

# Strategic Planning Board

## Agenda

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**Date:** Wednesday 23rd November 2022  
**Time:** 10.00 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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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 meetings are audio recorded and the recordings are uploaded to the Council's website.

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

**1. Apologies for Absence**

**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 Meetings (Pages 3 - 14)**

To approve the minutes of the meetings held on 12 October 2022 and 26 October 2022 as a correct record.

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**Please Contact:** Rachel Graves  
**E-Mail:** [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@cheshireeast.gov.uk)  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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

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

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

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

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

#### 5. **19/5582M - LAND SOUTH OF, CHELFORD ROAD, MACCLESFIELD: Application for approval of reserved matters following outline approval 17/4034M for the erection of up to 232 dwellings (Pages 15 - 44)**

To consider the above application.

#### 6. **22/0633C - LAND AT, LONDON ROAD, HOLMES CHAPEL: Residential development of 25 no. dwellings including associated infrastructure and landscaping. (Pages 45 - 68)**

To consider the above application.

#### 7. **22/2338C - LAND TO THE EAST AND WEST OF VIKING WAY, CONGLETON, CW12 1TT: Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment (Pages 69 - 86)**

To consider the above planning application.

#### 8. **22/2350C - LAND TO THE WEST OF VIKING WAY, CONGLETON, CW12 1TT: Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C (Pages 87 - 102)**

To consider the above application.

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

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 12th October, 2022 in the The Capesthorpe Room -  
Town Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor M Hunter (Chair)

Councillors S Akers Smith, A Critchley, L Braithwaite, J Clowes, S Edgar,  
D Edwardes, P Groves, S Hogben, B Murphy and J Weatherill

**OFFICERS IN ATTENDANCE**

David Malcolm, Head of Planning  
Robert Law, Principal Planning Officer  
Nick Hulland, Principal Planning Officer  
Neil Jones, Principal Development Officer  
James Thomas, Principal Planning & Highways Solicitor  
Gaynor Hawthornthwaite, Democratic Services Officer

**10 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor S Gardiner, Councillor B Puddicombe and Councillor B Burkhill. Councillor J Clowes attended as a substitute for Councillor Gardiner and Councillor L Braithwaite attended as a substitute for Councillor Puddicombe.

**11 DECLARATIONS OF INTEREST/PRE-DETERMINATION**

In the interest of openness in respect of applications 19/5582M and 21/3438M, Councillor S Edgar declared he was the Vice Chair of the Public Rights of Way Committee who were a consultee on the applications, however he had not discussed the applications or commented on them.

With regard to Item 7 – High Speed Rail 2 Phase 2b – Qualifying Authority and Schedule 17 Decision Making, Councillor Edgar declared that this was in his ward.

In the interest of openness in respect of application 19/5582M, Councillor D Edwardes declared that he is a Macclesfield Town Councillor and sits on the Macclesfield Town Council Planning Committee but had not discussed or commented on this application when it was considered on 2 September 2022 and in 2019 and he had not pre-determined the application.

In the interest of openness in respect of applications 19/5582M and 21/3438M, Councillor S Hogben declared that he was a non-Executive Director of ANSA who were a consultee, however he had not discussed

the applications or made any comments on them and he had not pre-determined the application.

In the interest of openness in respect of application 19/5582M Councillor P Groves declared that he was a member of Sustainable Nantwich and his interest primarily relates to the alternative sources of energy being developed, and was aware that Sustainable Nantwich had made comments on the application, but he had not discussed or made any comments and had not pre-determined the application.

In the interest of openness in respect of Item 7 – High Speed Rail 2 Phase 2b – Qualifying Authority and Schedule 17 Decision Making, Councillor J Clowes declared that she sits on the Council's Working Group for HS2b but that this does not impact, in any way, her decision-making on the report.

In the interest of openness in respect of applications 19/5582M and 21/3438M, Councillor M Hunter declared that he was a non-Executive Director of ANSA who were a consultee, however he had not discussed the applications or made any comments on them.

## **12 MINUTES OF THE PREVIOUS MEETING**

### **RESOLVED**

That the minutes of the previous meeting held on 27 July 2022 be approved as a correct record and signed by the Chair.

## **13 PUBLIC SPEAKING**

### **RESOLVED**

That the public speaking procedure be noted.

## **14 19/5582M - LAND SOUTH OF, CHELFORD ROAD, MACCLESFIELD: APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 17/4034M FOR THE ERECTION OF UP TO 232 DWELLINGS**

Consideration was given to the above application.

(Councillor N Mannion, (Ward Councillor), Councillor D Nutall (Henbury Parish Council), Councillor C Wilcock (Macclesfield Town Council), Councillor L Smetham (Neighbouring Ward Councillor), Ms S Poynton and Mrs J Jones (Objectors), Mr J Mather (Supporter) and Mr J Suckley (Agent) attended the meeting and spoke in respect of the application).

### **RESOLVED**

That the application be DEFERRED to provide further information on the drainage at Hill Top Farm and flood risk.

(This decision was contrary to the Officer's recommendation of approval)

*(During consideration of this item, the meeting adjourned for a short break)*

*(Prior to consideration of the following item, the meeting adjourned for a lunch break)*

*(Prior to consideration of the following item, Councillor Murphy left the meeting and did not return)*

**15 21/3438M - LAND TO THE EAST OF ALDERLEY ROAD, WILMSLOW, CHESHIRE: OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OPEN SPACE, WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS OFF ALDERLEY ROAD AND HIGHWAY IMPROVEMENTS TO ALDERLEY ROAD**

Consideration was given to the above application.

(Councillor D Jefferay, (Ward Councillor), Councillor J Newell (Wilmslow Town Council), Mr I Shepherd (Objector), and Mr P Grant (Agent) attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and the verbal update the application be delegated to the Head of Planning in consultation with the Chair of Strategic Planning Board (or in their absence the vice chair) to APPROVE, subject to the exploration of a more localised location for off-site Biodiversity Net Gain mitigation and the completion of a S106 agreement to secure the following:

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
Traffic Regulation Order (TRO) for a 20mph speed limit	£20,000 contribution towards a Traffic Regulation Order (TRO) for a 20mp speed limit	Prior to first occupation
Affordable Housing – on-site provision	30% of total number of dwellings	Provided no later than the occupation 50% of the open market dwellings

Public Open Space, Recreation and Outdoor Sports & Indoor Sport – Commuted sum and on-site provision	<p>Indoor Sport commuted sum - Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval</p> <p>Provision of an ‘Open Space Scheme’ which secures the necessary on-site provision</p> <p>Open Space Management Plan</p> <p>The requirement to transfer allocated ‘playing pitch’ and associated mechanism.</p> <p>If not transferred/gifted:</p> <p>Provision of £1,000 per market dwelling towards off-site Recreation Open Space (ROS)</p>	<p>Prior to occupation of any dwellings</p> <p>Open Space Scheme - Prior to commencement</p> <p>Prior to occupation of any dwellings</p> <p>Prior to occupation of any dwellings</p> <p>Prior to occupation of any dwellings</p>
Education – Commuted sum	Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval	Prior to occupation of any of the development
Health – Commuted sum	Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval	Prior to occupation of any of the development
Ecology & Landscape – to secure habitat creation, management and monitoring	<p>Submission &amp; implementation requirement to provide:</p> <ul style="list-style-type: none"> <li>- Habitat Creation Method Statement</li> <li>- 30-year habitat &amp; Landscape management plan</li> <li>- 30-year ecological monitoring strategy</li> <li>- Biodiversity metric</li> </ul>	Prior to commencement
Travel Plan Monitoring	£5,000 towards Travel Plan monitoring	Prior to occupation of any dwellings

And the following conditions:

1. Outline (commencement of development)

2. Requirement to submit Reserved Matters application
3. Time limit on submission of Reserved Matters
4. Approved plans
5. Highway Improvement works – implementation
6. Implementation of access
7. No more than 120 dwellings
8. Submission of a Heritage Impact Assessment with Reserved Matters
9. Submission/approval of a scheme of archaeological work
10. Submission/approval of pedestrian and cycle signage
11. Submission/approval of details of proposed cycle/pedestrian links with Reserved Matters
12. Submission of levels details with Reserved Matters
13. Submission of earthworks details/strategy (reservation, storage, re-use and importation of soils) with reserved matters
14. Submission of earthworks details (minimum subsoil requirements) with reserved matters
15. Submission of an updated Arboricultural Impact Assessment (AIA) with reserved matters
16. Submission/approval of updated Water Vole and Otter survey
17. An 8-metre undeveloped buffer to be maintained along the ditch located on the northern boundary
18. Submission/approval of external lighting scheme which should be capped at horizon
19. Submission of proposed ponds and gully pots with reserved matters
20. Retention of retained trees and vegetation on Parameter Plan
21. Nesting birds
22. Submission/approval of an updated 'other protected species' survey
23. Submission/approval of a Construction Environmental Management Plan (CEMP) to include a) recommendations in table 8.1 of Environmental Statement and b) mitigation measures to prevent pollution of controlled water receptors c) dust and smoke mitigation
24. Submission of a habitat creation method statement, an ecological strategy and a 30-year adaptive habitat management plan with reserved matters
25. Submission of a strategy for biodiversity/ecological enhancement (including 200 metres of native hedgerows) with reserved matters
26. Submission/approval of a contaminated land remediation strategy
27. Submission/approval of a contaminated land verification report
28. Submission/approval of imported soil verification report
29. Works should stop if contamination is identified
30. Implementation of noise mitigation measures
31. Submission/approval of electric charging infrastructure details
32. Submission/approval of a travel plan
33. Development proceed in accordance with Flood Risk Assessment
34. Submission/approval of an overall detailed drainage strategy / design limiting the surface water run-off to 41.36 l/s, generated by the proposed development & an associated management and maintenance plan
35. Submission/approval of a surface water and foul water drainage scheme
36. Submission/approval of a sustainable drainage management and maintenance plan

37. Submission/approval of a scheme assessing the ground conditions of the land where the new playing field is proposed
38. The set-aside playing field be restricted for outdoor sport only
39. Submission of full details of the children's play area and how the wider open space will be laid out, in addition to Green Infrastructure with reserved matters
40. Submission/approval of a Bird Hazard Management Plan
41. No solar photovoltaics be installed without prior approval
42. To restrict any proposed internal vehicular access to the south to being for buses only

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.

**16 HIGH SPEED RAIL 2 PHASE 2B - QUALIFYING AUTHORITY AND SCHEDULE 17 DECISION MAKING**

Consideration was given to the above report.

**RESOLVED**

That the High Speed Rail 2 Phase 2b - Qualifying Authority and Schedule 17 Decision Making report be noted.

The meeting commenced at 10.05 am and concluded at 3.10 pm

Councillor M Hunter (Chair)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 26th October, 2022 in the The Capesthorne Room -  
Town Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors S Akers Smith, S Edgar, D Edwardes, P Groves, S Hogben,  
B Murphy, B Puddicombe and J Weatherill

### **OFFICERS IN ATTENDANCE**

David Malcolm, Head of Planning  
Robert Law, Planning Team Leader  
Richard Taylor, Principal Planning Officer  
Paul Hurdus, Highways Development Manager  
James Thomas, Planning Lawyer  
Rachel Graves, Democratic Services Officer

### **17 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor A Critchley.

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

In the interest of openness the following declarations were made:

Councillor S Edgar declared he was the Vice Chair of the Public Rights of Way Sub Committee. The Public Rights of Way Team were a consultee on the applications being considered, however he had not discussed the applications or commented on the them.

Councillor S Hogben and Councillor M Hunter declared that they were a non-Executive Director of ANSA who were a consultee on the applications being considered, however they had not discussed the applications or made any comments on them.

In respect of applications 22/0670C, Councillor S Gardiner declared that he knew the applicant's agent but had not discussed the application with them.

In relation to application 22/0607C Councillor S Akers Smith declared that she had received correspondence from the applicant but did not discuss the application with them. She also declared that she was a member of the Public Rights of Way Sub Committee.

It was noted that all Members had received correspondence in respect of Application 21/1249M.

During consideration of application 21/1249M, Councillor S Gardiner declared that he had previously met Mr Hayes, Trustee of The Lyme Green Settlement, in a professional capacity.

During consideration of application 21/6385N, Councillor S Gardiner declared that he in his professional capacity he had regular meetings with representatives of Breck Homes Ltd but had not discussed the application with them.

## 19 PUBLIC SPEAKING

The public speaking procedure was noted.

## 20 21/1249M - LAND WEST OF LONDON ROAD AND SOUTH OF, GAW END LANE, LYME GREEN: FULL PLANNING PERMISSION FOR THE ERECTION OF 42 DWELLINGS INCLUDING ACCESS AND ASSOCIATED WORKS

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application: Councillor Andrew Gregory (ward councillor), Sutton Parish Councillor Michael Horrox, Mr Ian Hayes (Trustee of The Lyme Green Settlement), and Mr Jonathan Ainley (agent).

### RESOLVED:

That the application be REFUSED for the following reason:

The proposed residential development would result in a cramped form of development which would undermine the visual amenity of the area and the landscaping of the site contrary to Policies LPS 17, SE 1, SD 2 and SC 4 of the Cheshire East Local Plan Strategy, saved Policy DC41 of the Macclesfield Borough Local Plan as well as the Councils Design Guide and advice within National Planning Policy Framework.

#### Informative:

The Committee wished it to be noted that as a result of the development, the proposals would not secure appropriate onsite provision of public open space / play provision.

*(This decision was contrary to the report recommendation)*

The meeting adjourned for 10 minutes.

**21 21/6385N - LAND EAST OF BROUGHTON ROAD AND NORTH OF, BIDVALE WAY, CREWE: CONSTRUCTION OF 104 AFFORDABLE HOMES WITH NEW ACCESS FROM BROUGHTON ROAD AND ANCILLARY OPEN SPACE**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:  
Mr Paul Williams (agent).

**RESOLVED:**

That for the reasons set out in the report and update report the application be APPROVED subject to the prior completion of a S106 Agreement to secure the following:

	<b>Requirement</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% provision  (47% Affordable Rent/ 53% Intermediate)	Prior to commencement
<b>Biodiversity Net Gain – Off Site Ecological Mitigation</b>	Off-site habitat creation to deliver 12.11 biodiversity units.	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 education contribution: £208,194  Primary £162,694 – towards mitigation measure as local schools forecast to be cumulatively oversubscribed  SEN £50,000 – Due to significant shortage of SEN placements across the Borough	50% Prior to first occupation 50% at occupation of 50 <sup>th</sup> dwelling
<b>Healthcare</b>	Total: £84,456	50% Prior to first

	Towards local healthcare infrastructure/provision	occupation 50% at occupation of 50 <sup>th</sup> dwelling.
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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 - to include detailing, features particularly for maisonettes
- 4 Surfacing treatments
- 5 Details of ground and finished floor levels
- 6 Submission of landscaping scheme
- 7 Implementation of landscaping scheme
- 8 Design details, specification and implementation of LEAP/play features and infrastructure within POS including seating and interpretation/  
information boards
- 9 Submission of Landscape Management Plan
- 10 Details of Boundary treatment
- 11 Tree Protection
- 12 "No dig" hard surface construction specification
- 13 Entry into Great Crested Newt District Level Licencing scheme
- 14 Tree felling in accordance with bat mitigation measures
- 15 Safeguarding of nesting birds
- 16 Implementation of submitted amphibian, reptile mitigation and hedgehog mitigation
- 17 Implementation of submitted lighting scheme
- 18 On site habitat creation and 30-year habitat management plan
- 19 Ecological enhancement Strategy
- 20 Provision of Electric Vehicle Infrastructure
- 21 Provision of Ultra Low Emission Boilers
- 22 Contaminated Land – soil testing
- 23 Measures to deal with unexpected contamination
- 24 Implementation of CEMP - to include on site construction compound/ vehicle parking
- 25 Details and Provision of Cycle Storage and Cycle Storage for apartments
- 26 Details and Provision of Bin Stores
- 27 Pedestrian connection to the northern site boundary
- 28 Provision of footway link along Stoneley Road
- 29 Details of drainage system
- 30 Removal of permitted development rights (Part1 Classes A-E)
- 31 Outdoor storage for dwellings

In order to give 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 adjourned for 10 minutes.

**22 22/0670C - LAND EAST OF VIKING WAY, CONGLETON, CW12 1TT: RESERVED MATTERS APPLICATION PROPOSING DETAILS FOR THE APPEARANCE, SCALE, LAYOUT AND LANDSCAPING FOR A RESIDENTIAL DEVELOPMENT AT VIKING WAY, CONGLETON. AN ENVIRONMENTAL IMPACT ASSESSMENT WAS SUBMITTED TO THE LOCAL PLANNING AUTHORITY AS PART OF THE OUTLINE**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:  
Mr Jon Suckley (agent).

**RESOLVED:**

That for the reasons set out in the report and update report the application be DELEGATED to the Head of Planning in consultation with the Chair of the Strategic Planning Board to APPROVE subject to the resolution of the outstanding issues relating to the reviewing of juxtaposition of house type on plots 1 and 2 at entrance to the site, confirmation of some affordable units being relocated, investigation of potential for additional pedestrian connection down slope for E/W greenway and ANSA comments, and subject to the following conditions:

- 1 Approved plans
- 2 Tree retention
- 3 Tree protection
- 4 Arboricultural method statement
- 5 Levels survey – Trees
- 6 Services drainage layout – Trees
- 7 Bird nesting season
- 8 Implementation of the recommendations in the acoustic report
- 9 ANSA requirements of
  - Central open space including landscaping and design of NEAP
  - Infrastructure – seating, accessible inclusive pathways, interpretation panels, playful interactive way finders and art
  - Greenway public art scheme and timetable
- 10 Levels
- 11 A ped/cycle link to be provided to the PROW at the southern end of the site
- 12 Submission of Landscape Details
- 13 Landscaping Conditions (Implementation)
- 14 Boundary Treatments
- 15 Submission of Landscape Management Plan
- 16 Details of lighting to be submitted / in accordance with plans
- 17 Approval of facing and roofing materials (including treatment of key focal and landmark buildings)

- 18 Submission of details of wayfinding, interpretation and public art (including the detail of the various installations and their location)

Informatives:

- Water Course & Bylaw 10
- EP Standard informs

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

The meeting commenced at 10.00 am and concluded at 2.00 pm

Councillor M Hunter (Chair)

Application No: 19/5582M

Location: LAND SOUTH OF, CHELFORD ROAD, MACCLESFIELD

Proposal: Application for approval of reserved matters following outline approval 17/4034M for the erection of up to 232 dwellings

Applicant: Redrow homes

Expiry Date: 03-Mar-2020

## 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 up to 232 dwellings and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 16. The proposed development seeks to provide a residential development of 216 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 Chelford Road with a newly dedicated roundabout. Pedestrian access would also be secured from Pexhill 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 character of the area 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 to the south and would secure future connection into safeguarded land as required by the site allocation. The impacts on the adjoining Local Wildlife Site would be acceptable. Updated tree information has been submitted and is acceptable subject to further condition. Tree and hedgerow losses will be offset through replacement planting secured by the landscape scheme.

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 subject to a scheme of works at Broken Cross, which is currently being implemented by another developer. 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 final details will need to be agreed under the conditions attached to the outline consent.

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, the relevant policies of the emerging SADPD and the NPPF.

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**REASON FOR DEFERRAL:**

At the meeting of 12<sup>th</sup> October 2022, Members resolved to defer this application to provide further information on the drainage at Hill Top Farm and flood risk.

**Drainage at Hill Top Farm and Flood Risk**

At the SPB meeting of 12<sup>th</sup> October, Members raised concern regarding the impact that the development would have on the occupiers of the adjoining Hill Top Farm, with specific reference to the servicing and maintenance of their septic tank, damage caused by construction activities and water table changes to a well within their kitchen.

