

Strategic Planning Board

Agenda

Date: Wednesday 12th October 2022
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. Apologies for Absence

2. Declarations of Interest/Pre Determination

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

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

To approve the minutes of the meeting held on 27 July 2022 as a correct record.

Please Contact: Rachel Graves
E-Mail: rachel.graves@cheshireeast.gov.uk
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 13 - 40)**

To consider the planning application.

6. **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 (Pages 41 - 76)**

To consider the planning application.

7. **High Speed Rail 2 Phase 2b - Qualifying Authority and Schedule 17 Decision Making (Pages 77 - 92)**

To consider the report.

THERE ARE NO PART 2 ITEMS

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, 27th July, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors S Akers Smith, B Burkhill, L Crane (Substitute), S Edgar,
D Edwardes, A Harewood (Substitute), S Holland (Substitute),
B Puddicombe and J Weatherill

OFFICERS IN ATTENDANCE

Mr O Beddow (Civil Engineering Apprentice), D Evans (Planning Team
Leader), Mr P Hurdus (Highways Development Manager), Mr R Law
(Planning Team Leader), Mr D Malcolm (Head of Planning) Mr P Reeves
(Floor Risk Manager), Mr G Taylerson (Principal Planning Officer) and Mr
J Thomas (Planning Lawyer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Critchley,
P Groves, S Hogben and B Murphy.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 20/5700C, 21/2412C,
21/0966M, 21/1249M and 21/5724C, 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 the them.

In the interest of openness in respect of application 21/5724C, Councillor
S Edgar declared that as he had been involved in the application he would
exercise his right to speak as Ward Councillor under the public speaking
protocol and then withdraw from the meeting.

In the interest of openness in respect of applications 20/5700C, 21/2412C,
21/0966M, 21/1249M and 21/5724C, Councillor L Crane declared she was
the Chair of the Public Rights of Way Committee who were a consultee on
the applications, however she had not discussed the applications or
commented on the them.

In the interest of openness in respect of application 21/0966M, Councillor B Puddicombe declared that he was the neighbouring ward Councillor and had been offered an update on the application by the applicant which he declined.

In the interest of openness in respect of application 21/1249M, Councillor B Puddicombe declared that he had received correspondence from a resident in his ward giving her views on the application, however he had not responded.

In the interest of openness in respect of applications 20/5700C, 21/2412C, 21/0966M, 21/1249M and 21/5724C, Councillor S Akers Smith declared she was a member of the Public Rights of Way Committee who were a consultee on the applications, however she had not discussed the applications or commented on the them.

In the interest of openness in respect of 21/5742C, Councillor S Gardiner declared he was a friend of Councillor S Edgar who was speaking on the application, however he had not discussed the application with him and that he was known to Sue Helliwell who was an objector also speaking on the application.

In the interest of openness in respect of applications 20/5700C, 21/2412C and 21/0966M, Councillor M Hunter declared he was non-Executive Director of ANSA who were a consultee on the applications, however he had not discussed or commented on the applications.

In the interest of openness in respect of application 21/5724C, Councillor D Edwardes declared that reference was made within the report to a previous application which had been considered by the Strategic Planning Board of which had attended as a substitute.

It was noted that all Members had received correspondence in respect of application 21/5724C.

3 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the previous meeting held on 4 May 2022 be approved as a correct record and signed by the Chair.

4 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

5 20/5700C-RESERVED MATTERS APPLICATION FOR APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOLLOWING OUTLINE APPROVAL 13/3449C FOR 390 DWELLINGS, RETAIL UNIT, PUBLIC OPEN SPACE, AND ASSOCIATED WORKS, GLEBE FARM, BOOTH LANE, MOSTON, MIDDLEWICH FOR MR G BANCROFT, TAYLOR WIMPEY UK LTD

Consideration was given to the above application.

(Councillor J Parry, the Ward Councillor and Andy McLaren, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the verbal update to the Board the application be delegated to Head of Planning in consultation with the Chair of the Strategic Planning Board to approve subject to resolution of the outstanding issues relating to the impact upon the SSSI and SP Energy and subject to the following conditions:-

1. Approved plans
2. Remove Permitted Development Rights – roof alterations/dormers plots 280, 281, 289 and 290
3. Obscure glazing side windows – plots 265, 270 and 271
4. Obscure glazing rear rooflights – plots 280, 281, 289 and 290
5. Submission and implementation of Measures to safeguard retained ponds and marshy grassland during the construction process.
6. Submission and implementation of a 30-year habitat management plan.
7. Implementation of measures recommend in the submitted 'Invertebrate and Hedgehog Mitigation Scheme' version 1.1.
8. Parking areas in areas where water will be directed to retained ponds should be constructed from permeable paving.
9. Prior to the commencement of development the consented development is to be entered into Natural England's District Licensing Scheme for Great Crested Newts.
10. Updated badger survey to be undertaken and submitted prior to commencement of development. If any evidence of badgers is recorded the submitted report to include mitigation and compensation measures
11. Entry into Natural England's District Level licensing scheme.
12. Ecological mitigation features are to be provided on site as detailed on submitted layout plan. Where features are associated with a dwelling these are to be installed prior to first occupation of that dwelling. All features to be permanently retained.
13. Replacement ponds on site are to be provided in accordance with submitted plans

14. Measures to safeguard the hydrology of the retained ponds to be implemented in accordance with the recommendations of the submitted Pond Hydrology Review.
15. External Lighting
16. Implementation of the proposed landscaping
17. Notwithstanding the approved plans – materials to be submitted and approved
18. Notwithstanding the approved plans – Boundary Treatment to be submitted and approved
19. Notwithstanding the approved plans – Surfacing Details to be submitted and approved
20. Details of the design of both the LEAP/NEAP and surrounding open space
21. Implementation of the noise mitigation measures within the acoustic report
22. Bin/cycle stores for the proposed apartments and convenience store to be secure and covered
23. Development to be carried out in compliance with the submitted AMS
24. Construction & Environment Management Plan to include wheelwash and on site compound

Members also requested that discussions take place outside of the meeting in respect of the provision of a crossing on Booth Lane.

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

(Prior to consideration of the following item, the meeting was adjourned for a short break).

6 21/2412C-RESERVED MATTERS FOR APPROVAL OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING OUTLINE APPROVAL 14/1193C FOR THE ERECTION OF 160 DWELLINGS, CAR PARKING, PUBLIC OPEN SPACE AND ASSOCIATED WORKS, LAND SOUTH OF, OLD MILL ROAD, SANDBACH FOR MR C R MULLER, MULLER PROPERTY GROUP

Consideration was given to the above application.

(A statement was read out by Mrs S Baxter, the Democratic Services Officer on behalf of Councillor S Corcoran, the Ward Councillor and Patrick Downes, the agent for the application attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. This is a prominent site in Sandbach. The Council has undertaken a Building for Life Assessment which finds that the proposed development does not result in the creation of a high quality, beautiful and sustainable place and on this basis the development should be refused. The proposed development is contrary to Policy SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, Policy H2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
2. The application site is of a very challenging topography in a prominent location. The application includes an engineered retaining wall and minimal landscape mitigation. Furthermore, the application does not include sections information in relation to the proposed development and further retaining structures may be required. The development would not work with the flow and grain of the landscape and cause harm to the character and appearance of the area. This approach runs counter to the need to work with topography and landscape as described by the National Design Guide, Building for Life, the Cheshire East Borough Design Guide and Policies SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
3. The proposed Public Open Space is located adjacent to the A534 and is sited at a lower level to the proposed dwellings which generally back onto the open space. The proposed development does not integrate the open space/play area into the development and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.
4. The proposed development will result in a significant change to the character of footpath FP19 which would be heavily influenced by the urban character of the development, particularly where it runs along the spine road and through the open space. As a result, there would be conflict with Policies SE1 and CO1 of the Cheshire East Local Plan Strategy, Policy GR16 of the Congleton Local Plan, and Policy PC5 of the Sandbach Neighbourhood Plan as the development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot.
5. The proposed development does not provide a full mix of open market housing to help support a mixed, balanced and inclusive community. The proposed development is contrary to Policies SC4 of the Cheshire East Local Plan Strategy, H3 of the Sandbach Neighbourhood Plan (Second Edition) and HOU1 of the Cheshire East Site Allocations and Development Policies Document.

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

(Prior to consideration of the following item, the meeting was adjourned for a short break).

7 21/0966M-RESERVED MATTERS APPLICATION FOR 306 DWELLINGS, FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO CONDITION 2 OF THE OUTLINE PLANNING PERMISSION 18/3245M. THE OUTLINE CONSENT (18/3245M) WAS NOT AN ENVIRONMENTAL IMPACT ASSESSMENT APPLICATION AND THEREFORE NO ENVIRONMENT STATEMENT WAS SUBMITTED TO CHESHIRE EAST COUNCIL AT THAT TIME, LAND AT, GAW END LANE, LYME GREEN FOR MS JACKIE EDWARDS, VISTRY HOMES

Consideration was given to the above application.

(Councillor A Gregory, the Ward Councilor, Claire Britton, the agent for the applicant and Ben Graham, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out and in the written update to the Board, the application be approved subject to the following conditions:-

1. Accordance with Amended / Approved Plans
2. Accordance with submitted Affordable Housing Scheme
3. Facing materials to be submitted and approved including galvanised metal adjacent to the canal
4. Updated Public Open Space Management Plan to be submitted
5. Detailed specification of LEAP to be submitted
6. Details of levels to be submitted
7. Landscaping scheme to be submitted including details of hard surfacing materials and details of mitigation planting for loss of hedgerow to be to be submitted, approved and implemented
8. Implementation of landscaping scheme
9. Further details of boundary treatments to be submitted
10. Updated landscaping scheme to be submitted and approved
11. Implementation of approved landscaping scheme
12. Removal of permitted development rights classes A-E for selected plots
13. Obscured glazed on selected plots with no further openings to be created
14. Updated Arboricultural Impact Assessment / Method Statement to be submitted, approved and implemented

15. Updated Tree Protection Plan to be submitted, approved and implemented
16. Submission and implementation of a method statement for the safeguarding of Protected Open Space and retained habitats during the construction phase
17. Scheme of Public Realm work to the canalside to be submitted, approved and implemented
18. Submission and implementation of a method statement for the safeguarding of Protected Open Space and retained habitats during the construction phase
19. Submission and implementation of a habitat creation method statement and seeding and planting specification for the proposed woodlands, ponds, grassland habitats and scrapes
20. A timetable for implementation of features within the shallow scrape to be submitted, approved and implemented
21. Footway scheme to front of site to be 3m in width

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

(Prior to consideration of the following item, the meeting was adjourned from 1.50pm until 2.30pm for lunch).

8 **21/1249M-FULL PLANNING PERMISSION FOR THE ERECTION OF 42 DWELLINGS INCLUDING ACCESS AND ASSOCIATED WORKS, LAND WEST OF LONDON ROAD AND SOUTH OF, GAW END LANE, LYME GREEN FOR MORRIS HOMES & THE TRUSTEES, OF THE LYME GREEN SETTLEMENT**

Consideration was given to the above application.

(Councillor A Gregory, the Ward Councillor and Jonathan Ainley, the agent for applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for further discussions to take place with officers to review the scheme in order to clarify the site edged red / removal of substation; address matters of overdevelopment; provision of play/open space; housing mix and pepper potting; improvements to the boundary to the nature reserve and to seek clarification regarding flooding mitigation.

(Prior to consideration of the following item, the meeting was adjourned for a short break. Councillor L Crane left the meeting and did not return).

- 9 **21/5724C-OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF EMPLOYMENT FLOORSPACE UP TO 94,761SQ.M (1,020,000 SQ.FT) FOR USE WITHIN USE CLASSES B2, B8 AND ANCILLARY USE CLASS E(G) OF THE USE CLASSES ORDER (AS AMENDED), INCLUDING DETAILED APPROVAL OF MEANS OF ACCESS AT RADWAY GREEN ROAD, LAND OFF, RADWAY GREEN ROAD, RADWAY GREEN FOR TILSTONE RADWAY LIMITED**

Consideration was given to the above application.

