close. The level plans show that FP18 would be at a similar level to the nearest proposed dwellings. It is considered that this application addresses the Inspectors concerns in relation to the 'perception of an uncomfortable over-engineered environment'.

In terms of FP19 this runs through the centre of the site and Circular 1/09 indicates that revisions to routes *'should avoid the use of estate roads 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'*.

At paragraph 53 of the Appeal Decision the Inspector found that;

*'Circular 1/09 does not preclude the use of estate roads. However, in this case the formation of the large platform surrounded by engineering structures close to the western boundary has resulted in the need for Footpath 19 to be diverted through the development rather than for it to form a green link close to the valley bottom as part of the development's public realm'*

The same statement applies to this current application.

At paragraph 55 the Inspector concludes that

*'Overall, the proposals would result in a significant change in character for the footpaths. The value of the footpaths as recreational routes would be diminished. The new routes would be heavily influenced by the urban character of the development, particularly where running along the spine road and by the eastern boundary. A significant change in character would occur with a solely residential development. But it is likely that the change would be less drastic'*

Although the concerns relating to FP18 appear to have been addressed. It is not considered that those relating to FP19 have been. The Inspector as part of the previous appeal found that there would be moderate harm from the way that the proposal deals with FP18 and FP19.

Furthermore, as discussed within the POS section below the southern end of FP19 where it runs through the proposed open space would be set at a lower level and there is no indication as to how the levels in this area would be treated as no section drawings have been provided.

As a result, there would be conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP as the development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot, and parts of Footpath 19 would be degraded.

## **Landscape**

Application 14/1193C established that the site has a capacity for up to 200 dwellings and as the Design and Access Statement indicates, part of the site has detailed approval for 85 residential dwellings and a care home, via an appeal based on application 19/3784C.

The submitted drawings indicate the challenges that topography plays on the site and illustrate a number of retaining features required to overcome this issue, noting the proposed height differences along the routes of these retaining structures.

A number of retaining walls which were located to the northern and part of the western boundary of the site have now been replaced with embankments. However, some retaining structures are retained, notably tiered gabion structures up to 1.5m in height located to the east of the main access route towards the northern part of the site, adjacent to Plots 1 - 9, a 1.75m retaining structure to the west of Plots 38-40.

To the western boundary the levels would be increased but as noted above the retaining walls have been replaced by slopes. The extensive levels changes along the western boundary range from 3.5m to 5.5m in height over a total length of approximately 160m.

There are serious concerns regarding the way in which topography has been dealt with, and while appeal 19/3784C provided detailed approval for 85 dwellings, the dwellings were located in the part of the site in which the shorter retaining structures were/are now proposed. There are serious concerns regarding the extended retaining structure along the western boundary which formed part of appeal 19/2539C. The Inspector's comments regarding this structure are very relevant and remain pertinent;

*'The commercial development would be formed on a large (3 ha), gently sloping platform spanning across most of the site's width and depth. This would involve a major remodelling of the existing landform, with obliteration of a significant proportion of the valley slopes which run through the site from north-east to south-west and loss of the gentler sloping field up towards Fields Farm. The edges of the platform, above the deep narrowed valley to the west and close to the eastern boundary, would be formed by retaining structures with a height of up to about 7m on the western side and rising to around 5m on the eastern side. To the north of the petrol filling station (PFS) there would be a combination of a steep slope and a retaining wall. The length of the retaining structures*

*would also be significant. For example, although ranging in height from 1m to about 5m, the eastern retaining structure would be some 300m long'*

The submission provides no details regarding the proposed construction of these embankments or how the proposed landscaping could be maintained. Furthermore it is not clear how the swale indicated to the west of this retaining structure would allow the retention of existing roadside vegetation or the ability to provide any further mitigation along this boundary.

Overall soft landscape proposals are disappointing. While there is a tree lined avenue along the main access route through the site, this is in a 2m wide strip, considerably less than the dimensions identified in the Cheshire East Design Guide which requires 3-5m.

While the principle of residential development has been established the proposals do not attempt to work with the topography of the site and the resulting retaining structures may well appear stark and out of scale along the western boundary. While the retaining structures may be less discernible, some are of significant scale and may well appear incongruous and alien in a more residential environment. While the main access route tree avenue is a positive feature the Landscape Architect does have concerns at the restrictive size of the planting corridor which is significantly less than would normally be required.

It is not considered that development would result in a design that either conserves, enhances or contributes to local distinctiveness. The proposed development would be contrary to policies SE 1 and SE4 of the CELPS.

## **Trees**

### Removal of trees

The supporting Arboricultural Assessment has identified a section of a moderate (B) category group, one low (C) category group, one low (C) category tree and three hedges (part) that will require removal to accommodate the proposed development. A further four trees have been identified as unsuitable for retention (U) category and require removal irrespective of the development proposal.

It is agreed that the partial removal of the group of trees (shown as G2) comprise of a mixed group of species which form the landscape buffer to A534; the extent of removal will be approximately 30 metres in length in order to achieve the necessary access into the site. The removal will have a slight to moderate adverse impact locally at the northern end of the site, however it is accepted that the loss can be adequately compensated within the site.

With regard to the loss of low (C) category trees it is accepted that having regard to the design parameters of BS5837:2012 the loss of these trees should not be considered a significant constraint on development. This is subject to a comprehensive scheme of replanting within the development.

### Lime (T19) within adjacent farmyard

The Impact Assessment has been revised in respect of the impact on Lime (T19). The revised Assessment states that around 17% of the (rooting) area on the east and southeast side (of the tree) will now be affected by a proposed road (Road 6). Discussion is further provided at para 7.12 advising that this encroachment is considered to be minor, and that due to existing site conditions

adjacent hard standing within the farm), less root activity would be expected. The Assessment goes on to state that to minimise any damage to roots, a no dig construction method is proposed for the driveway.

The comments stated by the Consulting Arboriculturist raise a number of concerns:

- The suggestion that encroachment of the RPA by 17% is minor is questionable, given BS5837:2012 advises new permanent hard surfacing should not exceed 20% of existing unsurfaced ground within the RPA. The suggestion that there will be less root activity has no evidential basis
- There is a contradiction in the comments regarding the RPA; whilst it is accepted that there may be less root activity within the area of hard standing, this is not in the area proposed for the new road; where there is the likelihood of greater root activity.
- The proposed no dig does not appear to have taken into account likely changes in ground levels within the site, whether such a proposal would meet the requirements for formal adoption by the highway authority, and the location of proposed underground services which will need to avoid the no dig area. If this methodology is to be adopted, it must first be agreed by the Highway Authority and designed around any proposed level changes with underground services rerouted accordingly.
- It is noted that the Assessment does not provide any engineering specifications for the no-dig CCS driveway so there is a degree of uncertainty as to the suitability of this system in this location. In the event that the system is unsuitable, alternative solutions should be provided as part of an Arboricultural Method Statement (AMS)

The impact upon Lime Tree (T19) remains a weakness in the proposed design.

#### Preliminary Arboricultural Method Statement

A preliminary Arboricultural Method Statement is included in Rev B which states that it sets out details of Tree Protection measures and refers to a Tree Protection Plan (TPP) but this has not been provided. In the absence of a complete method statement/TPP, any approval would require pre commencement conditions with respect to tree matters.

#### **Ecology**

Condition 4 -The landscaping reserved matter shall make provision for replacement hedge planting for any hedgerows to be removed as part of the development.

The updated Ecological Mitigation Statement advises that 171m of existing hedgerow would be lost as a result of the proposed development. As part of this application 892m of new hedgerow planting is proposed as part of the submitted landscaping scheme. This is sufficient to compensate for that lost.

Condition 10 - Provision and management of an 8-metre-wide undeveloped buffer zone alongside the Arclid Brook.

The applicant has now provided a plan to confirm that the SUDS pond and swale are beyond the 8m buffer. Pipework associated with the outfall to Arclid brook will however necessarily occur within the buffer.

Condition 17 - No development shall commence on any phase of development, until an ecological mitigation strategy for the area of development in that phase has been submitted.

The applicant has not applied to discharge this condition however a mitigation strategy has been submitted with this application. The submitted strategy reiterates the off-site habitat creation proposals secured under the outline consent at this site. One of the key ecological mitigation measures required as part of the development of this site would be the design of the culvert to ensure that it does not pose a hazard to Otters. Whilst outline proposals have been submitted for this the submitted ecological mitigation strategy requests that the detailed design be deferred by means of a planning condition.

Details of the design of the culvert and associated fencing could be secured by means of a suitable worded planning condition.

Condition 23 - All future reserved matters application shall be supported by an updated protected species survey.

An updated protected species surveys have been submitted. The previous phase one survey highlighted the presence of trees with potential to support roosting bats. A survey/assessment of these for roosting bats has been completed with no evidence of roosting bats recorded.

#### Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development a planning condition could be attached relating to external lighting details.

#### Landscape Management Plan

A landscape management plan has been submitted in support of this reserved matters application. Additional information is required in relation to the hedgerow heights, hedgerow maintenance and wildflower maintenance.

In order to ensure the viability of the landscape and habitat creation works to be provided on site it is advised that the management plan must be for a period of 30 years. The submitted plan must be amended to reflect this and include a work schedule to cover this timeframe.

#### **Flood Risk/Drainage**

The application site is located largely within Flood Zone 1 (low probability of flooding) although the far north of the site around the existing watercourse is identified as Flood Zone 2 (medium probability of flooding) and 3 (high probability of flooding). The proposed buildings would all be located within Flood Zone 1, but part of the access is within Flood Zones 2 & 3 and the watercourse would be culverted under the proposed access.

In this case the Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development in relation to flood risk/drainage subject to the imposition on planning conditions.



The Council's Flood Risk Officer has stated that she has no objection in principle to this application. However, the Flood Risk Officer has noted the significant increase in land levels on the site and has requested clarification how surface water run-off will be managed. These matters are subject to the pre-commencement condition attached to the outline consent (condition 7).

As a result, the development is considered to be acceptable in terms of its drainage and flood risk implications.

### **Affordable Housing**

The Cheshire Homechoice waiting list shows a need with Sandbach as their first choice of 604 homes. This can be broken down to 290 x one bedroom, 168 x two bedroom, 94 x three bedroom, 29 x four bedroom and 23 x four+ bedroom dwellings.

This is a proposed development of 160 dwellings in a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 48 dwellings to be provided as affordable homes (31 units should be rented and 17 units should be intermediate tenure).

The submitted plans show that the split would be 31 units as rented and 17 units as intermediate tenure. The Housing Officer has confirmed that he is happy with the mix of the proposed housing in terms of the size of the units as well as the location of the units.

The only issue is the lack of a detailed Affordable Housing Scheme. This has now been provided and an update will be provided in relation to this issue.

### **Public Open Space**

#### On Site Provision

Policy SE6 of the Cheshire East Local Plan Strategy provides a clear policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space, Green Infrastructure Connectivity and Allotments.

In terms of Green Infrastructure (GI), the application is very similar to that of previous applications. Much of the GI being provided is buffer planting and landscaping needed to retain existing trees and hedgerows as part of the design and to accommodate the Public Right of Way. The SUDs scheme is the predominate feature forming large parts of the north and south west of the site. In terms of POS (amenity open space, active recreation and play), only very small areas of GI are actual POS and play.

Policy SE6, Table 13.1 denotes the level of green infrastructure required for major developments. This shows that the development should provide 40m<sup>2</sup> children's play and amenity green space per family dwelling. In addition to this 20m<sup>2</sup> should be allocated to G.I. Connectivity (Green Infrastructure Connectivity). In line with CELPS Policy CO1, Design Guide and BFL12 "Connections" this should be an integral part of the development connecting and integrating the site into the existing landscape in a sustainable way for both walking and cycling.

Excluding the 1 bed units the proposed development would provide 138 family homes. The proposed development would require the provision of 5,520m<sup>2</sup> of children's play and amenity green space and 2,760m<sup>2</sup> of GI.

With specific reference to the main western central area of POS in which a NEAP. The NEAP should include consideration to accessibility and inclusivity embracing the Equality Act and to Fields in Trust standards, a minimum 30m buffer from the activity zone to the nearest dwelling will be provided.

The play area and open space should be centrally located and include natural surveillance from the surrounding dwellings. In this case it is noted that the proposed dwellings surrounding the site have very limited natural surveillance with only plot 137 facing the site and plots 136 and 138 giving very limited natural surveillance at obscure angles.

The plans show that the open space and play area would be poorly sited, at a lower level than the proposed dwellings which largely back onto the open space/play area. The proposed development does not integrate the open space/play area into the development and the area is likely to be the subject of anti-social behaviour.

The submitted details are contrary to SE6, SE1, SD1 and SD2 of the CELPS, and Policy H2 of the SNP.

### Outdoor Sport

The request for a contribution for Outdoor Sport from the POS Officer is noted. No contribution was secured as part of the outline application and this cannot be revisited at this stage.

### **Education**

The impact upon education infrastructure was considered as part of the outline application and the following contributions were secured as part of the S106 Agreement;

- Primary education - £390,466.00
- Secondary education - £424,909.00

The impact upon education cannot be reconsidered at the Reserved Matters stage.

### **Health Infrastructure**

The concerns over the impact upon health infrastructure within Sandbach are noted. No contribution was secured as part of the outline application and this cannot be revisited at this stage.

### **CONCLUSION**

The application site is within the Settlement Zone Line as identified by the SNP and has outline planning permission for residential development.

The highways implications of the development are considered to be acceptable and a contribution for off-site highway works is secured as part of the outline consent.

The issues of noise, air quality and contaminated land are considered to be acceptable and would comply with GR6 and GR7 of the CLP and SE 12 of the CELPS. The impact upon the amenities of the surrounding residential properties is considered to be acceptable.

The site is a prominent location Sandbach and the proposed development fails to create a high quality, beautiful and sustainable place and is contrary to Policies SE1, SD1 and SD2 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

The site has a challenging topography and the development would require large retaining structures and little landscape mitigation. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS and PC2 of the SNP.

The impact upon the trees on the site is largely acceptable. However, the impact upon Lime Tree (T19) remains a weakness in the proposed design.

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policy CE 13 of the CELPS.

The proposed development would affect PROW 19. The development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot. As a result, there would be conflict with Policies SE1 and CO1 of the CELPS, Policy GR16 of the CLP, and Policy PC5 of the SNP.

The impact upon ecology is considered to be acceptable and the proposed development complies with Congleton Local Plan Policy NR2 of the CLP, Policy SE3 of the CELPS, Policy PC4 of the SNP and the NPPF.

The proposed development does not integrate the open space/play area into the development, it lacks natural surveillance, and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.

On the basis of the above the application is recommended for refusal.

## **RECOMMENDATION:**

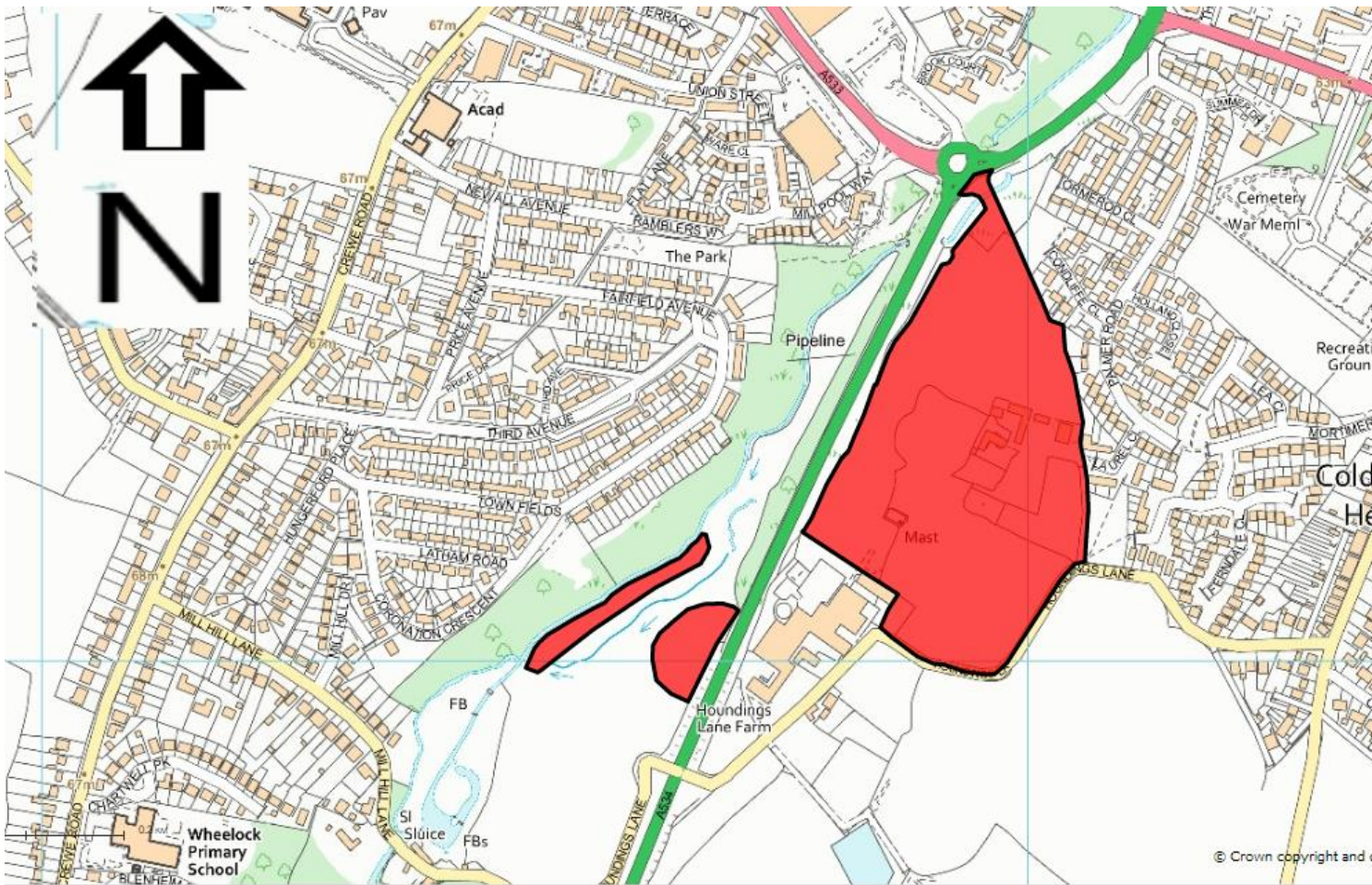
### **REFUSE for the following reasons;**

- 1. This is a prominent site in Sandbach. The Council has undertaken a Building for Life Assessment which finds that the proposed development does not result in the creation of a high quality, beautiful and sustainable place and on this basis the development should be refused. The proposed development is contrary to Policy SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, Policy H2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.**
- 1. The application site is of a very challenging topography in a prominent location. The application includes an engineered retaining wall and minimal landscape mitigation. Furthermore, the application does not include sections information in relation to the proposed development and further retaining structures may be required. The development**

would not work with the flow and grain of the landscape and cause harm to the character and appearance of the area. This approach runs counter to the need to work with topography and landscape as described by the National Design Guide, Building for Life, the Cheshire East Borough Design Guide and Policies SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

2. The proposed Public Open Space is located adjacent to the A534 and is sited at a lower level to the proposed dwellings which generally back onto the open space. The proposed development does not integrate the open space/play area into the development and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.
3. The proposed development will result in a significant change to the character of footpath FP19 which would be heavily influenced by the urban character of the development, particularly where it runs along the spine road and through the open space. As a result, there would be conflict with Policies SE1 and CO1 of the Cheshire East Local Plan Strategy, Policy GR16 of the Congleton Local Plan, and Policy PC5 of the Sandbach Neighbourhood Plan as the development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot.