1. Septic Tank – there were concerns regarding access to maintain and service a septic tank serving Hill Top Farm. There is a legal easement which gives Hill Top Farm access on foot or with vehicles to the land south of the neighbouring property (No.55). This is shown as an area of landscaping on the proposed site plan just north of Plots J100/101/102/103/104. Legal easements and rights of access are civil matters and not a material planning consideration. However, the applicant has confirmed that this area of land would remain accessible should the septic tank drainage area require service and / or maintenance.
2. Damage from Construction – again the occupiers of Hill Top Farm expressed concern about damage to their property by reason of a potential increase in the water table and construction activities within the vicinity of the site. Any damage caused to property as a result of construction activities would have to be rectified by the developer. However, this is a civil matter and not a material planning consideration.
3. With regard to the impact on the water table and the well within Hill Top Farm, the drainage strategy would ensure that the proposal does not exacerbate any risk of flooding as a result of the development proposed.

Members will recall that comments from United Utilities (UU) were received the day before the previous meeting and had not been available to report within the written reports. Additional comments have been received from UU. Those comments offer no objection to the proposed drainage strategy confirming that it is acceptable in principle subject to the detailed design being agreed under the separate adoptions process overseen by UU. Whilst UU did express concern regarding the upsize in sewer, UU went on to confirm that the applicant would need to submit a S185 sewer diversion application as the applicant proposes to alter an existing UU asset (i.e.



connect into the main sewer as most housing developments do). However, this is a separate process which ordinarily follows the planning approval process.

It is important to note that detailed drainage conditions are attached to the parent consent (the outline planning approval) and therefore the final detailed drainage design will be agreed under a subsequent discharge of conditions application which both UU and the Lead Local Flood Authority (LLFA) would review and comment on before discharge. UU and the LLFA are satisfied with the drainage detail in principle and accordingly, the scheme is acceptable in this regard.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site consists of 5 fields last in agricultural use and a field at the northern end of the site that is mainly covered in vegetation. The section of land adjoining Chelford Road gently increases in ground level. The fields within the site are separated by hedgerows and several mature trees are located within the site and along its boundaries. The site adjoins residential properties in places along its northern boundary and at the northeastern corner of the site. Pexhill Road forms the eastern boundary of the site and open land is located to the south and west. The site measures approximately 22.89 hectares in size. The site forms part of an allocated site for housing development under Policy LPS 16 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; 17/4034M, which granted outline consent for residential development of up to 232 dwellings with associated works. Access was approved at the outline stage and will be taken from a new roundabout to be constructed on Chelford Road between Nos 64 and 66. The current proposal seeks approval of the remaining outstanding reserved matters which are appearance, landscaping, layout, and scale for 216 dwellings. This is a joint application between 2 housebuilders, Jones Homes and Redrow.

## **RELEVANT HISTORY**

17/4034M - Outline Planning Permission (with all matters reserved except for access) for the erection of up to 232 dwellings – Approved 27-Feb-2019

## **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 16 Land south of Chelford Road, 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

Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate

weight should be applied to relevant policies, including the proposed modifications.

GEN 1 Design principles  
ENV 1 Ecological network  
ENV 2 Ecological implementation  
ENV 3 Landscape character  
ENV 5 Landscaping  
ENV 6 Trees, hedgerows, and woodland implementation  
ENV 7 Climate Change  
ENV 12 Air quality  
ENV 16 Surface water management and flood risk  
HOU 1 Housing mix  
HOU 6 Space, Accessibility and wheelchair housing standards  
HOU10 Amenity  
HOU 11 Residential standards  
HOU 12 Housing Density  
HOU 13 Housing Delivery  
INF 1 Cycleways, bridleways and footpaths  
INF 3 Highways safety and access  
INF 9 Utilities  
REC 3 Green space implementation  
PG9 Settlement Boundaries  
**Other Material Considerations**  
National Planning Policy Framework (The Framework) 2021  
National Planning Practice Guidance  
Cheshire East Design Guide

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

**ANSA** – No objection subject to further detail on proposed play equipment

**Cheshire Wildlife Trust** – Object on the basis of the incursion of the southern access road into the Local Wildlife Site

**Environmental Protection** – No objection subject to conditions relating to noise mitigation, hours of construction and piling and dust management.

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

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

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

**Manchester Airport** – No objection subject to a Bird Hazard Management Plan

**Public Rights of Way** – No objection

**United Utilities (UU)** – No objection to the proposed drainage strategy subject to the detailed design being agreed under the separate adoptions process. Whilst UU did express concern

regarding the upsize in sewer, UU went on to confirm that the applicant would need to submit a S185 sewer diversion application.

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

**Henbury Parish Council** –Detailed objections have been received from the Parish Council. The main concerns are summarised below:

- Application should be considered in the context of a number of other developments considered in the area
- Flood risk and drainage information has shortcomings and does not mitigate surface water issues
- Impacts on air quality having regard to Broken Cross Air Quality Management Area
- Critical that detailed air quality modelling is undertaken to understand the net impact before any permissions can be granted, using accurate inputs and micro-simulation
- Original air quality assessments were inaccurate
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Will be very long waiting times for pedestrians which will be unsafe for school children
- Traffic flows are inaccurate (and therefore the Air Quality modelling also)
- The presence of the very busy Tesco Express store and other business accesses on the roundabout approach is also a critical factor – and this has simply not been considered
- Should wait to see how broken cross junction performs before consenting this scheme
- The developer should produce a detailed submission on sustainable access
- Local infrastructure (schools, healthcare, utility supply etc.) cannot cope
- Will impact negatively on Cock Wood Local Wildlife Site (SBI)
- The design, especially at the south-eastern corner, reduces the ‘country lane’ character of Pexhill Road
- It will have a large and negative impact on the residents of Pexhill Road including proposed pumping station

**Macclesfield Town Council** – Object on the grounds summarised below:

1. Sustainable transport provision to include cycleways and footpaths to access infrastructure and services in Macclesfield,
2. Provision of electric vehicle charging points in communal areas and at each of the properties,
3. Accessible waste and recycling points,
4. Sufficient off-street parking for all properties,
5. Mixed dwellings and housing types,
6. Delivery of 30% affordable housing,
7. Protection of existing boundaries,
8. Protection of existing trees,
9. That pedestrian and cycle access to the remainder/undeveloped northern portion of LPS16 is accommodated and secured for potential future development of that site as identified in the Cheshire East Local Plan,
10. That the development is served by a bus route, with upgrades to bus stops on Chelford Road and the introduction of a pedestrian crossing to facilitate safe road crossing,

11. Vehicular ingress and egress to the development is insufficiently served.

It was also noted that the excavation of peat could result in contamination of the nearby stream, effecting ancient woodland and that, as previously advised by Cheshire East Council, peat cannot be removed offsite.

**MP David Rutley** – Object on the grounds summarised below:

- Highlights the concerns that have already been submitted to Cheshire East Council by Save Macclesfield Green Belt Group and Henbury Parish Council
- Broken Cross has several ongoing challenges with regards to pollution and air quality, and it is within a designated Air Quality Management Area (AQMA). Given the number of homes that are proposed around Chelford Road, it is vital that there is a full assessment of the cumulative impact of these developments on local air quality, with detailed action plans setting out how these serious air quality concerns will be mitigated. Strong concerns about the robustness of the data that has informed the recommendations for the development. Essential that more robust and detailed analysis of air quality issues is undertaken at this location before planning permission can be granted.
- Site sits within a Critical Drainage Area. There is no above or below ground attenuation planned for the site, and a number of existing water bodies are to be built on or infilled. This is likely to significantly reduce the potential for surface water to successfully drain from the site. Also concerned that the cumulative effect of the various developments around Chelford Road on the public sewerage system remain unaddressed. It is vital that a more comprehensive assessment should take place before planning permission can be approved.
- Impact of development on Cocks Wood. This site of Special Biological Interest (SBI) contains important natural features such as trees, hedgerows, and ponds, as well as some protected species. The development, as currently proposed, involves the removal of priority hedgerow habitats, grasslands and wetlands.
- The developer should consider creating a continuous open space throughout the development, including the planting of native species along the western border, to help promote and protect biodiversity at this location.
- The development sits near an area of peat land, which must remain in situ.
- There are strong concerns that have been raised by local residents regarding the impact of development on local schools. This development would place additional pressure on the existing road network. It is well-documented that the Broken Cross roundabout already experiences significant volumes of traffic at peak times; even taking into account the proposed redesign of this location.
- Concerns about the scaling, massing and detailing of the proposed development. The potential scale of the buildings would dominate existing structures in their immediate vicinity, and that there would be insufficient screening to mitigate the visual impact of the development. I further understand that the development, as proposed, would raise the overall height of the land on which it sits, further emphasising the development, rather than allowing it to blend more holistically within the existing landscape.
- Given the strong level of concern across the community in Broken Cross and Henbury about these proposals, and the strong concerns voiced by Save Macclesfield Green Belt group and Henbury Parish Council, I would be most grateful if Cheshire East Council could give the points raised above the most serious consideration that they deserve, and

refuse planning permission for this application, unless revisions, as outlined above, are made.

## OTHER REPRESENTATIONS

Representations have been received from approximately 52 addresses on the following grounds:

### Process

- This application should be put on hold until a thorough site visit has been made to the site and surrounding area.
- There are no scale drawings of proposed houses as required in condition 29 of the outline planning permission that was granted (17/4034M).
- This is a reserved matters application pursuant to outline approval 17/4034M. There are several issues arising from the outline permission that are not addressed in this application and a statement is necessary as to how far these have been progressed.
- As outline planning permission for land to the north and south of Chelford Road were all heard together, so cumulative effects of all sites could be taken into account, it makes perfect sense that reserved matters should be the same (19/3097M, 19/3098M and 19/3816M).

### Principle

- Loss of greenfield(s) / open countryside.
- Represents overdevelopment of LPS 16 (land south of Chelford Road) in the Local Plan Strategy.
- Brownfield sites / empty shops in Macclesfield should be converted to housing instead.
- Object to loss of former greenbelt land.
- Concerns regarding whether the affordable homes will truly be 'affordable'.
- Housing targets have already been met. No need for development.
- Proposal represents urban sprawl.

### Pollution / Climate Impacts

- Increased levels of air pollution, particularly on local Air Quality Management Areas (AQMAs) including at Broken Cross Roundabout.
- The air quality assessment is based on incomplete data where there was an under-recording of vehicle queue lengths and incomplete diffusion tube records. Air quality assessment does not consider wider developments.
- Light pollution impacts.
- Question the validity of data used in the noise impact assessment.
- Impacts on carbon sinks and natural resources for future generations.
- There is an area of peat land within the site which must remain in situ.
- There are no renewable energy sources planned for the scheme.
- Concerns regarding construction impacts including ground disturbance.

### Highways, sustainable travel and access

- Traffic congestion.
- Safety concerns regarding pedestrian and cyclist access, including from Pexhill Road.
- Concern over road safety / speeds along proposed internal road network.

- No reference in the application to the feasibility study regarding highways safety / speed limit review which was secured at outline stage.
- Access via Pexhill Road will require a change to the speed limit.
- Roads are in poor condition.
- Concern over access for emergency vehicles & farmers.
- Change to the availability of public transport, the 88-bus service runs every 2 hours Monday to Saturday. Bus service 130 has been cancelled.
- The main spine road should be constructed to an appropriate standard to allow public transport access.
- The traffic modelling does not include recently completed local development(s).
- Miscalculation of traffic on Chelford Road. Impacts on Chelford Road have not been appropriately considered.
- The building of the South-West Macclesfield Link Road should not be led by such schemes and should not be delivered in a piecemeal fashion.
- Plan to replace Broken Cross roundabout with traffic lights will not improve traffic flow.
- CEC should defer decision on this application until a new review of the road network around Macclesfield has been undertaken.
- A condition requiring the construction of the internal link road up to the legal southern boundary of the application site should be included, it must also include its construction and adoption by a certain timeframe. This is needed to ensure that the delivery of the South West Macclesfield Link Road is not prejudiced by this development (reference to site specific principle of development b for LPS 16 and condition 32 of the outline planning permission).

### Flooding / drainage

- Building on this land will cause flooding issues.
- Concerns over drainage facilities and impacts on adjacent properties, inadequate drainage (with tarmac drives) and surface water flooding impacts.
- When outline planning permission was granted, there were two pumping stations shown. This application currently only shows one. Is one pumping station sufficient for this site?
- The site lies in a Critical Drainage Area as identified by Cheshire East in their Strategic Flood Risk Assessment of 2013. Appropriate mitigation measures have not been addressed in this planning application.
- There is no ground or below ground attenuation planned for the site. This will have implications for water drainage. Drainage assessment has not considered impact of additional discharge from neighbouring developments on the site. Increased hard standing (40%) with no addition of attenuation ponds to maintain current flow rates
- The hydrology and hydrochemistry of Cock Wood Ancient Woodland Site of Biological Importance will significantly be affected by this development's drainage.
- Increasing the height of the land in the northwest of the site will increase the flow rates to existing housing
- Important that condition 4 of outline planning permission with regards surface water drainage is appropriately addressed and discharged before planning permission is granted (17/4034M).
- Concerns regarding changes to the water table and water contamination
- Impact on water table and a well located in the adjoining Hill Top Farm
- Impact on drainage site for nearby septic tank.
- Loss of legal easement and right of access to service said septic tank

#### Wildlife / Trees

- Impacts on wildlife and habitats.
- Impacts on protected species including bats, newts.
- Impacts on trees, hedgerows, flora and fauna.
- Biodiversity impacts.
- Lack of detail regarding Cock Wood Local Wildlife Site (LWS). The LWS seems to have been reduced in the drawings, the pumping station 15 metre boundary encroaches into the LWS.
- Negative impact on the Cock Wood LWS and removal of priority habitats. In the current layout it will be directly affected by the recreational impacts of the new residents, as well as the air pollution, hydrology and hydrochemistry changes associated with human activity of the new residents and the drainage.
- 3 metre buffer around Cock Wood LWS has not been incorporated
- The plan however also shows an access road passing through the LWS site to provide speculative access to further development on adjacent land outside of the application/allocation. The creation of this access road would have an adverse impact upon the LWS site and not be in accordance with the Local Plan Policy for site LPS 16 and condition 13 of the outline planning permission.
- A method statement detailing how the LWS site and associated buffer will be safeguarded throughout the construction phase should be included.
- Concern over the loss of trees suffering from Ash dieback.

#### Character

- Impact on the character and appearance of the area. Impact on its rural characteristics.
- Already a high concentration of houses in this area
- Access from Pexhill Road will change the character of the area from a rural location to a housing estate
- Landscape and visual impacts
- Impact on the character of Chelford Road

#### Infrastructure

- Large development with no services to support it
- Lack of suitable infrastructure
- Schools are overly subscribed
- Impact on NHS, including doctors, dentists etc.
- Proposed contributions to infrastructure are well below that required to accommodate the extra dwellings.

#### Housing Mix

- Some support for the mix of housing types and tenures throughout the development
- Proposed housing stock is different to current housing stock along Pexhill Road and Pexhill Drive
- No bungalows are planned for the site
- Disproportionate amount of 4 bed properties
- There is a need to ensure development is tenure blind in respect of affordable homes



## Design

- An increased number of dwellings on a smaller footprint has led to perception of 'cramming' of development.
- Number of dwellings excessive for site constraints
- Welcome a greater proportion of low shrubbery along the spine road frontages to provide for particulate capture bringing air quality benefits. The landscaping to the west, south and east boundaries is important for the longer-term integration of the scheme into the local landscape
- Site layout involves the building of properties close to existing dwellings without sufficient space and planting to screen and buffer the visual impact of the development.
- The intrusive nature of the development is exacerbated by the addition of a pumping station adjacent to Pexhill Road at the corner of the southeastern boundary and into Cock Wood LWS.
- The proposed regrading of the land significantly increases the height of land to the northwest of the site. This increases rather than mitigates the oppressive visual impact of the new housing development on the existing residents of Pexhill Road and Pexhill Drive
- There is some creation of open space around one property on Pexhill Road, Hill Side, however this is not evident for the rest of Pexhill Road. Continuation of this depth of open space and naturalistic planting would be beneficial
- There needs to be a significant reduction in the housing allocation to allow creation of drainage buffers to the north and west of the existing properties on the site, retention of the waterbodies within the development site, retention of the ponds and streams in Cock Wood LWS, the development of additional open surface water attenuation features such as ponds or basins.
- Design of homes proposed not in keeping with local area
- High density scheme with insufficient green / public space
- Scheme is not compliant with the Cheshire East Design Guide Supplementary Planning Document.
- Object to 3 storey homes, not in keeping with local area
- Lack of a southwest green route as described in the Local Plan Site Specific Principles of Development D.
- Concerns regarding boundary treatment from scheme
- Development should be set back from adjacent properties, as should the pump station (and exclusion zone)
- Proposed homes are close to existing dwellings on Pexhill Road, Hillside and Hill Top Farm
- Concerns regarding lack of local detailing and standardisation of design response
- Concerns over location of pumping station

## Amenity

- Height (due to regrading) and the impacts on adjacent developments (including amenity impacts) need to be considered.
- Height of properties proposed has an overbearing impact on adjacent properties including Bungalows etc.
- Development should be scaled back to something more sympathetic to reduce impacts on adjacent homes.

- Privacy / amenity impacts on adjacent homes.
- Concerns over loss of daylight.
- Construction impact on adjacent homes.
- Larger buffer needed to adjacent homes.
- Location of park / play area is a concern on amenity of adjacent properties.
- Objections to the type of fencing used.
- Play area is inadequately screened.

## **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 16 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 2019 under planning ref; 17/4034M for the erection of up to 232 dwellings with details of access from Chelford Road via a new roundabout to be constructed by the developer. 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 16 states that the development of land south of Chelford Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 200 new dwellings;
2. Provision of new road junction to Chelford Road, and construction of an access road to the southern perimeter of the site;
3. Incorporation of green infrastructure and public open space;
4. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities;
5. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and
6. A master plan should be submitted so the site may be planned in a coordinated and comprehensive manner. Development must be in accordance with an agreed masterplan which must detail how a recognisable Green Belt boundary would be reinforced that will endure in the long term.

And the following Site Specific Principles of Development:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central and western Macclesfield area.
- b. Any development that would prejudice the future comprehensive development of the adjacent safeguarded land will not be permitted (Site reference LPS 19).
- c. The access road must be designed to serve any potential future development on the adjacent safeguarded land and it must be of a standard to form part of any future South West Macclesfield Link Road.
- d. The development would be expected to provide improvements to existing and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools & health facilities. The provision of a south west green route would link with existing north to south routes in the form of the Macclesfield Canal and Middlewood Way.
- e. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- f. A desk based archaeological assessment is required for the site, with targeted evaluation and appropriate mitigation being carried out, if required.
- g. Any application would need to be supported by a full ecological appraisal. Mitigation would be required to address any impacts on protected species. Any woodland, orchards and other priority habitats or habitats of local wildlife site quality on the site should be retained and buffered by areas of open space/habitat creation. A 30m undeveloped buffer must be provided around the ancient woodland within and adjacent to the site at Cock Wood and deliver complimentary and/or compensatory habitats on the site as required.
- h. Any development proposals must avoid any impacts on Local Wildlife Sites. This should include indirect impacts resulting from changes in hydrology, hydrochemistry, air pollution and recreational impacts.
- 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.

This application is for approval of the details of Appearance, Landscaping Layout and Scale (the reserved matters) and proposes 216 units. The proposed layout covers a slightly smaller area than the entire site allocated under LPS 16. However, the site is the same as consented at outline stage. The area to the northeast of the site where it sits in between Nos 46b and 50 Chelford Road is not included in the development site.

Whilst the proposed development of 216 dwellings would take the development numbers past the general number of 200 indicated in the site allocation, the outline consented up to 232 within the site. The number of dwellings proposed as part of this reserved matters application would be 16 less than was permitted at outline stage and accords with the outline consent, which was accepted as complying with LPS 16 at outline stage. 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 16, and other relevant policies, are considered below.

## **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, 42 units should be provided as affordable rent and 23 units as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield and Sutton as their first choice is 1751. This can be broken down as below;

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 216 dwellings (as amended) and therefore to meet the Council’s Policy on Affordable Housing there is a requirement for 65 dwellings to be provided as affordable homes. 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 as amended comprises of:

	number	% of total units
1 bed	10	5
2 bed	50	23
3 bed	73	34
4 bed	83	38

Overall mix of open market units:

	Number	% of open market
2 bed	16	11
3 bed	54	36
4 bed	81	53

Overall mix of affordable units:

	number	% of affordable units
1 bed	10	16
2 bed	34	52
3 bed	19	29
4 bed	2	3
5 bed	0	0

As can be seen above, a range of housing types are being proposed from small sized 1 bed units offering ground floor single storey entry to 2 bed, 3 bed and 4 bed dwellings. There are no 5 bed executive style homes proposed on this site. Several 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 really good mix of housing and a number 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.