(Councillor S Edgar, the Ward Councillor, Councillor P Williams, the adjacent Ward Councillor, Parish Councillor J Cornell, representing Weston and Basford Parish Council, Sue Helliwell, an objector and Jeremy Hinds, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to the Board, the application be delegated to the Head of Planning in consultation with the Chair of the Strategic Planning Board to approve subject to clarification of the biodiversity net gain / ecological mitigation scheme, subject to the provision of a S106 agreement securing a £507k highway contribution works along the A500 corridor and travel plan / monitoring and subject to the following conditions:-

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Approved Plans
5. Implementation of the approved Landscaping Buffer
6. Implementation of noise mitigation measures
7. Details of piling methods
8. Details of dust suppression measures
9. Details of floor floating
10. Details of electric vehicle charging points
11. Reporting of any contamination not previously identified
12. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation
13. Any reserved matters application shall include a Public Rights of Way scheme of management to be submitted and approved by the Local Planning Authority in liaison with the Public Rights of Way team as the Highway Authority
14. Site access roundabout to constructed and operational prior to occupation
15. Prior to Occupation an Internal road link to be provided to link to Phase 1 development 20/3382N.

16. Ghost right turn lane – Junction of Radway Green Rd Barthomley/ B5078 prior to commencement
 17. Signage at the Junction of Radway Green Rd Barthomley/ B5078 to indicate no through HGV traffic prior to commencement
 18. Prior to occupation the Pedestrian and Cycle signage to use the internal road network of the site to be submitted and approved by the LPA.
 19. Prior to occupation a 3m shared pedestrian/Cycle path to be constructed on the eastern side from the BAE access to the junction of Crewe Rd/Butterton Lane
 20. Updated bat survey in support of any future reserved matters application
 21. Any future reserved matters application to include proposals for the creation of wildlife ponds to compensate for any ponds lost to the development
 22. Any future reserved matters application to be supported by an updated badger survey and mitigation strategy. Mitigation measures to be informed by mitigation proposals submitted in support of the outline application.
 23. Submission of Biodiversity CEMP
 24. Offsite habitat creation to achieve Biodiversity Net Gain (secured by legal agreement once metric agreed)
 25. On site habitat creation method statement, 30 year habitat management plan and monitoring strategy
 26. Reserved matters application to be supported by strategy for the incorporation of features to enhance the biodiversity value of the development (bat and bird boxes etc).
 27. Maximum building height
 28. The reserved matters application and subsequent phasing shall be supported by an Arboricultural Impact Assessment in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection (TPP) and Arboricultural Method Statement (AMS).
 29. Details of levels to be provided
 30. Drainage Strategy to be provided
 31. Reserved matters to include modelling of water courses
 32. Construction & Environment Management Plan to include traffic routing and signage.
 33. Establishment of a local Liaison group with Parish/Town Councils.
 34. Scheme for 10% renewable energy.
- In addition it was requested that an informative be included in respect of a request for innovative design features such as green walls, solar panels and green travel plan.

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

The meeting commenced at 10.00 am and concluded at 4.40 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 and advice contained within the NPPF.

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

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

Other Material Considerations

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

CONSULTATIONS (External to Planning)

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 comments received.

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 rea
- 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

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 co-ordinated 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 1st time buyers and families looking to buy but cannot afford without assistance.

The Intermediate need is the same across the borough. Small dwellings for 1st 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 SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections (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.

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 spine 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 spine 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 Councils 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 Councils 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 the peat removing from beneath them and then a piled foundation technique will be used. Any peat removed will be reused within the site.

Other Matters Raised by Representation

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

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 and advice contained within the NPPF.

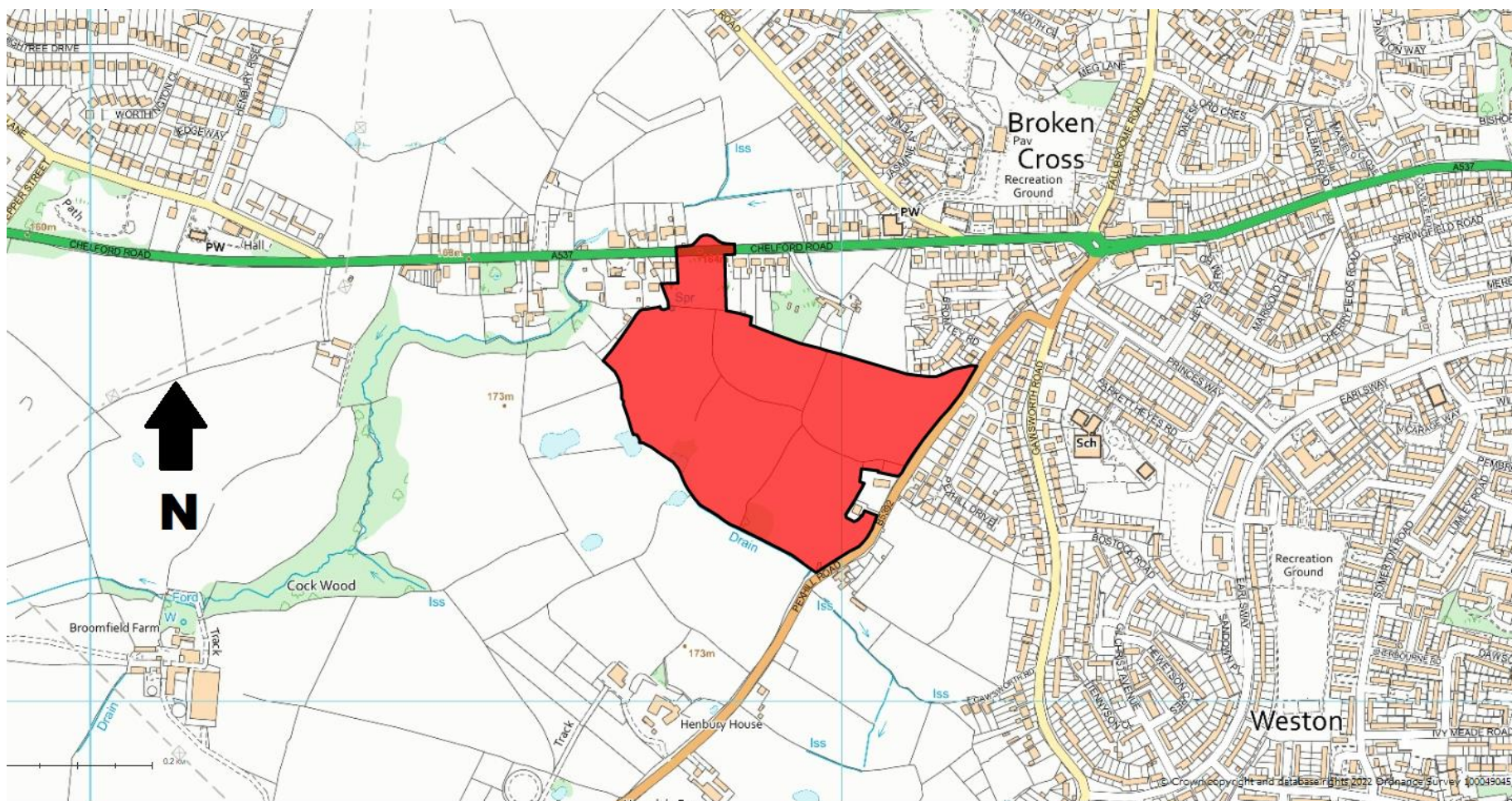
RECOMMENDATION

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 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**

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: 21/3438M

Location: LAND TO THE EAST OF ALDERLEY ROAD, WILMSLOW, CHESHIRE

Proposal: 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.

Applicant: Royal London Mutual Insurance Society Limited

Expiry Date: 29-Jul-2022

SUMMARY:

The principle of the erection of dwellings and associated infrastructure on this site is established by CELP Policy LPS 54. This policy allocates the wider Royal London site for development as part of the Local Plan. This allocation includes the provision of 'around 175 dwellings'. The application proposal seeks outline consent for up to 120 of these dwellings, including matters of access. It is noted that an almost identical scheme was approved under 17/5838M, which is still extant.

In consideration of matters of access, the Council's Highway's Officer is satisfied that subject to securing necessary improvement works to the highway, details of which are to be secured by planning condition and the implementation of the access details, the development proposed is acceptable in highways terms.

Matters in relation to layout, scale and appearance are reserved for subsequent approval. As such, there is little consideration of matters in relation to design at this time.

With regards to heritage, concerns are raised in relation to the loss of trees which impact the setting of a grade II listed building and the general lack of information with regards to the impact of the proposed development upon heritage assets. However, as concluded as part of the previous permission on site (17/5838M), most of these concerns can be addressed at reserved matters stage which is when the position of the actual built form is considered. The loss of trees which impact the significance of the listed building has been assessed to be less than substantial. However, it is deemed that the economic, social and environmental benefits of the scheme overall, are sufficient to outweigh this harm.

Matters in relation to landscape are also reserved for subsequent approval. Notwithstanding this, the Council's Landscape Officer advises that they have no objections, subject to conditions and a legal agreement to secure the management of the landscaped areas of the site.

No issues are identified at this stage for other trees and hedgerows, subject to a condition.

No issues are raised for ecology subject to the inclusion of recommended conditions and a S106 Agreement to secure biodiversity net gain.

Archaeology, amenity, flood risk and drainage are also acceptable subject to conditions, where deemed necessary.

To mitigate the impact of the proposed development upon local health, education and indoor sport facilities, commuted sums are required in the event of approval. Affordable housing and open space is also secured through a S106 agreement.

RECOMMENDATION:

APPROVE, subject to a S106 agreement to secure commuted sums towards education, health, indoor sport provision, travel plan monitoring and on-site affordable housing and open space, and conditions

DESCRIPTION OF SITE AND CONTEXT

The application site consists mainly of a piece of land that is located to the north and east of the existing Royal London Campus that is located between Alderley Road and the West Coast Main Line. Part of the application site adjoins Alderley Road between the properties on Whitehall Close and The Coach House. Some trees are located in this part of the site. The site then extends eastwards towards the railway onto open fields. Open land is located to the south of the site. Mature trees are located at various locations throughout the site.

PROPOSAL

This is an outline planning application for residential development (up to 120 dwellings) and matters of 'access' to be determined at this stage. It is a re-submission of 17/5838M which was approved by the Council in December 2018.

The scope of this application has changed since it was submitted. The application was previously a hybrid application seeking part outline permission (as per the current proposals), but also full planning permission for the temporary stockpiling of material and site preparation works. The part of the scheme seeking full planning permission has now been removed from this application. A full re-consultation was undertaken as a result in this change in scope.

RELEVANT HISTORY:

Application site (Land East of Alderley Road)

21/5725M - Reserved matters application including details of layout, landscaping, appearance and scale for a residential development comprising 107 dwellings – Under consideration

21/5115D – Discharge of Condition 10 of 17/5838M – Approved 8th November 2021

21/4365M – Non-Material Amendment to app 17/5838M - Outline permission for residential development, with all matters reserved except for means of access off Alderley Road, highway improvements to Alderley Road, together with associated infrastructure and open space – Approved 7th October 2021

Note: The above application granted permission to re-word condition 10 from 17/5838M to ensure it was less prescriptive

21/2514M - Non-material amendment to existing permission 17/5838M to amend plans listed in condition 3 – Under consideration

17/5838M - Outline permission for residential development, with all matters reserved except for means of access off Alderley Road, highway improvements to Alderley Road, together with associated infrastructure and open space – Approved 5th December 2018

PLANNING POLICY:

Development Plan

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS), the Wilmslow Neighbourhood Plan and the Macclesfield Borough Local Plan. More specifically;

Cheshire East Local Plan Strategy 2017 (CELPS)

LPS 54 – Royal London, including land west of Alderley Road, Wilmslow, MP 1 – Presumption in favour of sustainable development, PG 1 – Overall Development Strategy, PG 2 – Settlement hierarchy, PG 7 – Spatial Distribution of Development, SD 1 – Sustainable Development in Cheshire East, SD 2 – Sustainable Development Principles, IN 1 – Infrastructure, IN 2 – Developer contributions, SC 1 – Leisure and Recreation, SC 2 – Outdoor Sports Facilities, SC 3 – Health and Well-Being, SC 4 – Residential Mix, SC 5 – Affordable Homes, SE 1 – Design, SE 2 – Efficient Use of Land, SE 3 – Biodiversity and Geodiversity, SE 4 – The Landscape, SE 5 – Trees, Hedgerows and Woodland, SE 6 – Green Infrastructure, SE 12 – Pollution, Land Contamination and Land Instability, SE 13 – Flood Risk and Water Management, CO 1 – Sustainable Travel and Transport and CO 4 – Travel Plans and Transport Assessments
Appendix C – Parking Standards