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 Planning in consultation with the Chair of Strategic Planning Board (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



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Application No: 21/0966M

Location: Land At, GAW END LANE, LYME GREEN

Proposal: Reserved matters application for 306 dwellings, for appearance, landscaping, layout and scale, pursuant to Condition 2 of the outline planning permission 18/3245M. The Outline consent (18/3245M) was not an environmental impact assessment application and therefore no environment statement was submitted to Cheshire East Council at that time.

Applicant: Ms Jackie Edwards, Vistry Homes

Expiry Date: 24-May-2021

## SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 17. The proposed development seeks to provide a residential development of 306 dwellings. This application seeks approval of the detail in terms of its appearance, landscaping, layout, and scale. Details of access were determined at outline stage and approved vehicular and pedestrian access from London Road.

The proposal provides the required amount of affordable housing with a good mix and density of housing. As amended, the proposal achieves an appropriately designed residential development sympathetic to the designated heritage assets and would not materially harm neighbouring residential amenity. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt, Rayswood Nature Reserve to the south and landscape transition as required by the site allocation with protected open space. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site. A long section of hedgerow has been removed which was proposed to be translocated. This loss will need to be offset through replacement planting secured by condition.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) has been determined to be acceptable also.

A comprehensive scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. The Lead Local Flood Authority has no objection in principle to the drainage strategy but has requested further detail to ensure that the proposals will not increase the risk of flooding to neighbouring properties. Members will be updated on this matter.

On this basis, the proposal is for sustainable development which would bring environmental, economic, and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying to the south of Macclesfield, specifically Lyme Green Business Park. The site wraps itself round the southern boundary of the Council's Macclesfield Highways Depot. Gaw End Line dissects the site from east to west and junctions with London Road which runs to the east of the site beyond which there is residential development forming Lyme Green Settlement. To the south of the site is 'Rayswood Nature Reserve' and to the west is a coach depot and dog kennels beyond which lies Macclesfield Canal. Surrounding uses include mainly commercial, residential, and agricultural land. The site measures approximately 22.89 hectares in size. The site forms part of an allocated site for housing development under Policy LPS 17 of the Cheshire East Local Plan Strategy (CELPS).

**DETAILS OF PROPOSAL**

This application seeks approval of the reserved matters following the outline approval of planning ref; 18/3245M, which granted outline consent for residential development of up to 310 dwellings, a site for a community building, public open space including a children's play area and allotments, associated demolition, and infrastructure. Access was approved at the outline stage but was subject to a condition requiring the provision of a two lane exit onto the approved access to London Road within the internal highway layout (condition no. 35 refers). The current proposal seeks approval of the remaining outstanding reserved matters which are appearance, landscaping, layout, and scale for 306 dwellings. The application site does not include the full extent of the site allocation and is adjoined to the east by a much smaller parcel of land. The said parcel of land is the subject of a separate application seeking full planning permission for 45 no. dwellings (planning ref; 21/1249M refers) and is currently being considered by the Council.

**RELEVANT HISTORY**

18/3245M - Outline planning application with all matters reserved except access for residential development of up to 330 dwellings, a site for a community building, public open space including a children's play area and allotments, associated demolition, and infrastructure – Approved 28-Jan-2021



18/1405S - Request for EIA screening opinion for a residential-led development of up to 330 homes on the site, including public open space – EIA not Required - 25-May-2018

## **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 The Historic Environment

SE9 Energy Efficient development

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 17 Gaw End Lane, Macclesfield

#### Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC14 Noise

DC15 Provision of Facilities  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development  
DC63 Contaminated land

**Other Material Considerations**

National Planning Policy Framework (The Framework) 2021  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

**Canal & Rivers Trust** – Comment that the amendments to provide a knee rail along the Canalside are welcomed and that the details regarding surface water discharge into the canal are secured under conditions attached to the outline consent. The Canal and Rivers Trust also confirm that the 15-metre buffer with the Canal is acceptable but express concern that the design of the apartment block adjacent to the canal is of limited architectural interest in design terms.

**Cheshire Wildlife Trust** – No comments received

**Environmental Protection** – Not all the properties are shown to have electric vehicle charging points.

**Flood Risk Manager** – No objection in principle but request further detail.

**Head of Strategic Infrastructure (Highways)** – No objection

**Housing Strategy & Needs Manager** – No objection

**Natural England** – No objection. The proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Public Rights of Way** – No objection subject to a condition requiring the developer to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted. Informatives are recommended reminding the developer of their obligations of regarding adjoining public rights of way.

**United Utilities (UU)** – No objection subject to conditions requiring submission of a sustainable drainage management and maintenance plan.

**VIEWS OF THE PARISH COUNCIL**

**Sutton Parish Council** – Object on the grounds summarised below:

The Parish Council made several comments on the Outline Application (18/3245M), which was approved, following the signing of a Section 106 Legal Agreement on 28th January 2021. The following requirements made by the Parish Council were ignored by Cheshire East Council:

- a) A reduced speed limit to 30 mph along London Road from the Nature Reserve past the site into Macclesfield.
  - a) Steps to be provided on the east side of the Canal Towpath onto London Road.
  - b) Traffic Lights to be installed at the junction with Lindrum Avenue.
1. In terms of the October 2021 plans and documents the Parish Council wishes to express its dissatisfaction as to how both the Council and the applicants have totally ignored the serious points they have raised in relation to the development of the Lyme Green site.
  1. As the outline application approved the access, which is confirmed by the Highways Officer's response dated 7<sup>th</sup> January 2022, the Parish Council wishes to repeat its serious concerns regarding the road safety implications of the proposed development. They are concerned and disappointed by the response from the Highways Department to what they see this as serious issue for residents (e.g. the lack of traffic calming measures).
  2. The Parish Council also feel that inadequate provision has been given for HGV's and busses to access the industrial area at the bottom of the site where the existing lane is narrow and has no footway.
  3. The current application (21/1249M) for 45 additional dwellings on the Lyme Green Settlement Land, using the "closed" Gaw End Lane as its access, will exacerbate the road safety problems, and will increase the houses on the allocated site to over 350, well in excess of the 300 figure in the Local Plan Strategy.
  4. The Parish Council expressed concern regarding the limited on-site play area provision for over 300 houses, and the small financial contribution towards the LAP on Robin Lane. This situation has resulted in a large financial contribution to a new 3G football pitch on Congleton Road over 2 miles away. This is one of several examples where large financial contributions are included in the Section 106 Legal Agreement for services and facilities in Macclesfield over 2 miles away, rather than in Sutton Parish. This is highlighted by the identification of a revised site for a Community Hall adjacent to the entrance to the Council Depot, and no money provided for its construction. The need for such a facility in Lyme Green was highlighted in the Parish Plan Survey in 2012, and Bovis Homes indication that they were willing to provide "Community Rooms". The Parish Council has made it clear that it would like this land to be gifted to it.
  5. The Parish Council also made it very clear that there was a need for bungalows in Lyme Green and Sutton, and that the provision of 3 storey accommodation was totally inappropriate on the site. The Reserved Matters application makes provision for 5 bungalows on a site of 306 dwellings and retains an apartment block on the highest part of the site, overlooking the Canal Conservation Area. The Parish Council strongly objects to the lack of provision of bungalows on the site, which would meet the requirements of an ageing community within Lyme Green and Sutton Parish.
  6. In considering the Reserved Matters application, the Borough Council has been faced with an initial submission of detailed plans in February 2021, which did not address the requirements of the 37 planning conditions attached to the Outline Approval. This has meant the consultees in responding to the February detailed plans raised several matters which the applicants took 8 months on attempt to address. In late October, 150 plans and documents were submitted, which several consultees have not yet responded to. These

include the Urban Design Officer who raised several strong objections to the proposed layout and the design and appearance of the development in a detailed response dated 18<sup>th</sup> May 2021. In addition, the Council's arboricultural officer raised concerns that Planning Condition 32 attached to the Outline Approval had not been addressed. His concern was the need to protect the trees on the site.

7. The Parish Council strongly objects to the housing layout, and its impact on the Macclesfield Canal Conservation Area. The proposed development should protect and enhance the Conservation Area, and its setting, but the design and appearance of the housing along this important edge to the development will have an adverse impact. The provision of 3 storey utilitarian designed apartments, and houses on the highest part of the site would be unacceptable along any edge of the site, least of which the most sensitive section which adjoins a heritage asset. The harm to this asset is substantial and far outweighs any public benefits resulting from the development.
8. The Parish Council notes that the planning application is "to be decided under delegated authority", this is of serious concern as it involves the details of a major planning application, involving over 300 houses. This represents a doubling of the size of Lyme Green, without any provision for the appropriate facilities or services required in the parish.

## OTHER REPRESENTATIONS

Representations have been received from over 12 properties over three periods of consultation objecting to this application on the following grounds:

- Principle of Development
  - Local Plan Strategy allocation LPS 17 (Gaw End Lane) is for around 300 dwellings. The number of dwellings now being proposed is ever increasing (306 with a separate application of 45 homes). The amount of development should be capped.
  - The Council has a five-year supply of homes. No need for this development.
  - The development would double the population of Lyme Green.
  - Development should be focused on brownfield / building on derelict building sites.
  - Already enough housing in Macclesfield.
  - Loss of former Green Belt / open countryside.
- Highways / access
  - Increased traffic congestion, including along Moss Road / London Road.
  - Concerns over local road safety.
  - Bus service is insufficient.
  - Existing business - concerned around access arrangements impacting upon their site.
  - This development would lead to excessive junctions onto London Road, on a busy road.
  - There should be a commitment to reduce the speed limit along London Road (A523).
  - Junction of the development to London Road should be traffic light controlled or have a roundabout.
- Heritage
  - In line with paragraph 15.234 of the Local Plan Strategy, development should be sensitive to the Macclesfield Canal conservation area and listed structures.
- Infrastructure
  - Insufficient local infrastructure to support increase in local population.

- Where is the infrastructure to support these new households? Nursery places, school places, GPs, dentists etc.
  - No indication of the size of planned community building on the site.
- Flooding / drainage
  - Concerns over drainage, including the need for new drains likely to lead to road closures etc.
  - Implications of houses on Gaw End Lane using Septic tanks leading to the potential of land drainage issues.
  - Object to the proposed drainage appraisal which shows surface water discharged to a ditch. Question the access and maintenance arrangements to the ditch given that access would be from adjacent land.
  - Drainage system needs to be reconsidered and enter the surface water system on London Road.
- Open space
  - Contribution towards 'off site' play should be increased.
- Nature conservation
  - Impact of development on wildlife, including bats and other species such as voles, rabbits, birds, squirrels etc.
  - Concerns over the scope of the ecological impact assessment.
  - The site is adjacent to a Site of Biological Importance.
  - Buffer zone to adjacent nature reserve is only a tiny sliver of land claimed to be undeveloped. The applicant had previously agreed to a fence required along the southern boundary (including a 1.8m fence). The site should provide an appropriate buffer zone to adjacent nature reserve.
- Trees / Hedgerows
  - Proposed woodland planting along the western boundary is not well reasoned in the documentation – is it compatible with protected open space designation in the Local Plan Strategy? impact on hedgerow and amenity impacts of adjacent properties and public right of way.
  - Access strip to maintenance of hedgerow should be included.
  - Trees and hedges should be protected through the use of preservation orders, where possible.
  - Existing boundary between the nature reserve and proposed site should be preserved in its entirety and fenced off.
- Amenity
  - Development would create noise and light pollution.
  - Woodland planning, would have impact on amenity of adjacent properties.
  - Concerns over privacy impact of the development.
  - Loss of views for neighbouring properties.
  - Object to construction impacts of building work, including on neighbouring properties.
  - Impact of the development on adjoining dwellings and businesses in the area.
- Climate change
  - Carbon footprint of the development.
- Design
  - Object to the proximity of new housed to existing properties.
  - Design lacking in many areas, including lack of retention of hedges and trees.
  - Plans show a lack of nature or public space.
  - Plans show a high density in its location.

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes, and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 17 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The site received outline planning permission in early 2021 under planning ref; 18/3245M for the erection of up to 310 dwellings with details of access from London Road. The access was agreed at the outline stage and the access points remain as originally proposed.

The principle of development has therefore been accepted and the purpose of this application is to agree the detail of the scheme, which will provide the site with a full detailed planning consent. It is not the purpose of this application to revisit the merits of developing this allocated site for residential purposes or its removal from the Green Belt when the Cheshire East Local Plan Strategy was formally adopted.

Site LPS 17 states that the development of Gaw End Lane will be achieved over the Local Plan Strategy period through:

1. The delivery of around 300 homes;
2. Incorporation of green infrastructure which should include the following:
  - i. Green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal. Land to the southwest of the site adjacent to the canal should remain undeveloped and is allocated for open space within site LPS 17 as shown on Figure 15.19;
  - ii. New public open space;
  - iii. Green buffers to London Road/Leek Road and Macclesfield Canal; and
  - iv. An area of protected open space adjacent Rayswood Nature Reserve as shown on the proposals map;
3. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
4. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site-specific principles of development apply:

- a. Buffer zone of semi-natural habitats to be provided adjacent to the Macclesfield Canal SBI.
- b. Development must be sensitive to the conservation area and listed structures / buildings. The retention of open space on the western edge of the site would help safeguard the immediate context from urbanising development up to the canal edge,

where it would most dramatically affect views and the sense of openness within the bend in the canal. Regarding the setting of Toll Bar cottage the impact could be lessened in the approach taken to the site's planning, by retaining the mature boundary landscaping opposite the property and also by using this south easterly part of the site as a pedestrian gateway into the scheme, with associated open space.

c. This Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.

d. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a full assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure protection of the SSSI

e. Any application would need to be supported by a full ecological appraisal. Ecological mitigation would be required to address any adverse impacts.

f. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

This application is for approval of the details of Appearance, Landscaping Layout and Scale (the reserved matters) and proposes 306 units. The proposed layout covers a slightly smaller area than the entire site allocated under LPS 17. However, the site is the same as consented at outline stage. The area to the southeast of the site where it fronts London Road is subject of a separate application for the erection of 42 no. units (planning ref; 21/1249M refers).

The two schemes combined would take the development numbers past the general number of 300 indicated in the site allocation. Each of the applications need to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 348 (as amended).

The number of dwellings proposed as part of this reserved matters application would be 4 less than was permitted at outline stage although the outline scheme did show 330 dwellings to be provided. As noted above, LPS 17 allows for around 300 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. The proposal would provide smaller units than envisaged at outline stage and coupled with the adjoining development to the southwest, it is considered that an uplift in the number of units can be sustained. Subject to the development complying with other relevant planning policies, the number of dwellings can be considered to meet the requirement of "around 300 dwellings" in LPS 17. 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 Macclesfield and the wider Borough. The further requirements of policy LPS 17, and other relevant policies, are considered below.

## **Community Centre**

The application makes reference to the possible provision of a "site" for a community facility. There is however no evidence provided within the application to demonstrate that the provision of such a subsequently built facility will be achievable should such a site be provided, or future

sustainability achieved in management terms. Further advice on this was previously sought from the “Council’s Community and Partnerships Team”. However, at this time it cannot be demonstrated that a new build is both achievable and sustainable. The developer has provided the land at the northern edge of the site along the frontage to London Road, which could at a future date, serve as a suitable site for a community facility.

## **Affordable Housing**

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable.

The CELPS states in the justification text of Policy SC 5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

Point 3 of Policy SC 5 notes that “the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer”. Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 23 (23.4) units should be provided as affordable rent and 13 units as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1592. This can be broken down to 936 x 1 bedroom, 408 x 2 bedroom, 173 x 3 bedroom, 45 x 4 bedroom and 30 x 5 bedroom dwellings. The intermediate need in Macclesfield is the same as across the borough of Cheshire East. The need is for dwellings that 1<sup>st</sup> time buyers and families looking to buy but cannot afford without assistance.

The Intermediate need is the same across the borough. Small dwellings for 1<sup>st</sup> time buyers, those making a new household or families who cannot afford to buy without subsidy.

Points 4 and 5 of Policy SC 5 requires that the affordable units should be pepper potted within the development unless there are specific circumstances that would warrant a different approach. The external design, comprising elevation, detail and materials should be compatible with the open market homes and achieve the same design quality.

30% of the dwellings on site were secured as affordable housing as part of the s106 agreement attached to the outline permission, in accordance with policy SC 5 of the CELPS. This includes 65% of the affordable housing to be Social Rented Housing and the balance to be Intermediate Housing. This is a proposed development of 306 dwellings in a Local Service Centre and other location therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 92 (91.8) dwellings to be provided as affordable homes.

The submitted details show that 93 of the dwellings will be provided as affordable units which would exceed 30%. 60 are affordable rented and 33 are intermediate housing. These are to be provided as:



8 x 2 bed bungalows  
6 x 1 bed flats  
6 x 2 bed flats  
44 x 2 bed houses  
29 x 3 bed houses

The Council's Housing Strategy and Needs Manager has confirmed that the scheme meets with these provisions and has confirmed that there is no objection to the proposal. As such, the scheme is compliant with Policy SC 5.

### **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. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

5 x 1 bed units  
86 x 2 bed units  
162 x 3 bed units  
49 x 4 bed units  
4 x 5 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed, 4 bed and 5 bed dwellings. A number of family houses are proposed albeit smaller in terms of their size (i.e. not large executive family homes), which has enabled the proposed development to provide the consented number units and offers a good mix of housing which also includes 9 x bungalows and large proportion of 2 and 3 bed dwellings. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

### **Design - Layout, Scale and Appearance**

Amongst other criteria, policy SD 2 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 (Green)** - The proposal is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. Links to the closest PROWs include Gawsworth FP5 & 31 and Sutton FP 46 that runs along the Macclesfield Canal, joining with Sutton FP1 that enables the crossing of the canal. All of the footpaths connect to wider routes leading to Macclesfield Town Centre, Gawsworth, Sutton and beyond.

There are areas of the layout where the proposal is well designed with connecting routes through the roads within the site. As amended, additional connections have been added to the cycle/footpaths from the end of various cul-de-sacs. Permeability through the proposal and connection to the existing developments surrounding the site has been improve and the scheme would marry with 2 pedestrian / cycle routes with the smaller development proposed to the southeast.

**Facilities and Service (Green)** - These matters were considered at outline stage and it can be seen that this site lies close to South Macclesfield where a full range of facilities and services can be accessed. There are shops, pubs, schools and access to local transport hubs, within easy walking distance of the site. In addition to Lyme Green Recreation Ground, located East of the site on Robin Lane, there is also a LEAP provided on site and a wide range of usable areas of public open space.

**Public Transport (Green)** - These matters were considered at outline stage and it was identified that the closest bus stops to the scheme are located on London Road (A523) a short distance from the proposed site access. From services found there, access can be gained into Macclesfield town centre and to the National Rail station, with its excellent services to Manchester and the wider UK.

**Meeting Local Housing Requirements (Green)** – The proposal as amended would provide a good mix of housing including affordable provision. Affordable units are now no longer distinguishable from the open market units through and although there are clusters of affordable, these have been broken up, reduced in number, and spread better across the development.

The apartment block to the far north-western corner fronting the canal has undergone significant redesign. The 3-storey element has changed orientation to front the canal frontage. Gables to the 3-storey element to break up the form have been added with change of materials and further details added to emphasise this. Roof lines have been amended to further break the appearance. The outlook to various affordable units has also been improved.

**Character (Amber)** - A significant number of chimneys have now been added across the scheme to address comments made by the Council's Design Officer. Feature buildings have evolved during amendments to provide distinct way-finding nodal points.

***Working with the Site and Context (Amber)*** - The layout and design of the apartment block has been significantly amended to elevate its design quality including the area around the canal edge to improve public realm. The design of the apartment block has responded to the topography within its' design.

***Creating well defined streets and spaces (Amber)*** - The hierarchy plan has been updated to fully align with the requirements and materials set out in the CEC Design Guide. The surface materials, including pavements have been updated. Revisions to the landscaping with the introduction of tree lined streets has improved the landscaping to the site but further detail will be secured by condition. Combined footpath/cycleways should be Tarmac Ulticolour, Buff Quartzite.