### **Nationally Described Space Standards (NDSS)**

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. It is confirmed that all the proposed dwellings are NDSS compliant.

### **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 SE 1 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 and reinforced by Policy GEN 1 of the SADPD. The relevant BfL12 headings are considered below:

Connections (Amber) - With this proposal being a part of a previously approved permission including an indicative masterplan, it would be expected that the external connections would be appropriate and in the right places. Whilst the amended layout does connect reasonably well to neighbouring development with a suitably placed entrance road to the north onto Chelford Road, officers originally expressed concern over the termination of the main spinal route as it sets up potential connections to possible future development phases to the south and to the southwest.

At present the site allocations contained in the Cheshire East Local Plan Draft Adopted Policies Map imply that these are unlikely to happen in the short term with the open countryside there (site LPS19) designated as safeguarded land and not as an allocated housing site. Whilst it is appreciated that these should be developable in the future and that there is a policy requirement to ensure that this site enables that (by providing access to it) there is no indication as to timescale, or indeed if it will happen at all and as such this proposal really must be viewed in isolation and on its own merits.

As a result, the indicated abrupt termination of these roads is a concern, how will these be handled, will they simply stop. Until the issue of how these roads will terminate i.e. until such a time as future phases of development on LPS19 come forward, then it is only possible to award an amber light here.

Facilities and Service (Green) - These matters were considered at outline stage and it can be seen that this site lies the settlement edge, 2.4 miles from the centre of 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. More locally, there are shops, pubs and other facilities including a primary school in Broken Cross which is within easy walking

distance of the site. Here is also a LEAP provided on site and some usable areas of public open space. As a result of all this a green light is readily awarded.

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 the A537 Chelford Road close the proposed site access, around the Broken Cross roundabout and on the B5392 / Gawsorth Road / Princes Way to the south. 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 London. As a result, a green light is awarded.

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. Further, following amendments, some 2-bedroom open market units have been incorporated into the proposed scheme.

Character (Green) – Following comments by officers, clear improvements have been made in the amended scheme. In particular to the Jones house types which have benefitted greatly from the removal of the standard (and therefore non-context specific) detailing and the application of a more locally responsive approach. Similarly, the Redrow homes, whilst not as overly busy in the first place, have also benefitted from the ‘localisation’ of their detailing. Overall, it is felt that whereas the previous scheme jarred, this is more coherent proposal.

Working with the Site and Context (Green) – The revised proposals will include measured lengths of hedgerows and that there is a commitment to ensure that they are returned to proper hedgerow boundaries. With regard to the southern boundary, the turning of houses to address this is welcomed along with the reorientated acoustic fence. Finally, the changes to the layout do create a stronger frontage to the southern end of the eastern boundary on Pexhill Road and this is considered an improvement.

Creating well defined streets and spaces (Green) - Houses generally do front the street and views are well terminated. Houses are generally positioned positively to define and enhance streets and where this is moved away from it is for good reason – such as the houses which turn to face the open countryside and/or the gateway to potential future development on the safeguarded site beyond. There is one key place where this was not successful. The ‘Harrogate’ house on plot R01 presented a side elevation to the avenue and a driveway with the side of a double garage. This also terminates the view from the cul-de-sac to the south. Following concerns at this key location at the heart of the site, a corner-turning dual aspect house addressing the avenue and providing a suitable termination of the vista has been secured.

Easy to find your way around (Green) - Overall, it is felt that this is not a concern, and the layout would be easy to navigate. This has improved as a result of the changes to the layout and the subsequent strengthening of the street hierarchy.

Streets for All (Amber) – There was some concern that the long sweeping spine road, which is designed to take more traffic than would be generated by this development alone, would not help to reduce vehicle speeds. Whilst it is appreciated that there is the need to cater for an

unknown but significant quantum of development at an unspecified time on the LPS19 site, the spine road appears to be over-engineered when viewed in isolation as a part of this application. However, this is a requirement of LPS16 points 2 and b and accordingly, the street hierarchy has been justified and is acceptable. Elsewhere there is an identifiable hierarchy of streets, with secondary branch streets/cul-de-sacs and some more home zone type shared driveways.

Car Parking (Amber) - Car parking levels are adequate and garages do not seem to be included in the figures which is good as they are not often used for parking cars. Spaces are all in-curtilage parking, predominantly to the side and front of properties is generally well handled. 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. There is the possibility that informal 50:50 kerb parking will occur along the main street, which will not only detract from the environment but also make this less safe. As a result of this, an amber light is awarded here.

Public and private spaces (Amber) - 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 (Green) - 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 have been illustrated on the revised layout plan.

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 16 and the Cheshire East Design Guide.

## **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 216 units, amounts to 14,040 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. This would include a Local Equipped Area of Play (LEAP) positioned within the open space towards the southeastern portion of the site. The Council's Greenspaces officer is currently reviewing the specification of the LEAP and their comments will be reported to members by update. Subject to further comment, 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. This aligns with the residential standards referenced within Policy HOU 11 of the SADPD.

To the north of the site, there are residential properties fronting Chelford Road and properties forming the end of Newlands Road, a cul-de-sac taking its access from Bromley Road and Pexhill Road. The layout shows that the nearest properties proposed as part of this application would achieve a distance of at least 23 metres with these neighbours. This would be sufficient to protect their level of amenity.

To the east, on the opposite side of Pexhill Road there are a number of existing residential properties. The nearest proposed dwellings would achieve a distance of at least 21 metres with the existing properties on the opposite side of Pexhill Road.

Elsewhere the site itself would envelop two existing properties which take their access off Pexhill Road. These are the properties referred to as 'Hill Top Farm' and 'Hillside' (no. 55). A distance of at least 23 metres would be maintained between the nearest Plots (J117 and J102/J103 respectively) whilst both being offset. Based on existing and proposed relationships, it is not considered that the proposes would result in material harm to the residential amenity afforded to neighbouring properties by reason of increased sense of enclosure, loss of light or direct overlooking.

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 Chelford 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 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 to 15 of the plots to the north of the site. 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. This included queries regarding monitoring tubes used and the methodology for assessment. The outline consent secured a package of mitigation measures which are forecast to mitigate the impact of the development through a highway improvement scheme at Broken Cross, electric vehicle infrastructure, a Travel Plan, dust control. The details of electric vehicle charging infrastructure, Travel plan and dust control included within this submission has already been permitted under discharge of conditions application 22/1308D. It is noted that works have already started to implement the highway improvement scheme at Broken Cross by Bellway Homes as part of the development consent on land to the north of Chelford Road. 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**

The proposal would not directly affect any public rights of way. 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, the proposal is considered to accord with the justification to Policy LPS 16 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. The applicant has also addressed the number of driveways on the northern part of the site and the proposed connection to the footway on Pexhill Road.

There are no changes to the main spline road that runs through the site. There are small infrastructure changes on east and west boundaries of the site that have realigned some of the minor roads. The proposed changes in road infrastructure are acceptable and meet design requirements and as such do not raise design concerns. There is a single point of access to the site from a new roundabout on the A537 Chelford Road. The main access road is 6.75 metres with a 3.0 metre shared pedestrian/cycle facility on the eastern side and a 2-metre footway on the western side of the road. The design of the main access is consistent with a distributor road standard and would provide adequate capacity for future connection to the safeguarded land to the south of the site.

It is important that the main road is constructed to the southern boundary of the site as is shown on the plan to ensure that future development of the safeguarded land under LPS 19 is not prejudiced, as per the requirements of criterion 2 and b of LPS 16.

A pedestrian only footway connection is provided at the northeast corner of the site and links to Pexhill Road. In providing this connection there needs to be a small amount of new footway provided on Pexhill Road to link into the existing footway.

The car parking provision across the development complies with the CEC parking standards and each unit has either internal cycle storage or provided in external sheds.

Swept paths have been submitted at the turning head locations for refuse vehicles and the tracking details show that adequate turning spaces are available.

As this is a reserved matters application, all matters relating to access/traffic impact and any off-site mitigation measures have already been dealt with in the outline application. This included a scheme of highway works to Broken Cross required by condition no. 30 of the outline consent. This is currently being implemented by another developer in relation to the delivery of housing on LPS 18 as part of a highways s278 agreement.

The internal road submission in this application is acceptable and is suitable for adoption. It is important that the spline road is constructed to the southern boundary of the site for connectivity reasons to allow for possible future development. A condition should be attached to secure this.

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

### **Trees**

Selected individual trees and groups within the site are afforded protection by the Cheshire East Borough Council (Macclesfield – Land to the south of Chelford Road) Tree Preservation Order 2018.

This application is for approval of reserved matters following outline approval application 17/4034M which included access. Condition 7 requires that any future reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA). Condition 9 requires a detailed levels survey and Condition 4 requires the submission of a detailed surface water drainage layout.

The application is supported by an Arboricultural Impact Assessment and Method Statement. A Tree Protection Plan provides details of construction exclusion zones, tree protection fencing and proposed tree works. Having regard to the AIA and submitted Tree Protection Plan, the Council's Tree Officer had originally expressed concerns, which have been attended to within the revised proposal and an updated AIA. The Council's Tree Officer has reviewed the updated tree information in respect of the following.

Position of access road and Oak (T36) - There will be an encroachment of 30% into the Root Protection Area of the unprotected Oak (36T) due to the position of the access off Chelford Road and associated reprofiling work. The updated Arboricultural Impact Assessment (Rev G) seeks to retain the tree through amelioration of the remaining root system, to mitigate the extent of root loss using bio – char and woodchip mulch. Bio char is a soil ameliorant which can assist in reducing soil compaction, acts as a reservoir for plant nutrients, holds air and water and beneficial microbes. However, it remains to be seen as to the efficacy and reliability of such methods given the extent of root loss proposed. However, it should be noted that the direct loss of unprotected Oak 37T and potential loss of the Oak 36T as a consequence of the proposed site access was considered as part of outline proposal, which was subsequently approved.

Plot J9-J11 (trees 41T and 43T) - A 2 metre reduction of the canopy of Tree 43T is required to allow appropriate clearance of the proposed gardens to Plots J9-J11. Such pruning would not be necessary if the design allowed for adequate garden sizes to accommodate the size of mature trees. However, this would not sustain a refusal of planning permission and would not prejudice the health or wellbeing of the said trees.

44H (Ivy and Damson Hedge) and 45G (matured hedge) - There is no change from previous revisions to significantly prune back these hedges to facilitate private amenity garden space. However, the hedge would be retained, and the scheme proposes a good amount of additional hedgerow planting.

56T to 66T - The position of the access road on the rooting environment of protected Alder (T55), Oak (56T), Ash (58T; 59T) and Oak 62T has not changed. The AIA states that there will be a low moderate impact on these trees as a consequence of the road with potential loss of roots of between 5-13%. It should be noted that the percentage figure represents a loss of roots within the identified root protection area (RPA) and not the actual root loss which may be greater. BS5837 may allow up to a 20% incursion into the RPA of trees subject to specialist arboricultural and construction design advice to determine whether the construction is achievable without a significant adverse impact on trees. Whilst the incursion into the RPA of these trees may be relatively modest, neither the AIA or the Method Statement has provided details on appropriate mitigation measures in the affected areas. In light of the modest impact, the Council's Tree Officer has confirmed that this could be dealt with by condition requiring an update to the AIA.

74T Sycamore - This issue has been addressed and there is now no impact on the tree from the road.

76T Ash - An Ash tree (76T) identified previously as moderate category tree for retention is now suffering from Ash die back and will now require removal.

Northern boundary trees and 78T Ash 85T Ash - The proximity of buildings to trees range between 12-14 metres, which on a north facing aspect provides for a reasonably defensible social relationship. The pruning of tree 78T and 85T to allow clearance of the garden area to Plots R83 and R84 could be premature. Whilst Plots R74-R76 are outside the RPA of trees 86T and 85T, there will be an impact on the RPA of these trees due to restricted space for construction/ plant. The Tree Protection Plan will require updating to make provision for special measures including ground protection and method of construction in this area. The Council's Tree Officer has confirmed that this could be dealt with by condition requiring an update to the Tree Protection Plan.

With regard to drainage, a proposed drainage layout and existing and proposed levels drawing has been submitted in respect of Condition 4 and Condition 9 of the outline approval. The Tree Officer has confirmed that there are no significant impacts on retained trees with regard to the proposed drainage or proposed site levels across the application site.

Subject to further condition requiring the AIA and Method Statement to be updated, the scheme is found to be in compliance with CELPS Policy SE 5 and LPS 16.

### **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 12 Strategy for the incorporation of features to enhance the biodiversity value of the proposed development - Acceptable proposals for the provision of bat and bird boxes, hedgehog gaps, brash piles, new pond and native planting have been submitted as required by this condition.

Condition 13 No built development shall take place within 3 metres of the boundary of the Local Wildlife Site unless suitable mitigation can be identified and approved in writing by the Local Planning Authority - The undeveloped buffer required by this condition is shown on the submitted Biodiversity Habitat Plan.

Cheshire Wildlife Trust, who administer the local Wildlife Site system have previously objected to the application on the basis that the proposed development encroaches into the boundary of the adjacent Local Wildlife Site (LWS). Changes have been made to several proposed units as shown on the revised layout plan to reduce this incursion. Cheshire Wildlife Trust have provided revised comments based on the latest layout plan.

The access road through the site, which is presumable provided to link to further phases of development, extends into the Local Wildlife Site and the submitted drainage scheme would result in some encroachment into the boundary of the LWS as the drainage for the site discharges into the watercourse within the Local Wildlife Site. The current layout is therefore not in full compliance with this condition.

Measures detailing how the Local Wildlife Site and associated buffer will be safeguarded throughout the construction phase are also necessary. This has been provided as part of the revised CEMP submitted in respect of conditions 11 and 15 of the outline consent. The CEMP however refers to the Local Wildlife Site as a Site of Biological Importance (SBI). If planning consent is granted, the Council's Nature Conservation Officer (NCO) recommends that these additional measures be secured by condition.

Condition 20 Updated badger and bat surveys - The submitted updated bat surveys are acceptable. An active sett is present on site. It is possible to retain this sett in the long term. However, as works will take place in the close vicinity of the sett it is proposed to temporarily close the sett for the duration of disturbing works. This approach is acceptable.

Condition 25 Details of how the existing hedges are to be retained. Should any hedgerows require removal details of adequate mitigation shall be submitted -

Native hedgerows are a priority habitat and hence a material consideration. The majority of the existing hedgerows on site are retained, but approximately 92 metres of existing hedgerow would be lost as a result of the proposed development. If this loss of hedgerow is considered unavoidable it is advised that an acceptable level of compensatory hedgerow planting is proposed in relation to that lost. This could be secured by further condition.

Condition 27 Bluebell Translocation Assessment - Native Bluebells are a priority species and hence a material consideration. The proposed layout would result in the loss of Bluebells associated with hedgerows on site. Acceptable proposals for the translocation of bluebells from these locations have been submitted as required by this condition.

Condition 33 Lighting Assessment- The revised lighting strategy is acceptable.

Landscape management plan - An acceptable landscape management plan has been submitted in support of this reserved matters application as required by the section 106 agreement associated with the outline permission.

Great Crested Newts - A further great crested newt survey has been undertaken at an off-site pond. No evidence of great crested newts was recorded during this further survey. No further action is therefore required in respect of this species.

The NCO has advised that conditions safeguarding nesting birds and accordance with the proposals for the safeguarding of the SBI and buffer zone detailed in the submitted CEMP 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 (LLFA) has confirmed that they have no objection in principle to the reserved matters application and layout. However, the LLFA are still liaising with the applicant regarding final drainage detail. It must be noted that the outline consent controls much of the drainage detail through conditions attached to that consent. However, the applicant has submitted some of the information with this reserved matters application.

The LLFA has commented that they are aware that United Utilities (UU) have some concerns with the proposed surface water connection point within Pexhill Road. UU have been formally consulted as part of this application, but they have not commented and in any event, the surface water drainage strategy is to be dealt with under an application to discharge condition no. 4 of the outline consent of which UU would be consulted. However, the LLFA offer no objection to the strategy as the connection is referenced within the approved Flood Risk Assessment, which is also referenced within condition 4.

Various manholes now indicate above ground flooding during extreme events. Existing overland flow routing plans are unclear. The developer needs to submit a clear overland flow routing plan demonstrating where the above ground volumes sit in relation to the development footprint. Given the wider drainage issues at this location it is essential all surface water is retained within the site boundary, without causing any adverse impacts. Additionally, the LLFA suggests that the applicant submits specific chamber details for each hydrobrake, indicating top water level during each extreme event (1:1, 1:30, 1:100+cc%). The strategy also includes offline attenuation structures, which would require cross section details for each structure to review. Consequently, management plans for the offline attenuation structures will need to be supplied unless United Utilities (UU) are adopting the full network.

The drainage detail also refers to outfalls being positioned 300mm above existing bed level as no top water level could be established during a site walkover. The LLFA has no objection in principle to this approach. However, during an extreme flood event or the culvert under Pexhill Road isn't functioning at full bore, surface water has the potential to back up the proposed surface water drainage network. Therefore, the LLFA advises that the developer installs a none return valve to each outfall. Additionally, it would be advisory a Flood Risk Officer attends site prior to outfall construction to determine if a preferred higher outfall invert level can be achieved. Each outfall will also be subject to a Land Drainage Consent application under Land Drainage Act 1991, which must be in place prior to any alterations.

Finally, it is worth noting our CEC websites refer to a spring located within the site boundary. The developer should note a spring would fall under Land Drainage Act 1991 and free passage of water should be retained through the development. Any alterations to this network will also require specific consents under section 23.

In the absence of any in principle objection from the LLFA to the submitted drainage detail and given that the forum for agreeing the final drainage detail would be under the conditions pursuant to the outline consent, 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 and a subsequent discharge of conditions application (ref; 19/4252D) did not identify any large volumes of peat across the site. However, a small amount of peat was found near the pond in the SBI. Plots J45-48 on the southern boundary of the site are affected and will need 100m<sup>3</sup> of peat removing from beneath them and then a piled foundation technique will be used. Any peat removed will be reused within the site by spreading it on new gardens or landscaped areas.

## **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.

The design principles required to be established by condition no. 29 of the outline consent were agreed and consented under discharge of planning condition ref; 19/1875D.

## **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 for up to 232 dwellings and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 16. The proposed development seeks to provide a residential development of 216 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 Chelford Road with a newly dedicated roundabout. Pedestrian access would also be secured from Pexhill 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 character of the area 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 to the south and would secure future connection into safeguarded land as required by the site allocation. The impacts on the adjoining Local Wildlife Site would be acceptable. Updated tree information has been submitted and is acceptable subject to further condition. Tree and hedgerow losses will be offset through replacement planting secured by the landscape scheme.

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 subject to a scheme of works at Broken Cross, which is currently being implemented by another developer. 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 final details will need to be agreed under the conditions attached to the outline consent.