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

Macclesfield Borough Local Plan 2004 (MBLP)

Relevant saved policies include:

NE11 – Protection and enhancement of nature conservation interests, NE17 – Nature Conservation in Major Developments, RT5 – Open Space Standards, H9 – Occupation of Affordable Housing, DC3 – Amenity, DC6 – Circulation and Access, DC8 – Landscaping, DC9 – Tree Protection, DC13 & DC14 – Noise Pollution, DC15 – Provision of Facilities, DC17, 19 & 20 – 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, DC63 – Contaminated Land

Wilmslow Neighbourhood Plan 2019 (WNP)

LSP1 – Sustainable Construction, LSP2 – Sustainable Spaces, LSP3 – Sustainable Transport, NE1 – Countryside around the Town, NE2 – River Valley Landscapes, NE3 – Green Links, NE4 – Countryside Access, NE5 – Biodiversity Conservation, TH1 – Gateways into Wilmslow, TH3 – Heritage Assets, TA1 – Residential Parking Standards, TA2 – Congestion and Traffic Flow, TA4 – Access to Schools, TA5 – Cycling in Wilmslow, CR4 – Public Open Space, H2 – Residential Design & H3 -Housing Mix

Other Material Policy Considerations

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

The Revised Publication Draft SADPD was submitted to the Secretary of State on 29 April 2021. Following the examination hearings and report from the Inspector, Main Modifications were published for consultation between 19 April 2022 and 31 May 2022. The Council has recently published its report of consultation and the Inspector will take the representations into account in preparing his Examination report, which will be issued to the council in due course. The following policies are considered to carry moderate weight in the assessment of the application:

PG9 - Settlement Boundaries, GEN1 - Design principles, GEN5 - Aerodrome safeguarding, ENV1 - Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV13 – Aircraft Noise, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, HER1 - Heritage assets, HER4 – Listed Buildings, RUR6 - Outdoor sport, leisure and recreation outside of settlement boundaries, HOU1 – Housing Mix, HOU6 – Accessibility and Wheelchair housing standards, HOU10 - Amenity, HOU11 – Residential Standards, HOU12 – Housing density, HOU13 – Housing delivery, INF1 - Cycleways, bridleways and footpaths, INF3 -Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 - Utilities

National Planning Policy Framework (2021 update) (NPPF)

Of particular relevance are chapters in relation to; Achieving sustainable development, Decision making, Delivering a sufficient supply of homes, Building a strong, competitive economy, Ensuring the vitality of town centres, Promoting healthy and safe communities, Promoting sustainable transport, Making efficient use of land, Achieving well design places, Protecting Green Belt land, Meeting the challenge of climate change, flooding and coastal change, Conserving and enhancing the natural environment and Conserving and enhancing the historic environment.

Other

- National Planning Policy Guidance (NPPG)
- Royal London Development Framework (2017) Cheshire East Council Housing Supplementary Planning Document 2022 (SPD)
- Cheshire East Council Design Guide Supplementary Planning Document 2017 (SPD)

CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections, subject to condition securing the implementation of off-site highway improvement measures and a condition ensuring access implementation.

Environmental Protection (CEC) – No objections, subject to the following conditions: Implementation of noise mitigation measures, Submission/approval of electric charging infrastructure details; submission/approval of low emission gas boiler details; submission/approval of a travel plan, submission of an earthworks strategy with the Reserved Matters application; submission/approval of a contaminated land remediation strategy; the submission/approval of a contaminated land verification

report; the submission/approval of a soil verification report for soil to be used for gardens and soft landscaping and that works should stop if contamination is identified. A number of informatives are also proposed.

Public Rights of Way (PROW) Officer – No objection as no PROW are directly impacted by the proposed development. Conditions are requested in respect of submission of a Travel Plan and a scheme for signage for pedestrians and cyclists within the site. Concerns were raised over the lack of detail/feasibility regarding various proposed footpath/cycle links. However, this will be dealt with through a condition in the event of approval

Environment Agency – No objections, subject to the following conditions: Submission/approval of a remediation strategy to deal with the risks associated with contaminated land; Submission/approval of a contaminated land verification report and the Submission/approval of a Construction Environmental Management Plan (CEMP). Informatives are also proposed.

Lead Local Flood Risk Authority (CEC) – No objections, subject to the following conditions: development be carried out in accordance with the submitted Flood Risk Assessment, the submission/approval of a detailed drainage strategy limiting the surface water run-off and an associated management and maintenance plan and the submission/approval of ground levels. A number of informatives are also proposed.

United Utilities – Recommend the following conditions: submission/approval of a surface water and foul water drainage scheme and the submission/approval of a sustainable drainage management and maintenance plan.

Indoor Sport (CEC) – Request a commuted sum of £21,500 to offset the impact of the development.

Education (CEC) – Require a financial contribution to offset the impact of the development upon schools based on the number of dwellings and standard formula.

Housing (CEC) – Require the provision of 30% affordable housing which the applicant has set out they are willing to provide. Based on 120 dwellings, that would be 36 affordable dwellings. This required provision would be secured via S106 Agreement.

ANSA Greenspace (CEC) – No objections, subject to a condition to establish that the 1ha of set-aside land as a future playing pitch is suitable for its ultimate end use & required mitigation if not. In addition, a S106 Agreement is required to; secure the need to submit an Open Space Scheme securing the necessary on-site open space provision (including a LEAP), and Open Space Management Plan and secure a financial contribution in respect of Recreation Open Space (ROS) should the playing pitch not be provided.

Sport England – Support the application recommending the following conditions: Submission/approval of a scheme assessing the ground conditions of the land where the new playing field is proposed and that the playing field be restricted for outdoor sport only.

NHS Cheshire CCG – Request a commuted sum to off-set the impact of the development based on the mix of dwellings that come forward at Reserved Matters Stage.

Natural England – No objections.

Manchester Airport – No objections, subject to a number of conditions including: approval of dust and smoke mitigation, submission/approval of details proposed to prevent birds being attracted to the site, that all exterior lighting be capped at the horizon and that no Solar PV or reflective materials be constructed without permission. A number of informatives are also proposed

Network Rail – No objection in principle, but recommend the applicant get in touch and obtain the agreement of NR outside of the planning process as works are proposed within 10 metre of the rail boundary. Various informatives are also proposed

The Cheshire Archaeology Planning Advisory Service (APAS) – Recommend a condition requiring an implementation programme of archaeological work and the submission/approval of a written scheme of investigation

Cadent Gas Ltd – No objection, subject to an informative relating to apparatus within the vicinity of the site

Wilmslow Town Council – Recommend refusal of the proposed access from Alderley Road. The Town Council favours access to this site and the site to the West of Alderley Road being controlled at the existing traffic light junction, thereby avoiding the need for several junctions.

OTHER REPRESENTATIONS:

Neighbouring units were notified, a site notice was erected, and the proposals were advertised in a local newspaper.

In response to the re-consultation, undertaken due to the change in scope of the application, consultation responses have been received from or behalf of 5 addresses, which include 3 local interest groups. The main concerns/issues raised include:

Procedural

- Why did the Council not insist that the application be withdrawn and re-submitted rather than amended (Hybrid to Outline)
- Why has the original application form been removed from the website
- Why has a revised Design & Access Statement not been provided
- Is procedure being followed
- Question 11 in the application form answers 'No' to whether the site is at risk from flooding – not correct

Principle

- Mistake to allocate the land as a strategic development site
- Should be refused due to a lack of information and lack of clarity with regards to the real purpose and ambition behind the application

Flood Risk and Drainage

- Ground conditions are soft and wet and land is prone to flooding

- That the Flood Risk report submitted by Harefield Farm by LK Consultants is being ignored which highlights the potential for flooding
- A full Flood Risk Assessment should be provided give the history
- A previous drainage and flood risk evaluation undertaken by Weetwood (2017) identified that even with a 2nd culvert, the development site would be 'inundated with flood water' unless the land levels were raised to 72.02 metres AOD (later revised to 72.27m). However, properties at Harefield Farm stand at 71m. Therefore concerns about flooding of these properties from the application site
- Failure to open (or 'daylight') the proposed Culvert and the benefits it will result in such as ecology and blockages

Design

- Need in area is not for 4 & 5-bedroom properties, but retirement properties such as bungalows

Amenity

- Noise - Impact of noise for future residents as a result of proximity to railway line -
- Contaminated Land - Concerning that former landfill is being stockpiled with a view to raising land levels on the site

Ecology

- Proposals conflict with Policy NE5 of the Wilmslow Neighbourhood Plan. More specifically, no justification for off-site provision and how proposals adhere with Section 7 of the Royal London Masterplan which refers to 'enhancing existing green infrastructure across the site and managing the key ecological features'
- Opportunities are being missed to address a net loss in biodiversity as pointed out by Steven Abbott Associates
- Application is lacking re: protection of protected species. Meeting the requirements of NP Plan Policy NE5 are essential

Highways

- Road safety concerns for pedestrians, cyclists and motor users as a result of the position of the proposed access.
- Why can the access, currently with traffic lights into the site be used

In response to the original consultation exercise, comments were received from or on behalf of 13 addresses, including local interest groups, all of which raise objections. The main concerns raised include:

Flood Risk and Drainage

- Existing site subject to notable flooding (photos submitted) and is boggy due to existing culverts not being able to cope during heavy rain

- Concerned that the proposed drainage solution, which includes the raising of land levels by 1.3 metres will exacerbate flood risk off-site, particularly to the north which includes the 9 residencies on 'Harefield Farm', which would be left at a lower land level
- Issues with proposed additional culvert proposed, including ownership
- Flood Risk Review commissioned by residents to demonstrate concerns
- The proposed sports facilities on site is where there is bad flooding. Recommend the ground conditions assessment proposed by condition by Sport England be undertaken prior to the determination of the application
- As such, contrary to Policy SE13 of the CELPS and the NPPF which says development should not exacerbate flooding off-site
- No evidence that other options explored such as the opening-up and improvement of the existing culvert which would provide ecology benefits
- Do not consider that this concern has been adequately addressed by the application when it needs to be, upfront

Landscape

- Impact of earthworks upon the character and beauty of the countryside and valued landscape

Ecology

- Insufficient information provided to show compliance with Policy NE5 of the Wilmslow Neighbourhood Plan

Other matters

- Alderley Edge Parish Council, the neighbouring parish to the south advised that they had No objections and is strongly supportive of the highway improvement on Alderley Road.

OFFICER APPRAISAL

Principle of development

The application site consists of part of LPS 54 (Royal London including land west of Alderley Road, Wilmslow), a site allocated for development by the Cheshire East Local Plan Strategy (CELPS). Emerging SADPD Policy PG9 shows the application site to fall within the Wilmslow Settlement boundary (as a result of the allocation) within which development will be supported where it is in keeping with the scale, role and function of that settlement and not conflict with any other relevant policy in the local plan.

The Cheshire East Council LPS 54 allocation is expected to achieve:

- The retention of the existing Royal London Campus unless buildings become surplus to the requirements of existing occupiers, in which case the council will consider their suitability for reuse or redevelopment for a range of alternative use
- The delivery of around 175 dwellings (around 80 on land to the east of the existing campus, around 20 to the north of the existing campus and around 75 on land west of Alderley Road)

- The provision of 5 ha of employment land for up to around 24,000 square metres of B1 employment space and a hotel
- Incorporation of green infrastructure and the provision of public open space at the southern end of the land west of Alderley Road;
- Retention and extension of the existing Wilmslow High School playing fields for educational use in the area marked as protected open space on the map. This may include additional buildings for education use provided they do not harm the integrity of the open space overall;
- Provision of at least 1 ha of land set aside for use as school playing fields within the land to the east of the existing campus, in addition to the areas marked as protected open space on the map, and an appropriate level of amenity open space and children's play space; and
- Pedestrian and cycle links and associated infrastructure.

The Royal London Development Framework was endorsed by Cabinet on 10 October 2017. This framework is a guide in determining planning applications on the whole of the Royal London site. The application site is identified in the framework as being developed for residential use and therefore the application is in compliance with this framework.