***Easy to find your way around (Green)*** - There has been updates to the house types in order that the scheme provides unique features at all the nodal points/corner turner plots. This includes features such change in facing material, entrance features, newly incorporated chimneys, and dual aspect elevations. Boundary treatments have also been reviewed and updated where required.

***Streets for All (Green)*** - The addition of surface material changes to denote a community space aids this component of design. The assignment of different surface materials along the highway help to determine hierarchy also. The development is easily walkable with several recreational routes serving the residents with connections to adjacent assets such as the Macclesfield Canal and wider countryside walks. Connectivity between the routes is acceptable.

***Car Parking (Amber)*** - The development has achieved a varied mix of parking solutions across the site. The parking arrangements have been separated with green spaces and the runs of adjacent car parking spaces have been reduced through amendments.

***Public and private spaces (Green)*** - Houses have reasonably sized rear gardens and some space to the front too which is well defined. There are useable pockets of accessible open space across the development and a well-appointed LEAP located adjacent to the central pedestrian street and main route. The layout has been updated to show increased quality of landscaping and front boundary treatments updated to and reinforce street hierarchy as required in CEC Design Guide. Corner turners have been provided to improve transitions at nodal points.

***External storage and amenity space (Amber)*** - Houses have reasonably sized rear gardens, large enough to house the bin/recycling stores. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. Garages are provided at some plots, maybe with the intention of use for bike storage. Space for other storage including that of bicycles, especially useful for the houses without garages should be illustrated on the layout plan. There are details for the communal stores for the apartments. There has been an increase in the amenity space for the apartment block, this is now shown on the revised layout.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. It is considered that the overall design, scale, form, and appearance of the proposals would be acceptable subject to the use

of high-quality materials. The proposal achieves a well-designed residential development which would accord with LPS 17 and the Cheshire East Design Guide.

### **Impact on Heritage Assets**

Macclesfield Canal Conservation Area bounds the site to the north and west with the grade II listed canal bridge providing access across to the canal towpath on the other side. To the east of the site, on the opposite side of London Road is Toll Bar Cottage which is grade II listed beyond which is the grade II listed Lyme Green Hall.

With respect to the impact on the canal conservation area, concerns have been raised in terms of the way the western fringe of the proposed development would interact with the Canalside setting. LPS 17 part 2, criterion iii) and site-specific principle b advises that future development should provide a green buffer to the canal / heritage assets. The proposed layout does show a green 'edge' to the boundary with the canal. Following extension negotiations with the applicant, the quality of design for the units (particularly the apartment block) which will face out to the canal and the public realm has been improved. This would provide an attractive Canalside frontage and the impact on the canal conservation area and indeed the listed canal bridge would be acceptable.

Turning to the heritage assets situated towards the southeast of the site, the proposed development layout tapers off from the existing Gaw End Lane / London Road junction. The application also excludes the 'Lyme Green Settlement' field situated directly opposite which is the subject of separate application. The layout also incorporates a green buffer along the London Road frontage which will assist in minimising harm to the setting of both Toll Bar Cottage and Lyme Green Hall. As such, the proposal is found to be acceptable and in accordance with the part 2, criterion iii) and site-specific principle 'b' of LPS 17.

### **Open Space**

A minimum of 65 square metres per dwelling of public open space was secured as part of the outline consent, which based on a scheme of 306 units, amounts to 19,890 square metres. An adequate amount of formal and informal public open space is provided within the site amounting to space in excess of 20,000 square metres (excluding the protected open space to the west). This would include a Local Equipped Area of Play (LEAP) positioned centrally within the open space. The specification for this will be secured by further condition. Accordingly, the proposal complies with policy DC40 of the MBLP and policy SE 6 of the CELPS.

### **Residential Amenity**

Saved policy DC38 of the MBLP states that new residential developments should generally achieve 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 street scenes and variety, and so this distance could go down as low as 12m in some cases.

To the east of the site, there are residential properties on the opposite side of London Road. The layout shows that the nearest properties proposed as part of this application would achieve a distance of at least 55 metres with these neighbours. This would be sufficient to protect their level of amenity.

Gaw End Lane provides vehicular access to 8 residential properties. The proposed development would envelop these existing properties. The first 3 properties situated towards the eastern end of Gaw End Lane would continue to be accessed by the existing junction with London Road / Robin Lane. Travelling further along Gaw End Lane, the remaining 4 properties would be served by the proposed internal access road.

The first three properties along Gaw End Lane would benefit from some green buffers to the north and west. The semi-detached property at western extent of the first three has windows facing west across the site. The houses shown on the layout would have a frontage looking over to this property. However, a separation of 20 metres would be achieved with a slight offset in alignment. The proposal would be acceptable relation to the first three properties.

Further along Gaw End Lane, there are 2 semidetached cottages and 2 detached properties on the southern side (the most northerly is a bungalow). The semi-detached cottages do not contain any principal windows within their side elevations and the nearest properties shown on the plan would exceed the recommended separation distances. The next property along is a detached two-storey dwelling and whilst it has no windows in its southern elevation, it does benefit from a side facing dormer window in the northern elevation. No properties to this side are proposed.

With respect to the bungalow, this also benefits from a side facing window in its north elevation; however, a small pocket of open space would facilitate a separation to the nearest property of around 35 metres which would be set at an angle. At the end of Gaw End Lane is a detached dormer bungalow on the northern side which also has side facing windows. However, the nearest properties shown would meet with the recommended separation distances.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

### **Noise**

The application is supported by a Noise Survey and Mitigation Scheme. The impact of the noise from road traffic on London Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing and ventilation which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by

environmental noise. Levels of noise in external garden areas are also acceptable with proposed boundary treatments. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts were comprehensively assessed and addressed at the outline stage. The outline consent secured a package of mitigation measures which are forecast to mitigate the impact of the development through electric vehicle infrastructure, a Travel Plan, dust control. Subject to these, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

### **Public Rights of Way and Accessibility**

Policy LPS 17 includes the following requirements for this site:

- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities;
- Green infrastructure which should include ...green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal.

This impact on the various public rights of way including the Canal towpath has already been determined and accepted at the outline stage where details of access to the site were approved. With respect to the internal footways and cycle path connections, there are a number of internal footways and paths that run through the site and through the areas of open space that would facilitate both pedestrian and cycle movement. This would also increase permeability from through the site. As such, it would increase accessibility. Subject to a condition requiring the developer to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted, the proposal is considered to accord with the justification to Policy LPS 17 of the CELPS.

### **Highways**

Whilst access was approved as part of the outline permission, this reserved matters submission seeks approval for the internal road layout of the site.

The CEC Design Guide promotes a Manual for Streets approach to all residential developments, and it is important that the design aims to reduce vehicle speeds.

A revised road layout was submitted to address previous comments made by the Head of Strategic Infrastructure (HSI – Highways). The submitted road layout plan is broadly in conformity with the original masterplan and is an acceptable design with suitable carriageway and footway widths being provided. The main spine roads have footways both sides of the road and the cul-de-sacs have a single footway.

As the cul-de-sacs are relatively short in length, these roads can be considered as suitable for shared surface roads, with verges to be provided on both sides without the need for footpath provision. This detail has subsequently been secured through amended plans.

The parking for each of the units is indicated as being a mixture of driveway parking and the provision of garages. The internal dimensions of the garages meet approved CEC standards for garage parking. Overall, the parking provided across the development conforms with CEC parking standards.

Good accessibility is provided with a segregated 3 metre wide footway/cycleway alongside the A523 London Road that links Gaw End Lane to the new pedestrian crossing on London Road. There are also internal recreational pedestrian/cycle routes that link to existing public rights of way that are adjacent to the site. This is a benefit of the scheme.

The submitted layout is technically acceptable in regard to highways and no objections are raised to the application.

## **Trees**

Condition 32 of the outline consent (18/3245M) required the submission of an Arboricultural Impact Assessment (AIA) and Tree Protection Scheme (TPP). An Arboricultural Impact Assessment and Tree Protection Plan has been submitted by in accordance with this condition.

The Assessment advised that the majority of trees should be considered for retention within the development, particularly those categorized as High (A) or Moderate (B) value.

The Assessment states that 7 trees are proposed to be removed to accommodate the development. There are 7 trees (T10,T24,T25,T26, T38,T39, T40) identified in the C Category.

Six low © category trees comprising of 2 Ash (T10, T24) 3 Oak (T26, T38. T40) and one Beech (T39) will require removal to accommodate the proposed development. One further tree (Oak T25) will also require removal and has been assessed as unsuitable for retention (U category) as it is in rapid decline.

None of the trees proposed for removal are protected by the Cheshire East Borough Council (Sutton – Gaw End Lane) Tree Preservation Order 2018.

## **Veteran Trees**

Consultation comments on the outline application indicated that a number of trees within the application site appear to have potential 'veteran' characteristics. Although no Veteran Trees are identified in the submitted Assessment, the description in the Tree Survey Schedule of three trees (T10 Ash, T24 Ash and T26 Oak) which are proposed for removal, suggest these may be 'Notable' trees (i.e those trees worthy of recognition which may Veteran trees) – *Woodland Trust Ancient Tree Inventory*).

## **Root Protection Areas (RPA's)**

Whilst the RPA's of most retained trees have been respected in accordance with the design requirements, the RPA's of a number of trees are impacted by the proposed footway/cycleway.

The submitted Tree Protection Plan and Method Statement provides details for a no dig Terram/Geocell construction, but the locations of where this is proposed is not indicated on the Tree Protection Plan. The Tree Protection Plan therefore needs to be updated to show the areas where this methodology is to be carried out.

There are no significant design issues in this regard social proximity.

### Hedgerows

Native hedgerows are deemed a priority habitat. The Hedgerow forming the boundary with London Road (A523), is deemed 'Important' in accordance with Criterion 5(a) of the Hedgerow Regulations as an integral part of a field system pre-dating the Enclosure Act.

Hedgerows are not referred to in the Arboricultural Assessment, however a Hedgerow Regulations Assessment has been submitted which states about 60 metres of hedgerow will be lost due to the creation of the new vehicular access and associated visibility splay 2.4 x 65m) and access for the new pedestrian and cycleway. A site visit undertaken by a member of the Planning Enforcement Team and an Arboricultural Officer on 3<sup>rd</sup> March 2022 confirmed that the length of this Hedgerow had been removed (a total length of 160 metres). Removal of the length of hedgerow constitutes a contravention of Regulation 5(1) of the Hedgerow Regulations 1997. This is currently the subject of an investigation by the Council's Planning Enforcement Section.

When the Council considered the outline application, it was agreed that a large section of the hedgerow would be uprooted and translocated further back into the site in order to provide the requisite visibility splays at the access. Whilst there was deemed to be harm arising from this loss, this harm was considered to be outweighed by the strategic benefits of delivering housing on an allocated site. That said, as a consequence of the subsequent removal and failure to translocate means that additional mitigation to offset the loss of the hedgerow must be provided. This will be secured by condition.

Notwithstanding the hedgerow matter, the Council's Principal Arboricultural Officer has no substantial objections to the design of the proposed development in respect of the impact on existing trees. The Arboricultural Officer has advised that the replacement planting provided in the proposed landscape scheme to mitigate for the loss of trees accords with current policy.

A Revised Arboricultural Impact Assessment and Tree Protection Plan will be required to reflect the changes but do not alter the conclusions of tree impacts. Accordingly, compliance with policy SE 5 of the CELPS and LPS 17 is confirmed.

### **Landscape**

Following amendments, the design of the scheme has been improved so that there are discernible character areas in the overall layout. There is a clear hierarchy of streets in terms of main access streets, streets leading from main streets and then smaller streets. The Design Guide offers advice on Avenues, the main routes leading into areas of housing and the use of larger trees along such roads. This is something that has been addressed in the submitted design, with use of trees on them as well as on secondary and tertiary streets. The layout offers the potential for the introduction of high-quality tree planting across the site. It is important that high canopy street trees are secured to do the overall green infrastructure and open spaces justice. This further detail could be secured by condition.



## Ecology

Several conditions relating to nature conservation matters were attached to the outline consent.

*Condition 20:* The reserved matters application shall be supported by a Biodiversity Enhancement Strategy - The Council's Nature Conservation Officer (NCO) has advised that the submitted proposals are sufficient to comply with the requirements of this condition. A further condition will be required to secure details of the creation of the proposed habitats.

*Condition 21* - The reserved matters application(s) shall be supported by a Long-Term Habitat Management Plan – A acceptable Habitat Management Plan has been submitted as required by this condition.

*Condition 22* - The reserved matters application(s) for layout shall include the retention of the 'wet woodland' shown at 'Target Note 9' - The revised layout plans show the retention of this habitat as required by this condition.

*Condition 23* - The reserved matters application(s) for layout shall include the design of a shallow marsh area within the safeguarded open space area for use by Snipe including a timetable for implementation - A shallow scrape as required by this condition is shown on the submitted Landscape and Habitats Creation Plan. A timetable for the implementation of these features is required by the condition. The NCO advises that this timetable should include confirmation of when these features will be provided in relation to the commencement of development. This can be secured by further condition.

*Condition 24* - Each reserved matters application(s) shall include an updated Badger Survey, Bat Survey and Barn Owl Survey and mitigation - *Badger survey* - No badger setts were recorded within the red line of the application. Setts were identified outside the site boundary. Based on the currently proposed layout the setts are unlikely to be affected by the proposed development.

*Bat survey* - No evidence of roosting bats recorded during the updated survey

*Barn owl Survey* - Barn owl was recorded on site during bat surveys undertaken on. No evidence of roosting was recorded.

*Condition 31* - Prior to the commencement of development hereby permitted, detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the Local Planning Authority. - A satisfactory plan, 'Bird and Bat Box location plan' has been submitted in accordance with this condition.

*Condition 34* - Boundary treatments to be used in the development hereby permitted including that with the Rayswood Nature Reserve - Native woodland planting is proposed on the boundary between the application site and Rayswood. Further conditions are recommended to secure appropriate detail. Whilst a representative of Rayswood Nature Reserve has expressed concern about the form of boundary treatments (requiring a defensible barrier to prevent access), unauthorised access is a civil matter.

Macclesfield Canal (Local Wildlife Site) - The Macclesfield Canal, adjacent to the proposed development, is designated as a Local Wildlife Site and as such receives protection through Local Plan Core Strategy Policy SE3. There are extensive engineering works proposed as part of this application adjacent to the Macclesfield canal in the northern part of the application site.

In order to safeguard the Macclesfield Canal LWS, the scheme has been amended to reflect the undeveloped buffers included with the outline parameters plan.

As anticipated at the outline stage, the drainage scheme includes drainage outfalls discharging into the Macclesfield Canal. It is advised that this is likely to result in a localised adverse impact upon the Macclesfield Canal LWS. Updated otter and water vole surveys have been undertaken of the canal. No evidence of either species was recorded. Whilst only a single survey visit has been completed as part of the updated surveys, based on previous survey results, this is sufficient to conclude that these two species are likely to be absent and so unaffected by the installation of the outfalls.

National inventory of priority habitats - The application site is listed on national inventory of Coastal and Floodplain Grazing Marsh. Habitats of this type are a material consideration for planning. As was considered at the time the outline consent was granted, the habitats present on the application site only partly meet the description of this habitat type. Much of the nature conservation value of grazing marsh habitats is however associated with the related ditches.

As part of the outline application mitigation, the applicant proposed that new ditches would be provided to compensate for any lengths of ditch unavoidably lost to the development with the intention of delivering a total greater length of ditches on site. Under the current application a section of ditch is lost in the vicinity of the attenuation basin. Sufficient replacement ditch habitat is proposed in relation to that lost.

Ponds - Two ponds (Pond 1 and Pond 2 as per the ecological assessment submitted with the outline) would be lost to the proposed layout. New ponds are shown on the submitted Landscape and Habitats Plan as compensation for the loss of these ponds.

Hedgerows - Native hedgerows are a priority habitat. In addition, Hedgerow 1 on London Road is Important under the Hedgerow Regulations. The submitted hedgerow assessment advises that the proposed development would result in losses of sections of this hedgerow in three locations with the loss of over 54m of existing hedgerow. As mentioned elsewhere in this report, this hedgerow has already been removed. Compensatory hedgerow planting needs to be secured by condition to offset this loss.

Marshy area - At the outline stage it was anticipated that the marsh area in the centre of the northern part of the site would be used for part of the SUDS for the development but would be largely retained. Under the current proposals this area is proposed to accommodate a significant area of SUDS. This would result in the total loss of this habitat feature contrary to what was assessed as part of the determination of the outline application. However, the NCO has not objected on this basis and the other biodiversity features would offset this.

Biodiversity Net Gain - In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity resulting from the development of this site the outline application was

supported an assessment undertaken in accordance with the Defra Biodiversity 'Metric'. This assessment showed that the proposed development would result in a net gain for biodiversity.

Whilst the outline permission did not require the reserved matters application to be supported by a revised Biodiversity Metric an updated assessment was submitted. This updated assessment was undertaken in accordance with a later version of the Defra Metric. This further metric calculation showed a net loss of biodiversity. This loss is, however, more a result of changes in the way the metric calculations are undertaken rather than the reserved matters application failing to deliver the level of habitat creation anticipated at the outline stage.

Natural England's advice is that projects assessed under earlier versions of the metric should continue to utilise that version of the metric for the sake of constancy. The applicant has subsequently submitted a further metric calculation using the version employed at the outline stage. This assessment shows that the proposed development delivers a net gain for biodiversity albeit at a slightly lower level due to the increased loss of marshy grassland habitat, as discussed above.

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy and subsequent grant of the outline planning consent. The proposal will facilitate and assist the delivery of the Council's 5-year housing land supply, and this was considered at outline stage as an overriding public interest.

The NCO has advised that conditions requiring a method statement for the safeguarding of Protected Open Space and retained habitats and a habitat creation method statement and seeding and planting specification for the proposed woodlands, ponds, grassland habitats and scrapes would be required. Subject to the proposed mitigation measures and further conditions, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

### **Flood Risk and Drainage**

The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

The Lead Local Flood Authority has confirmed that they have no objection in principle to the reserved matters application and layout. However, when reviewing the proposed overland flow routing and hydraulic modelling, four main nodes are of concern. On this basis, the proposed drainage strategy must maintain and manage overland flows within the site boundary prior to discharging.

Currently the proposals appear to store flooded volume within existing highway / third party land without agreement. Further detail on how the surface water drainage system will be maintained following completion is required. Given the scale of above ground basin and number of dwellings a full maintenance plan is expected to be submitted to discharge drainage conditions. This detail is being discussed between the LLFA and the applicant and will either be addressed by update or by condition. Subject to this, the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

### **Contaminated Land**

Contaminated land matters were considered and appropriately conditioned at the outline stage. No further contaminated land matters are raised by the proposed reserved matters.

### **Peat**

The Ground Conditions Assessment which accompanied the outline application confirmed that peat is present within the vicinity of the site at the former Danes Moss landfill site to the west but peat is not likely present on this site.

### **Other Matters Raised by Representation**

Whilst concerns have been raised regarding the impact on the local highway network and local infrastructure including schools and local GP surgeries, these matters have already been considered and with mitigation, deemed acceptable under the outline approval, as has the principle of developing this site.

### **BALANCE OF ISSUES**

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 17. The proposed development seeks to provide a residential development of 306 dwellings. This application seeks approval of the detail in terms of its appearance, landscaping, layout and scale. Details of access were determined at outline stage and approved vehicular and pedestrian access from London Road.

The proposal provides the required amount of affordable housing with a good mix and density of housing. As amended, the proposal achieves an appropriately designed residential development sympathetic to the designated heritage assets and would not materially harm neighbouring residential amenity. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt, Rayswood Nature Reserve to the south and landscape transition as required by the site allocation with protected open space. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site. A long section of hedgerow has been removed which was proposed to be translocated. This loss will need to be offset through replacement planting secured by condition.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) has been determined to be acceptable also.