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, the relevant policies of the emerging SADPD 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. Accordance with submitted facing materials**
- 4. Accordance with specification of LEAP**
- 5. Details of levels**
- 6. Landscaping scheme to be submitted including details of hard surfacing materials and details of mitigation planting for loss of hedgerow to be submitted, approved and implemented**
- 7. Implementation of approved landscaping scheme**
- 8. Removal of permitted development rights classes A-E for selected plots**
- 9. Obscured glazed on selected plots with no further openings to be created**
- 10. Updated Arboricultural Impact Assessment / Method Statement to be submitted and approved**
- 11. Accordance with submitted Tree Protection Plan**
- 12. Submission and implementation of a scheme of measures detailing how the Local Wildlife Site and associated buffer will be safeguarded throughout the construction phase**
- 13. Accordance with submitted Bat Survey including details of mitigation**
- 14. Accordance with submitted Badger survey including details of mitigation**
- 15. Accordance with the proposals for the safeguarding of the SBI and buffer zone detailed in the submitted CEMP**
- 16. Accordance with submitted scheme of pedestrian and cycle signage**
- 17. Submission and implementation of a Bird Hazard Management Plan**
- 18. Bird nesting survey if works carried out during nesting season**
- 19. Spine road to be constructed to the southern boundary of the site**
- 20. Accordance with submitted Noise Report including implementation of details of mitigation**

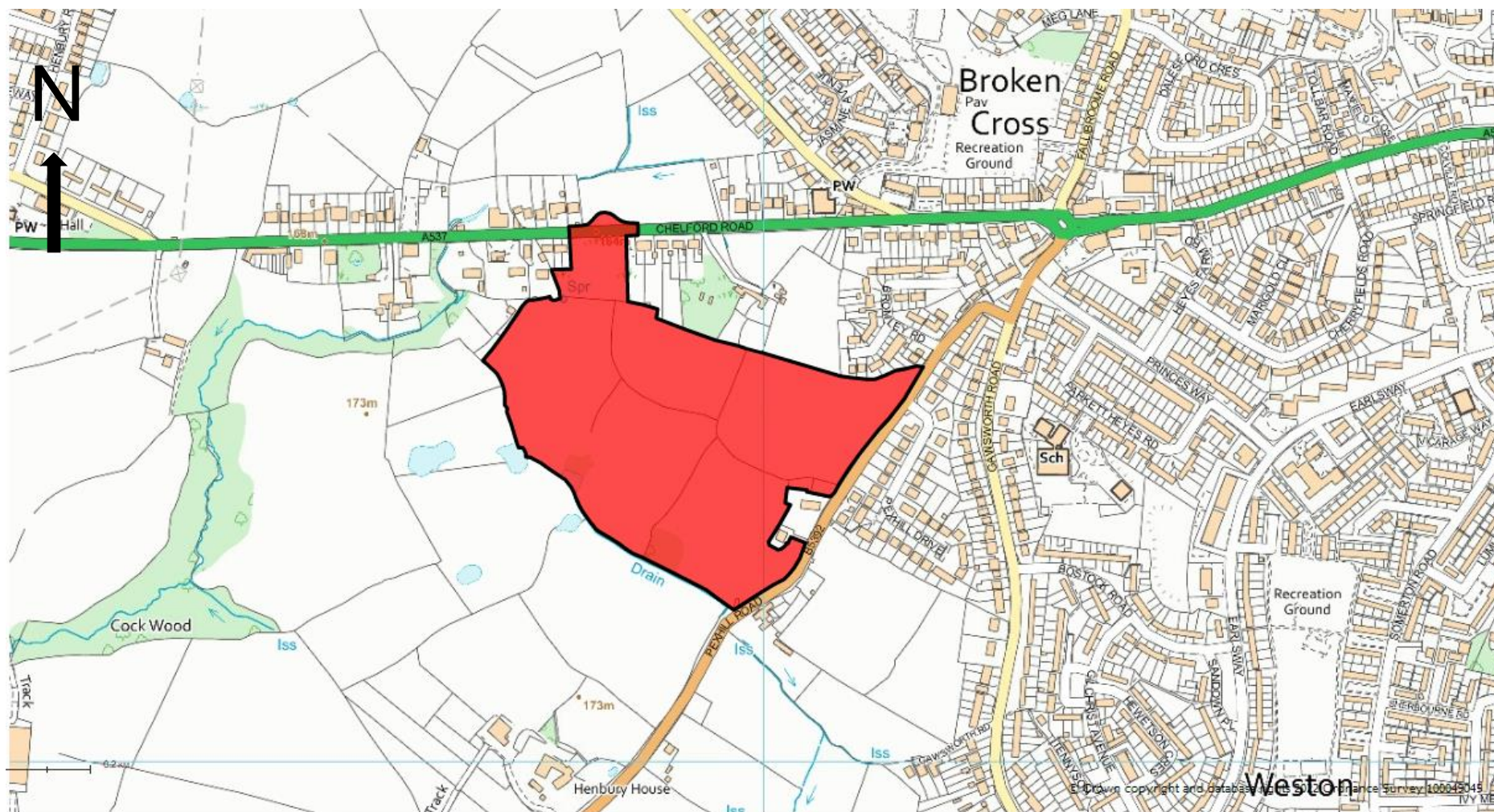
**21. Submission and implementation of Piling Method Statement**

**22. Hours of construction restricted**

**23. Scheme for the relocation and management of peat within the site**

**24. Accordance with details of open space / play space subject to further clarification**

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



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Application No: 22/0633C

Location: Land At, LONDON ROAD, HOLMES CHAPEL

Proposal: Residential development of 25 no. dwellings including associated infrastructure and landscaping.

Applicant: Bloor Homes

Expiry Date: 18-May-2022

## SUMMARY

The site lies within the open countryside, where national and local policy seeks to restrict development. The proposal does not fall within any of the exceptions prescribed by policy. However, the principle of a mixed residential and office development for 190 dwellings and 4200 sq m of Class B1 offices has already been established on this site and the adjoining land at appeal. This is a significant material consideration in favour of the scheme. This application seeks to provide an additional 25 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from the adjoining development. The delivery of the site for residential development will provide a small but positive contribution towards the Council's housing land supply and represents an efficient use of land. It is considered that, coupled with the economic benefits of the scheme, these are material considerations that outweigh the conflict with the development plan.

The proposal provides in excess of the required amount of affordable housing (36%), for which there is an established need in the area and there would be a good mix and density of housing. Six bungalows would be provided on site, which would assist in providing some level access accommodation. These are material considerations in favour of the development. The proposal achieves a high quality designed residential development providing continuity with the adjoining development. The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for future occupants.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare, open space and provision for outdoor and indoor sports and recreation would be secured as part of a s106 legal agreement. The NHS have not commented but did to a previous scheme, however, the 25 additional units is a marginal uplift in the context of the 190 already permitted and can be mitigated by financial contributions.

With respect to highways, the development will not have a detrimental impact on the local highway network even accounting for other committed developments. However, the development will need to mitigate its impact on the nearby London Road / Chester Road junction to provide some highway and pedestrian improvement works. These would be secured

by financial contribution. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

The impact on Jodrell Bank Radio telescope will be minor and balanced by the provision of electromagnetic screening measures in the proposed 25 units and the adjoining 114 units on Phase 2, which were not required to incorporate such measures.

The impact on trees and landscape is acceptable and subject to further review with respect to biodiversity net gain, the impact on ecology would be acceptable.

Details of drainage secured by condition will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

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 Congleton Borough Local Plan, the Brereton Neighbourhood Plan, relevant policies of the emerging SADPD and advice contained within the NPPF

#### **SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and a s106 agreement

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

The entire mixed development site measures 16.02 hectares and is located to the south of the settlement boundary of Holmes Chapel, in the parish of Brereton. It is located to the west of London Road, with its eastern boundary running parallel with the road for a distance of approximately 500 metres. The northernmost part of the site is located opposite Sanofi Aventis, and south of existing and proposed residential development. There are large commercial buildings in the landscape nearby (for example, RW Pugh farm equipment depot/large agricultural type shed is on the other side of London Road nearby). The western and southern boundaries of the site adjoin open countryside, with some sporadic residential and commercial development within the vicinity. The railway line runs in a north-easterly, south-westerly alignment to the north/west of the site.

The portion of the site to which this application relates comprises measures 1.87 ha in area and is directly to the south of the land with detailed consent for 190 no. dwellings. To the east is the area with approval for employment development and beyond this, London Road. The topography of the site is generally flat.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 25 no. dwellings. The site is part of the larger development for which outline planning permission has already been granted for the erection of up to 190 dwellings (planning ref; 14/5921C refers). Vehicular access would be provided through that adjoining development. The reserved matters pursuant to the outline

consent have been considered and accepted under a number of applications for the various phases of development.

## RELEVANT HISTORY

14/5921C - Outline permission granted on appeal a mixed use development including residential and commercial (outline) - Appeal Allowed 31-Oct-2016.

17/4869C - S73 application for of Variation of conditions 1 and 4 on application – Approved 05-Jan-2018

17/5721C - Retention of highways works to London Road – Approved 11-Dec-2017

17/6123C - Reserved Matters application for appearance, landscaping, layout and scale for the first phase of development (76 dwellings and open space) following outline approval 14/5921C - A mixed use development including residential and commercial - approved subject to conditions – Approved 14-May-2018

18/2611C - Reserved matters on application 14/5921C - A mixed use development including residential and commercial (outline). Comprised 3 office buildings in commercial zone - total floor area 3500 sq m of which Bloor Headquarters building (Building 1) is 2020 sq m – Approved 28-Sep-2018

18/5148C - S73 application for Variation of condition 4 to planning application 17/4869C - Variation of conditions 1 and 4 on application 14/5921C (allows 4200 sq m B1 floorspace on the site) - approved subject to conditions and S106 Agreement 19-Dec-2018

19/0014C - Reserved matters application for buildings 2 & 3 of the commercial development of 4,200 sq.m of employment use relating to application 14/5921C - A mixed use development including residential and commercial (outline) – Approved 21-Mar-2019

19/3855C – Reserved Matters (layout, appearance, landscaping and scale) for 114 dwellings of the remaining area to be developed as approved by outline 14/5921C – Approved 20-Mar-2020

18/4921C - Residential development of 25 no. dwellings (and a change in tenure of plots 120, 121 and 304 of permission 19/3855C to affordable rent) - (revised application) – Refused 19-Aug-2021 for the following reason:

*“The proposed development is unsustainable because it is located within the Open Countryside and would result in an adverse impact on appearance and character of the area, contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside) of the Cheshire East Local Plan Strategy, Policies HOU01 and HOU02 (Open Countryside and Settlement Boundaries) of the Brereton Neighborhood Plan, saved Policy PS8 (Open Countryside) of the Congleton Borough Local Plan First Review and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.”*

There were a number of revisions to the scheme during the life of the application, with the original scheme proposing 50 units, a subsequent scheme proposing 35 units and the refused scheme reduced down to 25.

## **POLICIES**

### **Development Plan**

#### 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
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
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

#### Congleton Borough Local Plan saved policies (CBLP)

PS8	Open Countryside
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR23	Provision of Services and Facilities
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation



Brereton Neighbourhood Plan (made on 29 March 2016)

HOU01	Settlement Boundary
HOU02	Exceptions to New Housing Development
HOU05	Open Space in new Housing Development
HOU10	Layout and New Design in Development
ENV04	Biodiversity and Geodiversity
ENV05	Development and Landscape

Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

GEN 1 Design principles  
ENV 1 Ecological network  
ENV 2 Ecological implementation  
ENV 3 Landscape character  
ENV 5 Landscaping  
ENV 6 Trees, hedgerows, and woodland implementation  
ENV 7 Climate Change  
ENV 12 Air quality  
ENV 16 Surface water management and flood risk  
HOU 1 Housing mix  
HOU 6 Space, Accessibility and wheelchair housing standards  
HOU10 Amenity  
HOU 11 Residential standards  
HOU 12 Housing Density  
HOU 13 Housing Delivery  
INF 1 Cycleways, bridleways and footpaths  
INF 3 Highways safety and access  
INF 9 Utilities  
REC 3 Green space implementation  
PG9 Settlement Boundaries

**Other Material Considerations**

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

**CONSULTATIONS (External to Planning)**

**ANSA / Greenspaces / CEC Leisure** – No objection subject to financial contributions towards existing Public Open Space facilities in the vicinity of the site and towards existing Recreation Open Space and outdoor sport.

**Cheshire Police** – No objection

**Education** - The Council's Children's Services have confirmed that the proposal would result in the requirement for financial contributions to offset the impacts of the proposal on secondary and primary school provision.

**Environmental Protection** – No objection subject to conditions relating to noise mitigation, provision of electric vehicle charging infrastructure, low emission boilers, dust management plan, a travel plan and contaminated land.

**Head of Strategic Infrastructure** – No objection subject to a financial contribution of £4,827 per unit (= total of £120,675) to be used towards implementation of highway and pedestrian improvements at London Road / Chester Road junction and a financial contribution of £12,000 to fund the speed limit change from 60mph to 40mph/30mph on London Road.

**Housing Strategy & Needs Manager** – Object due to lack of Affordable Housing Statement – note this has now been provided and is acceptable.

**Lead Local Flood Authority** – No comments received

**NHS** – no comments received

**Public Rights of Way Unit (PROW)** – No objection – the site is adjacent to Brereton Footpath no. 3 as recorded on the Definitive Map but would not directly affect it.

**United Utilities (UU)** – No objection subject to clarification on sewer connection and drainage conditions requiring foul and surface water to be connected on separate systems and submission of a scheme of surface water drainage.

**University of Manchester (Jodrell Bank)** – No comments received but objected to a previous 35 unit scheme - note that some development is already approved on this site but the impact from the additional potential contribution to the existing level of interference will be minor. This is a general direction in which there is already significant development close to the telescope.

## **VIEWS OF THE PARISH COUNCILS**

**Brereton Parish Council (BPC)** – Object on the following grounds:

1. The proposed development is contrary to the Cheshire East Local Plan and the Brereton Neighbourhood Plan and does not meet the conditions for it to be treated as an exception
2. The extra 25 houses would further stress the already overloaded facilities in the local service centre of Holmes Chapel which are used by the residents of Brereton Parish. This further stress would cause harm to the Brereton community
3. The increase in the number of houses may have a harmful impact of the efficiency of the Jodrell Bank Observatory

**Holmes Chapel Parish Council (HPC) – Object on the following grounds:**

Our previous objection still stands, but the Parish Council is disappointed about the removal of some of the S106 money indicated in the initial application. Should this application be approved, we would welcome further S106 contributions to improving the infrastructure in the village. However, we wish to highlight that the proposed additional houses remain outside the Cheshire East designated settlement boundary, and we emphasise again that the Cheshire East Local Plan policies for Housing Supply are being met and that there is no planning reason for these additional houses. The previous grounds for objection are as follows:

1. No demonstrable need for more homes in Holmes Chapel
1. Housing mix
2. Density of development and housing type inappropriate
3. Existing infrastructure cannot cope
4. Accuracy of the applicant's planning statement
5. Contravenes several policies of the Cheshire East Local Plan (CECLP), the draft CEC Site Allocations Development Policy Document (SADPD), the Cheshire East Design Guide Volume 2 and the Brereton and Holmes Chapel Neighbourhood Plans
6. There is a concern that further development on this site will not be sustainable with drainage of foul and surface water being overloaded.
7. Traffic will increase onto and off the site which has not been fully assessed.
8. CIL will apply and the existing S106 agreement will need modification. As the site is deemed to be part of the Settlement Area for Holmes Chapel as stated in the draft SADPD, it is assumed that all CIL payments will be made to Holmes Chapel Parish Council and suitable payments will be agreed for education and contributions towards health services as well as highways infrastructure improvements – footways and cycle lanes
9. Drainage issues and flooding
10. Developer sold other 190 houses on the basis that this site would be open space
11. Inconsistency in applying the CECLP policies by CEC Planning Officers
12. In approved, would expect a revised s106 towards highways infrastructure and education

**OTHER REPRESENTATIONS**

Representations have been received from 20 properties making the following comments:

- Support the proposal as the current market would certainly benefit from additional housing stock in close proximity to allow family support on a local level to be continued
- Desperately need additional properties so that there was an opportunity to upsize in the village at a reasonable price – already too many 4 – 5 bed properties
- Lack of consultation
- More pollution
- Poor workmanship in new builds
- Should use brownfield land first
- Roadworks on A50 ongoing and as a result of drainage problems
- Impact on biodiversity
- Financial contributions are not enough
- Nothing has changed from previous proposal

- You may be aware that there is already another Housing Development (Victoria Mills, Anwyl Homes) consisting of 138 properties currently being built
- Infrastructure - Local schools, pharmacy, GP surgery and dentist (no longer taking NHS patients) will not cope with additional demand
- Contrary to local and neighbourhood plan policies
- Do not need more houses as shown by CEC Housing Monitoring Update or more affordable units which are not justified
- Existing newbuilds are not selling
- Amount of development is creating a town and undermining the village feel
- Loss of countryside, wildlife, and agricultural land
- Need land such as this to produce our own food - allotments
- Traffic impact from additional cars including increased hazards for pedestrians and cyclists, congestion, and air pollution
- Insufficient parking within the village
- The SADPD acknowledges that Holmes Chapel does not need any more houses
- Construction in the area is causing noise and disruption
- Village is experiencing problems with drugs with the construction of other new builds
- Development too dense for a rural area
- Detrimental impact on Jodrell Bank Observatory
- Development contravenes the parish boundaries
- This will lead to further phases of development
- Proposal does not fulfil the three dimensions of sustainable development
- Appeals in the area have been dismissed on the basis that Cheshire East already has a 5-year housing land supply
- Damage to roads and property from construction
- Have all the impact assessments originally done been updated
- Local bus service has just been reduced
- Allocate more of the site to green space
- Local school Ofsted report declined due to new houses and overcapacity
- Most of the residents will drive to Holmes Chapel, not walk

## **OFFICER APPRAISAL**

### **Principle of Development**

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In this case, the development plan comprises of the Cheshire East Local Plan Strategy (CELPS), the made Brereton Neighbourhood Plan (NP) and the relevant saved policies of the Congleton Borough Local Plan First Review (CBLP).

According to the proposals map in the CBLP, and the policies map in the emerging SADPD, the site subject of this application is within the open countryside. It does not fall within any of the settlement boundaries within the Brereton Neighbourhood Plan and therefore is subject to open countryside policies.

Cheshire East Local Plan Strategy Policy PG6 states that within the Open Countryside, only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public

infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms. Similarly, saved Policy PS8 of the Congleton Borough Local Plan affords similar protection and remains part of the Development Plan until it is superseded by Part 2 of the Cheshire East Local Plan for Site Allocations and Development Management policies (SADPD).

This proposal specifically would deliver an additional 25 units pursuant to the 190 originally consented. This uplift in numbers would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside or development outside of the settlement boundaries identified in the Brereton Neighbourhood Plan. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”. The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. This is in line with the advice of the Framework, where para 12 states:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

The key issue is whether the material considerations in this particular case are sufficient to outweigh the conflict with the development plan.

The principle of developing the wider site was established on appeal when a scheme was allowed for a mixed-use development including residential and commercial (outline) which comprised of up to 190 residential units and 3500m<sup>2</sup> office development. The site subject of this application was included within that approval (and later variations), with the parameters plan / framework plans apportioning some of the 190 residential units in this area. Subsequently, the 190 units were able to be accommodated within a smaller area on the wider site, primarily through a higher proportion of smaller units than originally envisaged at outline stage. This has also assisted in providing a better mix of housing, which will be considered in more detail later in this report. Accordingly, the principle of residential development on the site has been accepted as part of the wider proposals for the site and indeed is well established with the delivery of the first phases of the approved development. This is a significant material consideration weighing in favour of the scheme.

The delivery of the site for residential development will provide a small but positive contribution towards the Council's housing land supply and assist in meeting the development requirements of the Borough over the remainder of the plan period. It will also make efficient use of land by providing additional units within a site where it has already been accepted that it would be given

over to development. The harm arising from the provision of a further 25 units in the context of the scheme for 190 would not be significant, representing an uplift of only 13%. CELPS Policy SE 2- Efficient Use of Land states that all windfall developments should 'build upon existing concentrations of activities and existing infrastructure'. This proposal would align with this aim and would represent an efficient use of land. This is given moderate weight in favour of the scheme.

Members may recall that the same designed scheme was refused by the Strategic Planning Board at its meeting of 18<sup>th</sup> August 2021. Whilst the proposal is for the same development, the applicant has increased the offer in terms of benefits that the proposal would bring. The key issue to consider is whether or not the additional benefits would be enough to amount to *material considerations* which would outweigh the conflict with the development plan.