The allocation has been broken up into various parcels by previous planning permissions which, cumulatively seek to deliver the above requirements.

The part of the site this application considers is the part that proposes the majority of the housing allocation. As set out above, LPS 54 allocated 'around 175' dwellings for the wider site allocation. This application seeks outline permission for 120 of these on part of the site informally referred to as '*Land to the East of Alderley Road*'.

It should be noted that outline permission (including matters of access) has already been granted on this site for 'no more than 120 dwellings' under permission 17/5838M. This is an extant permission, which has been kept alive by the submission of an associated Reserved Matters application, also under consideration by the Council, ref: 21/5725M. This current application is not directly related or linked to these other applications or permissions in any way.

Therefore, the principle of residential development on this site for no more than / up to 120 dwellings is acceptable, subject to all other matters being satisfied.

Highways (including matters of Access)

Policy CO1 of the CELPS refers to sustainable travel and transport. The policy expects development to reduce the need to travel by; guiding development to sustainable and accessible locations; ensuring development gives priority to walking, cycling and public transport within its design; encourages more flexible working; support improvements to communication technology and support measures that reduce the level of trips made by single occupancy vehicles. It also states that development will improve pedestrian facilities so that walking is attractive for shorter journeys and improve cyclist facilities so that cycling is attractive.

Policy CO2 refers to enabling business growth through transport infrastructure. It states that the Council will support transport infrastructure that will mitigate the potential impact of development proposals including supporting measures to improve walking, cycling and sustainable travel environment on routes relieved of traffic and by supporting schemes outlined within the Transport Delivery Plan.

The crux of Saved Policy DC6 of the MBLP is that development should provide safe and convenient access provision for vehicles, pedestrians, special needs groups, and service/emergency vehicles and to provide safe and convenient facilities for the servicing of businesses.

Policy LSP3 of the Wilmslow Neighbourhood Plan (WNP) sets out that new development will be supported where it can demonstrate it has integrated seamlessly with existing walking or cycling routes, provided safe cycle storage and located to take advantage of public transport. Policy TA1 of the WNP refers to parking standards, Policy TA2 to congestion and traffic flow and Policy TA5 to cycling.

Emerging SADPD Policy INF3 considers highways safety and access and emerging Policy INF1 considers cycleways, bridleways and footpaths.

Only matters of access to the site are to be determined in this application and although an indicative masterplan has been submitted, this is not for approval as it is subject to change at reserved matters stage.

Access

The design of the access, that includes a right-turn lane, is similar to the previous access arrangement. The only change in the design is to accommodate the CEC footway/cycleway scheme that has subsequently been implemented on Alderley Road.

In regard to the new access proposal, it was initially intended that the main site access road into the site would provide a 2-metre footpath on both sides of the road. However, the Council's Highway's Officer recommended that one of the footways be increased in width to 3 metres as a shared footway/cycleway. A satisfactory updated plan showing this (CBO-0467-005 Rev G) was received during the application process.

The road width of the access is consistent with previously agreed access scheme being 6.75m carriageway and 12m radii and is acceptable to serve the development.

Traffic Impact

The traffic impact of a 120 residential scheme on the local highway network was previously considered in application 17/5838M and was considered acceptable subject to the provision of off-site mitigation works on Alderley Road. Given that there are no material changes that have taken place on the road network since the previous permission was granted, the Council's Highway's Officer advises that this application is also considered acceptable subject to the same off-site mitigation works being provided.

Accessibility

The accessibility of the site has improved since the granting of the previous outline permission as a pedestrian/cycle route along Alderley Road has been implemented. The access proposals to the site are the same in this application as the previous outline permission although it is intended that shared pedestrian/cycleway is provided along the main site access.

Highway's summary

This application is for the same number of dwellings (120) as the extant outline consent on the site. The access proposals are very similar to the previous scheme, albeit that there are some minor changes being made to its design.

Mitigation measures on Alderley Road were necessary as a result of the traffic impact of the development and this remains the case in this application. The Council's Highway's Officer advises that a condition to secure these improvements is required in the event of approval. Therefore, the Council's Highway's Officer raises no objections to the application proposals, subject to a condition being attached to secure the works via a S278 Agreement and the implementation of the submitted highways/access plans.

Subject to these conditions, the proposal is deemed to adhere with the requirements of the abovementioned development plan policies and emerging development plan policies in relation to highways.

Design (principle)

All matters of design (layout, scale and appearance) are not sought for permission as part of this application (with regards to the residential element of the scheme). The acceptability of this detail, including residential mix, would be considered at Reserved Matters stage only.

Irrespective of the submitted illustrative layout plan, it has previously been accepted that a scheme for 120 dwellings can be accommodated on this site by an extant permission. Therefore, there can be no technical design objections at this stage.

Heritage

Two listed buildings are located just outside of the application site, these are Fulshaw Hall and its neighbouring building. Both are Grade II listed with the hall currently in use as offices and the other building in use as a staff restaurant. The allocation within the CELPS Policy LPS 54, at point (h) says '*respect for the setting of the listed buildings on Fulshaw Hall.*'

Policy SE7 of the CELPS states that '*All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment.*'

Policy TH3 of the WNP refers to heritage assets. It sets out submission requirements for developments that are likely to affect heritage assets and that where any harm is unavoidable it should only be outweighed by clear public benefits.

Emerging SADPD policies HER1 (Heritage assets) & HER4 (Listed buildings) are also material considerations. These policies set out what documentation applications that impact heritage assets should be accompanied by and seek to protect listed buildings.

As part of the previous, similar approval on site, granted under 17/5838M, the officer advised within their committee report that:

'Whilst this (Heritage Statement) is lacking in the assessment on the impact of the proposals on the heritage assets these are issues that can be considered in further detail as part of a future reserved matters application. Therefore, a condition will be included on the decision notice requiring a full heritage assessment to be carried out and submitted with any reserved matters application.'

As part of the application proposals, the Council's Heritage Officer originally objected to the proposed development due to the loss of historic landscaped gardens which form part of the curtilage of a Listed Building (Fulshaw Hall). The Council's Heritage Officer advised that the historic garden should not be built upon with houses without justification in line with NPPF.

The submitted illustrative masterplan suggests that approximately 8 houses are proposed within this area, within the curtilage / garden of Fulshaw Hall. However, neither the current nor previous permission definitively proposed housing in any particular location on the site, it simply demonstrated where residential use (defined by the key) would be. The consideration as to where it would be appropriate for *built form* to be situated in the context of the listed building would need to be carefully considered as part of a reserved matters application.

The proposed access involves the removal of trees which the Council's Heritage Officer advises are part of the designed setting of the listed building. The trees in question are located to the north of an existing car park, north of the listed building. Another group of trees, closer to the listed building, represent an intervening feature. The applicant's Heritage Consultant and the Council's Heritage Officer disagree with the role these trees play in the significance of the listed building. The applicant's planning consultant advises that these trees are not evident in the context of the listed building because the building is concealed by the other group of trees. Subsequently, the applicant's Heritage Consultant advises that any degree of harm to the listed building would subsequently be very low (very minor on the "less than substantial" scale).

The Council's Heritage Officer has advised that they consider that this harm has been underestimated. The Council's Heritage Officer advises that it is important to note that the guidance on setting and assessment of significance from Historic England, is clear that there does not have to be visual connections or public accessibility or visibility between features for them to contribute positively to their significance.

The harm to the significance of the listed building as a result of the loss of these trees is deemed to be less than substantial. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

In this instance, these benefits are economic (during the construction period, supply chain benefits, future residents spending money/utilising facilities and services in the area), social (delivery of housing, including 30% affordable housing) and environmental (sustainability of the location within close proximity to services). Another factor is that these trees do not benefit from any formal protection and furthermore, the extant outline can still be progressed which equally results in the loss of these trees.

As such in this instance, it is deemed that the public benefits outweigh the less than substantial harm to the significance of the heritage asset as a result of tree removals.

Additional concerns about the raising of ground levels within the curtilage of the listed building. would be considered at Reserved Matters stage.

The proposed access road involves the removal of a section of the internal kitchen garden walls (curtilage listed) and the remains of potting sheds (curtilage listed), as well as, by implication, boundary walls to the east, which form the curtilage of the gardens. The Council's Heritage Officer advises that these works will require Listed Building Consent (LBC) for their demolition. The applicant has stated that it is not possible to provide full details of the works required or a method statement for the making good of the remaining structures at this stage. The Council's Heritage Officer therefore requests that this detail be conditioned, and a Listed Building Consent application is to be submitted and approved ahead of the implementation of any works affecting the walls.

If this application is approved, the Council's Heritage Officer recommends conditions to ensure a detailed assessment is carried out to fully assess the significance of the assets affected and also the development as whole. Also, an informative that this permission does not grant consent for the works of demolition or alteration relating to the listed buildings and no works to the access can commence until this has been approved.

Subject to these conditions and informatives, the proposals are deemed to adhere with the heritage policies of the development plan and the NPPF.

Archaeology

The Cheshire Archaeology Planning Advisory Service (APAS) have advised that the site has some archaeological potential associated with the historic township boundary between Fulshaw and Bolin Fee, which runs North / South across the eastern half of the application area.

The Council's APAS Officer advises that while the archaeological interest of this feature is not sufficient to generate an objection to the development on archaeological grounds or to require any further pre-determination work, it is recommended that in the event of approval, the site should be subject to a limited programme of archaeological work in order to investigate this feature further and record any archaeological deposits which may be present.

As such, in the event of approval, it is proposed that this be conditioned.

Landscape, trees and hedgerows (principle)

Matters of 'Landscape', which includes matters in relation to trees and hedgerows, are not sought for determination at this stage and represent a Reserved Matter in relation to the proposed residential development. However, they are a consideration in relation to the principle of the development.

Landscape

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area. Policy SE4 of the CELPS specifically relates to landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness. Saved Policies DC8 and DC37 of the MBLP set out what landscaping & landscaping schemes should achieve.

Within Policy LSP2 of the WNP, it is states that development proposals will be encouraged to avoid the loss of existing mature trees and hedgerows, avoid hard features such as fences and walls in favour or natural planted features & introduce green infrastructure.

Policy NE1 of the WNP sets out that new development should demonstrate how its has sensitively responded to the Wilmslow Landscape Character Assessment. Policy NE2 of the WNP refers to River Valley Landscapes. It details that the site falls within the Lower Farms and Woods, B1 Character Area. Within such locations, it is advised that development should be avoided that introduces built development into visually prominent locations, impinges on woodlands fringing the river valleys, cause erosion or located in areas of flood risk & negatively impact wildlife.

Emerging Policy ENV3 of the SADPD is largely reflective of this policy. Emerging Policy ENV5 of the SADPD sets out what should be included in landscaping plans.

The application is supported by a Supplementary Environmental Statement (ES) including a Landscape and Visual chapter. This document is an update to the ES 2017 and the Addendum ES 2018 that were submitted with outline application 17/5838M.

The Supplementary Landscape and Visual Impact Assessment (LVIA) was carried out by Tyler Grange in general accordance with the Guidelines for Landscape and Visual Assessment 3rd edition (GLVIA3). The landscape and visual receptors, representative viewpoints etc. were agreed with Cheshire East Council.

The Supplementary LVIA considers the current development proposals in light of potential baseline changes that may have occurred since the 2017 ES and 2018 ES Addendum. The main baseline change is that in the 2018 Cheshire East Landscape Character Assessment, the site is no longer within the Lower Wooded Farmland Character Type and Chonar Character Area, it is within the Urban area because it is allocated for development under LPS 54.

On the Parameters Plan, the retained trees and hedges, proposed site access, perimeter landscape buffers, ecology mitigation area, and proposed building storey heights and locations are all the same as that shown on the previously approved parameters plan under 17/5838M. The embedded landscape mitigation remains the same as previously assessed.

The Supplementary LVIA concludes:

'The proposed development for the purposes of this May 2021 ES report has been reviewed in light of the current baseline context and the previously identified landscape and visual impacts and effects noted on the 2017 ES and 2018 ES Addendum. The changes are judged to not impact upon the identified landscape and visual receptors to any greater or lesser extent than the previously assessed scheme, largely due to the limited change from the 2018 and 2018 scheme proposed and limited changes to the baseline conditions'

The Council's Landscape Officer agrees and raises no objections to the proposed development. The Officer recommends the following headline conditions be imposed in the event of approval: submission/approval of landscaping details, landscape implementation, submission/approval of boundary treatment details, submission/approval of levels details, and the submission/approval of earthworks details (x2). In addition, the Officer recommends a requirement to provide a 30-year landscape management plan be included as part of a S106 agreement.