A comprehensive scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. The Lead Local Flood Authority has no objection in principle

to the drainage strategy but has requested further detail to ensure that the proposals will not increase the risk of flooding to neighbouring properties. Members will be updated on this matter.

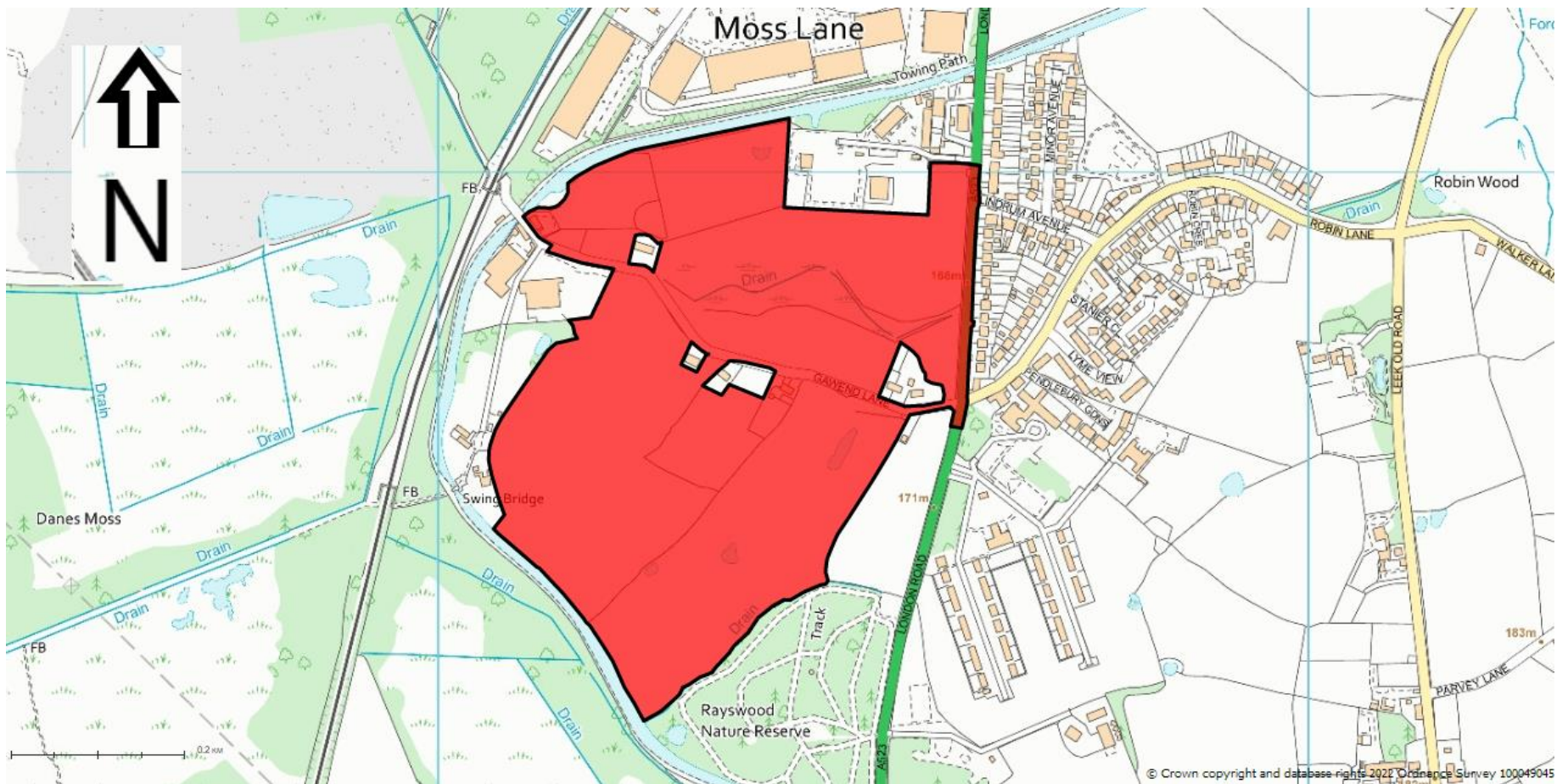
On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Accordance with Amended / Approved Plans**
- 2. Accordance with submitted Affordable Housing Scheme**
- 3. Facing materials to be submitted and approved**
- 4. Updated Public Open Space Management Plan to be submitted**
- 5. Detailed specification of LEAP to be submitted**
- 6. Details of levels to be submitted**
- 7. Landscaping scheme to be submitted including details of hard surfacing materials and details of mitigation planting for loss of hedgerow to be to be submitted, approved and implemented**
- 8. Implementation of landscaping scheme**
- 9. Further details of boundary treatments to be submitted**
- 10. Updated landscaping scheme to be submitted and approved**
- 11. Implementation of approved landscaping scheme**
- 12. Removal of permitted development rights classes A-E for selected plots**
- 13. Obscured glazed on selected plots with no further openings to be created**
- 14. Updated Arboricultural Impact Assessment / Method Statement to be submitted, approved and implemented**
- 15. Updated Tree Protection Plan to be submitted, approved and implemented**
- 16. Submission and implementation of a method statement for the safeguarding of Protected Open Space and retained habitats during the construction phase**
- 17. Scheme of Public Realm work to the canalside to be submitted, approved and implemented**
- 18. Submission and implementation of a method statement for the safeguarding of Protected Open Space and retained habitats during the construction phase**
- 19. Submission and implementation of a habitat creation method statement and seeding and planting specification for the proposed woodlands, ponds, grassland habitats and scrapes**
- 20. A timetable for implementation of features within the shallow scrape to be submitted, approved and implemented**

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



Application No: 21/1249M

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

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

Applicant: Morris Homes & The Trustees, of The Lyme Green Settlement

Expiry Date: 04-Jun-2021

## SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission for a larger development adjoining the site and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 17. The proposed development seeks to provide a residential development of 42 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from directly from London Road with further pedestrian connections made with the adjoining development to the west and Gaw End Lane.

The design of the scheme has been enhanced and is comply with CEC Design Guide. There would be less than substantial harm to the nearby Toll Bar Cottage, but this has been minimised through landscaping and would be outweighed by the benefits of delivering sustainable housing a strategic housing allocation.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

Mitigation for the impact of the proposal on local infrastructure including education, open space and provision for outdoor and indoor sports and recreation (subject to confirmation by update) would be secured as part of a s106 legal agreement.

With respect to highways, a development of this size will not have a detrimental impact on the local highway network even accounting for other committed developments. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

A scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. This is still being reviewed by Council's Flood Risk Manager and subject to further

detail, will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

Discussions are currently ongoing with the applicant with regards to ecology and biodiversity enhancement and this will be reported to members by way of an update.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and a s106 agreement.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying to the south of Macclesfield, specifically Lyme Green Business Park. The site sits to the south of the junction where London Road (A523), Gaw End Lane and Robins Lane meet. To the east beyond London Road there is residential development forming Lyme Green Settlement. To the south of the site is 'Rayswood Nature Reserve'. Surrounding uses include mainly commercial, residential and agricultural land. The site measures approximately 1.6 hectares in size. The site forms part of an allocated site for housing development under Policy LPS 17 of the Cheshire East Local Plan Strategy (CELPS).

**DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 42 no. dwellings. As originally submitted the proposal was for 45 no. dwellings but this has since been reduced following the receipt of amended plans. The site has been excluded from a larger development for which outline planning permission has already been granted for the erection of up to 310 dwellings (planning ref; 18/3245M refers). The reserved matters pursuant to that outline consent are currently being considered under planning ref; 21/0966M and appears elsewhere on the agenda. Vehicular access would be provided by its own dedicated access taken from London Road.

**RELEVANT HISTORY**

None

**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 The Historic Environment  
SE9 Energy Efficient development  
SE12 Pollution, land contamination and land stability  
SE13 Flood risk and water management  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments  
LPS 17 Gaw End Lane, Macclesfield

Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes  
NE11 Nature conservation  
NE17 Nature conservation in major developments  
NE18 Accessibility to nature conservation  
RT5 Open space standards  
H9 Occupation of affordable housing  
DC3 Residential Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC14 Noise  
DC15 Provision of Facilities  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development  
DC63 Contaminated land

**Other Material Considerations**

National Planning Policy Framework (The Framework) 2021  
National Planning Practice Guidance

Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

**ANSA / Greenspaces** - No comments received

**Education** – No objection subject to financial contributions of £98,056.14 towards to secondary education provision.

**Environmental Protection** – No objection subject to conditions relating to electric vehicle charging infrastructure, use of ultra-low emission boilers, piling, dust management, noise mitigation and contaminated land.

**Flood Risk Manager** – request further details on flood risk management in relation existing topographical low spot and overland flow path in the northern section will be managed onsite without causing adverse flooding on/off site. Additionally, further clarification is sought on the proposed connection to the ordinary watercourse on the southern boundary.

**Head of Strategic Infrastructure** – No objection but advise that a revision to the footway along frontage to the site is required to increase its width from 2 metres to 3 metres so that it can serve as a shared pedestrian / cycle facility.

**Housing Strategy & Needs Manager** – Object on the basis that the affordable units are not sufficiently pepper potted throughout the development.

**Natural England** – No objection

**NHS** - No comments received

**United Utilities (UU)** – No objection subject to drainage conditions.

**VIEWS OF THE PARISH COUNCIL**

**Sutton Parish Council** – object to this application for the following reasons:

1. The Bovis application 18/3245M was approved with 330 houses, and the Gaw End site was not included in it. The Local Plan allocates the Bovis site and the Gaw End site (LPS 17) for around 300 houses. The 45 houses when added to the 330 houses this means that, if approved 375 houses could be built on the allocated site, which is not around 300 houses. The potential over-build of house numbers, agreed for the local plan, if allowed this could affect the whole Parish. Increased traffic numbers for leisure activities in Macclesfield Forest, difficulties in providing schooling for children and increased traffic in Sutton.
1. The Council has well over 5 years supply of housing so there is no reason to give permission for 45 houses on this site. This represents an overdevelopment of the site.
2. The current layout is totally inappropriate at the entry to "Macclesfield", and bordering the Green Belt. The number of houses should be reduced, and a landscape buffer (5m wide) included along the southern boundary of the site. It is important that the Council's Design Officer makes sure that a re-design of the layout takes place to ensure that it complies with the Council's Design Guide.

3. The site floods and the Flood Risk Assessment appears not to recognise this.
4. There should NOT be another junction onto London Road, as there are already 7 junctions on a stretch of road which is dangerous in terms of speeding traffic. Speeding traffic approach the built up area in excess of 50 mph or they accelerate through Lyme Green as they are about to leave the built up area.  
The allocated site was to be developed comprehensively, off a single access point. The Morris Homes site should be incorporated into the Bovis scheme with access provided through the main access onto London Road. Traffic lights should be introduced on the main access.
5. There does not seem to have been an extensive publicity campaign within the area or engagement with the local community. The consultation took place over the Christmas period. There are 308 houses in Lyme Green and we understand that only 120 leaflets were distributed in the area.”

## OTHER REPRESENTATIONS

Letters of representation have been received from approximately 28 addresses, 27 of which raise the following objections / comments:

- Principle of Development
  - Council has a five-year supply of sites. No need to grant planning permission in this case.
  - Development would result in more homes than included in the Local Plan Strategy (LPS) allocation - LPS 17 Gaw End Lane (for around 300 Homes).
  - Application should be considered in tandem with adjoining planning applications, including 21/0966M – a total of 375 homes.
  - There are several derelict buildings in Macclesfield.
  - The site should be considered a windfall site, where Macclesfield has far exceeded expectations. So not required in Macclesfield.
- Design / character / landscape
  - Density, design and layout represent overdevelopment of the site.
  - Density would be more appropriate for a brownfield site in town.
  - Graded density should taper back to the countryside.
  - The gable ends of terraced housing located 2 metres from the A523 should be replaced by detached housing.
  - Important that Council follows the Design Guide Supplementary Planning Document.
  - The entire south end of the site should be re-planned to leave adequate and significant space to ensure the existing natural environment is respected and maintained.
  - Sizeable reduction in the number of homes needed to allow adequate space for spacing and a generous buffer zone to the nature reserve.
  - Layout is akin to ribbon development along a main road. If the development is to proceed then the density should be reduced and layout amended.
  - Loss of greenspaces.
  - Proposal would affect the setting and character of the town and outlying settlements.
  - Site would appear over intensive in relation to the site, countryside on the edge of the town and character of development opposite.
  - The site should be incorporated into the adjacent site to provide for a comprehensive development.

- Design is lacking and development should retain all hedges and trees.
- Highways / access
  - Concerns over traffic congestion impacting on the local area, including London Road (A523), Robin Lane, Gaw End Lane, Lindrum Avenue, Bullocks Lane, Byrons Lane, Gunco Lane.
  - The allocated site was intended to be developed comprehensively off a single access point with appropriate traffic light control. This proposal is independent of the rest of the allocated site and proposes an additional access onto London Road.
  - Should be integrated in terms of green, pedestrian and cycle networks.
  - Bridge over the canal and section of A523 is inadequate.
  - No safe cycle routes to town centre, train station.
  - Entrance and exit arrangements do not take account of volume of traffic from Robin Lane. School traffic use Robin Lane as a cut through.
  - Traffic safety concerns, particularly students attending local schools.
  - Concerns regarding traffic speed around the access to the site.
  - Impact of proposed access on neighbouring businesses should be considered.
  - The proposed access is at a crossing point for people with reduced mobility and the public.
  - Proposed access would add to the 7 junctions which already exist, on a short, dangerous stretch of road.
- Infrastructure
  - No additional facilities, services or shops.
  - Inadequate nursery / school provision in the local area.
  - Impact of the development on infrastructure including sewerage, water etc
  - No consideration given to additional infrastructure provision including doctors.
- Flooding / drainage
  - Site floods: there is regular 'pooling' on the site. The submitted Flood Risk Assessment does not appear to recognise this.
  - Drainage should be reconsidered; surface water should enter the system on London Road.
- Heritage
  - Impact on heritage assets including Macclesfield Canal conservation area, and listed canal bridge. Development must be sensitive to the conservation area / listed structures.
- Nature conservation
  - Field is in pond most of the year where birds and other animals, including badgers, have been seen.
  - Detrimental to the local environment and the village of Lyme Green.
  - Negative impact and loss of wildlife in the area, particularly when taken together with neighbouring applications.
  - Paragraph 15.234 of the Local Plan Strategy notes natural features and adjacent to a Site of Biological Importance.
  - Loss of habitat for so many species.
  - Existing ditch and hedgerow should be retained.
  - Hard to comprehend how construction of houses, noise and light pollution can lead to biodiversity net gain.
  - Wildlife including badgers, great crested newts, bats are present on site.
  - Buffer zone to adjacent nature reserve is a tiny sliver of land to be left undeveloped. This should be a fence to the southern boundary of the site.

- Request that if consent is granted that it respects the needs of the nature reserve and any development be restricted to leave a 10-meter buffer to the boundary to the Rayswood Nature Reserve to minimise light and noise pollution to this sensitive area. Also, a minimum 1.8m high anti climb fence be required as a condition to commencement.
- Trees and hedges should be protected through the use of preservation orders, where possible.
- Amenity
  - The proposal has implications for noise and air pollution.
- General / Process
  - Public consultation period has not led to any significant changes to the layout.
  - Applicant has not given a presentation to the Parish Council.
  - Lyme Green Settlement Charity asked for an update on progress on the application.

One representation has no objection but notes that the scheme should not impede the wider development of reserved matter application for 306 dwellings (ref 21/0966M), pursuant to outline planning consent (18/3245M). The Transport Assessment undertaken as part of the approved outline planning application (ref: 18/3245M) tested the ability of the local highway network to accommodate up to 330 dwellings. The Council therefore needs to be satisfied that there is sufficient highway capacity to accommodate the proposed development (which would provide a total of 351 dwellings), and via through two separate site accesses on the London Road. The detailed layout submitted as part of the proposed Reserved Matters scheme, identifies how a vehicular connection can be made to the applicant's site through the proposed internal road network, as required by Condition 36 on the approved outline consent. Note that the planning layout produced by the applicant, provides for vehicular access to some of the proposed dwellings via Gaw End Lane. Whilst the number of vehicle movements associated with this access is likely to be limited, the safety of this junction to accommodate any additional traffic must be assessed.

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 17 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The adjoining land to the north and west and north has the benefit of outline planning permission for the erection of up to 310 dwellings (planning ref; 18/3245M refers). The reserved matters pursuant to the outline consent are currently being considered under planning ref; 21/0966M and appears elsewhere on the agenda. This application site is separate from the larger scheme and is being brought forward by a different applicant and developer.

Site LPS 17 states that the development of Gaw End Lane will be achieved over the Local Plan Strategy period through:

1. The delivery of around 300 homes;
2. Incorporation of green infrastructure which should include the following:
  - i. Green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal. Land to the southwest of the site adjacent to the canal should remain undeveloped and is allocated for open space within site LPS 17 as shown on Figure 15.19;
  - ii. New public open space;
  - iii. Green buffers to London Road/Leek Road and Macclesfield Canal; and
  - iv. An area of protected open space adjacent Rayswood Nature Reserve as shown on the proposals map;
3. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
4. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. Buffer zone of semi-natural habitats to be provided adjacent to the Macclesfield Canal SBI.
- b. Development must be sensitive to the conservation area and listed structures / buildings. The retention of open space on the western edge of the site would help safeguard the immediate context from urbanising development up to the canal edge, where it would most dramatically affect views and the sense of openness within the bend in the canal. Regarding the setting of Toll Bar cottage the impact could be lessened in the approach taken to the site's planning, by retaining the mature boundary landscaping opposite the property and also by using this south easterly part of the site as a pedestrian gateway into the scheme, with associated open space.
- c. This Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- d. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a full assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure protection of the SSSI
- e. Any application would need to be supported by a full ecological appraisal. Ecological mitigation would be required to address any adverse impacts.
- f. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

This application is for 42 units in addition to the 306 units proposed in the adjoining development which is the subject of a separate application (planning ref; 21/0966M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 300 indicated in the site allocation. Each application needs to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 348.

As noted above, LPS 17 allows for around 300 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 300 dwellings” in LPS 17. The delivery of the site for residential development will provide a small contribution towards the Council’s housing land supply and assist in meeting the development requirements of Macclesfield and the wider Borough. The further requirements of policy LPS 17, and other relevant policies, are considered below.

## **Affordable Housing**

Policy SC 5 of the CELPS and the Councils Interim Planning Statement on Affordable Housing (IPS) requires the provision of 30% affordable housing on all ‘windfall’ sites of 15 dwellings or more. This relates to 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.

As this is a scheme for 42 no. units (as amended), 13 of the units will be required to be affordable. To satisfy the required tenure split, 8 of the units would need to be provided as social / affordable rent accommodation and 5 of the units as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1592. This can be broken down to 936 x 1 bedroom, 408 x 2 bedroom, 173 x 3 bedroom, 45 x 4 bedroom and 30 x 5 bedroom dwellings. The intermediate need in Macclesfield is the same as across the borough of Cheshire East. The need is for dwellings that 1<sup>st</sup> time buyers and families looking to buy but cannot afford without assistance.

The submitted details show that 13 of the dwellings will be provided as affordable units which would amount to 31%. These are to be provided as:

4 x 1 bed (3 social rented / 1 intermediate)

4 x 2 bed (4 intermediate)

5 x 3 bed (3 social rented / 2 intermediate)

The Strategic Housing Manager (SHM) has confirmed acceptance of the above split. Whilst the SHM originally expressed concern about pepper potting, the scheme has been amended so that there are 3 blocks of affordable spread through the development. It is considered that the tenures are appropriately pepper potted through the site having regard to the size of the scheme and accordingly, the proposal complies with policies SC 5 or LPS17 of the CELPS.