The other benefits of the scheme cited by the applicant are as follows:

- *Would provide more affordable housing which is much needed and would provide more than is required by policy (9 units equating to 36%)*
- *Further bungalows are proposed in addition to the 3 no. bungalows currently approved*
- *A good housing mix*
- *Measures to mitigate the impact on the efficiency of the telescope at Jodrell Bank would be incorporated and have been on Phase 2 of the scheme, which were not required by the inspector when the appeal for 190 units was allowed*
- *Economic benefits from increased CIL payment, increase in direct and indirect construction jobs, increased direct and indirect in resident expenditure per annum; and additional supported jobs from increased expenditure in the local area*
- *Highways mitigation to the A50/A54 junction*
- *Speed limit reduction to A50 London Road*
- *New pedestrian crossing on London Road to enhance connectivity with the village centre*

Matters relating to affordable housing, housing type and mix and impact on the Jodrell Bank Telescope will be considered further. However, the provision of additional affordable units, 2 additional bungalows and the indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain do attract moderate weight in this case.

Taking these benefits in the round, but having particular regard to the existing commitment to develop the site for housing, it is considered that the benefits outweigh the conflict with Policy PG 6 of the Cheshire East Local Plan Strategy, Policy PS8 of the Congleton Brough Local Plan and Policy HOU01 of the Brereton Neighbourhood Plan.

### **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 (shared ownership).

As this is a scheme for 25 no. units, 8 of the units will be required to be affordable. To satisfy the required tenure split, 5 of the units would need to be provided as social rented accommodation and 3 of the units as shared ownership.

The current number of those on the Cheshire Homechoice waiting list with Holmes Chapel as their first choice is 190, up from 181 when the previously refused application was considered. This can be broken down as below;

First Choice	How many bedrooms do you require?			4	5	5+	Grand Total
	1	2	3				
<b>Holmes Chapel</b>	<b>87</b>	<b>56</b>	<b>33</b>	<b>8</b>	<b>6</b>		<b>190</b>

The intermediate need is the same as across the whole of Cheshire East. The need is for dwelling for 1<sup>st</sup> time buyers, couples and families who wish to buy but cannot without subsidy. As such, there is a clear need for the additional affordable units.

The submitted details show that 9 (36%) of the dwellings within the proposed 25 units will be provided as affordable units. The affordable units would comprise of:

2 x 1 bed apartment (affordable rent)  
 1 x 2 bed bungalow (shared ownership)  
 6 x 3 bed (3 affordable rent / 3 shared ownership)

It is considered that the tenures are appropriately pepper potted through the site and the Housing Strategy and Needs Manager has confirmed that these 25 extra units provides 36% Affordable Housing across the site and they are split 65%/35% as required. The previously refused scheme provided a reduced level of affordable housing with the balance being made up on the adjoining site. Housing also confirm that the types, including the much-needed bungalows will meet the local need for Holmes Chapel, and this is a benefit of the scheme. The location of the units on site are positioned well and pepper potted to an acceptable degree. Accordingly, the proposal complies with policy SC 5 of the CELPS. The affordable housing will need to be secured by a s106 agreement.

## Residential Mix

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

2 x 1 bed units  
 1 x 2 bed units

19 x 3 bed units  
3 x 4 bed units

A range of housing types are being proposed from 2 no. small sized 1 bed apartments, 6 no. 3 bed bungalows offering ground floor single storey entry, and a number of 3 bed and 4 bed dwellings. This general makeup of dwellings taken collectively with the adjoining development 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. 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 and reinforced by Policy GEN 1 of the SADPD. The relevant BfL12 headings are considered below:

Connections (Amber) - The proposal would be only accessible through the adjoining application site. The proposed layout would allow good pedestrian and cycle access around the perimeter and through the site and would link in with London Road to the east through the adjoining development.

Accommodation and Tenure Mix (Green) - The affordable units are situated towards the eastern edge of the site, however, in terms of the wider site, the affordable units are pepper-potted. The housing mix, size type and tenure are good with specific benefits arising from the provision of bungalow accommodation also.

Layout, Density and Frontage (Green) – This site is on the rural/urban fringe. It is part of a sizeable site which has an extensive frontage on to London Rd (A50). There are established landscape features that are extremely important to the character of the site, not least the strong tree and hedge lined frontage to London Road. Whilst peripheral hedging is indicated for retention some hedging is being lost to make way for the development. However, there is replacement planting provided.

The units are well laid out and would integrate successfully with the adjoining layout, which is well designed. Units would address key views and provide a focus for views to terminate on at key nodal points. Public spaces would be well overlooked, and feature corner plots utilised.



Character (Green) – The appearance of the units would follow that of the adjoining scheme, which achieves a good quality of design in line with the principles of the Design Guide. The units are found to be acceptable on their merits.

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 the Cheshire East Design Guide.

### **Jodrell Bank**

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

Policy SE 14 of the Cheshire East Local Plan Strategy (SE14) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

It is recognised that there is significant development across the region surrounding the telescopes and the University of Manchester has carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself. This analysis uses data provided by Cheshire East and the Ordnance Survey and uses the officially recognized propagation model provided by the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz' (ITU-P.452).

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. On this basis, the University of Manchester object to the proposal to add further units. The University note the reduction in additional dwellings and accept that this would lessen the impact on the telescopes. However, their objection remains as 25 additional dwellings would impair the efficiency of the telescopes. The reduction in additional dwellings reduces the impact from moderate to minor.

However, in the case of this proposal, it is important to note that in allowing the appeal to develop the wider site, the Inspector failed to impose a condition requiring the incorporation of electromagnetic screening measures within the external elevations of the development. Such measures help to impede the transmission of electromagnetic interference in the direction of the telescope typically associated with household items and equipment. The applicant has confirmed that despite not being required to do so, they are installing screening measures within all of the units on Phase 2 (114 units) and will do so within the additional 25 units. In context of the wider site, 25 units is a modest uplift. Coupled with this, the implementation of screening measures in 114 units which would not have otherwise been installed with such mitigation, would in this particular case, lessen the impact of the additional 25 units. Given that the University of Manchester have concluded that the impact of the scheme for 35 units would be 'minor', it is not considered that a refusal of planning permission could be sustained in this case even noting that the cumulative impact of this and other developments is more significant than each development individually. This is having regard to the balancing out of impacts from the additional screening measures.

## Education

In the case of the current proposal for 25 dwellings (23 x 2bed plus), a development of this size would generate:

- 4 primary children (23 x 0.19)
- 3 secondary children (23 x 0.15)
- 0 SEN children (23 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.

The Council's Children's Services have confirmed that there is a shortfall in school places and this needs to be alleviated by financial contributions. Children's Services have confirmed that this proposal would result in a claim for:

- $4 \times 11,919 \times 0.91 = £43,385$  (primary)
- $3 \times £17,959 \times 0.91 = £ 49,028$  (secondary)
- Total education contribution: £92,413

This would be secured by of a s106 legal agreement.

## Healthcare

No comments from the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have been received, However, the NHS CCG in commenting on the previous scheme advised that *"Holmes Chapel Health Centre operates from GP owned premises in the centre of Holmes Chapel. Built in the 1970s, the purpose built building was extended in the 1980s by expanding up and over the original single storey building. Two further extensions were added in 2011 and 2020 to help cope with additional demand. Further expansion and development will be required*

*over the coming years if the Health Centre is to continue meeting local demands based on organic growth of the population. Housing developments in the local area will add additional pressure on the existing infrastructure which will need investment in order to be able to accommodate future additional demand”.*

Holmes Chapel Health Centre is running at full capacity in terms of care for the existing practice population. The Practice has scoped its future demands, and advise that an extra 149 houses, places their predictions of capacity and capability to provide the supportive care at risk. The extended Primary Care Network have also had to absorb an extensive expansion programme of housing and as such, cannot assist in absorbing any additional demand. However, this proposal is for 25 units only. The NHS did not object to the larger scheme and having regard to the modest increase proportionately to the site wide scheme, it is not considered that a refusal could be sustained. The NHS did originally confirm that the increase could be suitably mitigated by financial contributions. Subject to these, the scheme is found to be acceptable in this regard.

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

Policy SE6 of the Cheshire East Local Plan Strategy provide 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.

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.

Using these figures, the development would be required to provide 920m<sup>2</sup> of children’s play and amenity green space for the family dwellings, and 500m<sup>2</sup> of G.I. Connectivity.

The submitted plans show that the wider development would far exceed these policy requirements to serve the proposed development in accordance with Policy SE6.

Policies SC1 and SC2 of the Cheshire East Council Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute towards both outdoor and indoor recreation.

A small orchard is proposed in the south east corner of the site which is welcomed.

Unfortunately, there is no play space or informal amenity grassed areas allocated for recreation. Much of the planting is wildflower and grassland mixes. Whilst it is appreciated this is for habitat and bio-diversity ANSA request some natural play elements are added with appropriate landscaping, along with educational/trail interpretation panels incorporated into the scheme plus seating.

In terms of outdoor sports facilities, the proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family dwelling or £500 per 2 bed space plus

apartment. The funds would be required on commencement of development and would be used in line with the Council's adopted Playing Pitch Strategy.

### **Residential 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

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 is applied too rigidly it will lead to uniformity and limit the potential to create strong street scenes and variety. This aligns with the residential standards referenced within Policy HOU 11 of the SADPD.

The nearest existing residential properties are located well in excess of any minimum separation standards. Internally, 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 way in which the units are set out and the high quality of design that units achieve. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy GR6 of the CBLP.

### **Noise**

The application is supported by a Noise Assessment. The impact of noise from road traffic on the A50 London Road and the Crewe to Manchester railway line on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and Department of Transport (1988) Calculation of Road Traffic Noise (CRTN). The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by environmental noise. The Council's Environmental Protection Unit has confirmed that conclusions of the report and methodology used are acceptable. Subject to conditions requiring implementation of the noise mitigation measures, the proposal complies with policy SE 12 of the CELPS and GR6 of the CBLP 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.

When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017).

This proposal is a full application for 25 dwellings as part of a larger development. These extra dwellings represent an increase on the original number submitted under the initial outline application, which combined will impact on air quality. However, the Council's Environmental

Protection Unit has confirmed that 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 and ENV 12 of the emerging SADPD.

## Highways

The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the internal road elements are similar to the layout previously approved and there are no technical highway issues with the proposed internal layout. The main difference is that the numbers of residential dwellings have increased by 25 units.

This application is in effect the same application as the previous one but with an additional package of measures to be provided in mitigation of the impact.

The site is located at the southern end of the site and linked into the internal road network of Phase 2 that provides access to this Phase 3 application. The proposed road infrastructure reflects the standard of design in the previous phases and there are a number of private drives included in this application.

The impact of the previous outline approval was assessed on the local road network and approved on the basis that it contributed to offsite highway improvements that were required to mitigate the traffic impact. The mitigation measures have not yet been implemented due to funding constraints in implementing the proposed roundabout at the London Rd/Chester Rd junction. It is intended that the Unilateral Undertaking agreed on the outline application is revised to allow the S106 funding to be spent on other measures within Holmes Chapel.

The additional 25 units would not unduly alter the previously assessed impact of the development. There is a requirement for improvements to be made off site and this still remains the case albeit that there would be slightly more peak hours traffic now generated by the site.

The outline permission provided a contribution towards the improvement of the London Road/Chester Road junction and as this further development increases the traffic impact at this junction, an additional contribution of £120,675 is required but as should not be specifically related to this junction and can be spent elsewhere.

The applicant is also proposing some additional improvements as part of this application - a new signalised pedestrian crossing on London Road to enhance pedestrian connectivity to Holmes Chapel.

A reduction in the speed limit from 60mph to 40mph/30mph on London Road is being proposed. A review of speed limits generally within the whole of CEC is currently being undertaken to determine the Council's speed limit strategy, until this process is complete there will be no change to existing speed limits.

The provision of a new pedestrian crossing is supported although the proposed location will need to be agreed with the Highway Authority and would be delivered via a S278 Agreement.

The level of car parking provided for the dwelling conforms with CEC parking standards and is acceptable, cycle parking will be provided in each dwelling either in garages or in sheds.

There are no highways objections to the application subject to the financial contributions being secured via S106 and also a condition attached securing the provision of signalised pedestrian crossing.

### **Landscape and Trees**

Policies SE 4 and SE 5 of the CELPS states that the Council will seek to ensure the sustainable management of trees, hedgerows and woodland in development proposals whilst respecting landscape character. The proposals would allow for the retention of almost all of the existing trees, hedgerows, ponds and woodland areas. In addition, the planting of new trees, hedges and shrubs are proposed throughout this phase of development. The Council's Principal Landscape Architect previously confirmed that the proposals will not result in any significant landscape or visual impacts. Accordingly, compliance with policies SE 4 and SE 5 of the CELPS is confirmed.

### **Ecology**

Under the current proposals additional residential units are proposed on an area of land that was Open Space/Landscaping/habitat creation areas permitted under reserved matters consent 19/3855C. The Council's Nature Conservation Officer (NCO) has advised on the following:

Badgers - No evidence of badger activity on site was recorded during the latest survey. Based on the current status of badgers on the site, proposed development is unlikely to result in an adverse impact upon this species. However, as the status of badgers on site can change within a short timescale, if planning consent is granted a condition should be attached which requires the submission of an updated survey prior to the commencement of development.

Great Crested Newts - This protected species is not reasonable likely to be present or affected by the proposed development.

Hedgehog - This priority species may occur on the application site on a transitory basis. The NCO advises that the proposed development would have a minor adverse impact upon this species if present. The submitted ecological assessment includes a method statement of reasonable avoidance measures designed to minimise the risk to hedgehogs (and other wildlife during the construction phase). If planning consent is granted these measures can be secured by conditions.

Bats - The submitted Ecological Assessment advises that there are trees on site that have potential to support roosting bats. No trees will however be removed as part of the proposed development. The proposals are therefore unlikely to have a direct impact upon roosting bats.

Lighting - To avoid any adverse impacts on bats resulting from any lighting associated with the development, condition should be attached requiring any additional lighting to be agreed with the LPA.

Hedgerows - Native Hedgerows are a priority habitat and hence a material consideration. The proposed layout will result in the loss of short sections of hedgerow to facilitate footpath routes. Losses of these sections of hedgerow have already taken place. The NCO advises that if planning consent is granted, sufficient compensatory hedgerow is shown on the submitted Landscape Plan to compensate for that lost.

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 upon biodiversity the applicant has submitted an assessment of the residual impacts of the proposed development using the Defra biodiversity 'metric' methodology. An assessment of this type calculates in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

In this instance the baseline for the assessment has been taken as the scheme consented under planning permission 19/3855C. The metric therefore seeks to demonstrate how the currently proposed scheme would deliver a net gain in relation to the extant consent.

The submitted metric shows that the proposed development would result in the loss of 2.42 biodiversity units. In order to address this loss and deliver a net gain for biodiversity, the applicant is proposing additional habitat creation and long-term management at the Adlington Estate (an offsite location). The proposals are detailed in the submitted Landscape and Ecological Management Plan.

The NCO has advised that the submitted proposals are acceptable. Conditions would be required to secure the delivery of the on-site habitat works. A section 106 agreement would however be required to secure the delivery of the offsite habitat creation measures.

Features for ecological enhancement - This application provides an opportunity to incorporate features, such as bat and bird boxes, gaps in garden fences for hedgehogs etc. These features can be secured by means of a condition.

Subject to conditions and a s106 agreement securing biodiversity gain off site, the scheme is found to be acceptable in terms of its ecological impact and accords with 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. A Flood Risk Assessment has been submitted. Whilst no comments have been received from the Local Lead Flood Authority, comprehensive scheme of surface water attenuation and drainage strategy has been developed for the wider site and will accommodate the proposed increase of 25 units. United Utilities have been consulted on this application and have no objection in principle subject to conditions. 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.

## **S106 HEADS OF TERMS**

A s106 agreement is currently being negotiated to secure:

- Affordable Housing comprising 36% (65% of which will be for affordable rent and 35% for shared ownership)
- Education contributions of £92,413
- NHS contributions of £54,432
- Public Open Space contributions of £75,000 towards additions amendments and improvements to existing POS facilities in the vicinity of the development.
- Indoor Sports contributions tbc
- Outdoor Sports contributions of £1,000 per family dwelling or £500 per 2 bed space plus apartment in line with the Council's Playing Pitch Strategy
- Highway and pedestrian improvements contribution of £120,675 towards Chester Road / London Road junction
- Highway contribution of £12,000 to fund the speed limit change from 60mph to 40mph/ 30mph on London Road
- Biodiversity net gain through additional habitat creation and long-term management at the Adlington Estate (an offsite location)

### **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 an above policy required level of affordable housing, public open space, indoor and outdoor sport (financial) mitigation and highway and pedestrian improvements at Chester Rd / London Rd junction, a contribution towards reducing the speed limit on London Road and contributions to ensure a biodiversity net gain is achieved would be necessary, fair and reasonable to provide a sustainable form of development, to outweigh the conflict with open the development plan and to contribute towards sustainable, inclusive and mixed communities in compliance with local and national planning policy.

The development would result in increased demand for primary and secondary school places within the catchment area which currently have a shortfall of school places. To increase the capacity of the schools which would support the proposed development, contributions towards primary and secondary school education are required based upon the number of units applied for. This is 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**

Whilst the proposal seeks to provide 25 dwellings in the open countryside, they would be accommodated on a site already committed for development. The comments received in representations have been given due consideration, however, the proposal is considered to be a sustainable form of development. The proposal would bring environmental, economic and



social benefits that would outweigh the policy conflict with the development plan in this case and the objections in relation to Jodrell Bank and healthcare provision, the impacts of which would be minor in the context of the wider development proposals. Accordingly, there are material considerations that outweigh the conflict with the development plan, and the application is therefore recommended for approval.