As matters relating to general landscaping (including boundary treatments) are to be considered at reserved matters stage, it is not deemed necessary to include these standard conditions at this juncture. However, conditions in relation to levels and earthworks are more specific to the application site given the likely required site level changes and as such, are deemed necessary to be conditioned so that detail can be considered at reserved matters stage. Subject to these conditions and S106 agreement, it is considered that the proposal would adhere with the relevant abovementioned policies of the development plan.

Trees & Hedgerows

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted. Saved Policy DC9 of the MBLP and emerging Policy ENV6 of the SADPD are largely reflective of this policy.

The supporting Preliminary Arboricultural Impact Assessment (Environment Statement Vol 3 App 5.1) has been provided as an addendum to Statement (Ref 10359_R13C_JP_MM dated 7th Feb 2018) submitted in support of the previous outline application (17/5838M), which was subsequently approved in December 2018. The current Assessment included a baseline tree survey and assessment of tree losses which remains substantially unchanged from the previous approval.

Condition 7 of the previous outline approval required the submission of an updated Arboricultural Impact Assessment and Method Statement to consider the implications for trees at the detailed design stage and is recommended at para 3.5 of the Impact Assessment submitted with this application.

The Council's Tree Officer advises that it is agreed that there are no substantial changes to the baseline tree survey and that the detailed access arrangements also remain largely unchanged. As such, subject to the imposition of a similar condition, the Council's Tree Officer raises no objections. Subject to this condition, the application proposals are deemed to adhere with the relevant tree policies of the development plan.

Ecology

Policy SE3 of the CELPS states that developments that are likely to have a significant adverse impact on a site with legally protected species or priority habitats (to name a few), will not be permitted except where the reason for or benefits of the proposed development outweigh the impact of the development. Saved Policy NE11 of the MBLP is consistent in so far as it states that development which would not adversely affect nature conservation interests will not normally be permitted. Saved Policy NE17 of the MBLP sets out that for all major developments in the countryside, the council will seek improvements for nature conservation.

Policy NE5 of WNP states that development proposals will be supported where they will not adversely affect certain Nature Conservation sites set out on maps within the WNP. The application site does not fall into any of these. Policy NE5 also states that all development should demonstrate a net gain in biodiversity.

Emerging Policy ENV1 of the SADPD relates to ecological networks and Policy ENV2 relates to ecological mitigation.

The application is supported by various ecological appraisals. The acceptability of the various elements of the development in ecology terms is considered below.

Water Voles and Otters

Only a single water vole survey visit was undertaken. Two visits are required by best practice guidelines. However, no evidence of this species was recorded during the updated surveys and earlier surveys of this site. The Council's Nature Conservation Officer therefore advises that on balance, this species is not reasonably likely to be present or affected by the proposed development.

No evidence of Otters was recorded during the submitted surveys. This species is unlikely to be present on site. It may however be in the water course in future. The Council's Nature Conservation Officer therefore recommends that an updated survey be secured by condition if consent is granted.

Furthermore, a condition is suggested requiring the provision and safeguarding of an 8m undeveloped buffer adjacent to the northern ditch to ensure it is satisfactorily retained as part of the proposed development.

Bats

All of the trees assessed for their bat roost potential have been found to have only low potential to support roosting bats. The Council's Nature Conservation Officer advises that roosting bats are therefore not reasonable likely to be affected by any works to these trees.

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Common Toad

Common toad is a priority species and hence a material consideration. The submitted Environmental Statement (ES) advises that the proposed development will result in the loss of breeding habitat (ditch 3) and suitable terrestrial habitat for this species. The Council's Nature Conservation Officer advises that this is likely to have a localised adverse impact upon this species.

Two replacement ponds are shown on the submitted illustrative layout. The Council's Nature Conservation Officer advises that these would provide adequate compensatory breeding habitat for this species. The submitted ES also recommends that gully pots be designed to minimise impacts upon amphibians.

If planning consent is granted a condition would be required to secure the submission of the detailed designs of the ponds and gully pots.

Nesting birds

In the event of approval, a condition to protect nesting/breeding birds is proposed.

Polecat hedgehog and brown hare

These three priority species have been recorded in the broad locality of the application site. Hedgehog and polecat may appear on the application site on at least a transitory basis. The Council's Nature Conservation Officer advises that the proposed development will result in the loss of an area of habitat potentially utilised by these species.

In order to compensate for this loss, the Council's Nature Conservation Officer recommends that the detailed design includes features for these two species. In the event that outline permission is granted this matter may be dealt with by means of an ecological enhancement condition.

'Other protected species'

No evidence of 'other protected species' activity was recorded on site during the latest surveys. Based on the current level of activity on site the proposed development is unlikely to have a significant adverse impact upon this species. Activity has however been recorded on this site in the past. Therefore, in the event that planning consent is granted, the Council's Nature Conservation Officer recommends that a condition be attached which requires an updated 'other protected species' survey to be undertaken prior to the commencement of any phase of development.

Trees

The submitted parameters plan now shows the retention of trees and vegetation. In the event that planning permission is granted, a condition is recommended which requires the retention of this existing vegetation as shown.

Hedgerows

Native hedgerows are a priority habitat. The proposed development will result in the loss of a hedgerow (H3) potentially amounting to 180m.

The strategic, indicative, landscape masterplan has been amended to include proposals for the incorporation of 200m of new hedgerow planting. The Council's Nature Conservation Officer advises that, if the loss of existing hedgerow is considered unavoidable, the delivery of compensatory hedgerow planting can be incorporated into the on-site habitat creation and management condition.

Ponds

The proposed development is likely to result in the loss of two small ponds on site. The Council's Nature Conservation Officer advises that the loss of the ponds should be compensated for through the creation of replacement wildlife ponds. These ponds are also required to address the loss of habitat for common toad as discussed above. This matter may then be dealt with by means of an ecological enhancement condition (as referred to later below).

Construction Environmental Management Plan (CEMP)

The submitted ES recommends the production and implementation of a CEMP to safeguard retained habitats and to ensure construction related impacts are minimised. The Council's Nature Conservation Officer therefore recommends that the submission of a CEMP be made a condition in the event that planning consent is granted.

Biodiversity net gain

Policy SE 3(5) of the CELPS requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 2 methodology.

The metric calculation as submitted shows that the proposed development would result in a net loss of biodiversity amounting to -3.63 biodiversity units.

As the proposed development is likely to result in a net loss of biodiversity a Biodiversity Net Gain Strategy that involves off-site habitat creation will be required to ensure that the development delivers a net gain for biodiversity as required by planning policy.

The applicant has provided outline details of habitat creation measures at the Adlington Estate, north of Macclesfield. The Council's Nature Conservation Officer advises that the proposed measures are sufficient to address the loss of biodiversity resulting from the development and deliver a 1.08% biodiversity net gain.

The Council's Nature Conservation Officer recommends that if planning consent is granted, a Section 106 agreement will be required to ensure the submission and implementation of the following: Habitat Creation Method Statement; 30-year adaptive habitat management plan and a 30-year Ecological monitoring strategy. These would need to be informed by the submitted 'Outline Landscape and Ecological Management Plan – offsite' prepared by Tyler Grange dated 10th December 2021.

In order for the development to deliver a net gain for biodiversity, the Council's Nature Conservation Officer has advised that on-site habitat creation and enhancement will also be required, again for a period of 30 years. As such, if planning consent is granted, it is recommended that a condition be imposed to ensure the delivery and management of on-site habitats.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Policy SE3 of the CELPS.

The Council's Nature Conservation Officer therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Ecology conclusions

The proposed development is deemed to be acceptable in ecology terms, subject to the inclusion of the recommended conditions set out above and a S106 Agreement to secure biodiversity net gain.

Subject to these conditions and a S106, it is considered that the proposal would adhere with the requirements of the ecology policies of the development plan and the NPPF.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy DC38 of the MBLP provides minimum separation distances. There is also guidance on separation distances within the Cheshire East Council Design Guide SPD. Saved policies DC13 & DC14 of the MBLP relate to noise pollution and Policy DC63 of the MBLP relates to contaminated land.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Emerging policies HOU10 (Amenity), HOU11 (Residential Standards), ENV12 (Air quality), ENV13 (Aircraft noise), ENV14 (Light pollution) and ENV15 (New development and existing uses) of the SADPD are largely reflective of these policies and/or expand upon a number of the amenity considerations.

Neighbouring dwellings and future occupiers

Issues relating to overlooking, impact on privacy, and overshadowing will be addressed as part of any future reserved matters application once matters in relation to layout and scale in particular, are considered. This is also the case in relation to the level of amenity afforded to the future occupiers.

Environmental amenity

Contaminated land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

In the event of approval, subject to the following contaminated land conditions, the Council's Contaminated Land Officer raises no objections to the development: submission of an earthworks strategy with the Reserved Matters application; submission/approval of a contaminated land remediation strategy; the submission/approval of a contaminated land verification report; the submission/approval of a soil verification report for soil to be used for gardens and soft landscaping and that works should stop if contamination is identified.

The Environment Agency raise no objections on contaminated land grounds subject to the following conditions: Submission/approval of a remediation strategy to deal with the risks associated with contaminated land; Submission/approval of a contaminated land verification report and the Submission/approval of a Construction Environmental Management Plan (CEMP). Informatives are also proposed.

Noise pollution and air quality

The Council's Environmental Protection Team have raised no objections in relation to these considerations, including the impact of railway noise upon the future occupiers, subject to the following conditions: Implementation of noise mitigation measures, Submission/approval of electric charging infrastructure details; submission/approval of low emission gas boiler details and submission/approval of a travel plan.

It is expected that some noise and disturbance will occur as part of the construction process. However, this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

Amenity summary

Subject to the above conditions, minus the gas boiler condition, which is not considered to be enforceable, the proposal would adhere with the amenity policies of the development plan.

Flood Risk and Drainage

Flood Risk is of particular concern to residents, more specifically the potential of increased off-site flooding beyond the northern boundary as a result of proposed site level increases. The submission sets out that the raising of land levels is required as part of the scheme's flood mitigation. To the far north of the site, it is calculated the ground levels will need to increase in height by between 0.62m and 1.05m relatively close to the curtilages of The Barn, Harefield View, The Granary & Brook Edge.

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

Saved policies DC17, DC19 and DC20 of the MBLP seek to ensure development is not proposed in areas that flood, ensure groundwater resources are not damaged and protect the water quality of watercourses.

Emerging policies ENV16 (Surface water management and flood risk) and ENV17 (Protecting water resources) are largely reflective of these policies.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk category in England and means that the land has less than a 1 in 1,000 annual probability of river flooding.

Despite this, neighbouring objectors have made it clear that localised flooding is more common and have submitted photographs purported to show this. This subsequently requires greater scrutiny.

In support of the application, within Appendix 11 of the submitted Environmental Statement (ES), is the applicant's flood risk documentation. This comprises of:

- Appendix 11.1b – Part 1 - A Flood Risk Assessment (FRA) & Surface Water Drainage Statement, produced by RoC Consulting, dated April 2021
- Appendix 11.1b – Part 2 - An associated 'Proposed Drainage Strategy' Plan (DR-101 Rev E), produced by RoC Consulting, updated June 2021

- Appendix 11.1b – Part 2 - An associated 'Hydraulic Modelling Report', produced by Weetwood, dated August 2017
- Appendix 11.1b – Part 3 – Continuation of associated 'Hydraulic Modelling Report', produced by Weetwood, dated August 2017

Background

To understand the proposed flood risk mitigation on this site, the complex history of the site and the adjacent sites with regards to flooding needs to be understood.

As part of the last outline permission on site, ref: 17/5838M, which is still extant, matters of flood risk were considered and found to be acceptable, subject to conditions proposed by the Environment Agency and the Council's Flood Risk Officer's.

The Council's Flood Risk Officer recommended a condition that no development should take place until a detailed design and associated management and maintenance plan of surface water drainage be submitted for approval. This was conditioned to be in accordance with the submitted Flood Risk Assessment (FRA) as part of permission 17/5838M.