## **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. Reference is made to the need for development

proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

4 x 1 bed units  
4 x 2 bed units  
16 x 3 bed units  
16 x 4 bed units  
2 x 5 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed, 4 and 5 bed mews, semi-detached and detached dwellings. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

### **Design - Layout, Scale and Appearance**

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 (Green)** – The proposal is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. Links to the closest PROWs include Gawsworth FP5 & 31 and Sutton FP 46 that runs along the Macclesfield Canal, joining with Sutton FP1 that enables the crossing of the canal. All of the footpaths connect to wider routes leading to Macclesfield Town Centre, Gawsworth, Sutton and beyond.

Where the carving up of LPS sites is necessary to attract investors, each part should interconnect with the adjacent one to enable a whole site design to be developed. The site design should incorporate a collaborative approach with adjoining development plots. Following officer comments, the 2 layouts have been amended so that connections between both sites can be made.



**Facilities and Services (Green)** - The site lies close to South Macclesfield where a full range of facilities and services can be accessed. There are shops, pubs, schools and access to local transport hubs, within easy walking distance of the site. In addition to Lyme Green Recreation Ground, located East of the site on Robin Lane, there is an area of public open space provided on site.

**Public Transport (Green)** - The closest bus stops to the scheme are located on London Road (A523) a short distance from the proposed site access. From services found there, access can be gained into Macclesfield town centre and to the National Rail station, with its excellent services to Manchester and the wider UK. As a result, a green light is awarded.

**Accommodation and Tenure Mix (Amber)** - The affordable units were originally clustered in the southern and northern corners of the site and not pepper-potted throughout. However, amended plans have been secured which spread them. That said, this application is only for a small number of homes and it is acceptable that some affordable units are clustered in groups as opposed to properly dispersed as set out in Policy SC 5.

**Character (Green)** - The inclusion of some local precedent work and reference to the Cheshire East Borough Design Guide is welcomed and it can be seen where the cues have been taken from. The homes are essentially standard house types and whilst the Design Guide accepts the reality of these, it suggests that these can be given a fresh and modern feel. The scheme as amended would introduce some well designed units with a well conceived layout.

**Working with the site and its context (Green)** - Areas of existing trees and natural assets are retained and incorporated within the layout design. The listed building, Toll Bar Cottage, adjacent to the Eastern edge of the development has been identified as an asset and as a unique feature close to the site. The LPS requirements ask that to retain the setting of this building, a green buffer is maintained by the retention of the existing greening and pedestrian accessway along Gaw End Lane. The amended scheme includes a good landscaping buffer with the nearest units stepped back into the site. Parallel to London Road, the homes along this edge face outwards but although a pathway has been introduced onto this edge to create a more informal walkway / cycleway. The use of shared surfaces in this location would enable a more efficient use of the land.

**Creating well defined streets, easy to find your way around and streets for all (Green)** - There is a clear hierarchy leading from the main entrance into the site, through and to the outskirts of the development. The proposed character areas, use of materials and units as well pockets of green infrastructure would be acceptable. Corner turning types provide strong architectural features and designs to enable an increase in legibility across the site and nodal points provide good focal points.

**Car Parking (Amber)** - A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles. The development has achieved a varied mix of parking solutions across the site.

**Public and private spaces (Amber)** - Houses have reasonably sized rear gardens and some space to the front too which is well defined.

**External storage and amenity space (Amber)** - Houses have reasonably sized rear gardens, large enough to house the bin/recycling stores. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. Garages are provided at some plots, maybe with the intention of use for bike storage.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. It is considered that the overall design, scale, form and appearance of the proposals would be acceptable subject to the use of high quality materials. The proposal achieves a well designed residential development which would accord with LPS 17 and the Cheshire East Design Guide.

### **Impact on Designated Heritage Assets**

The land lies adjacent to the grade II listed properties Toll Bar Cottage and Lyme Green Hall with its gardens bordering the road. In considering whether to grant planning permission, the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66 of the Planning (listed buildings and Conservation areas) Act 1990, section 66).

The change of use of this land from greenfield to residential will inevitably alter the rural feeling at this point when entering or exiting the outskirts of Macclesfield. Currently both Toll Bar Cottage and Lyme Green Hall enjoy rural views. This proposed development will alter that view. Although the harm to the views from both properties will be less than substantial, there will be a change to the setting of both properties. This is particularly true of Toll Bar Cottage as it will be looking directly onto proposed plots 1-4. Toll Bar Cottage as its name suggests historically would have been the first building to be seen when traveling towards Macclesfield, its very purpose was to look down London Road, it has enjoyed that view since it was built.

The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be archaeological, architectural, artistic, or historic. This significance may derive not only from its physical presence but also from its setting. The setting of a heritage asset is defined as: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Paragraph 199 of the NPPF. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 of the NPPF. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Following officer concerns, the scheme has been amended so that the nearest units directly opposite Toll bar Cottage are pulled back into the site and a green landscaping buffer provided to the northern corner of the site. Further, the design of the scheme including its layout and architectural form have been elevated in terms of their design quality. Following these revisions, the harm to the setting of both designated heritage assets has been reduced to the lesser end of less than substantial. It is considered that this harm is balanced and outweighed against the wider benefits of the scheme, which are providing housing in sustainable location and helping to deliver housing in line with one the of the council's strategic housing allocations. Accordingly, the proposal would not conflict with CELPS Policies SE1 and SE7 of the Cheshire East or NPPF advice.

## **Landscaping**

The application site is bound to the east by the A523 London Road, to the north by Gaw Lane End and to the south by Rayswood Nature Reserve, which also lies within the boundary of the Peak Fringe Local Landscape Designation Area (LLD), formerly known as ASCV.

Policy LPS17 Gaw Lane, Macclesfield indicates that the whole of the allocation site will allow the delivery of 300 homes, it also identifies that there will be green buffers to London Road and the Macclesfield Canal as well as an area of protected open space adjacent to Rayswood Nature Reserve.

While Policy LPS17 requires a green buffer along London Road and with Raywsood Nature Reserve, the proposal subject of this site represents a modest part of the overall site allocation. It is in part visually distinct from the remainder of the site allocation further to the north which achieves a much larger frontage to London Road and the Nature Reserve. The proposal has been amended so that the built form has been set back at the northern end where Gaw End Lane meets with London Road. This has allowed for a better standoff and the incorporation of soft landscaping to soften the transition. Elsewhere along the London Road frontage, a pedestrian / cycleway would be secured with complimentary planting along the frontage.

With respect to Rayswood Nature Reserve, a defensible 4 metre buffer is provided. A condition requiring submission of a landscaping scheme to ensure appropriate species and density or planting are recommended. Subject to this, the proposals comply with Policy LPS17, and policies SE1- Design or SE4 The Landscape.

## **Education**

One of the site specific principles of the site allocation under LPS 17 is that the development of the site will require "contributions to education and health facilities".

In the case of the current proposal for 42 dwellings, a development of this size would generate:

- 8 primary children (42 x 0.19)
- 6 secondary children (42 x 0.15)
- 0 SEN children (42 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. Confirmation has been sought from Council's Children's Services as to whether there remains a shortfall in school places and whether this needs to be alleviated by financial contributions. No response has been received to date. In the event that Children's Services confirm that financial contributions are required, this will be secured by of a s106 legal agreement. This will be confirmed to members by way of an update.

### **Healthcare**

The views of the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have been sought but no response has been received. In the absence of any response from the NHS, it is advised that they would not be seeking any financial contributions from this development.

### **Public Open Space and Recreation**

The local plan allocation for this site and Policy SE 6 of the CELPS sets out that the open space requirements for housing development are (per dwelling):

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

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor and indoor sports) would be required on major Greenfield and brownfield development sites. At 65sqm per dwelling, the total amount of on-site open space required would be up to 2,730 square metres.

The applicant claims that the proposed layout incorporates 2,186 square metres of open space. However, this comprises predominantly of green infrastructure, which is not open space. On this basis, it is considered that the scheme is not providing on-site open space. In the absence of on-site provision, contributions would usually be sought towards existing areas of open space near to the development. The necessary outdoor sports and indoor sports facilities would also usually be provided by way of a financial contribution towards off site provision.

The Council's open spaces officer and Leisure Services have not commented on the application. Any comments will be reported to members by way of an update.

### **Residential Amenity**

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 to the north and north west on the opposite side of Gaw End Lane. The proposed layout shows that the part of the development fronting Gaw End Lane would achieve a separation distance of at least 22 metres with the nearest property referred to as 'The Bungalow'. This is sufficient to ensure no material harm to neighbouring amenity by reason of loss of light, direct overlooking or visual intrusion. As such, the amenity afforded to existing properties would be respected.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

## **Noise**

The application is supported by a Road Traffic Noise Impact Assessment. The impact of the noise from road traffic on London Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing, ventilation and acoustic fencing which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by environmental noise. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

## **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 186 of the NPPF and the Government's Air Quality Strategy. A scheme of this size does not meet the criteria to require an air quality impact assessment according to the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance. The Council's Environmental Protection Unit has therefore confirmed that the addition of these extra dwellings would have a minimal impact and is considered insignificant in line with the previously mentioned guidance. Subject to conditions relating to electric vehicle charging infrastructure, low emission boilers and a dust management plan, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

## **Public Rights of Way and Accessibility**

Policy LPS 17 includes the following requirements for this site:

- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities;
- Green infrastructure which should include ...green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal.

The site does not directly affect a public right of way. However, there are a number in the vicinity of the site. In order to encourage people to walk and cycle for travel purposes and for healthy leisure activities, specific support and facilities should be offered to people at a 'transition point' in their lives, for instance, when they are changing job, house or school. The National Institute for Health and Clinical Excellence (NICE) guidance *Walking and cycling: local measures to promote walking & cycling as forms of travel or recreation*, November 2012, states that "at these times people may be open to trying a new mode of transport or new types of recreation". It is therefore important that the facilities for walking and cycling, including routes, destination signage (secured by condition) and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases. This proposal would not undermine the justification to Policy LPS 17 of the CELPS.

## Highways

There is single priority junction access to London Road to serve this development. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that a single access is acceptable to serve the 42 units proposed. The access road has a 6.1m carriageway, the initial section of road has a footway on both sides with the remaining section being shared surface. The applicant has submitted swept paths that indicates that a refuse vehicle can enter the site and turn within the turning area at the end of the access road.

### Access Visibility

The appropriate SSD's (stopping sight distance) to be provided at the access point has been calculated from the applicant's speed survey undertaken on London Road. The 85%ile speeds are 47.1 mph northbound and 49.4 mph southbound and the necessary visibility splays of 2.4m x 160m in both directions for these speeds have been provided.

### Pedestrian/Cycle Access

The submitted layout plan includes a 2m footway along the eastern boundary of the site with London Road. Whilst this facility is welcomed, the HSI has recommended that this should be a 3m pedestrian/cycleway as this will link to a similar facility being provided by the larger residential development just north of this development. There is also a pedestrian connection at 2 points to the west of the site into the adjoining development and also to Gaw End Lane at the north end of the site. This is considered acceptable. The increase in width to the footway / cycleway could be increased in width and accommodated within the proposed layout. As such, it is considered that this could be secured by condition.

### Traffic Impact

The level of development is considerably below the threshold that requires a Transport Assessment to be undertaken as it is normally expected that the traffic generation from this level

of development would not result in capacity problems. The applicant has submitted some trip generation figures that indicate that circa 21 two-way trips would be generated in the peak hours. This level of generation would have a minimal impact on the local highway network and the impact is considerable acceptable.

#### Car Parking

The car parking provision for each of the units is provided in accordance with CEC parking standards, 1 space for one bedroom, 2 spaces for 2 to 3 beds and 3 spaces for 4/5 beds.

#### Summary

The proposed access and internal road layout is a satisfactory design to serve the 42 dwellings proposed and adequate parking is provided in accordance with CEC standards.

The vehicle speeds on London Road have been surveyed and are in excess of the posted 40mph speed limit in both directions at the proposed access point. Visibility splays in accordance with the measured 85%ile speeds have been provided to ensure that the required SSD is met.

The submitted plan indicates that a 2m path is provided along the frontage A condition should be attached to improve this to a 3m shared ped/cycle facility as part of this application. Subject to an amendment to the footway the submitted layout is now acceptable in highway terms and no objections are raised to the application.

#### **Trees**

The site allocation refers to the requirement for green buffers to London Road/Leek Road as part of the provision of Green Infrastructure. In this regard the retention of existing tree cover through the delivery of the Arboricultural Impact Assessment has identified those trees appropriate for retention within the proposed development. Any tree identified as High (A) or Moderate (B) category in accordance with the definitions in BS5837 :2012 *Trees in Relation to Design, Demolition and Construction* – Recommendations should be given priority for retention within the new development.

The site specific principles of LPS17 also make particular reference to Toll Bar Cottage and the retention of mature boundary landscaping opposite the property. There are a number of individual and groups of mature hedgerow trees to the south of Gaw End Lane which make a significant contribution to the existing landscape setting.

The scheme has been designed where all structures are located outside of the Root Protection Area of the retained trees and any indirect impacts can be controlled by appropriate tree protection measures. The proposal would result in the part removal of a hawthorn hedge along the London Road frontage and the southern boundary. Five no. trees are proposed to be removed to accommodate the proposal, whereas one no. tree is proposed for removal due to poor condition and limited long-term retention value. The trees and hedgerows proposed for removal range from low to moderate quality and therefore their loss can be offset through the proposed replacement planting.

The amended plans present no significant arboricultural implications. Accordingly, compliance with policy SE 5 of the CELPS and LPS 17 is confirmed.

## Ecology

The site is within close proximity to 'Rayswood Nature Reserve' and falls within Natural England's SSSI risk zones associated with Danes Moss. The Council would therefore consult Natural England on any future planning applications at this site. Cheshire East Policy SE 3 requires all development proposals to aim to contribute positively to the conservation and enhancement of biodiversity. The site specific policy for allocated site LPS 17 requires an assessment of the impacts of any proposed development on the SSSI to be submitted with the planning application.

Coastal and Flood Plain Grazing Marsh - The application site is listed on the national Inventory of Floodplain and Grazing Marsh Priority Habitat. Habitats of this type are a material consideration for planning.

The habitats present on the application site however only partly meet the description of this priority habitat type. Much of the nature conservation value of grazing marsh habitats is associated with the related ditches. Only one ditch is present on site. This is a dry ditch on the site's southern boundary. The Council's Nature Conservation Officer (NCO) has advised that it must be ensured that the existing ditch is retained as part of the proposed development. The revised proposals show a standoff to allow retention of the ditch. It is recommended that a condition is imposed to secure its retention.

Hedges - Native hedgerows are a priority habitat and hence a material consideration. Based upon the submitted landscape masterplan it appears that part of two hedgerows would be removed as part of the proposed development. A condition is recommended seeking greater retention of these hedgerows. If any length of hedgerow is unavoidable lost then compensatory planting must be provided to address its loss. Losses and gains of biodiversity associated with hedgerows can be assessed as part of the biodiversity metric calculation discussed below.

Badger - Badgers were recorded as being active on this site, but no active setts were present. Based on the current levels of badger activity on site, the proposed development would result in a 'low level adverse' impact upon badgers as a result of the loss of foraging habitat. As the status of badgers on a site can change in a short time-scale, a condition should be attached which requires an updated badger survey to be undertaken and a report submitted prior to the commencement of development.

Great Crested Newt - Great Crested Newt surveys were undertaken in respect of the adjacent outline consent (18/3245m). No evidence of great crested newts was recorded during these surveys. However, access at that time to some of the surrounding ponds was restricted. Following comments from the NCO, a Great Crested Newt Impact Assessment has been submitted. This is currently being reviewed by the NCO and members will be updated.

Roosting Bats (Bats) - Three trees on site (referred to T2, T5 and T7 in the bat assessment) have been identified as offering moderate potential to support roosting bats. T5 is proposed for removal as part of the proposed development. The submitted bat assessment recommend that T5 is subject to further bat surveys to establish the presence/absence of roosting bats. The NCO is currently reviewing a further submission made by the applicant and members will be updated.



Lighting - To avoid any adverse impacts on bats resulting from any lighting associated with the development, a lighting scheme will be required. The lighting scheme should reflect the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance (candelas/m<sup>2</sup>). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type, lamp wattage and spectral distribution;
- Mounting height, orientation direction and beam angle;
- Type of control gear

Nesting Birds - The existing trees and hedgerows on site are likely to support nesting birds potentially including the more widespread priority species. If planning consent is granted, a condition for the protection of nesting birds is recommended.

Biodiversity Net Gain - In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 must be undertaken and submitted with the application. In order to achieve net gain for biodiversity it should be ensured that any habitats are higher value (such as ponds and woodland, more species rich grassland etc) are retained and enhanced as part of the development proposals. This is currently being reviewed by the NCO and members will be updated.

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development.

The Council's Nature Conservation Officer has advised that conditions should be imposed requiring the delivery of hedgerow planting and a biodiversity enhancement plan. Subject to reviews by the NCO, and appropriate mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

## **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the site does

suffer from an existing topographical low spot and overland flow path in the northern section of the site. Discussions are currently ongoing between the Lead Local Flood Authority (LLFA) and the applicant as to how this will be managed onsite without causing adverse flooding on/off site. The outcome of these discussions will be reported to member by way of an update.

## **Peat**

The Preliminary Environmental Risk Assessment confirms that peat is present adjacent to the site but not within it.

## **Other Matters Raised by Representation**

Whilst a representative of Rayswood Nature Reserve has expressed concern about the form of boundary treatments (requiring a defensible barrier to prevent access), unauthorised access is a civil matter. Further detail will be secured by condition.

## **S106 HEADS OF TERMS**

Subject to the receipt of further consultee comments, a s106 agreement is currently being negotiated to secure:

- Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)
- Education contributions tbc
- NHS contributions tbc
- Public Open Space contributions tbc

## **CIL Regulations**

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

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

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation would be 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 secondary school places within the catchment area which currently have a shortfall of school places. In order to increase the capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and

reasonable in relation to the scale and kind of the development

## **CONCLUSIONS**

The proposal seeks to provide 42 dwellings on part of a site allocated within the CELPS. The comments received in representations have been given due consideration, however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. On this basis, the proposal would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

## **RECOMMENDATION**

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

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £98,056.14 towards secondary provision**
- **Public Open Space off site contributions tbc**

**And the following conditions:**

1. **Standard Time limit – 3 years**
1. **Accordance with Approved / Amended Plans**
2. **Access to be constructed in accordance with approved plan prior to first occupation**
3. **Implementation of submitted Construction Environmental Management Plan (CEMP)**
4. **Scheme of Piling works to be submitted, approved and implemented**
5. **Implementation of submitted Dust Control Scheme**
6. **Accordance with submitted noise mitigation scheme**
7. **Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
8. **Submission of contaminated land survey**
9. **Remediation of contaminated land**
10. **Details of drainage strategy to be submitted**
11. **Development to be carried out in accordance with submitted Flood Risk Assessment**
12. **Scheme of foul and surface water drainage to be submitted**
13. **Submission of a detailed drainage strategy / design, associated management / maintenance plan**
14. **Submission of existing and finished ground and floor levels**
15. **Implementation of a Biodiversity Enhancement Strategy first agreed**
16. **Nesting Birds Survey to be carried out if works are to be carried out during the bird breeding season**
17. **Strategy for the incorporation of features to enhance the biodiversity value of the proposed development for use by roosting bats and nesting birds**

18. Updated Arboricultural Method Statement to be submitted to show retention of hedgerows
19. Details of external lighting scheme to be submitted approved and implemented
20. Facing materials to be submitted and approved
21. Landscaping scheme to be submitted including details of hard surfacing materials and details of hedgerow retention / mitigation
22. Implementation of landscaping scheme
23. Further details of boundary treatments to be submitted
24. Accordance with Great crested Newt Impact Assessment
25. Removal of permitted development rights classes A-E
26. Submission, approval and implementation of a scheme for the retention of the ditch along the southern boundary
27. Updated Badger Survey to be submitted, approved and implemented
28. Footway along eastern boundary to be increased in width to 3 metres to serve as a shared pedestrian / cycleway
29. Scheme of pedestrian/ / cycle destination signage to be submitted, approved and implemented

*In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chair 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: 21/5724C

Location: Land Off, RADWAY GREEN ROAD, RADWAY GREEN

Proposal: Outline planning permission for the construction of employment floorspace up to 94,761sq.m (1,020,000 sq.ft) for use within Use Classes B2, B8 and ancillary Use Class E(g) of the Use Classes Order (as amended), including detailed approval of means of access at Radway Green Road.