## **RECOMMENDATION**

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

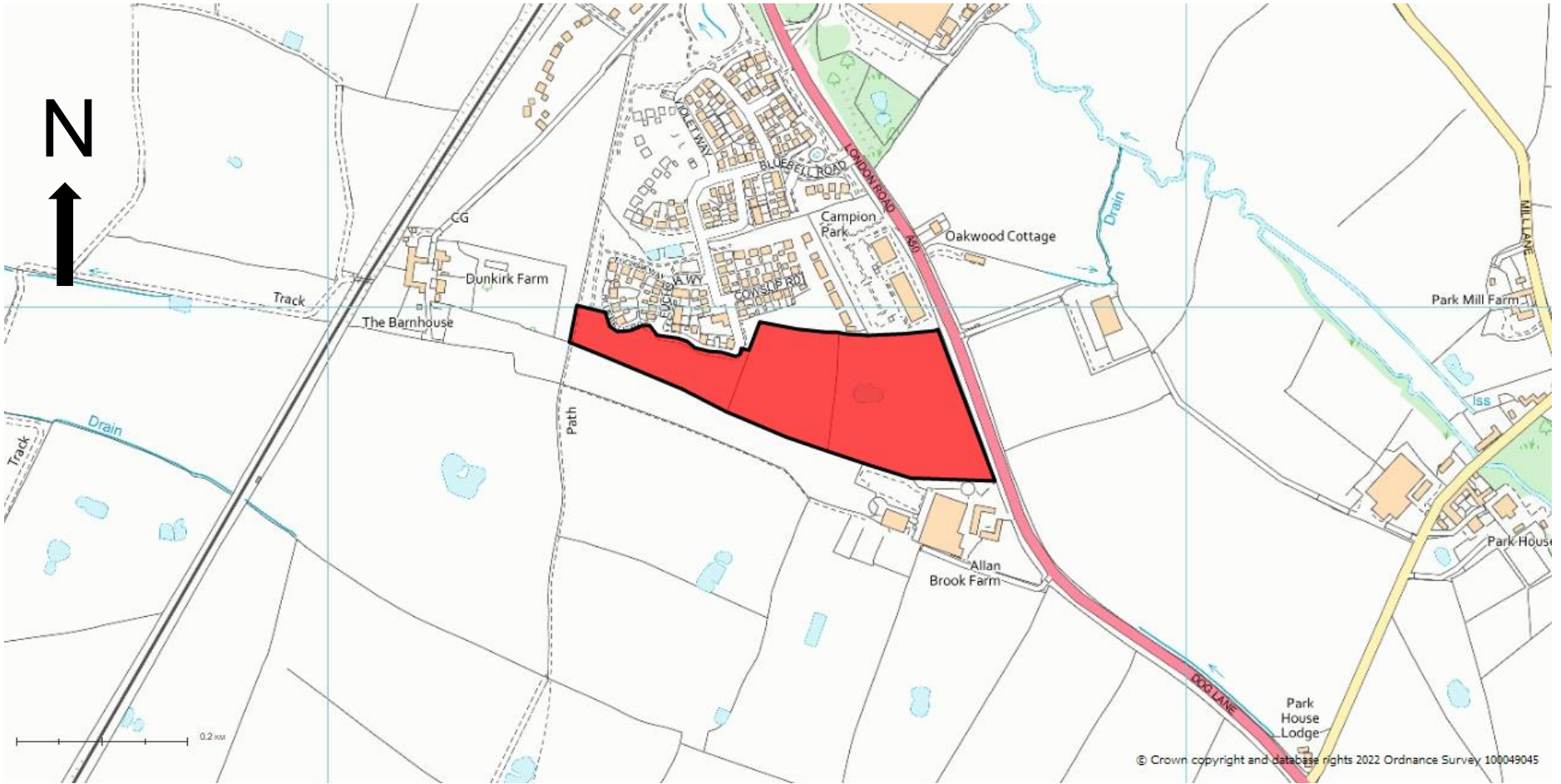
- **Affordable Housing comprising 36% (65% of which will be for affordable rent and 35% for shared ownership)**
- **Education contributions of £92,413**
- **NHS contributions of £54,432**
- **Public Open Space contributions of £75,000 towards additions amendments and improvements to existing POS facilities in the vicinity of the development.**
- **Indoor Sports contributions tbc**
- **Outdoor Sports contributions of £25,000 in line with the Council's Playing Pitch Strategy**
- **Highway and pedestrian improvements contribution of £120,675 towards Chester Road / London Road junction**
- **Highway contribution of £12,000 to fund the speed limit change from 60mph to 40mph/30mph on London Road**
- **Biodiversity net gain through additional habitat creation and long-term management at the Adlington Estate (an offsite location)**

**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. **Accordance with submitted noise mitigation scheme**
4. **Implementation of electric vehicle infrastructure plan (charging points)**
5. **Development to be carried out in accordance with submitted Flood Risk Assessment**
6. **Scheme of foul and surface water drainage to be submitted with foul and surface water to be connected on separate systems**
7. **Submission of a detailed drainage strategy / design, associated management / maintenance plan**
8. **Development to be carried out in accordance with the recommendations of the submitted Ecological Report**
9. **Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season**
10. **Proposals for the incorporation of features into the scheme suitable for use by nesting birds to be submitted**
11. **Lighting scheme including mitigation for bats**
12. **Accordance with submitted Affordable Housing Scheme**
13. **Facing materials to be submitted and approved**

14. Submission of a scheme for the implementation of electromagnetic screening measures
15. Implementation of landscaping scheme
16. Submission of a landscape and habitat management plan
17. Implementation of boundary treatments including measures for incorporation of gaps for hedgehogs
18. Removal of permitted development rights classes A-E
19. Removal of permitted development rights for fences, gates and walls
20. Submission of scheme for natural play elements along with educational/trail interpretation panels incorporated into the scheme plus seating
21. Contaminated land conditions

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued and / or in the event of an appeal being lodged, 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 Committee's decision.*



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Application No: 22/2338C

Location: Land to the East and West of VIKING WAY, CONGLETON, CW12 1TT

Proposal: Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment.

Applicant: Clowes Developments (North West) Limited

Expiry Date: 20-Sep-2022

### **SUMMARY**

This application proposes creating a platform for development following outline approval for the site. Reserved matters for part of this site (the commercial element west of Viking Way) has been submitted and is also on this agenda, a standalone application for a large commercial unit east of Viking Way has been submitted, and the application for the retail element is anticipated shortly.

Although this is a full planning application that needs to be considered on its merits – as it is not tied to the outline approval, it has still been submitted so that it does accord with the parameters approved at outline, although the sequencing, especially that of the ecology and greenway works need to be closely examined.

Highways have no objections, and although no comments have been received from the PROW Team, the line of the greenway to the River Dane is unaffected by the proposals.

The Council's Ecologist has raised a number of issues, most significantly how this application impacts on the provision of the River Dane corridor improvements which would not be secured by this application as it does not form reserved matters under the outline approval, unless another mechanism is secured. This has been discussed with the applicant and Members will be updated on the agreed approach.

Landscape, Design and Tree comments have influenced a number of changes to the scheme and revised plans have been received that seek to address matters raised. Members will be updated on final comments on these issues but from discussions held, and initial plans received, it is considered that most matters have now been addressed.

The Council's Flood Risk team have raised a number of issues, which the applicant is seeking to address, however these matters could be conditioned if necessary.

Finally issues of amenity, and contaminated land can be addressed through conditions.

Whilst at the time of writing this report there a number of issues to resolve, from discussions it is hoped all significant issues can be resolved by Committee.

### **RECOMMENDATION**

**Approve with conditions**

## **SITE DESCRIPTION**

This application relates to a 12.65 ha site, bisected by Viking Way effectively forming two parcels east and west of the road. The whole site has the benefit of outline planning permission under reference 19/5596C, which also included a residential development that is subject to a reserved matters application reference 22/0670C recently approved by Members. The residential element forms the northern and eastern boundaries to the parcel of land on the eastern side of Viking Way.

The western parcel gently slopes down towards the River Dane which forms the western boundary, although there is a step down towards the western boundary marked by a mature hedgerow. To the south is the Airbags factory, whilst to the north is an area of agricultural land, subject to a current planning application for housing under reference 22/1930C. The site currently has the remaining parking compound for the Congleton Link Road in the south-eastern corner, with the rest of the site being used for agriculture. The western boundary adjoining the river is heavily wooded, and there is a hedgerow with some trees running north south across the site towards this western boundary as noted above.

The eastern parcel is relatively level adjoining Viking Way, but then rises towards the east with a distinct terraced “step”, and a steeper slope to the boundary where it meets the adjoining residential proposal which would sit on a plateau above this site. The land is in agricultural use, and there are some trees/hedgerows to the site boundaries, and in particular a small area of woodland to the south-eastern corner, outside the application site. To the south there is a very recent commercial development which was nearing completion at the time of the site visit. To the north is the site recently approved for residential development.

There are no public footpaths crossing the site and no listed buildings or conservation areas affecting this site.

## **PROPOSAL**

This full planning application proposes a range of enabling works in advance of reserved matters approval for commercial/retail development on the site. The application title reads:

“...the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment.”

In effect the development would create the platform for future development by levelling the main areas of the site, although it is important to state the areas nearest the river corridor are relatively unaffected except for some proposed earth mounding back from the river edge/footpath route, to create landscape features.

Taking each element:

- Site hoardings – This consists of painted timber hoardings 2.4m high along Viking Way and Heras Fencing 2m high around the remaining site boundaries (excluding an existing section where there is already suitable boundary treatment around the works compound).
- Tree removal – Two groups of “low quality” trees, together with one poor and one moderate quality tree are proposed.
- Cut and fill excavations – As set out above, this aims to create development platforms for the commercial and retail elements of the scheme on either side of Viking Way. The main “area of change”

is removal of material to the rear (east) of the site creating a steeper slope and some deposition to the west, but the extent of change in these areas is less significant.

- Watercourse realignment – This involves a relatively minor adjustment to a drainage ditch on the north-eastern boundary of the site to take it closer to the site boundary.

The application has been recently revised with more information submitted showing the level changes, SUDS, and showing less abrupt level changes at the edge of the development platforms.

## **RELEVANT PLANNING HISTORY**

### Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

### Relating specifically to the wider site:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure. LAND OFF, VIKING WAY, CONGLETON. APPROVED 2 Feb 2022

In addition are the following applications submitted to-date (excluding discharge of condition applications) for other parts of the site included within the outline area:

22/2350C Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C LAND TO THE WEST OF VIKING WAY, CONGLETON. Also on this agenda

22/3338C Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way. Land to the East of, VIKING WAY, CONGLETON.

To the north of the site on the western side of Viking Way is a recently approved application for residential development:

22/0670C Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline. Land East of VIKING WAY, CONGLETON. APPROVED by SPB October 2022

An application for residential development to the north is under consideration;

22/1930C The demolition of certain existing buildings and the erection of residential dwellings (Use Class C3) with access, car parking, landscaping, public open space and associated infrastructure. MOUNT PLEASANT FARM, GIANTSWOOD LANE, HULME WALFIELD

Finally, an application for the retail element (local centre) of the site is anticipated shortly.

## **POLICIES**

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

PG1 – Development Strategy  
PG6 – Open Countryside  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 – Developer Contributions  
SC1 – Leisure and recreation  
SC2 – Indoor and outdoor recreation  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 13 - Flood Risk and Water Management  
CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

### **Saved policies in the Congleton Local Plan**

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures
GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

### **Neighbourhood Plans:**

The Hulme Walfield and Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness  
ENV2 Trees and Hedgerows  
ENV3 Multi Use Routes



ECON1 – Rural Economy  
INF1 – Infrastructure

### **Emerging Cheshire East Site Allocations and Development Policies Document (“SADPD”)**

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector’s Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

GEN1 - Design principles, ENV1 -Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, INF1 - Cycleways, bridleways and footpaths, INF3 - Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 – Utilities.

### **Other Material Considerations**

The National Planning Policy Framework  
National Planning Practice Guidance

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

**Environment Agency** – No objections, subject to a conditioning the Finished Floor Levels (FFL’s) of the development.

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

**CEC Environmental Health:** No objections, most matters were covered by comments on the outline application, but more detailed comments were received in relation to contaminated land.

**CEC Flood Risk Manager:** The LLFA have requested further information/clarity on a number of points. If this cannot be achieved intime for Committee this can be conditioned.

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

#### **Hulme Walfield and Somerford Booths Parish Council:**

The Parish Council requests that the site working hours stated in the Construction and Environmental Management Plan are revised to be 8am to 6pm on weekdays and 9am – 2pm on Saturdays and that this should include the start time for deliveries or the arrival of other contractors on site. This request is made in order to protect residents living close to the construction site.

**Congleton Town Council:**

Support the comments made by Hulme Walfield and Somerford Booths P.C.

**OTHER REPRESENTATIONS**

One local resident writes:

“Within the Construction and Environmental Management Plan the site start times are 7.30 am please can this be modified to 8.00 am as there are residents within a close proximity to the construction site and the sounds of vehicles and there reversing, plus loading and unloading creates noise pollution. The start time will also include any deliveries or other contactors on site.”

**OFFICER APPRAISAL**

**Principal of Development**

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

“The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare);
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park;
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction;
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;
7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
8. Contributions to health and education infrastructure; and
9. The provision of land required in connection with the Congleton Link Road as set out \*(Reference is made to Figure 15.32 within the CELPS in the above criteria)

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation. Some of the requirements, for example the contribution to the Congleton Link road, are set out in the Section 106 agreement.

**Highway Implications**

The enabling works proposed includes the removal of 13,000 cubic metres of soil over a six week period. It is indicated that the daily number of daily HGV movements is 100 two-way and all movements will be from the north via the CLR.

It is not the preference for the two construction access points to be provided opposite one another on Viking Way due to the potential conflict in turning movements. However, this is a temporary situation with the number of turning movements using the accesses being low, in these circumstances the design can be accepted. Swept paths have been provided to indicate that construction vehicles can enter and exit the site using the proposed access design.

There are no highways objections to the application.

### **Landscape**

Commenting on the original submission, landscape cannot at this stage support the application as there is insufficient information to assess the landscape and visual impacts of the proposed development. As such, it does not currently comply with the following policies:

- CELPS Policy SE 4 – The Landscape
- CELPS Policy SE 5 – Trees, Hedgerows and Woodland.

To assess the application adequately, the following information is therefore required:

- Updated arboricultural information
- Landscape Scheme
- Updated Habitat Creation and Management Plan.

The site comprises agricultural land situated to the east and west of Viking Way and to the north of the Congleton settlement area. It is not covered by any national landscape designations. Locally, the land does not form part of the published landscape character data from the Cheshire East Landscape Character Assessment (LUC, 2018) or a Local Landscape Designation Area. The River Dane runs along the western boundary of the site.

As per the comments from CEC Forestry, the submitted Tree Survey and Retention & Removal Advice – Enabling Works contains several inconsistencies that require revision prior to determination. The application proposes the removal of alternative vegetation (ID nos. 60, 68, TG6 and TG7) to the outline planning application, which are deemed to be of comparable arboricultural value. This additional loss is unlikely to result in significant changes to the landscape (when considered in its entirety), although additional loss and disruption to existing surveyed features has not been accounted for. This includes the partial loss of two hedgerows (ID nos. H4 and H8) and two trees (ID nos. 59 and 73) listed as being retained. Furthermore, details on the mitigation measures for the retained vegetation, including the accompanying Tree Protection Plan, do not appear to have been submitted. Without this information, it is not possible to adequately determine the full landscape and visual impacts of the proposals.

As noted above, mitigation for the additional loss does not appear to have been accounted for within the application and it is unclear how this would be achieved. Given that this is a full planning application for a major development, a landscape scheme should be submitted as part of this application to adequately determine the full effects of the enabling works. This should be based on the final layout for this phase of works and include any required mitigation or reinstatement for any additional losses identified as part of the updates to the arboricultural information.

The Habitat Creation and Management Plan includes a landscape scheme, although this appears to be based on an older version of the scheme layout. This document should be updated to account for the

revised arboricultural information and the latest scheme for the proposed enabling works. Further recommendations for this document are listed below.

### Further recommendations

In addition to the above, a series of recommended comments/actions should also be considered prior to the submission of the final planning application in relation to the:

- Proposed Enabling Works Level and Sections
- Construction and Environmental Management Plan
- Habitat Creation and Management Plan

1.

These matters have been discussed with the applicant, and revised/additional plans have now been received, which it is anticipated will address the main concerns of the Landscape Officer. Members will be updated accordingly.

### Trees

This element of the wider application site which has Outline approval (19/5596C) does not presently benefit from any statutory protection. The application has been supported by a Tree Survey and Retention and Removal Advice – Enabling works.

The survey has identified a total of 5 individual and 2 groups of high quality A Category trees which include 2 veteran trees, 6 individual and 2 Woodlands of moderate quality B Category trees and 1 individual and 5 groups of low-quality C Category trees. The assessment has indicated that 1 individual moderate quality tree and 1 individual and 2 groups of low-quality trees would be removed to accommodate the proposal. The application contains levels details and the finished floor levels for the commercial floor space in addition to the route of a path around the periphery of the site.

There are no objections to the tree removals as proposed although the application appears to suggest that additional hedgerows will be lost in excess of what was originally anticipated at Outline. The submitted arboricultural information does not appraise or quantify the extent of hedgerow losses or adequately demonstrate that the losses will be mitigated for elsewhere. New hedgerow losses should be confirmed on plans with confirmation provided regards the additional loss of hedgerows arising from the changes in levels required to implement this enabling works proposal to ensure that this can be factored into future mitigation and landscaping of the site.

A Tree Protection Plan needs to be provided for evaluation prior to determination of this application. The plans indicate that the extended Natural England Buffer Zone is respected with regard to the 2 veteran trees T74 Ash and T58 Alder. Notwithstanding this the plans indicate that not insignificant levels changes occur to the periphery of the RPA's and provision to clearly define this as the construction exclusion zone throughout any construction period needs to be made. The plans submitted with regard to trees shows an area of blue cross hatching to the east of T74 and its unclear what this denotes and how the change in levels will be retained. Confirmation should be provided as to whether this will comprise of a gabion wall and how the graded swales will be maintained, installed to prevent slippage of spoil into the RPA (Root Protection Area) given that levels will be raised in height by up to 5 metres to the east of the tree.

It's noted that a footpath winds across the northern boundary of the site within the RPA's of A Category trees T72 and T73 and that lowering of levels is proposed of up to 300mm within the RPA of T73. The Report states that no material risks to retained trees have been identified. It's considered that the installation of any section of new hard standing within the RPA's should feature in a detailed method statement with areas where any special measures will be required clearly indicated on the Tree Protection Plan. In addition, provision to mitigate for the tree losses proposed should also feature on a supporting plan with this application.

The applicant has submitted revised information seeking to address these comments and Members will be updated on the Tree Officer's comments.

### **Design**

The Design Officer, again commenting on the original scheme, whilst appreciating this is a full application, strong regard must be had to the outline approval and design code approved as part of that. There is concern that this independent application for enabling works could undermine the objectives of the code, as discussed below.

Levels were a very sensitive matter during the outline application, because of landscape and design concern regarding the degree of change to topography and consequent landscape but also because of how the development would sit appropriately in the wider landscape. This led to production of a number of cross sections to reassure about prospective levels changes and to help define specific max height parameters for buildings (p 81) with associated description in the design code.

#### Proposed levels and associated ground works on the eastern edge of the site

There are considerable levels changes on the eastern edge of the site between the eastern commercial parcel and the central landscape spine. The drawings indicate a sheet pile retaining wall in the SE corner with a maximum height on the eastern edge at 3.5 metres and substantive levels changes to the embankment to the east of the eastern commercial zone, diminishing slightly further north. Whilst levels changes were anticipated, this doesn't seem like a very sympathetic approach given the entire premise was to work as much as possible with the site's natural characteristics and build upon those. This area is going to feel very engineered and is reliant on the land to the east to act as a buffer and backdrop. How will the retaining wall and embankments affect future landscaping and delivery of the Carrs landscape envisioned for this part of the site by the Masterplan and design code at outline.

The scheme also proposes realignment of a ditch in the NE corner, but again it is difficult to gauge how this affects the landscaping and footpath on the adjacent housing site. Are the proposals being properly co-ordinated so there is a seamless approach?

#### Levels change to Viking Way frontage

The site is being raised by between 2 and 2.5 metres on the frontage with Viking Way. This will potentially add a significant amount to the perceived height of buildings from Viking Way. This could be the difference between a building either integrating with or being damaging to the wider landscape. Additionally, what does this mean in terms of securing SuDS ponds/swales to the frontage of the eastern commercial/local centre part of the site? The required SuDS are not shown on the cross sections and the levels changes seem to preclude them, therefore this part of the landscape strategy could be completely altered by this independent application. These features are not optional: they are an integral

part of the place making for the wider development and characterisation of the Viking Way corridor to help to create a green entrance along Viking Way and into the town. This approach to characterising through blue infrastructure is being employed on the other parts of the wider Local Plan allocation and therefore the integrity of this approach is at risk by this proposal.

#### Levels change to the south western corner of the site

This part of the site is considered very sensitive given the relationship to the River Dane and so, albeit levels changes here are no more pronounced (circa 2 metres at the western edge), then that degree of change could be problematic given the maximum height parameter for buildings approved at outline on this part of the site. The platform also seems to be extending further west than the extent indicated in parameter and regulating plans for the outline, resulting in a contrived semi-circular embankment to avoid the RPA of the feature tree in the proposed Dane buffer area and presumably the potential for a building to encroach closer to the river than was envisaged? Cross section A-A also refers to potential SuDs in the developable zone of this part of the site, which was never really envisaged at outline.

As set out in the Landscape Section above, following discussions, revised plans have now been received which are considered to largely address the concerns, but Members will be updated on the Design Officers revised comments.

#### **Ecology**

Whilst there is an outline consent at this site (19/5596C), this application for enabling works is not a reserved matters application. Therefore, it must be ensured that this application does not prejudice compliance with the conditions attached to the outline consent.

The outline consent included the delivery of habitat creation and landscape works within the River Dane Corridor. Condition 3 (below) requires the submission of a phasing plan including the delivery of works in the river corridor. The delivery of the habitat creation works as detailed in condition 3 is an essential element of the outline scheme.

A number of conditions were attached to the outline consent relating to nature conservation matters. The submitted application has made some attempts to comply with these conditions.

#### Condition 3

*The 1st reserved matters application submitted pursuant to this outline consent shall be supported by Phasing Plan showing the phasing of the entire development. The Phasing Plan shall secure the delivery of habitat creation/ecological mitigation throughout the River Dane corridor which shall be provided in accordance with a timetable, first agreed in writing by the Local Planning Authority. The use of the term 'phase' in these conditions refers to the phases of development shown on the approved phasing plan. Thereafter, development shall be carried out in accordance with the approved phasing plan.*

As previously mentioned, this application is not a reserved matters application therefore this condition does not strictly apply to this application.