In addition, a Parameter Plan was approved (ref: ALD-AHR-00-ZZ-DR-A-90-PL502 Rev 2), which specified the parts of the site that would form part of the outline drainage strategy. Furthermore, it specified parts of the site would be subject to minimum plot levels, which were to be raised as a result of the FRA recommendations. This was all conditioned as part of 17/5838M.

At a later date, a different drainage strategy was proposed for the application site. This is because the previous outline drainage strategy (within the conditioned FRA), intrinsically linked the drainage of the application site (Land to the East of Alderley Road), with another site, 'Land to the West of Alderley Road', also benefiting from outline consent for housing. The applicant's sought a new strategy so the housing schemes could be independently progressed without relying on each other in terms of their drainage strategies.

To allow this, significant engineering works on the 'Royal London campus' immediately to the south of the application site were approved by Cheshire East Council's Strategic Planning Board, under permission 21/3107M, and an approval was issued in February 2021. This solution was the alternative drainage solution for the current application site. This solution included the creation of attenuation ponds on the Royal London campus itself and temporary stockpiles of earth to be ultimately transferred to the current application site to be used to raise the land levels for flood mitigation purposes.

The drainage strategy proposed by the current application would tie in the drainage of the application site to the approved off-site drainage works to the south, on the Royal London campus. Any flood water from the application site will be channelled southwards towards the attenuation ponds on the Royal London campus.

Neighbouring concerns

An independent flood risk review completed by the LK group was commissioned by local residents because of concerns they had regarding the potential for increased flood risk as a result of the development to their properties to the north of the application site. Upon review, this report makes the following main conclusions:

- High to medium risks of surface water flooding are recorded on the application site adjacent to Harefield Farm
- The source of the flooding is observed to be from overland flow from the watercourse along the northern boundary filling the lower ground level
- If the lower ground level is raised, this surface water could potentially remain adjacent to Harefield Farm, increasing flood risk, unless adequately drained
- The proposed additional culvert drainage is not feasible at present as the head of the proposed culvert would be on 3rd party land. There is the opportunity to divert this away from 3rd party land into the site boundary
- There is potential to open-up the culverted watercourse to enhance the existing watercourses

In response to this Flood Risk report, the agent for the applicant has provided a response (following input from their own drainage consultant), making the following points:

- The flood risk documentation submitted with the application, which includes a Flood Risk Assessment (FRA), recognises the existing flooding associated with the development area. Indeed, hydrological modelling was undertaken to fully understand the extent of the issue
- This modelling data highlighted the need for an additional culvert to be incorporated in the vicinity of the existing culvert to convey flood water flows through the development and will prevent water backing-up in the vicinity of Harefield Farm.
- The hydrological modelling also took into account the level changes proposed within the FRA and includes existing and post-development flood scenarios
- This modelling demonstrated that flooding, post development, would be 'no worse than existing to adjacent properties and land ownerships.'
- The raising of the land levels will not increase flood risk elsewhere because the significant drainage scheme to the south (on the Royal London site approved by SPB under 20/3107M), has been designed to accommodate the floodwater from the application site which it would be channeled to by the proposed additional culvert.
- The residents flood risk review does not include hydraulic modelling work that considers post-development scenarios.
- There are no plans to amend the existing culvert inlet on 3rd party land. The proposed new culvert is located wholly within the land controlled by the applicant
- The exact details of the culvert works (open or underground) will be established as part of the detailed design for the development and the drainage design

Assessment

The Council's Flood Risk Officers have reviewed the application submission documents as well as the independent flood risk review completed by the LK group, commissioned by local concerned residents. In summary, they Council's Flood Risk Officer's raise no objections in principle, subject to conditions. These include that the development proceed in full accordance with the FRA, that an overall detailed strategy / design limiting the surface water run-off to 41.36 l/s, generated by the proposed development and an associated management and maintenance plan be submitted and approved and that ground levels and finished floor levels be approved. The Environment Agency raise no specific flood risk concerns.

In consideration of drainage, United Utilities have advised that they have no objections, subject to the following conditions: submission/approval of a surface water and foul water drainage scheme and the submission/approval of a sustainable drainage management and maintenance plan.

As such, subject to the suggested conditions from the Council's Flood Risk Officer and United Utilities, the development is deemed to adhere with the abovementioned flood risk and drainage policies of the development plan.

Health

In and around the area covered primarily by the Primary Care Network; CHAW. The GP Practices currently involved, are as follows:

- Alderley Edge Medical Centre
- Chelford Surgery
- The David Lewis Medical Practice
- Handforth Health Centre
- Kenmore Medical Centre
- Wilmslow Health Centre

Combined, there is a Practice Population of 50,198. It is advised that a significant proportion of the GP Practices have a shortfall in the required space. It is advised that increases in housing in and around the surrounding areas have a direct, detrimental impact and therefore mitigation by way of Capital contribution is required. This planning application looks to increase the development in this area by an unknown mix of 120 dwellings. As such, a contribution depending on the final bed mix is required to avoid an objection from the NHS Cheshire CCG.

It is suggested that the Section 106 funding for the planning application under consideration is based on a calculation consisting of a set formula below (inflated for RPI 2022 against 2016 set formula).

<u>No. of Beds</u>	<u>Amount of Occupants</u>	<u>Correlating Cost</u>
1 bed unit	1.4 persons	£612 per 1 bed unit
2 bed unit	2.0 persons	£875 per 2 bed unit
3 bed unit	2.8 persons	£1,225 per 3 bed unit
4 bed unit	3.5 persons	£1,531 per 4 bed unit
5 bed unit	4.8 persons	£2,100 per 5 bed unit

The applicant has agreed to a financial contribution in respect of this issue and this will be based on the number and size of dwellings that come forward as part of the reserved matters application.

Education

The development of 120 dwellings is expected to generate:

- 22 - Primary children (120 x 0.19)
- 18 - Secondary children (120 x 0.15)
- 1 – Special Educational Needs (SEN) children (120 x 0.51 x 0.023%)

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

The Education Service acknowledges that this is an existing concern, however the 18 secondary age children expected from Land East of Alderley Road, Wilmslow application will exacerbate the shortfall.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Land East of Alderley Road application will exacerbate the shortfall.

To alleviate forecast pressures, the following contributions would be required based on 120 dwellings:

$18 \times £17,959 \times 0.91 = £ 294,168$ (Secondary)

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

Total education contribution: £339,668.

Without a secured contribution of £339,668 Children's Services would raise an objection to this application.

As per the previous approval, it is proposed to include the formula within a S106 in the event of approval as opposed to an actual figure. The applicant has agreed to this.

Open Space

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space (to name a few). In order to assess the adequacy of the open space, a table (13.1) is provided within the subtext of Policy SE6 which sets out open space standards. Saved Policy RT5 of the MBLP also refers to minimum standards for open space provision. Saved Policy DC40 of the MBLP sets out children's play and amenity open space provision requirements. Policy CR4 of the WNP supports development that provide new playing fields for public, private or school use.

Policy LPS54 of the CELPS sets out that as part of the wider Royal London site, the following will be achieved:

5. *Retention and extension of the existing Wilmslow High School playing fields for educational use in the area marked as protected open space on the map. This may include additional buildings for education use provided they do not harm the integrity of the open space overall*
6. *Provision of at least 1 ha of land set aside for use as school playing fields within the land to the east of the existing campus, in addition to the areas marked as protected open space on the map, and an appropriate level of amenity open space and children's play space*

LPS54 requirements

With regards to point 5 above, none of the development subject to this application encroaches into this space.

With regards to point 6, the submitted Parameters Plan identifies a parcel of land, just over 1ha, to the east of the application site, for 'Potential Future Playing Fields'.

Sport England are supportive of the creation of this facility, subject to condition requiring the submission/approval of a scheme assessing the ground conditions of the land and where any issues are identified, that these are mitigated in order to ensure the facility is of an acceptable standard. In addition, a condition is proposed that restricts the playing field use for 'outdoor sport' only. The Council's ANSA Greenspace Officer notes the Sport England comments and the need to establish the site allocated is suitable for playing field use and the submission of a detailed assessment/feasibility scheme and detailed scheme prior to commencement and would echo that requirement.

In response, the applicant has rebutted the proposed condition requiring the submission/approval of ground conditions information/feasibility to ensure that the playing field is of an acceptable standard. The agent for the application states that the applicant does not propose to *provide* the playing fields and there is no policy which requires them to do so. The policy simply requires the '*provision of at least 1 ha of land set aside [Officer emphasis] for use as school playing fields...*'

Furthermore, the agent for the application sets out that as part of the extant outline permission (17/5838M), there were no conditions imposed in relation to the playing field. The S106 Agreement was used as the mechanism to ensure the delivery of the playing field as discussions would need to take place at a later time regarding the transfer of the land to Wilmslow High School and its subsequent management.

There is no evidence that Sport England were consulted on the previous outline application (17/5838M). The S106 Agreement associated with 17/5838M simply required that the land allocated for a playing field be transferred to the Council prior to occupation.

The submitted Parameters Plan identifies a parcel of land, over 1ha to the east of the campus as 'future playing fields'. As such, the requirements of the policy are deemed to be met.

Whilst it is recognised that there will need to be an assessment of some kind to ensure the future playing pitch is of a suitable standard, it is agreed that the responsibility of undertaking that work does not necessarily sit with the applicant. The application simply 'sets-aside' this land for future use in line with the policy requirements.

The feasibility of the site would have been partly considered in the formulation of the CELPS as suggested by the wording of the policy which requires the location of the land to be 'within the land to the east of the existing campus'. It is also a material consideration that the extant outline permission, which is being progressed as a Reserved Matters application (21/5725M) is currently being considered in relation to this original outline, did not require these requirements.

The Council contacted Sport England to ask whether the wording of the proposed condition which requires the submission/approval of an assessment of the ground conditions of the playing pitch (and any subsequent mitigation where necessary) could be changed so its trigger was 'prior to the use' of the new pitch, as opposed to prior to commencement of development. This would ensure that the

responsibility of whom undertakes this work would not necessarily lie with the applicant. Sport England have formerly agreed to this suggestion.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the CELPS and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution will equate to £1,000 per dwelling (excluding the affordable properties) with the final contribution determined upon the final number of properties on site.

Depending on the nature of the discussion in respect of the S106 on the delivery of the playing field, it may be appropriate to waive the contribution for ROS if the Council is gifted the land for the playing field. The S106 agreement will be drafted to ensure delivery of the playing field as part of the development or the ROS financial contribution will have to be made. This approach is considered appropriate at this stage as discussions need to take place over the transfer of the land and with Wilmslow High School over its future management. This was also the approach taken as part of the previous outline approval and associated S106 Agreement.

Subject to the conditions and a S106 agreement which requires that the land allocated for a playing field be transferred to the Council prior to occupation or a ROC contribution, the proposals are deemed to adhere with the open space requirements of Policy LPS54.

Indoor sport

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

Point 5 of Policy SC1 states that *“Make sure that appropriate developments contribute, through land assembly and financial contributions, to new or improved facilities where development will increase demand and / or there is a recognised shortage of local leisure, community and recreation facilities”*.

Point 3 of Policy SC2 states *“Make sure that major residential developments contribute, through land assembly and financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage”*.

The Council's Indoor Sport Officer has advised that the development proposals will increase the need for local indoor leisure provision and as such, a financial contribution should be sought towards Wilmslow Leisure Centre being the nearest provision.

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

Based upon the usual method of calculation the total contribution requested is £21,500

The applicant has agreed to a financial contribution in respect of this matter.

Other POS requirements

The application acknowledges the requirement, in addition to the 1ha of playing field set-out above, for the provision of Public Open Space (Children's play, amenity open space) and Green Infrastructure (*G/ – landscape buffers, green corridors – useable/big enough*).

As part of the previous, extant permission on site, a condition was imposed which required, as part of any reserved matters application, that full details of the proposed open space be laid out and submitted. In addition, the S106 Agreement required the submission/approval of an Open Space scheme which should include: the size, location and type of Open Space, the specification of such works, details of a LEAP. In addition, there was a requirement to provide an Open Space Management Plan.

In the event of approval, it is proposed to once again secure the required provision by this mechanism.

Open Space conclusions

The submitted Parameter's Plan sets out the position of the 1ha of school playing fields. This is reflective of the position and size approved as part of the previous outline permission (17/5838M).