Applicant: Tilstone Radway Limited

Expiry Date: 30-Jun-2022

### **SUMMARY**

The proposed development is considered acceptable in land use terms as it would facilitate the aim of Policy LPS 24 Radway Green Extension by providing up to 25 hectares of commercial development.

The impact on neighbouring residential amenity would not be significant.

The impact upon air quality has been assessed as part of this application and subject to the imposition of planning conditions the development would comply with Policy SE 12.

Details of the proposed landscaping would be secured at the reserved matters stage but the landscaping buffer to the green belt boundary has been secured here. The proposed development is considered to comply with the requirements of Policies SE 4 and SE 5.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to the suggested conditions and S106 contributions.

It would appear that ecological impacts of the development can be satisfactorily mitigated by conditions and S106 contributions.

The development would not have significant drainage/flood risk implications and complies with Policy SE 13.

On balance it is considered that the proposed development demonstrates that an acceptable design solution can be secured in accordance with Policy SE 1. However this is a Reserved Matter and the final judgement will be made at that stage.

The development of the site would provide a number of economic benefits in terms of job creation and during the construction phase of the development.

The proposal is therefore found to be economically, socially and environmentally sustainable.

## **RECOMMENDATION**

**APPROVE SUBJECT TO CONDITIONS AND S106 TO SECURE ECOLOGICAL AND HIGHWAY IMPROVEMENTS**

**ECOLOGICAL NET GAIN ISSUE BE DELEGATED BACK TO OFFICERS IN CONJUNCTION THE HEAD OF PLANNING AND CHAIR OF PLANNING COMMITTEE SHOULD MEMBERS BE MINDED TO APPROVE THE APPLICATION**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is situated to the south of Radway Green Road and formerly housed 2 large industrial buildings belonging to BAE Systems, these have now all been demolished.

The site area, including the access is approximately 26 hectares in size.

To the immediate north is the earlier phase for Radway Green Business Park, further north is the railway line, agricultural land and then Crewe Road. To the east and south is open land and the motorway is to the west.

The site is identified as LPS 24 (Radway Green Extension, Alsager) within the Cheshire East Local Plan Strategy

Permission has been granted for similar commercial developments on sites to the north of this application site, these being at Radway Green and Radway Green North.

## **DETAILS OF PROPOSAL**

The proposal seeks outline consent for the construction of employment floorspace up to 94,761 sq.m (1,020,000 sq.ft) for use within Use Classes B2, B8 and ancillary Use Class E(g)1 of the Use Classes Order (as amended), including detailed approval of means of access at Radway Green Road

## **RELEVANT HISTORY**

21/3683S – EIA Screening Opinion – EIA not required 19-Oct-2021

20/3382N – Proposed development of 6 no. commercial units providing up to 74,610 sq.m. GIA of mixed B1c, B2 and B8 (unfettered), of which 34,650 sq.m (Units 1, 2 & 6) will be sought



under detailed approval including associated infrastructure, parking, access and circulation areas, maintenance and improvement of existing access into the site south of the level crossing and the existing vehicular access north of the level crossing, cycle and pedestrian access to the whole site, relocation of existing clock tower, new internal roads and drainage infrastructure. Units 3, 4 & 5 (total proposed floorspace of 39,960sqm) seek outline approval for access and scale, reserving appearance, landscaping and layout for later approval – Approved 05-Mar-2021

18/3348N – Outline application for proposed commercial development (B1c, B2 & B8 use, including ancillary B1 offices) comprising circa 32,980 sq.m floor space , vehicular access, service yards, car and cycle parking, drainage, external lighting, landscaping and associated works – Approved 22-Jan-2019

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

11. Presumption in favour of sustainable development.  
80-82. Building a strong, competitive economy  
124-132. Achieving well-designed places

### **Local Policy**

Cheshire East Local Plan Strategy – Adopted Version (CELPS):

MP1 Presumption in Favour of Sustainable Development  
PG1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG7 Spatial Distribution  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodlands  
SE 12 Pollution, Land Contamination and Land Instability  
SE13 Flood Risk and Water Management  
EG1 Economic Prosperity  
EG3 Existing and Allocated Employment Sites  
EG5 Promoting a Town Centre First Approach to Retail and Commerce  
CO1 Sustainable Travel and Transport

LPS 24 Radway Green Extension

Appendix C Parking Standards

Saved policies of the Crewe and Nantwich Local Plan:

BE1 Amenity  
BE3 Access and Parking  
BE4 Drainage, Utilities and Resources  
BE21 Hazardous Installations

Alsager Neighbourhood Plan (made on the 15 April 2020)

EE1 – New Businesses  
EE4 – Scale, Design and Amenity of New Employment Development  
NBE4 – Woodlands, Trees and Hedgerows  
NBE6 – Development Affecting Heritage Assets and their Setting  
CW3 – Safe and Accessible Routes  
TTS1 – Promoting Sustainable Transport  
TTS2 – Congestion and Highway Safety  
TTS3 – Car Parking and Electric Vehicle Charging Points  
TTS4 – Accessibility  
TTS6 – Infrastructure  
TTS8 – Improving Air Quality  
TTS10 – Surface Water

## CONSIDERATIONS

**CEC Environmental Health (Cheshire East):** No objection, subject to conditions relating to the following matters - noise, construction works, dust management plan, floor floating, electric vehicle charging infrastructure, contaminated land. A few informative(s) also included in the representation.

**CEC Highways:** No objections to the application subject to conditions requiring a site access roundabout, internal road link, ghost right turn lane, signage, pedestrian/cycle path and S106 contribution to the CEC A500 widening scheme and review of the existing speed limit following development on the B5078 Radway Green Road to assess potential reductions in the speed limit of £12,000.

**CEC Public Rights of Way:** No objection subject to condition requiring a scheme of management or the PROW

**CEC Flood Risk:** No objection in principle but further information required regarding managing the existing ordinary watercourse throughout the development footprint

**United Utilities:** No objection but request conditions on matters including drainage and sustainable drainage systems

**National Highways:** Initial holding objection however this objection has been removed following receipt of further information

**Network Rail:** Initial holding objection given increased queuing on the level crossing. Further response received accepting the findings of the transport study.

**Natural England:** No objection

**Health and Safety Executive:** Do not advise against the granting of planning permission

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

**Barthomley Parish Council** – the Parish Council makes the following comments;

- The Parish Council would like to ensure that all the mitigation statements included in the outline application are delivered as part of the scheme.
- That the new roundabout is implemented as submitted.
- That noise screening is applied to all boundaries and HGV manoeuvring locations.
- That the maximum height of buildings should be conditioned and enforced.
- That a through traffic route will be created between all three Radway sites including a pedestrian/cycle route over the BEA Systems bridge.
- That all site and road lighting to be at a low level to reduce light pollution in the area.
- That Rose Tree Farm/Foxley Farm's protective measures will be maintained and improved in the detailed planning application.
- That the Green Belt boundary is respected and that all other major planting, buffer measures, landscaping and all major earthworks will be completed prior to commencement of the main construction work and in the planting season prior to the commencement of any development.
- That the provision of solar panels, drainage, recyclable surface water run-off and electric charging points will be considered as part of the development.

#### **TRAFFIC**

- The Parish Council would like to see an assessment of the impact of the additional vehicles that this development will create both to and from the M6, plus a cumulative assessment to include all the new commercial developments either in planning or commenced between the M6 and Alsager. Our focus is obviously on Barthomley, but not exclusively.
- The Parish Council's view is that the submitted Traffic Assessment fails to make any reference to the narrow roads through Barthomley/Englesea Brook. This becomes an issue when junction 16 of the M6 is unavailable. It also offers an alternative route onto the A500 towards Nantwich and the rural west. Any assessment needs to take note of this and should be amended accordingly.
- The fact is that, over the next 10 years or so, there are the added complications of construction works relating to:
  - The widening of the A500
  - HS2a
  - The Basford East and the South Cheshire Growth Village (with a combined total of approx. 1500 new dwellings).

All of these schemes will be to a greater or lesser extent imposing extra heavy vehicles on the narrow road network. Add to this continuing local traffic (e.g. farm tractors etc.) and, unless stringent traffic management measures are put in place to protect the local road system a chaotic situation will ensue and quality of life is going to be ruined. Barthomley conservation area is particularly at risk. The Parish Council believes that these concerns need to be addressed via a robust S106 agreement;-

- That information is shared on the number/impact of relevant M6 delays and closures over the past year (2020-21) and their impact on the surrounding road infrastructure.
- That the roundabout at junction 16 of the M6 will be refigured to improve vehicle flow around it and access on and off the B5078.
- That a 40-mph speed limit will be applied to the B5078 from M6 J16 to Alsager.
- That the junction at Radway traffic lights will be widened to include a substantial filter lane in both east and west directions.
- That the junction into Barthomley village will be improved to create safer and better access in all directions and also should be redesigned to deter HGVs from entering and circumnavigating the narrow lanes in the area.
- That a 7.5 tonne weight restriction, as already applied through Barthomley and Englesea Brook from the junction with the B5078 to the B5500 (Audley Road) is strictly enforced with additional signage.
- That all of this work and any new infrastructure will be funded using section 106/CIL agreements.

**Alsager Town Council** – object to this planning application on the following grounds:

- Oversized, overbearing warehouses in close proximity to properties.
- Concerns about the height of the proposed warehouses and location close to the BAE blast zone and asks that an HSE report is submitted.
- The Town Council would prefer smaller industrial units to help smaller business.
- Loss of agricultural land.
- Building on a flood plain with potential drainage issues.
- Insufficient public transport to the site.
- Safe walking and cycling routes are needed from Crewe Road to the site. The Town Council asks for a 278 agreement to provide this should the application be approved.
- Any PROWs to be upgraded.
- Access by rail would be welcome – by re opening the Radway Green station.
- The access road from the M6 J16 is not suitable for HGVs and the increased traffic.
- If approved, a condition to be included that all HVG traffic should left from the site avoid Alsager town centre.

**Weston Parish Council**

- Concern relates to traffic flows and traffic management to prevent HGVs circumnavigating narrow lanes and ‘rat running’ through Barthomley, Englesea Brook, the Snape and Main Road Weston.

- Concern that traffic assessment does not address the impact of traffic problems on the M6
- Concern over construction traffic associated with the site alongside the widening of the A500, strategic sites at Basford East and the South Cheshire Growth Village.
- Support the comments from Barthomley Parish Council
- The Parish Council has not been involved in pre-application consultation exercise.

### **REPRESENTATIONS**

Representations have been received from approximately 28 addresses on the following grounds:

- Object to the impact on footpath Barthomley FP24 and potential impacts on access to the countryside.
- No suitable cycle lanes / pedestrian access on the site.
- Site requires a traffic management plan and provide alternative travel mode options to encourage sustainable travel (including public transport) to / from the site (e.g Cycling and Walking).
- Improvements needed to access the site from local bus stop.
- Limitation of traffic survey - the proposal should be considered in the light of other large developments in the immediate area.
- Concern over traffic survey and impact on the Covid Pandemic on traffic flows and the nature of traffic (i.e agricultural equipment).
- Need to consider traffic flows from deliveries but also from the construction and workforce that visit the site.
- Concern over traffic flows / traffic safety impacts on local lanes Holmshaw Lane, Radway Green Road.
- Speed limit on B5078 is a concern.
- The impact of increased traffic on the surrounding roads will be huge given proximity to M6 J16 and A500. This has particular impact in Barthomley Village, a conservation area with narrow lanes, ancient bridges and high hedges. Concern regarding the turn off to Barthomley Village (B5078).
- The access road, the B5078 Radway Green Road running north from the M6 Junction 16 to the junction with the B5077 (Butterton Lane) should be extensively upgraded.
- The proposed access via Radway Green is not suitable. Road safety risk including from properties adjoining Radway Green Road.
- There is a need to address Rail Crossing and the delays that causes. Need to include the provision of a road bridge instead of a level crossing at Radway Green as a minimum.
- This scheme should be delayed until after the A500 work is complete
- Availability of alternative sites including Brownfield sites and sites including Chatterley Valley on the A500
- Alsager will be turned into an industrial estate
- Impact of this development at a 'gateway' location into Alsager
- Flooding and drainage concerns

- Impact of Valley Brook
- Impact on agricultural land and best and most valuable land.
- Climate change impact of the development - units should be fitted with solar panels and use ground source heating
- Pollution and amenity impacts during construction and operation (air quality, dust, light, noise)
- Impacts on biodiversity, ecology and local wildlife needs to be considered. Any studies on wildlife should be updated.
- Concerned that green spaces are now being taken over for buildings.
- Overbearing nature of the warehouse
- A robust perimeter to protect the adjacent Green Belt / neighbouring residents is essential
- Development of such size will be visible to many local residents – landscaping must be a key component of the approval to minimise impact on the visual amenity of the area
- The heights and size of the units will dominate the landscape and viewpoints for the surrounding area. Issue of overbearing.
- Impact on local properties
- Increased littering
- Impacts on access, noise, visual amenity and loss of residential amenity in terms of location and physical relationship to Rose Trees Farmhouse and Oak Tree Barn.
- A few responses supported additional employment development in and around Alsager / Cheshire East
- There are sufficient existing schemes in the surround area with infrastructure in place along the A500 corridor and on Crewe Road, Alsager which are currently unoccupied.

## **OFFICER APPRAISAL**

### **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Policy MP1 'presumption in favour of sustainable development' of the Local Plan Strategy state that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

Alsager has been identified as a Key Service Centre for Cheshire East. The vision for Key Service Centres is that they will see growth, with high quality homes and businesses premises provided, where smaller independent traders and tourism initiatives will continue to thrive and where all development will contribute to creating a strong sense of place. Alsager is expected to accommodate in the order of 40 hectares of employment land and 2,000 new homes up to 2030 (LPS policy PG 7 'spatial distribution of development').

The application site forms part of strategic site allocation LPS 24 'Radway Green Extension' which allocates the site for 25 hectares of employment land.

Policy EG1 of the CELPS states that proposals for employment development (use classes B1, B2, B8) will be supported in principle within key service centres (which includes Alsager) as well as on employment land allocations in the Development Plan.

Policy EE1 'New Businesses' in the Alsager Neighbourhood Plan also notes that proposals for new businesses, including on the Radway Green Extensions site will be supported provided there is compliance with the Cheshire East Local Plan Strategy.

At a national level the NPPF also requires Local Planning Authorities to "create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

The application is for outline planning permission with only the detail of the access and part of the landscaping buffer to be determined at this point. However the submitted documentation puts forward that there would be employment floorspace up to 94,761sq.m (9.4 hectares). The previous consent for phase 1 granted consent for 3.2 hectares and 7.4 hectares so cumulatively 19.1 hectares would be inside the 25 hectares threshold. On this basis the development is considered acceptable in principle subject to meeting the site specific requirements contained within Policy LPS 24 Radway Green Extension.

#### **LPS 24 Radway Green Extension, Alsager**

The development of Radway Green Extension over the Local Plan Strategy period will be achieved through:

1. The provision of 25 hectares of employment land.

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

- a. The provision of green infrastructure, including:
  - i. The creation of wildlife habitats, including those for protected species;
  - ii. The retention, where possible, of important hedgerows and trees that have a cumulative screening impact on development and contribute to the ecological value of the site; and
  - iii. A substantial landscape buffer along the site boundaries but particularly along the boundaries of the site with the Green Belt.
- b. Improvements to site access, potentially to allow for better access to the Radway Green site as a whole, as well as improvements to existing access and provision of new pedestrian and cycle links to new and existing residential areas and shops.
- c. Contributions to improvements to existing and the provision of new public transport links to Crewe Railway Station, Crewe town centre, Alsager town centre and local villages.
- d. Contributions to M6 junction 16 improvements and the railway level crossing on Radway Green Road.
- e. The delivery of a high quality designed development at this key site in the Green Belt.
- f. The development should provide compensatory habitat for protected and priority species, as required, on the site.
- g. A desk based archaeological assessment shall be carried out to determine if any further evaluation / mitigation will be needed.

h. The site will be developed only where it can be demonstrated that there is no adverse impact on the Midland Meres and Mosses Phase 2 Ramsar and Oakhanger Moss SSSI particularly in relation to changes in water levels and quality and recreational pressures. This should include a Habitats Regulations Assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure no adverse effects on the integrity of sites.

i. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

j. Appropriate boundary treatments should be implemented to provide a clearly defined Green Belt boundary that is likely to endure.

The justification text to policy LPS 24 Radway Green Extension, Alsager notes how the site:-

- adjoins the Radway Green Industrial Estate;
- that the future development of the site is conditional upon contributions to highways improvements. Reference is made to the M6 Junction 16;
- that the site should provide and incorporate green infrastructure, and include sensitive design in terms of scale and massing of any new structures;
- The principal access to the site will be via the existing Radway Green Road (B5078) where there is the potential to provide a safe access with adequate highway capacity to serve a strategic employment allocation of this scale. The access should also be constructed so as to facilitate access to the wider Radway Green Site.
- A new access at this point will avoid conflict with the constrained railway crossing and enhance the attractiveness and efficiency of the site as a whole.
- Further improvements to the public transport network, together with new pedestrian/cycle links, will enhance the site's accessibility to Key/Local Service Centres and the principal rail hub at Crewe.
- that the site will make a positive contribution to the 380 hectares of employment land identified in policy PG 1 (Overall Development Strategy) of the CELPS an archaeological assessment will be required, to ensure that there will not be an impact on undesignated heritage assets.
- The strategic importance of Radway Green and its location within the M6 Growth Corridor from Birmingham to Manchester allows it to act as the key linkage between these major hubs and the wider Cheshire economy
- habitats for protected species, if required, will be provided.
- details of Construction Environment Management Plans, landscaping, green infrastructure and open space proposals should be submitted to the council during any future planning application process on this site
- boundary treatments should be reinforced so as to ensure a strong long term perimeter to the Green Belt.
- at least a Phase 1 Preliminary Risk Assessment for contaminated land needs to be carried out to ensure that any contamination that is present is subject to appropriate remediation.
- that given the sites ecological value and proximity to a European site, that a number of matters are considered including impact on water resource, chemistry (amongst other factors
- that development proposals consider the policy requirements of Policy CO 2 'Enabling Business Growth Through Transport Infrastructure', and the need to improve



- sustainable travel options, particularly in the wider cross border context

## **Landscape**

Policy SE1 of the CELPS advises that proposals should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, liveability/workability and safety.

The application does not seek consent for the design, layout or full landscaping of the site. However indicative drawings included within the application show buildings in keeping with the nature of their use that would be considered appropriate in this location. Full detailed plans for the landscaping buffer have been provided for consideration.

The submission includes a Landscape and Visual Impact Assessment, this indicates that it has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), 2013. The Assessment identifies the baseline landscape – NCA61 Shropshire, Cheshire and Staffordshire Plain as well as the local landscape character, identified in the Cheshire East Landscape Character Assessment 2018 as LCT7: Lower Wooded Farmland and specifically LCA 7f Barthomley. Reference is made to the Cheshire Landscape Character Assessment 2008, this document was superseded by the Cheshire East Landscape Character Assessment in 2018.