As this application is not the 1<sup>st</sup> reserved matters application and so subject to condition 3, there is a risk that the enabling works could commence on site without the habitat creation works in the River Dane Corridor being triggered.

A number of applications are currently under consideration by the Council. Application 22/0670c (Bloor Homes), did not include any proposals for the delivery of the River Dane Corridor Works, but instead stated that these would be delivered at the same time as the retail and commercial phases. Application 22/2350C (Clowes Development – reserved matters) does refer to the delivery of the River Dane corridor but states these would be delivered under Phase 3.

It is therefore not clear which application would be considered to be the 1<sup>st</sup> reserved matters application for the purpose of condition 3. Importantly, it is uncertain as to which application is required to provide the required phasing plan and importantly to deliver the habitat creation works in the River Dane corridor.

The Habitat Creation and Management Plan submitted with this application does include a phasing plan. Also the submitted ecological supporting letter states that the delivery of the River Dane Corridor habitat creation works would be in tandem with site clearance works.

There is an option for the delivery of the River Dane works to be secured as part of this enabling works application by means of a condition.

This issue must however be resolved prior to the grant of any further application at this site. And a common approach must be detailed with each application.

A number of bunds are proposed within the River Dane corridor. It is suggested that a view from Landscape on the acceptability of these is sought.

### Condition 7 and 13

*Reserved matters to be supported by habitat creation method statement and 30 year management plan and ecological monitoring.*

Whilst this application is not a reserved matters application, a scheme as required by this condition has been submitted. The submitted Habitat Creation method statement and Management plan includes a detailed landscape plan provided as an appendix.

The detailed landscape plans show areas of 'species rich grassland' and 'Proposed Wildflower Meadow' it is unclear what the distinction between these two landscape treatments is. Confirmation of this point is required, or the landscape plans should be amended to show a single landscape treatment for enhanced grassland habitats.

The outline scheme is dependent upon habitat enhancements being delivered within the additional blue line land to achieve biodiversity net gain. No details have been provided for this additional area. It is advised that detailed landscape proposals, reflecting the BNG calculations, must be provided for this area. These must be submitted with whichever application delivers the River Dane corridor works.

### Condition 8

*Any Reserved Matters Application involving the installation of the surface water outfall into the River Dane shall be supported by an updated Otter and Water Vole Survey. The survey shall be carried out by a suitably qualified person. Development shall be carried out in accordance with the approved detail.*

An updated water vole and otter survey has been submitted as required by this condition. The submitted survey report refers to the delivery of an outfall as part of the enabling works application, but no details of the proposed outfall appear to have been submitted.

Confirmation of the location of the outfall and an assessment of its hydro-morphological impacts on the River Dane are specific requirement of condition 12 of the outline consent. Confirmation of this point is therefore required.

#### Condition 9 Updated badger survey

An updated badger survey has been submitted as required by this condition. No badger setts were identified on site. Badgers are however active on site and the proposed development will result in the loss of suitable badger foraging habitat which would result in a localised adverse impact upon this species. If planning consent is granted, it is recommended that a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

#### Condition 10 A scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The proposed enabling works will result in the loss of a length of hedgerow from the sites interior and also a greater loss from the hedgerow associated with the hedgerow in the south- western corner of the site than was anticipated at the time the outline consent was determined. Hedgerow planting is proposed within the River Dane corridor, but that is not at present secured by this application.

Details of the extent of hedgerow lost to the enabling works and the length of new native species hedgerows proposed must be provided as part of the application.

#### Submitted plans

The submitted plans do not show what if any enabling works are proposed for the south-western corner of the development as the submitted plan appears to 'cut off' this part of the site. Confirmation is required as to what works are proposed in this part of the site.

#### River Dane (Radnor Bridge to Congleton Local Wildlife Site (LWS))

This LWS is located on the western boundary of this site. An acceptable buffer between the development and the LWS was shown on the parameters plan associated with the outline consent.

If planning consent is granted it is recommended that a condition be attached that requires the submission of a method statement for the safeguarding of the LWS, including the fencing off of a no-go area during the construction phase.

#### Bats

A number of trees were identified at the outline stage as offering potential to support roosting bats. Based upon the submitted tree reports it appears likely that one of these trees would be removed. This tree is identified as T59 on the submitted tree survey and T2 by the ecological assessment submitted with the outline application.

It is advised that confirmation is required as to whether any trees with bat roost potential are to be removed as part of the proposed development, and if so detailed bat surveys of the trees will be required prior to determination.

A number of conditions are recommended, including one to ensure that the required enhancement works to the river corridor are carried out at the commencement of this development, as it would not be covered by the outline.



As above, revised information has been submitted which will hopefully address these outstanding matters, and Members will be updated accordingly.

### **Amenity**

There are no residential properties on or immediately adjacent to the site, and the nearest properties are a farm complex of dwellings off the fishing club access, referred to as Home Farm/Sandylane Mews on the plateau above.

In line with comments from the Parish Council, a local resident and Environmental Health the working hours should be restricted by condition.

### **Contaminated Land**

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

- The application is for enabling works, including cut and fill and a watercourse diversion.
- A Phase I Preliminary Risk Assessment (Report Ref: 166-19-087-11, ASL, August 2019) has been submitted for our review.
  - o The Phase I report assesses a larger area than that of this planning application. Areas 5, 6 and 8 within the report are relevant to this application.
  - o The report identified a number of contaminant linkages, but these were for the wider site and the contaminant linkages pertaining to Areas 5, 6 and 8 were not specified.
- A geo-environmental report has been submitted in support of the planning application (Report Ref: PJSG20-27-R01, PJS Geotechnical Engineers Ltd., 4 August 2020).
  - o The submitted report presents a desk based review of available information and a Conceptual Model for the site.
  - o A ground investigation was undertaken to confirm the Conceptual Model.
  - o Made ground was encountered at three exploratory hole locations, however only one sample of made ground was analysed (WS104 at 1m bgl). If this material is planned to be moved within the site or off site as part of the works, further sampling may be required so the material can be characterised appropriately and a suitable destination can be determined.
  - o The current plans show the western area to be predominantly subject to filling works (with the exception of some areas). The impacts of the gassing regime should be considered as a result of the proposals to place material on this area.
  - o Further investigation works are proposed, these should be undertaken and submitted in support of (a) future planning application(s) for the site.
- An intrusive ground investigation report was also submitted for our review (Report Ref: MJH/J2026/D1/1, Construction Design Solutions, June 2022).
  - o The investigation was predominantly undertaken for geotechnical purposes, however some land contamination information was gathered from an area which was inaccessible at the time of the previous investigation.
  - o The samples recovered from this area did not reveal any significant contamination.

- Soils are proposed to be excavated and re-used within the planning application boundary. The Environment Agency should be contacted for further advice with regards to any exemptions required for this work
- Should any adverse ground conditions be encountered during the excavation works, all work in that area should cease and this section be contacted for advice.

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, the contaminated land team recommends a number of conditions, reasons and notes that should be attached should planning permission be granted.

### **Flood Risk/Drainage**

The LLFA, commenting on the submitted Flood Risk Assessment and Drainage Strategy have a number of matters they think the applicant needs to clarify:

- 1) There is additional land drainage/ordinary watercourse in proximity to the proposed development and surface water drainage infrastructure which has not been accounted for within the FRA or drainage strategy submitted. It is important that this ordinary watercourse is surveyed to establish its exact route and capacity prior to approval as this may impact the proposed development layout forming this current application (22/3338C).
- 2) Has any long-term groundwater monitoring been undertaken to determine the appropriate depth of swale/basins and whether any proposed dewatering would have an impact on Westlow Mere? If not, then this will require a groundwater monitoring condition to be attached to this current application.
- 3) A formal land drainage consent application to the LLFA for the proposed ordinary watercourse diversion works described within the proposals is required.
- 4) If the swales are to be designed as permanently wet drainage features, then the permanent water level must be factored into the storm water design calculations to ensure there is adequate capacity and freeboard allowance.
- 5) Some elements of the drainage layout are missing.
- 6) Cross sections of the proposed attenuation tank are required, as no construction details have been submitted. Additionally, given the varying water table levels across site, flotation forces need to be considered within the structural design.

They note that no surface water discharge on this phase should commence until the required downstream hydrobrake has been constructed, and the developer will need to apply for a land drainage consent application under Land Drainage Act 1991 prior to any connection.

- 7) A SUDs maintenance plan should be submitted for the proposed surface water drainage strategy.

If this information cannot be provided as part of this application, then the LLFA would advise that conditions relating to groundwater monitoring scheme and dewatering operations, and an overall detailed strategy / design limiting the surface water runoff generated by the proposed development, associated

management / maintenance plan and managing overland flow routes for the site, are attached to the decision notice please.

### **Implementation of Ecology and Landscape mitigation**

As discussed above, there was a concern that should this application be approved, and implemented, but the subsequent Reserved Matters application(s) are not, then the required mitigation may not take place. This is particularly important for the River Dane corridor works. The applicant however has now submitted this information in connection with this application so it can be conditioned accordingly.

### **CONCLUSIONS**

This application proposes creating a development platform for development following outline approval for the site. Reserved matters for part of this site (the commercial element west of Viking Way) has been submitted and is also on this agenda, a standalone application for a large commercial unit east of Viking Way has been submitted, and the application for the retail element is anticipated shortly.

Although this is a full planning application that needs to be considered on its merits – as it is not tied to the outline approval, it has still been submitted so that it does accord with the parameters approved at outline, although the sequencing, especially that of the ecology and greenway works need to be closely examined.

Highways have no objections, and although no comments have been received from the PROW Team, the line of the greenway to the River Dane is unaffected by the proposals.

The Council's Ecologist has raised a number of issues, most significantly how this application impacts on the provision of the River Dane corridor improvements which would not be secured by this application as it does not form reserved matters under the outline approval, unless another mechanism is secured. This has been discussed with the applicant and Members will be updated on the agreed approach.

Landscape, Design and Tree comments have influenced a number of changes to the scheme and revised plans have been received that seek to address matters raised. Members will be updated on final comments on these issues but from discussions held, and initial plans received, it is considered that most matters have now been addressed.

The Council's Flood Risk team have raised a number of issues, which the applicant is seeking to address, however these matters could be conditioned if necessary.

Finally issues of amenity, and contaminated land can be addressed through conditions.

Whilst at the time of writing this report there a number of issues to resolve, from discussions it is hoped all significant issues can be resolved by Committee.

## **RECOMMENDATION**

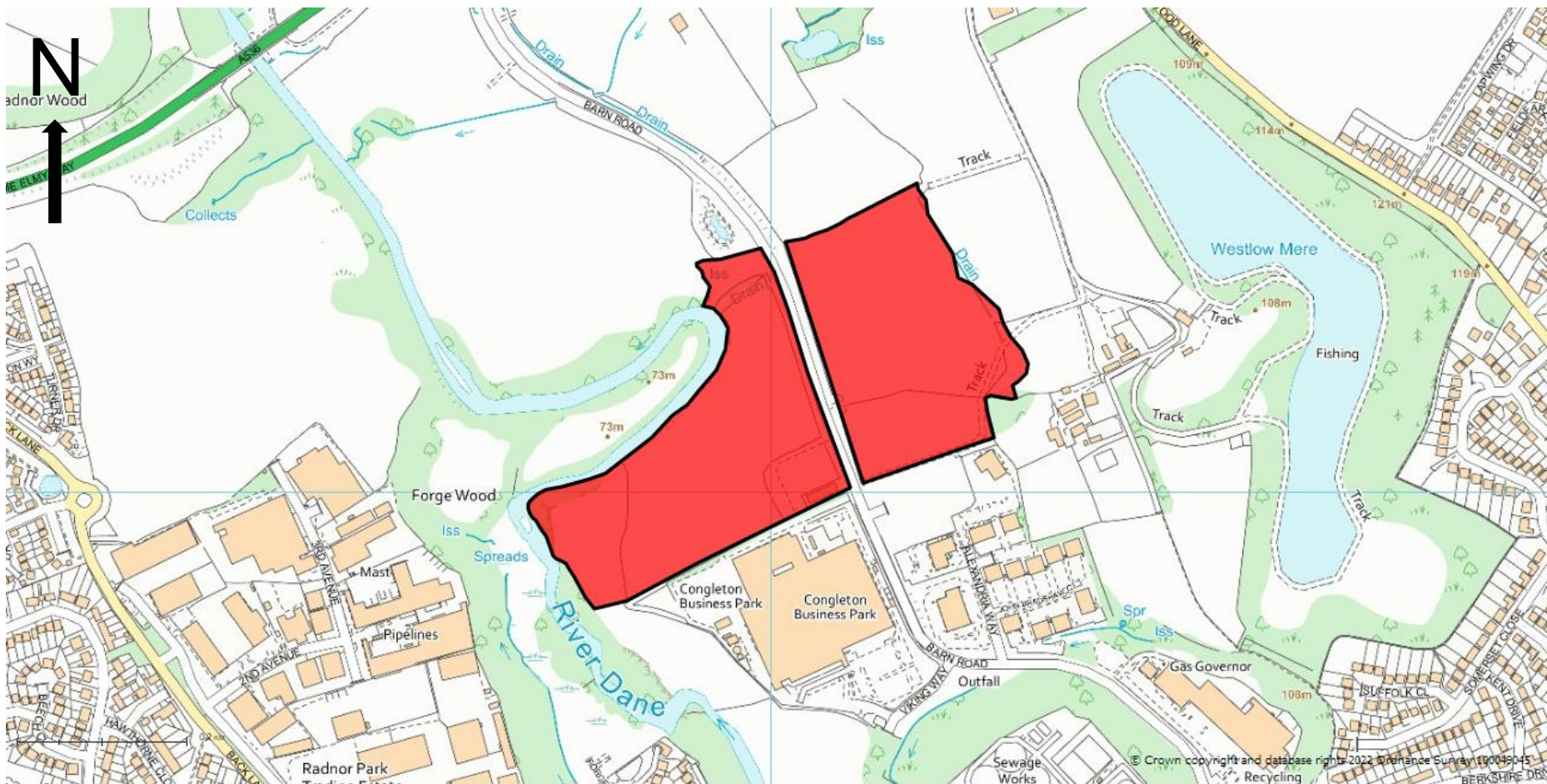
**Approve subject to the following conditions;**

- 1. Standard 3 year consent**
- 1. Approved plans**
- 2. Tree retention**
- 3. Tree Protection**
- 4. Arboricultural method statement**
- 5. Levels survey – Trees**
- 6. Safeguarding nesting birds**
- 7. Updated badger survey prior to commencement of development.**
- 8. Updated otter and water vole survey to be undertaken prior to installation of outfall onto River Dane.**
- 9. Detailed designs of the ponds.**
- 10. Condition to secure implementation of the habitat creation method statement and habitat management plan. Including a time-table and trigger for commencement and completion of works within the River Dane Corridor.**
- 11. Submission of method statement for the safeguarding of the River Dane LWS during the construction phase.**
- 12. Contaminated Land – unexpected findings**
- 13. Construction & Environmental Management Plan to include hours of working**
- 14. Drainage - groundwater monitoring scheme and dewatering operations**
- 15. Submission of an overall detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing overland flow routes for the site.**
- 16. Implementation/maintenance of Landscaping**

**Informatives;**

- Water Course & Bylaw 10**
- EP Standard informs**

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



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Application No: 22/2350C

Location: LAND TO THE WEST OF VIKING WAY, CONGLETON, CW12 1TT

Proposal: Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C

Applicant: Clowes Developments (North West) Limited

Expiry Date: 08-Sep-2022

### **SUMMARY**

This reserved matters application proposes a number of commercial units with associated infrastructure, on the western side of Viking Way, referred to as Phase 2 of the development approved in outline under reference 19/5596C.

Highways, subject to a condition requiring a 3m foot/cycleway on the road frontage, have raised no objections.

The Landscape and Design Officers have raised a number of issues, which have been discussed with the applicant and revised plans have been submitted to that effect. Members will be updated on their final comments.

The Tree Officer similarly raised a number of matters that need to be clarified and again following revised submissions, it is hoped these matters have now been addressed.

Finally additional information has been received to address comments from the Council's Ecologist, and Members will be updated accordingly.

The Council's Flood Risk team have raised a number of issues, which the applicant is seeking to address, however these matters could be conditioned if necessary.

Finally issues of amenity, and contaminated land can be addressed through conditions.

Whilst at the time of writing this report there a number of issues to resolve, from discussions it is hoped all significant issues can be resolved by Committee.

### **RECOMMENDATION**

**Approve with conditions**

### **SITE DESCRIPTION**

This application relates to a site, to the west of Viking Way, bounded by the River Dane to the west and part northern boundary, with agricultural land to the remaining northern boundary, subject to an application for residential use under reference 22/1930C. To the south is the Airbags factory.

The site gently slopes east to west, although there is a step in the land marked by a mature hedgerow line towards the western boundary. The area adjoining the River Dane is heavily wooded, and the river itself sits a lower level.

There are no public footpaths crossing the site and no listed buildings or conservation areas affecting this site. The western edge of the site, adjoining the River Dane falls in flood Zones 2 & 3, however the majority of the site where the built development is proposed, falls within Flood Zone 1 (least risk of flooding).

## **PROPOSAL**

This Reserved Matters application relates to the first commercial phase of the Viking Way development approved in outline under reference 19/5596C. The application seeks details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C.

The development consists of the following elements:

- Severn stand-alone commercial buildings totalling 8,860 sq m (93,400 sq feet) in use classes B2/B8 & E(g). essentially industrial, storage/warehousing, offices and R & D.
- Car parking and servicing areas
- Footpath/cycle link from Viking Way to the River Dane
- Landscaping and ecological areas mainly alongside the River Dane

Revised/additional information has recently been submitted to address comments received.

## **RELEVANT PLANNING HISTORY**

### Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

### Relating specifically to the larger site:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure. LAND OFF, VIKING WAY, CONGLETON APPROVED 2 Feb 2022

The following application has recently been approved on the site to the north and east of Viking Way:

22/0670C Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact



Assessment was submitted to the Local Planning Authority as part of the outline. Land East of VIKING WAY, CONGLETON

In addition are the following applications submitted to-date (excluding discharge of condition applications) for other parts of the site included within the outline area:

22/2338C Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment. Land to the East and West of VIKING WAY, CONGLETON

22/3338C Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way. Land to the East of, VIKING WAY, CONGLETON

To the north of the site on the western side of Viking Way is a current proposal for residential development:

22/1930C The demolition of certain existing buildings and the erection of residential dwellings (Use Class C3) with access, car parking, landscaping, public open space and associated infrastructure. MOUNT PLEASANT FARM, GIANTSWOOD LANE, HULME WALFIELD

Finally, an application for the retail element (local centre) of the site is anticipated shortly.

## **POLICIES**

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

PG1 – Development Strategy  
PG6 – Open Countryside  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
EG 1 - Economic Prosperity  
EG 3 - Existing and Allocated Employment Sites  
IN1 – Infrastructure  
IN2 – Developer Contributions  
SC1 – Leisure and recreation  
SC2 – Indoor and outdoor recreation  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 13 - Flood Risk and Water Management  
CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

## **Saved policies in the Congleton Local Plan**

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures
GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

## **Neighbourhood Plans:**

The Hulme Walfield and Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness  
ENV2 Trees and Hedgerows  
ENV3 Multi Use Routes

ECON1 – Rural Economy  
INF1 – Infrastructure

## **Emerging Cheshire East Site Allocations and Development Policies Document (“SADPD”)**

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector’s Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

GEN1 - Design principles, ENV1 -Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, INF1 - Cycleways, bridleways and footpaths, INF3 - Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 – Utilities.

## **Other Material Considerations**

The National Planning Policy Framework

National Planning Practice Guidance

**CONSULTATIONS (External to Planning)**

**Environment Agency** – Have no objections to this application, based on the understanding that Condition 12 (relating to the proposed outfall location on the bank of the River Dane), on outline approval 19/5596C, is still to be discharged. They also draw the applicant's attention to the requirement for a permit if development takes place within set parameters of a river or its floodplain.