A contribution of £1,000 per market dwelling is required for all market dwellings to account for Recreation Open Space (ROS). Depending on the nature of the discussion in respect of the S106 on the delivery of the playing field, it may be appropriate to waive the contribution for ROS if the Council is gifted the land for the playing field. The S106 agreement will be drafted to ensure delivery of the playing field as part of the development, or the ROS financial contribution will have to be made.

A contribution is required to offset the impact of the development upon indoor sport provision in the area.

With regards to requirements in relation to Public Open Space, Children's Play, amenity open space and Green Infrastructure, there is a requirement to provide the full-policy compliant provision. However, the specifics of this detail would not be agreed until Reserved Matters stage. For completeness, in the event of approval, as per the previous extant permission, it is proposed that the detail of this and its requirement be secured via a means of planning condition and S106 agreement. This will also require the approval of an Open Space Management Plan.

Subject to conditions and a S106 agreement to secure the necessary on-site provision and contributions, the development is deemed to adhere with the Open Space requirements of Policy LPS54 and the general Open Space requirements within the abovementioned open space policies.

Affordable Housing

Policy SC5 of the CELPS states in Settlements with a population of 3,000 or more the percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. A ratio of 65/35 between social rented and intermediate housing is required. Saved Policy H9 of the MBLP considers matters in relation to the occupation of affordable housing.

This application triggers the requirement to provide 30% on-site affordable housing unless otherwise justified. Based on the delivery of 120 dwellings, this would amount to a requirement of 36 units. Based on the policy referenced split, this would amount to 23 units (65%) being provided as affordable rent and 13 units (35%) being intermediate tenure.

In consideration of need, Cheshire Homechoice has a list of those waiting for an affordable dwelling. There are 526 people waiting for such a home in Wilmslow. Of these, the demand is for 1-bed (253 people), 2-bed (155 people), 3-bed (84 people), 4-bed (20 people) and 5-bed (14 people).

Within the submitted Design and Access statement it is advised that there will be 30% Affordable Provision. However, they have not provided an Affordable Housing Scheme as so the proposed split between Social, Affordable or Intermediate rent is unknown. However, this would be agreed at Reserved Matters Stage.

The applicant has agreed to the provision in respect of this issue and this will be based on the number and size of dwellings that come forward as part of the reserved matters application.

Manchester Airport

Emerging SADPD policy GEN5 of the SADPD sets out that development which would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar will not be permitted.

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Upon review, Manchester Airport raise no objections, subject to a number of conditions including; approval of dust and smoke mitigation, submission/approval of details proposed to prevent birds being attracted to the site, that all exterior lighting be capped at the horizon and that no Solar PV or reflective materials be constructed without permission. A number of informatives are also proposed.

Other matters

Network Rail and Cadent Gas recommend informatives in the event of approval.

Objector's concerns

In response to various concerns/issues raised by objectors which have not been addressed as part of this assessment;

In response to why the Council did not insist that the application be withdrawn and re-submitted once the scope of the application changes from a hybrid application to a straight outline application (including access). This was done as a result of discussions to overcome issues highlighted during the assessment process. The Council are required to be positive and proactive in the assessment of planning application as set out within the NPPF.

The original application form has been removed from the website for the benefit of clarity as the scope of the application has changed during the assessment process and the application now only relates to the development set out in the updated form and it is this development for which a re-consultation exercise has been undertaken.

Although preferable, an updated Design and Access Statement is not deemed an essential requirement of the application in order to make an informed decision on the application proposals.

Although the applicant has completed 'No' in response to question 11 on the application form as to whether the site is at risk of flooding, the Council are aware of the flooding history on the site and matters of flooding have carefully been considered as part of this assessment.

Heads of Terms

In the event of approval, a S106 agreement is proposed to secure the following:

Open Space

- A commuted sum (based on the number of dwellings that are ultimately approved) towards off-site Indoor Sport provision/improvements
- The provision of an Open Space scheme securing the necessary on-site Open Space requirements
- The provision of an Open Space & LEAP Management Plan
- Contribution towards Recreation Open Space (ROS) £1,000 per open market house or transfer of the playing field

Education

- A commuted sum towards offsetting the impact of the development upon local education facilities, based on a standard formula with the exact figure to be agreed based on the number of dwellings that are ultimately approved.

Affordable housing

- To secure 30% on-site affordable housing provision and the necessary tenure split

Health

- A commuted sum towards offsetting the impact of the development upon local health care facilities, based on a standard formula with the exact figure to be agreed based on the number of dwellings that are ultimately approved.

Ecology & Landscape

- To secure the submission & implementation of:
 - Habitat Creation Method Statement
 - 30-year adaptive habitat/landscape management plan
 - 30-year ecological monitoring strategy
 - Biodiversity metric to evidence that the proposals deliver a net gain for biodiversity

Environmental Protection/Public Rights of Way

- A commuted sum of £5000 towards travel plan monitoring

Levy (CIL) Regulations

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

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

The Open Space contribution requirement towards off-site indoor sport provision/improvements, along with securing the necessary on-site Public Open Space requirements, management plan and transfer to playing field land or Recreation Open Space (ROS) contribution is all deemed to be necessary, fair and reasonable in relation to the development. This is because all the provision that is secured is required either to be policy compliant or to off-set the impact of the proposed development.

The requirement to provide a financial contribution towards education and health improvements is deemed to be necessary, fair and reasonable in relation to the development. This is because the contributions have been identified to offset the impact of the development upon these facilities based on known provision and need using a set formula which incorporates that need.

The requirement to secure 30% on-site affordable housing is deemed to be necessary, fair and reasonable in relation to the development. This is because the level of provision is a policy requirement as a result of the number of dwellings proposed.

The ecological & landscape requirement to provide habitat creation, habitat and landscape management and monitoring is deemed to be necessary, fair and reasonable in relation to the development. This is required to ensure an effective biodiversity net gain as a result of the development as required by policy and to ensure the effective long-term management of the landscaped areas of the site.

The contribution towards the monitoring of a required Travel Plan is deemed necessary, fair and reasonable in relation to the development to ensure that it is being effectively implemented.

The requirements are therefore considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Conclusions

The principle of the erection of dwellings and associated infrastructure on this site is established by CELP Policy LPS 54. This policy allocates the wider Royal London site for development as part of the Local Plan. This allocation includes the provision of 'around 175 dwellings'. The application proposal seeks outline consent for up to 120 of these dwellings, including matters of access. It is noted that an almost identical scheme was approved under 17/5838M, which is still extant.

In consideration of matters of access, the Council's Highway's Officer is satisfied that subject to securing necessary improvement works to the highway, details of which are to be secured by planning

condition and the implementation of the access details, the development proposed is acceptable in highways terms.

Matters in relation to layout, scale and appearance are reserved for subsequent approval. As such, there is little consideration of matters in relation to design at this time.

With regards to heritage, concerns are raised in relation to the loss of trees which impact the setting of a grade II listed building and the general lack of information with regards to the impact of the proposed development upon heritage assets. However, as concluded as part of the previous permission on site (17/5838M), most of these concerns can be addressed at reserved matters stage which is when the position of the actual built form is considered. The loss of trees which impact the significance of the listed building has been assessed to be less than substantial. However, it is deemed that the economic, social and environmental benefits of the scheme overall, are sufficient to outweigh this harm.

Matters in relation to landscape are also reserved for subsequent approval. Notwithstanding this, the Council's Landscape Officer advises that they have no objections, subject to conditions and a legal agreement to secure the management of the landscaped areas of the site.

No issues are identified at this stage for other trees and hedgerows, subject to a condition.

No issues are raised for ecology subject to the inclusion of recommended conditions and a S106 Agreement to secure biodiversity net gain.

Archaeology, amenity, flood risk and drainage are also acceptable subject to conditions, where deemed necessary.

To mitigate the impact of the proposed development upon local health, education and indoor sport facilities, commuted sums are required in the event of approval. Affordable housing and open space is also secured through a S106 agreement.

RECOMMENDATIONS

APPROVE subject to a S106 Agreement to secure:

S106	Amount	Trigger
Affordable Housing – on-site provision	30% of total number of dwellings	Provided no later than the occupation of 50% of the open market dwellings
Public Open Space, Recreation and Outdoor Sports & Indoor Sport – Commuted sum and on-site provision	Indoor Sport commuted sum - Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval	Prior to occupation of any dwellings

	<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>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 & implementation requirement to provide:</p> <ul style="list-style-type: none"> - Habitat Creation Method Statement - 30-year habitat & Landscape management plan - 30-year ecological 	Prior to commencement

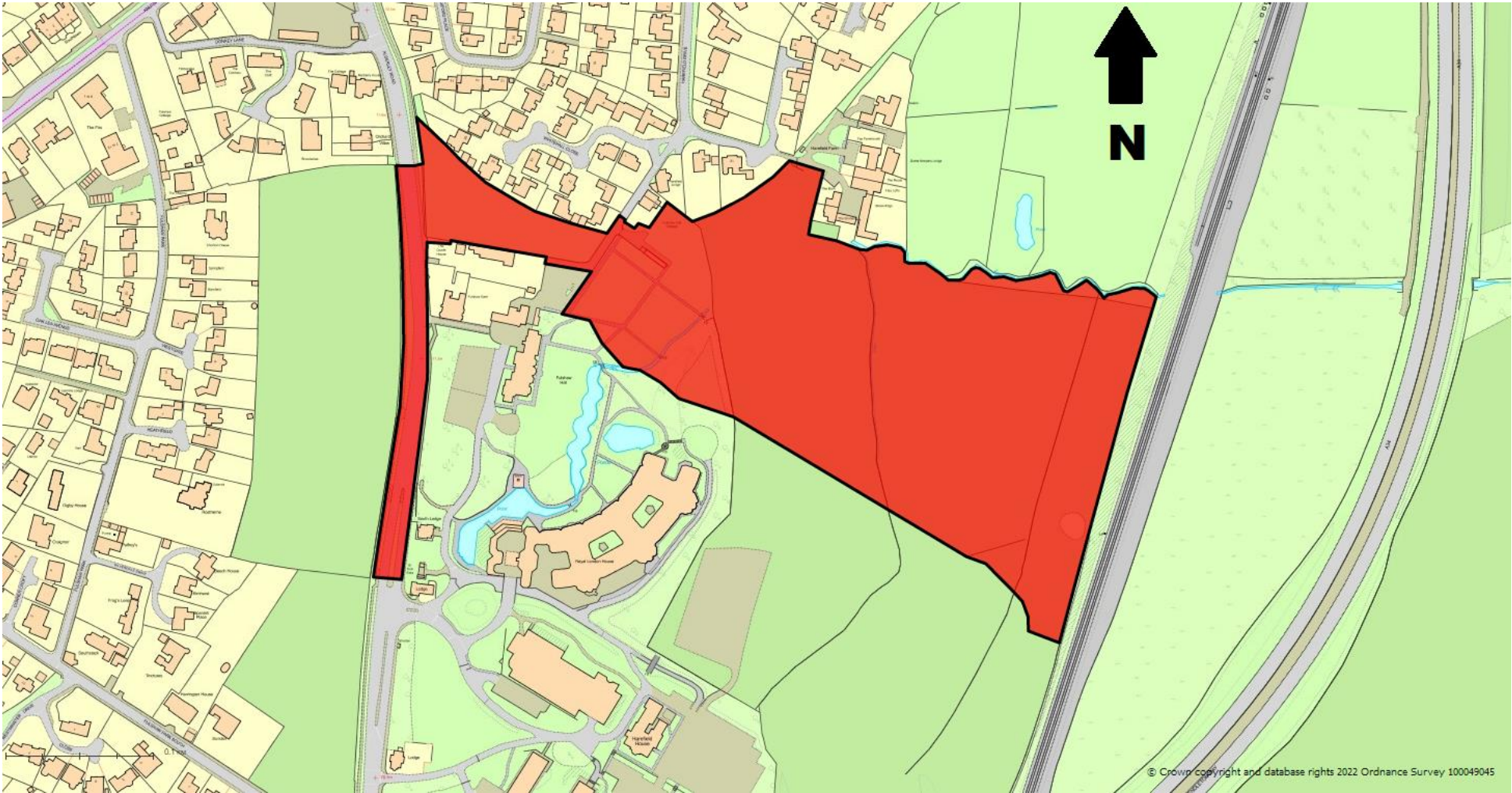
	monitoring strategy - Biodiversity metric	
Travel Plan Monitoring	£5,000 towards Travel Plan monitoring	Prior to occupation of any dwellings

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**

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.