The assessment identifies the local character, namely that it is farmland to the immediate south of the existing Radway Green Site – Commercial and ordnance factory. The site consists of a number of fields with existing hedgerows and mature trees, often oaks. The M6 motorway lies a short distance to the west of the application site- approximately 60m and the B5078 follows the north western boundary. The wider landscape to the south, east and west is agricultural and also Green Belt.

The Landscape Assessment identifies that there would be a Moderate adverse effect and that this would continue for the life of the proposed development. The Visual Assessment examines public viewpoints, residential properties and transport routes (7.3.5). These indicate that for public viewpoints effects range from substantial adverse to moderate adverse at the construction phase, remaining moderate adverse for three of the receptors chosen after 15 years and slight for the remaining receptor. For residential properties the assessment indicates substantial effects for two receptors, substantial to moderate for two and moderate for the remaining chosen receptor. After 15 years the effects are assessed as moderate for four and slight for the remaining receptor. For transport receptors the construction effects are identified as moderate, reducing to slight after 15 years.

It is clear from the assessment that the proposed development will have considerable and adverse effects, even after a period of 15 years and while the assessment states that these effects 'are as would be expected with a development of this scale' (8.1.12) and that there would be 'limited effects upon the landscape character of the wider area' (8.1.13), it remains the case that the proposed development will result in permanent adverse effects for users of footpaths, residential properties and transport routes. As a consequence of this and the LVIA generally, the Councils Ecologist initially advised that further consideration should be given to the design and mitigation proposed in order to reduce the adverse impacts. There was also

concern with the assessment which concluded that there would be a substantial buffer planting to the countryside/Green Belt boundaries.

As a result further detailed plans have been provided which show a significant increase to the landscaping buffer to the more sensitive southern and western boundaries. As a result the Councils Landscape Officer considers this to be a significant improvements and supports the proposal subject to conditions requiring implementation of the landscaping scheme.

## **Ecology**

### Statutory Sites

The application site falls within Natural England's SSSI Impact Risk zones and is located in close proximity to Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar.

The application is supported by a 'shadow' Habitat Regulations assessment which concludes that no significant effects on statutory designed sites are likely.

Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated. An Appropriate Assessment under the Habitat Regulations is therefore not required.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant Effects'. The applicant has submitted a 'shadow' assessment. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. It is the Council's intent to adopt the shadow assessment as a means of fulfilling its obligations under the Habitat Regulations.

### Great Crested Newts

A number of ponds are present on site. The proposed development may therefore affect great crested newts as a result of the loss of both existing ponds and associated terrestrial habitat and the risk of animals being killed or injured during the site clearance and construction process.

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

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

### *Overriding Public Interest*

The development would provide social and economic benefits in the form of employment during construction. Adequate mitigation is being provided.

### *Alternatives*

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

No development on the site

In this case the development site would meet a wider Policy requirements with significant economic and social benefits and is considered to be acceptable in land use terms given the site specific policy allocation.

#### *Detriment to the Maintenance of the Species Population*

In order to address the potential impacts of the proposed development upon great crested newts the applicant has proposed enter of the development into Natural England's District Level Licencing Scheme. This approach is supported and is sufficient to maintain the favourable conservation status of the species. The applicant has now provided a copy of the countersigned agreement with Natural England as evidence that the development is eligible to enter the District Licencing Scheme. The Councils Ecologist suggests that this is secured by condition.

#### Bats

The bat surveys undertaken on the application site recorded a number of bat species foraging and commuting across the site. Activity by many species, with the exception of those roosting on site, was relatively low. Sufficient numbers of bat (and other mammal) species were recorded on site to meet the thresholds for selection of the site as a Local Wildlife Site (LWS). Sites meeting the LWS selection criteria receive protection through policy SE3 (6) which requires suitable mitigation/compensation to be provided.

The Councils Ecologist advises that the loss of hedgerows, trees and ponds from the site and the installation of what is likely to be significant external lighting has the potential to have an adverse impact upon the levels of bat activity on site.

He therefore advises that if planning consent is granted it must be ensured that sufficient compensatory habitat is provided in relation to that lost. This can be assessed through the biodiversity metric discussed below.

#### Tree roosts

A number of trees were identified as having potential to support roosting bats during the preliminary ecological assessment. Detailed surveys to establish the presence /absence of roosting bats have been undertaken of the trees that are likely to require removal as part of the development of the site.

Bat roosts were identified in three trees (T3, T17, T35 numbering taken from submitted arboricultural assessment). These trees are anticipated as being retained on the submitted report and revised parameters plan.

The proposed development would therefore be unlikely to have a direct impact upon roosting bats.

If planning consent is granted the Councils Ecologist recommends that a condition be attached which requires any future reserved matters application be supported by an updated bat survey.

### Lighting

In order to minimise any adverse impacts on bats resulting from the 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 with the LPA.

### Barn Owls

Barn owls are known to be present in this broad locality. The applicant's ecological consultant has provided additional information the status of this species on site and the Councils Ecologist advises that barn owls are unlikely to be present or affected by the proposed development.

### Ponds

There are three ponds present on site. The submitted ecological assessment advises that two ponds would be lost as a result of the proposed development, but the third pond would be retained. The retention of this pond is now shown on the revised parameters plan (drawing ref 21-083-PL-12 Rev D)

There are new ponds shown on the indicative landscape master plan and referred to in the submitted biodiversity metric. The Councils Ecologist advises that the new ponds proposed would be sufficient to compensate for the loss of the existing ponds and should be secured by condition.

### Brown Hare and Pole Cat

These priority species were recorded on site. The Councils Ecologist advises that the proposed development would result in an adverse impact upon these species as a result of the localised loss of suitable habitat and the risk of animals being harmed during site clearance and construction works. If planning consent is granted, it is recommend that a condition is attached to secure the submission of a method statement of avoidance measures to minimise the risk of these species being directly harmed during site clearance works. This could be included in the Biodiversity CEMP discussed below.

### Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. In addition, hedgerows 3A, 6 and 7 have been determined to be Important under the Hedgerow Regulations.

The proposed development will result in extensive hedgerow loss from the site interior with a corresponding significant loss of biodiversity. The identified Important Hedgerows are however located on the sites boundary and so would be retained.

Figures for the length of hedgerow lost because of the proposed development are not provided with the application. The submitted biodiversity metric however shows that the proposed development is likely to result in the loss of -2.98 hedgerow biodiversity units. The proposed development would therefore result in an adverse impact on this priority habitat. As discussed below the applicant proposes off-site habitat creation to ensure that the development delivers a net gain for biodiversity. It must be ensured that an appropriate level of hedgerow creation is included with the off-site habitat creation proposals to address the loss of this habitat type.

### Other Protected Species (OPS)

There is extensive OPS activity on the site including a number of setts. The proposed development is likely to result in the loss of a sett on site. In order to avoid OPS being disturbed or injured during works the applicant is proposing to close the OPS sett under the terms of a Natural England license and provide an artificial sett as compensation. An access tunnel is also proposed under the main access road. In the event that planning consent is granted the Councils Ecologist advises that this approach is acceptable.

As well as disturbance of the sett the application is also likely to result in the loss of OPS foraging habitat, which the Councils Ecologist advises would have a localised adverse impact on this species. This impact could be partly compensated for through the incorporation of fruit trees into the landscaping scheme for the site.

The status of badgers on a site can change in a short timescale. The Councils ecologist therefore recommends that if outline consent is granted a condition should be attached requiring each reserved matters application to be supported by an updated badger survey and mitigation strategy. Mitigation measures to be informed by the proposals submitted in support of the outline application.

#### Wintering Birds

Only a single ornithological scoping visit was undertaken in winter rather than a full wintering bird survey. Priority bird species, which are a material consideration, were recorded as being present on site during this initial visit. The site does not however appear to be of significant importance for wintering birds based on the available survey information.

#### Breeding Birds

A number of bird species were recorded on during the breeding bird surveys undertaken to inform the ecological assessment. This included a number of priority species which are a material consideration for planning. Breeding activity on site was associated with mature trees, tree lines and hedgerows on site. The loss of these habitats would therefore be likely to have an adverse impact on breeding birds that is significant in the local context.

If planning consent is granted it must be ensured that adequate compensatory habitat is provided to address this impact, this can be assessed using the biodiversity metric discussed below.

#### Biodiversity Construction and Environmental Management Plan (CEMP)

The submitted Ecological Appraisal recommends the production of a biodiversity CEMP. This should cover:

- Biodiversity protection zones (fencing off and safeguarding of retained habitats)
- Nesting bird management
- Measures to minimise pollution risk to retained or offsite habitats.
- Polecat, badger and Hedgehog Reasonable Avoidance Measures

The Councils Ecologist recommends that the submission of a CEMP with future reserved matters applications be made condition if consent is granted.

#### Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the

applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 2 methodology.

The metric as submitted shows that the proposed development would result in a net loss of biodiversity amounting to -37.4 units.

The Councils Ecologist has reviewed the metric and has the following observation/queries:

- The ponds on site have been entered as being 'poor' condition but are identified in the preliminary ecological appraisal as being of 'moderate' condition.
- The Target condition of the 'neutral grassland has been entered as 'fairly poor'. It is best practice to avoid these intermediate categories for targeted habitat creation.
- The on-site stream has been entered as 'good' condition but is referred to as being in 'poor' condition in the preliminary ecological appraisal.

It is therefore recommended that the metric is reviewed in light of these points.

In order to address the loss of biodiversity resulting from the development the applicant has indicated that they have begun negotiations with a third party habitat provider to deliver sufficient habitat creation to ensure a 10% net gain in biodiversity. This approach is supported, however, the Councils Ecologist recommends that the applicant provides an indication as to what stage these negotiations are at and whether a suitable off-site location has been identified.

If planning consent is granted a legal agreement would be required to secure the delivery of the offsite habitat creation. Detailed landscaping proposals have been submitted with this application but the Councils Ecologist recommends that these be treated as indicative at this stage.

If planning consent is granted, once the biodiversity metric has been revised, the following condition would be required to ensure the delivery of the on-site habitat creation as detailed in the biodiversity metric.

- The reserved matters application for each phase of the development shall be accompanied by: a habitat creation method statement; ecological monitoring strategy and a 30 year habitat management plan for the retained, enhanced and newly created habitats for that phase of the development.

#### Ecological enhancement

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 if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy with each reserved matters application. Suggested wording below:

#### Ecology conclusion

Subject to the biodiversity offsetting 'metric' being revised, it would appear that the majority of ecological impacts can be mitigated by the conditions as noted below. Any revised metric would be subject to a legal agreement to secure the delivery of the offsite habitat creation.

The Councils preference is for all mitigation to be secured on site. Therefore in the first instance the applicant is required to provide a scheme for consideration on site and pay any balance by financial contribution for habitat creation off site. Only if it is demonstrated that the site is unable to deliver any on site contributions would a contribution for fully off site habitat generation be considered.

The Councils Ecologist has calculated the required contribution for habitat creation to be 600k.

During the course of the application, the Council has been in discussion with the applicant to find a suitable site/scheme to deliver the habitat creation. However in absence of not knowing what onsite mitigation is proposed and with no identified site for net gain, the Council has no option but to seek the 600k contribution with requirement for onsite provision in the first instance.

Therefore it is recommended that should members be minded to approve the application the ecological net gain issue be delegated back to the Head of Planning in consultation with the Chair of Planning Board. The agreed scheme would then be subject to a S106 agreement.

The following conditions are also proposed:

- Updated bat survey is support of any future reserved matters application.
- Any future reserved matters application to include proposals for the creation of wildlife ponds to compensate for any ponds lost to the development.
- Any future reserved matters application to be supported by an updated badger survey and mitigation strategy. Mitigation measures to be informed by mitigation proposals submitted in support of the outline application.
- Submission of Biodiversity CEMP
- Offsite habitat creation to achieve Biodiversity Net Gain (secured by legal agreement once metric agreed)
- On site habitat creation method statement, 30 year habitat management plan and monitoring strategy
- Reserved matters application to be supported by strategy for the incorporation of features to enhance the biodiversity value of the development (bat and bird boxes etc).

## **Trees**

The site contains several trees to the site boundaries. As such an arboricultural Impact Assessment (AIA) has been provided. At this stage no comments have been received from the Councils Forestry Officer however it is not expected that there will be major forestry concerns given the siting of the existing trees to the boundary rather than being spread around the site.

Further comments on this matter will be provided in the update report.

## **Design**

Siting, layout and design are not matters currently being sought at this stage, so the final design/appearance of the buildings is unknown, however illustrative plans have been provided to show how the site may be developed.

The indicative plan shows x6 buildings spread across the site. The indicative layouts provide sufficient room for the landscaping buffer as required by Policy LPS 24.

The appearance of the building is shown as being similar to the consented site to the north so the proposal will be viewed in the context of the existing/consented commercial development rather than stand alone buildings. The maximum buildings heights is shown as being 17m tall, again matching the highest buildings on the consented northern site. However to ensure consistency with the consented site, it is considered necessary to set the maximum buildings heights by condition to match that of the consented site.

Whilst the proposals would fill a large part of the site, this is inevitable given the policy allocation for the site to provide cumulatively up to 25 hectares of employment development.

Therefore it would appear that the site is able to accommodate the development proposed, albeit final design/layout and appearance will not be known until reserved matters stage.

## **Highway Safety**

### Access

There is one main access to the proposed from Radway Green Road, this will be a 3-arm roundabout with 7m wide approach arms that accommodates two 3.5m entry lanes. The access roundabout has been designed to accommodate HGV's and swept paths have been provided to show that manoeuvres can be undertaken safely.

An internal access is also provided that links to the site directly to the north 20/3382N. As this is an outline application it is important that access is determined as part of this application and a condition attached requiring a road link to be provided that connects with the internal road network of application 20/3382N.

### Internal Layout

A masterplan has been submitted that indicates that there are units of varying floorspace totalling 94,760 Sq,m, as this is an outline application these details are subject to change but the internal road layout submitted does not raise any design concerns.

### Car Parking

Details have been submitted indicating the level of car parking to be provided, 1,863 spaces shared between the units and 445 HGV spaces, 37 disabled spaces and 227 cycle spaces. No details have been provided on the level of EV spaces to be provided within the site.

The levels of parking will be determined at the reserved matters stage and as such there is no need to comment on parking in this application.



Development Impact

The scope of impact of the development on the road network was agreed with the applicant as being at the following junctions.

B5077 Butterson Lane, B5077 Crewe Road and B5078 Radway Green Road  
 Northern Site access /Radway Green Road  
 BAE site access North of level crossing.  
 M6 J16 /A500 junction.  
 Railway level crossing on Radway Green Road  
 New access roundabout Radway Green Road.

The trip rates used for the assessment of this application is consistent with rates used at the adjacent site 20/3382N which has been approved for a B2/B8 use. In order to provide a robust assessment B2 rates have been used for the total floorspace as B2 trip rates are higher than B8.

| 94,761sqm GFA       | Weekday AM Peak<br>(07:30-08:30) |     | Weekday PM Peak<br>(17:00-18:00) |     |
|---------------------|----------------------------------|-----|----------------------------------|-----|
|                     | IN                               | OUT | IN                               | OUT |
| Total Vehicle Trips | 176                              | 81  | 73                               | 167 |
| HGV Trips           | 30                               | 44  | 41                               | 25  |
| PCU Trips           | 234                              | 164 | 150                              | 214 |

The two-way traffic generation from the development is:

398 AM peak  
 364 PM peak.

The background traffic flows on the road network are from traffic survey figures obtained in June 2021, traffic growth and committed development have been added to provide the Base Flows for assessment.

The assessment of the junctions has been undertaken at the following years:

2021 application  
 2026 5 years post application  
 2031 10 years post application at J16

The distribution of the trips has been undertaken for Light vehicles which are home based commuting to and from work based upon census data and the HGV trips using current traffic flow percentages from the traffic survey data.

Capacity Assessments

The capacity assessments at the existing site access junctions to the BAE site, the approved northern site access and the new roundabout access has been undertaken using modelling software. These programmes provide the Ratio to Flow Capacity (RFC) of the junctions and also the likely traffic queues that would occur.

The results of the capacity assessments show that all of the site access junctions are operating well below capacity levels and with minimal queue lengths.

#### M6 J16 /A500 junction

To provide a robust assessment of the operation of the junction, 100% HGV traffic has been routed through the junction.

The capacity results for this junction are shown below, it is evident that without any development taking place in 2026 and 2031 that there will be capacity problems on some arms of the junction. The addition of the development and committed development increasing the level of queuing at the junction, consideration needs therefore to be given whether the resultant queues and congestion are likely to result in a severe impact.

Consideration has been given as to potential improvement schemes that could provide mitigation at the junction, the current layout is operating at optimum level and further capacity improvements using the existing configuration is not possible. Improvements to the B5078 Radway Green approach have already been implemented.

There are increases in queue lengths on some arms resulting from this development predominately on the A500. The development will generally increase the level of delay at the junction. From an operational point of view it is not desirable to increase traffic levels at the junction due to the additional development traffic however as this will not be a material change in the operation of the junction it is not deemed to have a severe impact.

| Scenario  | Arm       | AM   |                     | PM   |                     |
|-----------|-----------|------|---------------------|------|---------------------|
|           |           | DoS  | Queue Length (PCUs) | DoS  | Queue Length (PCUs) |
| 2021 Base | M6 North  | 0.87 | 14.1                | 0.77 | 9.8                 |
|           | A500 East | 0.94 | 22.3                | 1.00 | 34.2                |
|           | M6 South  | 0.71 | 4.7                 | 0.67 | 4.3                 |
|           | A500 West | 0.96 | 19.0                | 0.93 | 16.1                |
|           | B5078     | 0.58 | 2.0                 | 0.63 | 2.3                 |
| 2026 Base | M6 North  | 0.93 | 18.5                | 0.77 | 10.1                |
|           | A500 East | 1.00 | 34.7                | 1.03 | 48.1                |
|           | M6 South  | 0.82 | 5.9                 | 0.70 | 4.6                 |
|           | A500 West | 1.01 | 30.6                | 0.97 | 21.1                |
|           | B5078     | 0.65 | 2.0                 | 0.74 | 3.3                 |
| 2031 Base | M6 North  | 0.92 | 17.9                | 0.81 | 9.6                 |
|           | A500 East | 1.03 | 44.9                | 1.06 | 61.3                |
|           | M6 South  | 0.76 | 5.3                 | 0.72 | 4.8                 |
|           | A500 West | 1.02 | 37.6                | 0.99 | 26.2                |
|           | B5078     | 0.69 | 2.7                 | 0.75 | 4.2                 |

|                                     |           |      |      |      |      |
|-------------------------------------|-----------|------|------|------|------|
| 2026 Base + Committed               | M6 North  | 0.98 | 16.8 | 0.79 | 10.3 |
|                                     | A500 East | 1.05 | 53.2 | 1.06 | 59.9 |
|                                     | M6 South  | 0.77 | 5.5  | 0.74 | 5.1  |
|                                     | A500 West | 0.99 | 26.6 | 1.01 | 28.7 |
|                                     | B5078     | 0.76 | 3.1  | 0.84 | 6.5  |
| 2031 Base + Committed               | M6 North  | 0.98 | 24.4 | 0.81 | 10.5 |
|                                     | A500 East | 1.08 | 69.9 | 1.09 | 74.1 |
|                                     | M6 South  | 0.88 | 7.4  | 0.76 | 5.3  |
|                                     | A500 West | 1.02 | 35.3 | 1.00 | 27.0 |
|                                     | B5078     | 0.76 | 3.6  | 0.87 | 7.3  |
| 2026 Base + Committed + Development | M6 North  | 0.96 | 18.6 | 0.86 | 11.3 |
|                                     | A500 East | 1.09 | 74.3 | 1.10 | 77.7 |
|                                     | M6 South  | 0.80 | 5.9  | 0.76 | 4.9  |
|                                     | A500 West | 1.00 | 27.3 | 0.86 | 11.7 |
|                                     | B5078     | 0.89 | 5.7  | 0.90 | 8.5  |
| 2031 Base + Committed + Development | M6 North  | 1.00 | 28.5 | 0.81 | 10.5 |
|                                     | A500 East | 1.13 | 91.7 | 1.09 | 76.6 |
|                                     | M6 South  | 0.83 | 6.1  | 0.76 | 5.3  |
|                                     | A500 West | 0.89 | 12.2 | 0.73 | 8.9  |
|                                     | B5078     | 0.84 | 5.2  | 0.79 | 4.9  |

### B5077 Butterson Lane, B5077 Crewe Road and B5078 Radway Green Road

Although approval has been given for a new roundabout to be constructed at this junction that will also serve the White Moss Quarry site, it is not certain that it will be in place by 2026. Therefore, an assessment has been undertaken on the existing traffic signal scheme using Linsig software with a 2021 base and also 2026 base + committed development. The results are shown in the table below:

| Scenario                            | Arm               | AM   |                     | PM   |                     |
|-------------------------------------|-------------------|------|---------------------|------|---------------------|
|                                     |                   | DoS  | Queue Length (PCUs) | DoS  | Queue Length (PCUs) |
| 2021 Base                           | Crewe Road        | 0.56 | 7.4                 | 0.29 | 3.1                 |
|                                     | Radway Green Road | 0.58 | 3.9                 | 0.57 | 4.9                 |
|                                     | Butterson Lane    | 0.18 | 1.6                 | 0.39 | 4.6                 |
| 2026 Base                           | Crewe Road        | 0.57 | 7.8                 | 0.30 | 3.2                 |
|                                     | Radway Green Road | 0.60 | 4.0                 | 0.59 | 5.0                 |
|                                     | Butterson Lane    | 0.18 | 1.6                 | 0.40 | 4.7                 |
| 2026 Base + Committed               | Crewe Road        | 0.65 | 9.8                 | 0.35 | 3.9                 |
|                                     | Radway Green Road | 0.71 | 5.5                 | 0.61 | 5.8                 |
|                                     | Butterson Lane    | 0.25 | 2.1                 | 0.43 | 5.3                 |
| 2026 Base + Committed + Development | Crewe Road        | 0.71 | 11.7                | 0.38 | 4.4                 |
|                                     | Radway Green Road | 0.73 | 6.1                 | 0.65 | 6.7                 |
|                                     | Butterson Lane    | 0.44 | 2.9                 | 0.48 | 5.9                 |
| 2026 Base + Committed + Development | Crewe Road        | 0.73 | 12.2                | 0.38 | 6.0                 |
|                                     | Radway Green Road | 0.75 | 6.6                 | 0.70 | 9.4                 |
|                                     | Butterson Lane    | 0.45 | 3.0                 | 0.47 | 7.9                 |

The results show that the degree of saturation (how much of the available junction capacity is predicted to be utilised) is less than 90% which indicates that the traffic signal junction would operate satisfactorily without undue queuing occurring.