**Natural England** - Has no comments to make on this reserved matters application.

**CEC Head of Strategic Infrastructure:** In summary, the design and highway impact of this application is acceptable and subject to the inclusion of a pedestrian/cycle facility on the site frontage there are no objections raised.

**CEC Environmental Health:** No objections, subject to comments incorporated below and note that most matters were covered by comments on the outline application.

**CEC Flood Risk Manager:** Have requested a number of points be addressed.

**VIEWS OF THE TOWN/PARISH COUNCILS**

**Hulme Walfield and Somerford Booths Parish Council:**

The Parish Council requests that the site working hours are revised to be 8am to 6pm on weekdays and 9am – 2pm on Saturdays and that this should include the start time for deliveries or the arrival of other contractors on site. This request is made in order to protect residents living close to the construction site.

**Congleton Town Council:**

No Objection – support the comments made by Hulme Walfield and Somerford Booths P.C. Concerns raised regarding the continuation of the greenway over the River Dane.

**OTHER REPRESENTATIONS**

None received

**OFFICER APPRAISAL**

**Principal of Development**

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

“The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare)

3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park
  4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction
  5. The provision of appropriate retail space to meet local needs;
  6. The provision of children's play facilities;
  7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
  8. Contributions to health and education infrastructure; and
  9. The provision of land required in connection with the Congleton Link Road
- \*(Reference is made to Figure 15.32 within the CELPS in many of the above criteria)

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation. Some of the requirements, for example the contribution to the Congleton Link road, are set out in the Section 106 agreement.

### **Highway Implications**

This phase 2 application is in fact an application with detailed access to the site to be approved along with the internal layout of the site.

The access is a priority access junction 7.3m wide with 10m radii, this is consistent with an industrial standard access design. Visibility at the access has been provided in accordance with the 40mph speed limit, 2.4m x 120m in both directions.

The internal road layout does not raise any design concerns and all access points have been tracked with articulated vehicles to ensure that turning is possible.

The site has 206 car parking spaces overall, with 173 of these being standard spaces and 19 disabled spaces. 14 car parking spaces are EV spaces. Each of the buildings will have a minimum of 4 cycle spaces provided. Overall, the level of parking provided accords with CEC parking standards.

Details have been submitted in regard to the traffic impact of the current application (Industrial Floorspace) compared to that submitted in the outline application. There is little difference in traffic generation resulting from this application compared to the impact submitted in the outline submission and no capacity issues are forecast.

Condition 28 was attached to the outline application for a 2m footway to be provided on the west side of Viking Way and this has been included in this application. However, it is now intended that a 3m shared pedestrian/cycle facility is provided on the western side of Viking Way and as such a revised condition be attached that increases the width of the path to 3m.

In summary, the design and highway impact of this application is acceptable and subject to the inclusion of a pedestrian/cycle facility on the site frontage there are no objections raised.

**Recommended Conditions:**

- Prior to occupation a 3m shared footway/cycleway on the site frontage to be provided and fully constructed.
- Prior to occupation a Travel Plan to be submitted for Phase 2 and approved by the LPA.
- Prior to commencement a CMP to be submitted and approved by the LPA.

## Landscape

Commenting on the original submission, the Landscape Officer comments that the application cannot be supported in its current state because there is insufficient information to adequately assess the landscape and visual impacts of the proposed development. As such, it does not currently comply with the following policies:

- CELPS Policy SE 4 – The Landscape
- CELPS Policy SE 5 – Trees, Hedgerows and Woodland.

To assess the application adequately, the following information is therefore required:

- Updated Landscape Scheme
- Updated Habitat Creation and Management Plan.

Given that this is a reserved matters application for a major development, an up-to-date landscape scheme should be submitted as part of this application to adequately determine the full landscape and visual effects of the proposed scheme.

This should accord with the information provided within the submitted planning application for the Phase 1 enabling works (Ref: 22/2338C) and the approved outline planning application (Ref: 19/5596C), of which there are currently conflicts or missing information. In particular, the scheme does not appear to include the following information:

- Up-to-date earthworks/earth mounding – there appear to be conflicts between this application and the proposed earthworks proposals for the Phase 1 enabling works.
- Additional non-intervention ecology area (LCA5 – Ecological Enhancement Area) – as per comments from CEC Nature Conservation, the landscape details for this appear should be included within this application to ensure that biodiversity net gains identified within the outline application can be secured.
- Up-to-date arboricultural information – the proposed landscape scheme should accord with the latest AIA information, which has not been provided within these reserved matters application. There appear to be conflicts between retained vegetation shown on the Tree Retention & Removal Plan for the Phase 1 enabling works application and the landscape masterplan/planting plans submitted as part of this reserved matters application.

The landscape scheme presented in the 'Phase 2' Habitat creation and Management Plan should also be updated. This document should also account for the revised arboricultural information and scheme layout for the Phase 1 enabling works (Ref: 22/2338C), including any changes to the management tasks/objectives. Additional recommendations for this document are listed below.

Further consideration should also be given to the mechanism for securing the mitigation measures resulting from the Phase 1 enabling works (Ref: 22/2338C) in the eventuality that the site is not taken forward to construction.

## Further recommendations

In addition to the above, a series of recommended comments/actions should also be considered prior to the submission of the final planning application, in relation to:

- Landscape Masterplan
- Planting Plan
- Boundary Treatment Plan
- Habitat Creation and Management Plan

These matters have been discussed with the applicant, and revised/additional plans have now been received, which it is anticipated will address the main concerns of the Landscape Officer. Members will be updated accordingly.

## Design

The Council's Design officer, commenting on the original submission, has raised the following concerns:

- Relationship between this application and the enabling works application, especially with regards to the SuDS drainage design and the "edges" to the site to the north and west in particular.
- Building heights need to be confirmed with accurate cross sections
- Layout issues with regards to important frontages, where there seems to be a lost opportunity to produce a more distinct development.
- The opportunity for more sustainability principles e.g. green walls does not appear to have been looked at
- The need for more landscaping, and integrating the drainage features, for a more naturalistic approach to suit the site characteristics.
- More tree planting is needed within the parking/access areas.
- There is an opportunity to develop a small social space adjacent to the greenway.
- The corner of the goods yard to unit D should be Chamfered to prevent impact on existing hedgerow.
- More work is needed on the quality of the public realm/ hard landscape materials for the primary pedestrian points in the scheme.
- The boundary fencing needs to be as discrete/high quality as possible.

As set out in the Landscape Section above, following discussions, revised plans have now been received which are considered to largely address the concerns, but Members will be updated on the Design Officers revised comments.

## Trees

This reserved matters application has not been supported by any arboricultural information. The site benefits from established mature tree cover, in particular to the northern and western boundary with one veteran tree T74 to the west of the development area. The wider site was formally appraised in terms of trees under approved Outline application 19/5596C. Condition 18 of the decision notice references an Arboricultural Impact Assessment and that prior to commencement of development that details should be submitted in accordance with this to include.

- a. A scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site including trees which are the subject of a Tree Preservation Order currently in force or are shown to be retained on the approved layout, which shall be in place prior to the commencement of work.*
- b. Implementation, supervision and monitoring of the approved Protection Scheme. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the local planning authority.*
- c. Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.*
- d. Timing and phasing of Arboricultural works in relation to the approved development.*

The application suggests losses of trees and hedgerows not previously indicated on plans submitted at outline. An application for enabling works which impacts the same area, and which is under consideration with reserved matters application 22/2338C is also being considered by the Council and is supported by Arboricultural information but it has been noted that a tree protection scheme is not included with it and that a number of tree conflicts/issues have been raised and remain unresolved.

Given the apparent uncertainty arising from the impact of the proposal in respect of additional hedge loss and required mitigation, the feasibility of tree retention, concerns raised regards levels and associated impacts to a veteran tree insufficient information has currently been submitted to provide any detailed comments.

The applicant has however submitted revised information seeking to address these comments and Members will be updated accordingly.

## **Ecology**

A number of conditions were attached to the outline consent (19/5596C) at this site.

*Condition 3 - The 1st reserved matters application submitted pursuant to this outline consent shall be supported by Phasing Plan showing the phasing of the entire development. The Phasing Plan shall secure the delivery of habitat creation/ecological mitigation throughout the River Dane corridor which shall be provided in accordance with a timetable, first agreed in writing by the Local Planning Authority. The use of the term 'phase' in these conditions refers to the phases of development shown on the approved phasing plan. Thereafter, development shall be carried out in accordance with the approved phasing plan.*

The red line plan submitted in support of this application refers to this development as Phase 2. The red line of this application includes the River Dane corridor referred to in condition 3, and so goes beyond the extent of the proposed commercial development.

A number of applications are currently under consideration by the Council. Application 22/0670C (Bloor Homes), did not include any proposals for the delivery of the River Dane Corridor Works as required by condition 3, but instead stated that these would be delivered at the same time as the retail and commercial phases. Whilst details of the River Dane Corridor are provided with the enabling works

application, 22/2338C, that application is not a reserved matters application, and so is not bound by condition 3 of the outline.

It is therefore not clear which application would be the 1st reserved matters application in respect of condition 3. Importantly, it is uncertain as to which application is required to provide the required phasing plan and importantly to deliver the habitat creation works in the River Dane corridor. A Phasing Plan has been received.

Confirmation is therefore required as to which of the current applications is the '1st reserved matters application' for the purposes of condition 3. A detailed phasing plan will therefore be required in support of the relevant planning application.

The outline scheme is dependent upon habitat enhancements being delivered within the additional blue line land to achieve biodiversity net gain. No details have been provided for this additional area. It is advised that detailed landscape proposals, reflecting the BNG calculations, must be provided for this area. These must be submitted with whichever application delivers the River Dane corridor works.

*Condition 7 and 13 - Reserved matters to be supported by habitat creation method statement and 30 year management plan and ecological monitoring.*

Proposals have been submitted as required by this condition. The proposals include landscape details for the River Dane corridor as discussed under condition 3, as this land falls with the red line of the current application. The submitted strategy (paragraph) 4.4 advises that works in the River Dane Corridor would not be delivered under this application but would rather be associated with Phase 3. It is therefore not clear what habitat proposals will be delivered under this reserved matters application.

It is recommended that the submissions be revised to clearly show what landscape treatment and 30 year management will be delivered under this specific reserved matters application. As with regard to condition 3 discussed above, it is currently not clear what landscape/habitat creation works will be delivered and maintained under each planning application at this site.

*Condition 8 - Any Reserved Matters Application involving the installation of the surface water outfall into the River Dane shall be supported by an updated Otter and Water Vole Survey. The survey shall be carried out by a suitably qualified person. Development shall be carried out in accordance with the approved detail.*

A water vole and otter survey as required by this condition has been submitted. No details however appear to have been submitted in respect of the location of any required surface water outfalls. Confirmation of this point is required.

*Condition 9 - Updated badger survey*

An updated badger survey as required by this condition has been submitted. No badger setts were recorded, but badgers are active on site. It is advised that the proposed development would result in a localised adverse impact on badgers as a result of the loss of suitable foraging habitat. This is as anticipated at the time the outline consent was determined.

*Condition 10 - A scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows lost*



As discussed above, it is not clear what landscaping will be delivered as part of this application. Further information in respect of the loss of hedgerows and the delivery of compensatory planting is therefore required.

*Condition 11- lighting*

The lighting scheme as submitted is broadly acceptable as this will result in only limited light spill onto the River Dane Corridor.

There is however a Wildlife Corridor on the site boundary to the north of the existing Airbags Site identified in the Walfield and Somerford Booth Neighbourhood Plan. The level of light spill onto this feature is not clear from the submitted lighting scheme. It is advised that it must be ensured that there is no light spill of greater than 1 lux falling onto this feature. The lighting scheme must be revised to reflect this requirement.

*Condition 12 - Location of proposed outfall based on the results of the detailed hydromorphological survey*

This pre-commencement condition but it would be useful to understand the location of any outfalls to the River Dane.

*Condition 52 - Strategy for the incorporation of features to enhance the biodiversity value of the proposed development.*

Acceptable proposals as required by this condition have been submitted (Ecological Enhancement Strategy, Tyler Grange 25th May 2022).

*Condition 53 - landscape / public realm / habitat management plan*

This condition, amongst other things, requires the submission of a time-table for the delivery of habitat creation works. The submitted Habitat Creation and Management strategy makes reference to works within the river Dane corridor being delivered in a phased manner but no firm proposals for delivery are provided. Confirmation of the timing of delivery of works in the river corridor are required, once it is established which reserved matters application these would be associated with.

River Dane (Radnor Bridge to Congleton Local Wildlife Site (LWS))

This LWS is located on the western boundary of this site. An acceptable buffer between the development and the LWS was shown on the parameters plan associated with the outline consent.

If reserved matters consent is granted, it is recommended that a condition be attached that requires the submission of a method statement for the safeguarding of the LWS, including the fencing off of a no-go area during the construction phase.

Bats

A number of trees were identified at the outline stage as offering potential to support roosting bats. None of these trees would be affected under this reserved matters application.

### Conditions

If reserved matters consent is granted. Additional conditions would be required in respect of the following:

- Safeguarding nesting birds
- Submission of method statement for the safeguarding of the River Dane LWS during the construction phase.

### **Amenity**

There are no residential properties on or immediately adjacent to the site, although as noted above the Airbags factory sits to the south. It is not however considered there are any significant amenity concerns raised by this Reserved Matters application.

Environmental Protection comment that the conditions raised by them on the outline application relating to noise and odour shall remain in place throughout this reserved matters application. A noise impact assessment for each phase of development and an odour assessment for each commercial stage of development shall be submitted and a construction environmental management plan for the whole development prior to work beginning.

### **Air Quality**

Environmental Protection comment that the condition raised by them on the outline application relating to ultra-low NOX boilers shall remain in place through this reserved matters application.

The developer has submitted information stating that electric vehicle charging points will be installed as per the requirements of condition 31 on the outline application. Environmental Protection would request that the specifications of these units be submitted as part of any future discharge applications to ensure they are fit for purpose, along with a confirmation that cabling will be provided for the remaining 5% of charging spaces as per the condition.

### **Contaminated Land**

Environmental Health comment that the contaminated land conditions (35-39) from the outline approval shall be carried forward to this application, if approved.

### **Flood Risk/Drainage**

Whilst this was assessed at the time of the outline application and conditioned accordingly the Lead Local Flood Authority (LLFA) have commented as follows:

The LLFA would have no objection in principle to the proposed reserved matters application for phase 2. However, prior to approval they would suggest an outline surface water drainage layout is submitted to review the proposed SuDS structure's locations and sizing.

Secondly, during a site walkover undertaken with the developer, an unknown outfall was identified discharging into the River Dane. Prior to approval it is essential the culverts routing has been appropriately plotted to ensure the required maintenance easements have been achieved within the proposed layout. It is also worth noting, any alterations to an existing watercourse would require land drainage consent under Land Drainage Act 1991.

Finally, the developer should note we still retain two drainage conditions on the original decision notice (condition 15 and 16). These will be discharged separately.

Once we have received the above information, the LLFA will be able to consider conditioning this application further.

## **CONCLUSIONS**

This reserved matters application proposes a number of commercial units, with associated infrastructure, on the western side of Viking Way, referred to as Phase 2 of this development approved in outline under reference 19/5596C.

Highways, subject to a condition requiring a 3m foot/cycleway on the road frontage, have raised no objections.

The Landscape and Design Officers have raised a number of issues, which have been discussed with the applicant and revised plans have been submitted to that effect. Members will be updated on their final comments.

The Tree Officer similarly raised a number of matters that need to be clarified and again following revised submissions, it is hoped these matters have now been addressed.

Finally additional information has been received to address comments from the Council's Ecologist, and Members will be updated accordingly.

The Council's Flood Risk team have raised a number of issues, which the applicant is seeking to address, however these matters could be conditioned if necessary.

Finally issues of amenity, and contaminated land can be addressed through conditions.

Whilst at the time of writing this report there a number of issues to resolve, from discussions it is hoped all significant issues can be resolved by Committee.

## **RECOMMENDATION**

**Approve subject to the following conditions;**

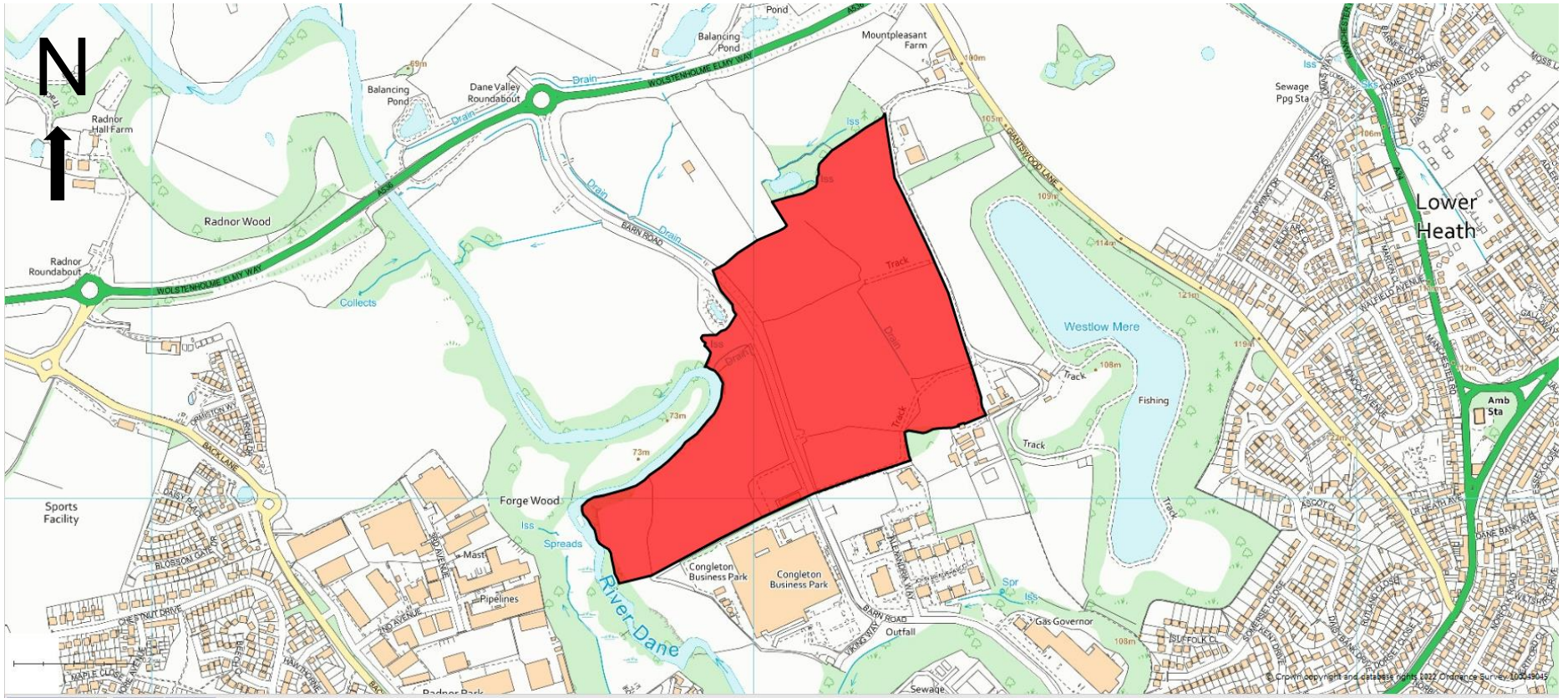
- 1. Approved plans**
- 1. Tree retention**
- 2. Tree Protection**
- 3. Arboricultural method statement**
- 4. Levels survey – Trees**
- 5. Safeguarding nesting birds**
- 6. Submission of method statement for the safeguarding of the River Dane LWS during the construction phase**
- 7. Prior to occupation a 3m shared footway/cycleway on the site frontage to be provided and fully constructed.**
- 8. Prior to occupation a Travel Plan to be submitted for Phase 2 and approved by the LPA.**

9. Prior to commencement a Construction & Environmental Management Plan (to include hours of working) to be submitted and approved by the LPA.
10. Drainage

**Informatives;**

- Water Course & Bylaw 10
- EP Standard informs

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



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