### Level Crossing Assessment

A survey of the operation at the level crossing has been undertaken in the peak hours and has looked at the number of times that the barrier was lowered in the hour and also the maximum length of queue that occurred.

The length of time the barrier was lowered was not consistent and varied in time and as such the length of queue also varied, on average the barriers were closed four times within the hour.

The length of queue is tidal in that the am queue was 5 vehicles northbound and 21 vehicles southbound and in the pm it was 4 vehicles southbound and 15 vehicles northbound.

As in the consideration of the impact of other planning applications at the level crossing all the necessary safety improvements have already been made including CCTV and there are no other improvements that can be made at the crossing. Therefore, it must be accepted that there will be queuing when the barriers are lowered although there is stacking space available for queuing to occur.

Consideration needs to be given to the level of impact the development would have on the level crossing, in this particular application as the main access to the site is to south of the crossing and almost all HGV movements would not need to cross the railway line. In addition, as there is an internal access link between the sites, some of the light traffic would also not need to cross the railway and use the access to the north of the crossing.

### Accessibility

Currently there are no segregated footways along Radway Green Road and as such pedestrian access to the proposed main site access is not available by foot. However, pedestrian and cycle access to the site can be achieved through the adjacent sites that link across the internal railway bridge and exits onto Radway Green Road at the current BAE access point. There is a section of footway that links the BAE access to the Radway Green traffic signal junction, this path is currently narrow and should be improved to a 3m shared pedestrian/cycle facility, sufficient width is available within the verge.

There are bus services available near to the site and these services run along Crewe Road and Butterson Lane which reinforces the need to provide improved pedestrian connection to Crewe Road from the site.

### Local Highway Impact

Several concerns have been raised by the Parish Council's regarding the impact of this development on the local highway network and development traffic using unsuitable rural roads in the vicinity of the site.

These points of concern have been considered as part of the assessment of this application and a number of measures are proposed in mitigation of the traffic impact.

- A ghost right turn lane – Junction of Radway Green Rd Barthomley/ B5078
- Improved Signage at the Junction of Radway Green Rd Barthomley/ B5078 to indicate no through HGV traffic.

- Pedestrian and Cycle signage to use the internal road network of the site to avoid use of Radway Green Road.

In addition, an assessment has been made of providing a footway/cycleway northbound from the junction of Radway Green Rd Barthomley/ B5078 to the site access roundabout. This facility cannot be achieved within the highway boundary and would require third party land.

Radway Green Road B5078 is currently de-restricted from the junction at Crewe Road to Barthomley Interchange, a reduction in the speed limit has been requested. As Cheshire East Council is currently reviewing its speed management strategy throughout the Borough, no decisions are being made on reduction in speed limits until the revised speed management strategy is in place.

Whilst previous assessments have found that the current speed limit is appropriate, the introduction of the new site access roundabout will have the effect of reducing speeds and therefore the northern section of the B5078 may be suitable for a reduction in speed limit. Therefore, a S106 contribution is required to assess the reduction in speed limit once the speed management strategy is in place, should a speed limit reduction not comply with policy the funds can be returned.

### Network Rail

Network Rail initially had a holding objection and requested further information of the increased queuing on the level crossing as a result of the proposed development.

Further information was provided by the applicant in the form of a transport study. A further response was received from Network Rail who advised that they accept the findings of the transport study.

However, they have requested further clarification on the level crossing assessment as Network Rail are taking the view that this means that forecasted future traffic increases are going to make the situation worse but seek clarification on the severity of the impact from the Council.

This has been put to the Councils Highways Engineer who advises that there will be occasions when the queue back from the level crossing extends beyond some of the access points to this site and the BAE site, although crucially there is enough stacking space on Radway Green Road and it would not affect the operation of Crewe Road.

It is acknowledged that the queues will extend as a result of this development but there are no changes that can be made to the LC to improve matters.

The Transport Assessment has looked at the committed development traffic and also this application's traffic on the approach to the crossing. It is difficult to relate this into actual queues due to the times the barriers are closed, however the increase in traffic using the crossing resulting from this development is not considered significant to warrant a refusal on NPPF policy.

### National Highways

Initial holding objection from National Highways who requested that the developer provides further information to determine the potential impact that the development may have on the operation of the M6 Junction 16, which forms part of the Strategic Road Network.

Further information was provided by the applicant to consider impact on the M6 to which National Highways are satisfied with and now raise no objection.

### Highways - Summary and Conclusion

This is an outline application with access being determined at this stage, the internal layout and car parking are matters for subsequent applications. It is important from a highway point of view that the new roundabout access is secured and also that there is an internal road link to the adjacent site to allow through traffic to occur.

The main highway impact of the development has focused on junctions that are likely to have capacity problems as a result of the development. There are two main points of impact and these are at J16 Barthomley interchange and at the railway level crossing.

In regard to the Barthomley interchange this junction already suffers from congestion problems and is forecast without any development to increase the levels of queuing and delay. The proposed development will add additional traffic to the junction and this would further impact upon the capacity of the junction and increase vehicular delay. Consideration has been given as to whether additional changes could be made to the junction that would improve capacity, there are no identified schemes that would improve matters as the current signalised roundabout is running at its optimum efficiency. CEC have an improvement scheme on the A500 to improve traffic flow and reduce congestion, as this development will add further traffic to this route it is considered that a contribution towards this scheme is appropriate in mitigation of the impact. The impact of the development on the slip roads and M6 motorway have been considered by National Highways and have provided a separate response on this application.

The railway level crossing on Radway Green Road has caused delay and congestion for some time and a number of improvements have already been made to the crossing to improve safety, there are no further identified improvements that can be made to the existing crossing that would reduce queues and delay. The introduction of additional development traffic will add to the queue lengths at the level crossing and it is the extent of the impact that needs to be assessed. This application benefits from the main site access being south of the level crossing and that the vast majority of trips will travel south to the M6/A500, there is also an internal link to the adjacent site that allows traffic to use the northern access which is located north of the crossing. There will be some increase the queue lengths at the level crossing resulting from this application but not of a significant level to cause operational issues on the local road network.

The introduction of this development also has an impact on the local road network with a potential of traffic using unsuitable routes to access the site and in mitigation of these impacts a number of schemes are required to be implemented either as S278 schemes or contributions via a S106.

In summary, this application does result in increased levels of congestion at certain junctions/locations but in consideration of the policy test in the NPPF the Councils Highways Engineer does not consider severe impact on the road network would result.

Therefore he raises no objections to the application subject to conditions and S106.

#### Highways Conditions

- Site access roundabout to be constructed and operational prior to occupation – S278
- Prior to Occupation an Internal road link to be provided to link to Phase 1 development 20/3382N
- Ghost right turn lane – Junction of Radway Green Rd Barthomley/ B5078 prior to occupation – S278
- Signage at the Junction of Radway Green Rd Barthomley/ B5078 to indicate no through HGV traffic prior to occupation – S278
- Prior to occupation the Pedestrian and Cycle signage to use the internal road network of the site to be submitted and approved by the LPA
- Prior to occupation a 3m shared pedestrian/Cycle path to be constructed on the eastern side from the BAE access to the junction of Crewe Rd/Butterton Lane – S278

#### S106

- Contribution to the CEC A500 widening scheme – exact figure to be confirmed in the update report
- Review of the existing speed limit following development on the B5078 Radway Green Road to assess potential reductions in the speed limit. - £12,000

#### **Flooding & Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps but the site is over 1 hectare in size, therefore a Flood Risk Assessment (FRA) is required.

An FRA has been provided which concludes that in compliance with the NPPF and subject to the proposed mitigation measures, the proposed development could proceed without being subject to significant flood risk. It also advises that the proposed development would not increase flood risk to the wider catchment area subject to suitable management of the surface water run off discharging from the site.

United Utilities have been consulted as part of this application and have raised no objection subject to conditions requiring a drainage strategy and Sustainable Drainage (SUDS).

The Councils Flood Risk Team has also been consulted who have raised no objection to the principle of the development however request further information regarding managing the existing ordinary watercourse throughout the development footprint. This has been requested and is expected to be reviewed in the update report. However given the in principle support, it is not expected that this will be problematic to the scheme.

As a result it is not considered that the proposal would pose any significant drainage/flooding issues.

## **HSE**

The Council have consulted the Health and Safety Executive (HSE) using the PHADI+ system which advises that they do not advise against the granting of planning permission on safety grounds.

## **Amenity**

The nearest residential properties are sited to the north-east (Rose Trees Farm) and south (Toad Hole Farm House and Foxley Farm) of the site.

The indicative plans suggest that the nearest unit to Rose Trees Farm would be 40m away and sited 34m away from the shared boundary.

To Foxley Farm the nearest unit is shown as being sited 47m away and sited 37m away from the shared boundary.

These distances and the non-direct orientation would likely prevent any significant harm by reason of overbearing/overshadowing/overlooking.

The indicative plans suggest a 200m separation to Toad Hole Farm House, which would also be sufficient to prevent any significant harm by reason of overbearing/overshadowing/overlooking.

It is accepted that some level of noise and disturbance would occur from the commercial use of the site. However a Noise Impact Assessment (NIA) has been provided which has considered the impact of the noise from HGV movement and installed plant from the proposed development has been assessed in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

The report recommends noise mitigation measures at section 5 designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties / occupants of nearby properties are not adversely affected by noise from HGV movements and plant noise.

The reports methodology, conclusion and recommendations are accepted by the Councils Environmental Protection Officers who are satisfied that noise impact can be suitably mitigated by the below conditions:

- The mitigation recommended in the acoustic report MCP 2408-002 dated Nov 2021 shall be implemented in full prior to the occupation of each unit / dwelling / phase.
- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

This is an outline application and therefore specific details over amenity will be considered at reserved matters stage. However, the above conditions will provide appropriate safeguards that the development could be accommodated without causing detrimental impact to amenity of neighbouring properties.



## **Air Quality and Contaminated land comments**

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.

This is an outline proposal for an employment development. Air quality impacts have been considered within the air quality assessment submitted in support of the application by BWB, dated September 2021. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

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

- Scenario 1: 2019 Verification Year;
- Scenario 2: 2021 Base Year;
- Scenario 3: 2023 Opening Year without development; and
- Scenario 4: 2023 Opening Year with development.
- Scenario 5: 2023 Opening Year without development, sensitivity analysis; and
  - Scenario 6: 2023 Opening Year with development, sensitivity analysis.

The assessment concludes that the impact of the future development on the chosen receptors will be not significant with regards to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. None of the receptors are predicted to experience greater than a 2% increase relative to the AQAL. A sensitivity analysis has also been undertaken which makes the assumption that real world driving emissions will not reduce as much as predicted over the coming years. This can be taken as a "worst case scenario" assessment and the results of this also show that the impacts on the receptors are predicted to be not significant with only one receptor predicted to see a slight impact in NO<sub>2</sub>.

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

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

On this basis the Environmental Health Officer has no objection to this proposed development subject to conditions regarding electric vehicle charging.

## **Contaminated Land**

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

- G&J Geoenvironmental Consultants Ltd report GJ187 'Site Investigation Interpretative Report, dated December 2019, was submitted in support of the application. The report demonstrates that the site poses a low risk with respect to contaminated land.
- Rose Tree Farm, adjacent west of the application area was impacted by the 1967 Foot and Mouth outbreak. According to available records 30 cattle and 46 pigs were culled as part of this outbreak. We do not know the location of the associated burial pit and, as such, further information regarding this possible pit should be obtained. Should evidence of this burial pit be found on the subject site, the Animal & Plant Health Agency should be contacted for advice. We would expect a watching brief for potential contamination to be undertaken during the ground works, and the findings of this watching brief submitted to us prior to first occupation/use of the development. The findings relating to the potential foot and mouth burial pit should also be discussed in this document.

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, the Environmental Protection Officer recommends that a condition be added to any decision regarding unidentified contamination.

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

The development, if granted consent, would affect Public Footpaths Nos. 24 & 26, Barthomley, as recorded on the Definitive Map and Statement.

The Councils Public Rights of Way Team have been consulted and have been provided with a commitment from the applicant that due consideration to the future of FP24 will be given at the reserved matters stage and agreement on revised conditions which require a higher degree of detail for works to the PROW prior to the commencement of development.

As such they raise no objection subject to condition requiring the applicant provided at reserved matters stage a Public Rights of Way scheme of management.

### **Archaeology**

The supporting documentation includes a Heritage Environment Assessment, this document outlines sufficiently the potential for archaeological deposits which may be encountered during this development.

The document outlines that while there are no known archaeological deposits relating to prehistory, roman or medieval, there is clearly a significant potential for post medieval remains to be present. This is supported by the field boundary evidence seen on the historic mapping of the area. The field systems appear unchanged from the Tithe Map (1838) and are consistent up to 1971-3 Aerial Images of the area. This highlights the potential for archaeological features relating to the uses of these fields to remain as below ground features.

Subsequently, Cheshire Archaeology recommend that a programme of non-invasive archaeological survey be undertaken prior to the commencement of development to identify any areas of potential archaeological remains. This programme of non-invasive archaeological

survey should take the form of a geophysical survey to map and record these historical field boundaries. This work should be followed by targeted trenching over any anomalies which are clearly archaeological.

### **Agricultural Land**

The proposal would result in the loss of agricultural land. However the site has been allocated for development under Policy LPS 23 as such its loss agricultural land has already been accepted.

### **Planning Balance**

The proposed development is considered acceptable in land use terms as it would facilitate the aim of Policy LPS 24 Radway Green Extension by providing up to 25 hectares of commercial development.

The impact on neighbouring residential amenity would not be significant.

The impact upon air quality has been assessed as part of this application and subject to the imposition of planning conditions the development would comply with Policy SE 12.

Details of the proposed landscaping would be secured at the reserved matters stage but the landscaping buffer to the green belt boundary has been secured here. The proposed development is considered to comply with the requirements of Policies SE 4 and SE 5.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to the suggested conditions and S106 contributions.

It would appear that ecological impacts of the development can be satisfactorily mitigated by conditions and S106 contributions.

The development would not have significant drainage/flood risk implications and complies with Policy SE 13.

On balance it is considered that the proposed development demonstrates that an acceptable design solution can be secured in accordance with Policy SE 1. However this is a Reserved Matter and the final judgement will be made at that stage.

The development of the site would provide a number of economic benefits in terms of job creation and during the construction phase of the development.

The proposal is therefore found to be economically, socially and environmentally sustainable.

### **RECOMMENDATION:**

**Delegated to Head of Planning in Consultation with the Chair of Strategic Planning Board to Approve subject to a S106 agreement to Secure Ecological And Highway Improvements:**

| <b>S106</b>     | <b>Amount</b>  | <b>Triggers</b>   |
|-----------------|--|---|
| <b>Highways</b> | <p>Contribution to the CEC A500 widening scheme</p> <p>Contribution of 12K towards review of the existing speed limit following development on the B5078 Radway Green Road to assess potential reductions in the speed limit</p> | <p>50% Prior to first occupation of first unit</p> <p>50% at occupation of 4th unit</p> |
| <b>Ecology</b>  | 600k to secure the delivery of the offsite habitat creation  | <p>50% Prior to first occupation of first unit</p> <p>50% at occupation of 4th unit</p> |

**And the following conditions**

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Approved Plans
5. Implementation of the approved Landscaping Buffer
6. Implementation of noise mitigation measures
7. Details of piling methods
8. Details of dust suppression measures
9. Details of floor floating
10. Details of electric vehicle charging points
11. Reporting of any contamination not previously identified
12. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation
13. Any reserved matters application shall include a Public Rights of Way scheme of management to be submitted and approved by the Local Planning Authority in liaison with the Public Rights of Way team as the Highway Authority
14. Site access roundabout to constructed and operational prior to occupation
15. Prior to Occupation an Internal road link to be provided to link to Phase 1 development 20/3382N.
16. Ghost right turn lane – Junction of Radway Green Rd Barthomley/ B5078 prior to occupation
17. Signage at the Junction of Radway Green Rd Barthomley/ B5078 to indicate no through HGV traffic prior to occupation

18. Prior to occupation the Pedestrian and Cycle signage to use the internal road network of the site to be submitted and approved by the LPA.
19. Prior to occupation a 3m shared pedestrian/Cycle path to be constructed on the eastern side from the BAE access to the junction of Crewe Rd/Butterton Lane
20. Updated bat survey is support of any future reserved matters application
21. Any future reserved matters application to include proposals for the creation of wildlife ponds to compensate for any ponds lost to the development
22. Any future reserved matters application to be supported by an updated badger survey and mitigation strategy. Mitigation measures to be informed by mitigation proposals submitted in support of the outline application.
23. Submission of Biodiversity CEMP
24. Offsite habitat creation to achieve Biodiversity Net Gain (secured by legal agreement once metric agreed)
25. On site habitat creation method statement, 30 year habitat management plan and monitoring strategy
26. Reserved matters application to be supported by strategy for the incorporation of features to enhance the biodiversity value of the development (bat and bird boxes etc).
27. Maximum building height

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

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