Working for a brighter future together

Strategic Planning Board

Date of Meeting:	12 October 2022
Report Title:	High Speed Rail 2 Phase 2b – Qualifying Authority and Schedule 17 Decision Making
Report of:	Jayne Traverse, Executive Director of Place
Ward(s) Affected:	All Wards

1. Purpose of Report

- 1.1.** This report seeks to consult with Strategic Planning Board prior to a decision being made by Full Council which seeks for the Council to become a Qualifying Authority for the construction of phase 2b of the High Speed Rail 2 (HS2) by authorising the Executive Director of Place to approve the decision making procedure for associated Schedule 17 applications.

2. Executive Summary

- 2.1** The enactment of the High Speed Rail (Crewe - Manchester) Bill ("the Bill") will give deemed planning permission to the scheme which is similar to the grant of outline planning permission under the existing Town and Country Planning Act. There will be additional detailed designs and other construction works however which will be subject to applications for approval by the Local Planning Authority.
- 2.2** The Bill provides for the Council to become a 'qualifying authority' which would then allow the Council to assess and determine such applications subject to certain restrictions on the grounds for refusal as set out in the Bill. However, if the Council decide not to become a qualifying authority, the grounds for refusing any applications are more restricted than those available to qualifying authorities.
- 2.3** The Council should retain as many decision making powers as possible in the assessment and determination of all HS2 related applications in order to ensure that the Council achieve the best and most appropriate outcomes for

the local community and minimise the impacts on the wider environment as far as possible.

2.5 The Council became a Qualifying Authority for HS2 Phase 2a (West Midlands – Crewe) in 2019 and adopted a similar decision making process in October 2020.

2.4 The Bill requires the Secretary of State to specify which planning authorities have entered into a Planning Memorandum to become a qualifying authority by the time the Bill is reported on by the House of Lords. Although this may be some time off, it is appropriate for the Council to confirm their decision to HS2 Ltd as soon as possible.

2.5 In addition, it is intended to seek approval to reciprocate the current decision-making arrangements for Phase 2a to ensure that appropriate officer delegated authority and where necessary Planning Committee procedures are in place to deal with applications submitted in relation to works along the route of Phase 2b.

3. Recommendations

3.1. To note the report and Annex 1 and provide commentary and feedback to Council

4. Reasons for Recommendations

4.1. The proposed approach will enable the Council to have greater control over the approval of construction details associated with the High Speed Rail scheme such as the detailed design of permanent structures and an enhanced role in relation to certain enforcement and construction matters. This is essential so that the Council can (acting reasonably and where necessary) seek to either improve or control the detailed design applications. Equally, the greater number of conditions that the Council can consider as Qualifying Authority is considered vital in helping to control and manage the impacts of construction and the scheme on the Borough.

4.2. This is necessary to ensure that the impacts of the developments on the local environment and local amenity are fully considered and addressed in line with the approach of the Cheshire East Council Local Plan Strategy.

4.3. The process of becoming a Qualifying Authority binds local authorities to act in a particular way through the signing of the Planning Memorandum in respect of determining applications for consent in an expedient manner (within eight weeks in line with statutory determination periods for planning applications), and to being sufficiently resourced to be able to do so. As such, this is being adjudged by all parties involved in the High Speed Rail 2 (Phase 2b) that the decision should be made by Full Council.

- 4.4. The recommended approach would allow the Council to ensure appropriate officer delegated authority and where necessary Planning Committee procedures are in place to enable officers to deal with applications submitted in relation to works along the route in a timely manner and meet the timescales set out in the Planning Memorandum.
- 4.5. The decision to become a Qualifying Authority and changes to the Constitution rests with Council but given the changes to the terms of reference to committee it is appropriate to consult Strategic Planning Board.

5. Other Options Considered

- 5.1. The only alternative option is to become a Non-Qualifying Authority. This would mean that the Council would have a much more restricted role in the approval of construction matters and would only be permitted to consider plans and specifications for buildings. This option therefore provides a narrower degree of control over the impact that the construction of the scheme will have on the local environment and local amenity.
- 5.2. Without a change in the Constitution as detailed in Annex 1, there is a risk that the Council would be unable to determine Schedule 17 Applications in a timely manner. As a result of this, the Council would lose its Qualifying Authority status and its determination powers; and the Secretary of State would take all decisions on Schedule 17 Applications.

6. Background

- 6.1. In January this year, the Government introduced a hybrid Bill to Parliament to seek powers for the construction and operation of Phase 2b of HS2. The Bill will grant planning permission for the construction of a high speed railway between Crewe and Manchester all associated development works.
- 6.2. The Bill grants what is termed as 'deemed' planning permission, which is similar to an outline planning consent, for development authorised by the Bill. However, this "planning permission" will be subject to a number of conditions requiring the nominated undertaker (the party/parties who will construct the railway) to obtain the consent or approval of the Local Authorities along the route for certain matters.

Qualifying Authority

- 6.3. The Bill gives each Local Authority a choice between having a wide or narrow range of controls over the detailed design of permanent structures such as stations and viaducts, and an enhanced role in relation to certain enforcement and construction matters. Those who opt for a wider range of controls are referred to as 'qualifying authorities'.
- 6.4. A Qualifying Authority will have the responsibility for approving plans and specifications for works such as buildings and road vehicle parks, terracing,

cuttings, embankments and other earthworks, fences, walls or other barriers, transformers, telecommunication masts, pedestrian access to the railway line, artificial lighting, waste, and spoil disposal and borrow pits. They will not have powers of approval for any works or features of a temporary nature, for anything underground, and for any tunnel or railway track bed.

6.5. A qualifying authority can only refuse to approve (or impose conditions in respect of) the plans and specifications on two main sets of grounds:

a) The design or external appearance of the building works ought to be modified to:

- preserve the local environment or local amenity;
- prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area;
- preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified; or

b) The development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.

6.6. Non qualifying authorities will only be able to refuse approval if the design or external appearance of the works ought to be modified to preserve the local environment/local amenity (and is reasonably capable of being so modified) or the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.

6.7. In addition, qualifying authorities will be able to enforce construction arrangements relating to:

- handling of re-useable spoil or topsoil
- road transport
- storage sites for construction materials, spoil or topsoil
- construction camps
- works screening
- artificial lighting
- dust suppression
- road mud control measures.

6.8. These may be subject to a class approval by the Secretary of State, in which case the relevant qualifying authority would be consulted before such approvals are made. Should the Secretary of State not make a class approval, these arrangements are subject to approval by the relevant qualifying authority.

- 6.9.** Construction arrangements relating to construction camps, and lorry routes with more than 24 lorry movements per day would also require individual approval from the relevant qualifying planning authority; along with the bringing into use of any scheduled work or depot.
- 6.10.** Councils wishing to become Qualifying Authorities are required to sign the “Planning Memorandum”. This document sets out rules of conduct and administrative arrangements for both the Local Planning Authorities and the nominated undertaker.
- 6.11.** It requires the Council to commit to dealing with applications for consent in an expedient manner (within eight weeks in line with statutory determination periods for planning applications), and to being sufficiently resourced to be able to do so.
- 6.12.** Becoming a Qualifying Authority therefore involves a commitment by the Council to deal with applications appropriately and within specified timescales, in return for control over a wider range of matters than it would otherwise have.
- 6.13.** This commitment has resource implications: the Council will receive application fees to cover the costs associated with dealing with these consents and approvals, or HS2 Ltd. will provide a financial contribution to the Council to deal with the additional workload. This contribution would come through a Service Level Agreement (SLA) between the Council and HS2 Ltd to cover the costs of handling the applications and any additional work required to support their determination. The Council will engage with HS2 Ltd. to obtain the number of applications and exact timetable as necessary to determine the extent of resources required and implications on the service – as they have been doing for Phase 2a.

Process for Decision-Making

- 6.14.** In order to meet the above timeframes as a Qualifying Authority a process for decision making has already been established for HS2 Phase 2a applications. This was however specific to just Phase 2a so a similar process is required for Phase 2b.
- 6.15.** The applications are likely to be for relatively minor works in the initial phases but could become substantial in number and frequency as works evolve in the future. As such in view of these points, and the need to ensure that the applications are dealt with within the set timescales, there is a risk that the anticipated volume of work could have a significant impact upon the capacity of the Planning Committee to consider these additional items within the required period.

- 6.16.** For these reasons, a cascaded delegated authority is sought to allow the Head of Planning to determine approvals under Schedule 17 (the Planning Conditions Schedule) of the Bill.
- 6.17.** The approach to Committee reporting would broadly reflect that of the existing process for determining planning applications, allowing Members the opportunity to ‘call-in’ such approvals – subject to specifying relevant planning reasons and following agreement with the Head of Planning in liaison with a Principal Planning Officer.
- 6.18.** Schedule 17 Applications would be determined as follows:
- Delegated Authority to the Head of Planning to determine all applications and notifications submitted in relation to HS2 matters in consultation with the Principal Planning Officer; subject to the provisions below.
 - All live applications, including Member call-in’s, to be reviewed fortnightly and considered for Planning Committee determination by the Head of Planning and Principal Planning Officer. Both officers to jointly determine whether a delegated or committee determination is appropriate (and if a committee determination is necessary, the specific planning committee) based on the scale, complexity and level of public scrutiny of each application.
 - In line with the existing procedures for Members, any request for call-in by the relevant Local Ward Member must be received within 15 days of the issue of the electronic notification of the application; and must set out the material planning consideration(s) specific and relevant to the matters which can be considered under Schedule 17 which warrant the application going before Planning Committee.
 - The scheme of delegation shall be subject to a review after 6 months in consultation with the Head of Planning and the Chairs of Planning Committees to ascertain whether any changes are necessary to the scheme of delegation as lessons are learned throughout its application.
- 6.19.** The type of applications which would be referred to planning committee for determination would likely be of a scale and nature that present more significant impacts to the local environment and amenity; or present complex planning and environmental considerations which requires appropriate scrutiny by Members. Examples of such applications could include:
- Development of large-scale bridges and viaducts;
 - Significant ground engineering works;
 - Creation of borrow pits;
 - Buildings which are of a scale and nature which may create impacts beyond the immediate locality.

Other procedural arrangements – consultation and notification

- 6.20.** Under the HS2 Bill, there is no statutory requirement for the Council to carry out any consultation on Schedule 17 applications with any other parties other than key statutory bodies (Natural England, English Heritage and the Environment Agency) and no requirement to inform the public on receipt of such submissions.
- 6.21.** In view of the restrictions the HS2 Bill places on the Council in terms of timescales for determination and the matters that can be taken into consideration, the Council would not carry out any formal consultation with local residents and Parish Councils on Schedule 17 submissions.
- 6.22.** The Council however recognises that there may be high levels of interest in any HS2 related developments. In order to ensure local people and Members are therefore kept up to date and made aware of all applications, and in order to reflect the existing procedures for all planning applications, the Council would as a minimum undertake the following:
- Write to inform the affected Parish Councils on the route of the receipt of a Schedule 17 application;
 - Write to inform all neighbours immediately adjoining the relevant part of the route;
 - Notify Local Ward Members of all Schedule 17 Applications;
 - Provide Local Ward Members with the opportunity to request that the application be ‘called-in’ for a committee determination – subject to specifying relevant planning reasons and following agreement with the Head of Planning in liaison with a Principal Planning Officer;
 - Make full details of all Schedule 17 submissions (including plans and supporting documents) available to view on the Council’s website. The purpose of this process is to keep the public informed, but the Council will not be requesting comments.

Amendment to Council Constitution

- 6.23.** The proposed amendments to the scheme of delegation as outlined above will require an amendment to the Council Constitution.
- 6.24.** The Council Constitution already has the appropriate Scheme of Delegation in relation to the extent of powers delegated to Executive Director of Place. This was put in place prior to HS2 Phase 2a. These powers are delegated further through Local Schemes of Delegation to the Head of Planning.
- 6.25.** The Council Constitution however also details the current terms of reference for Northern and Southern Planning Committee, and Strategic Planning Board. This is detailed in Annex 1 to this report along with the proposed amendments sought.

- 6.26.** It is recommended that Members approve the proposed amendments to the Council Constitution in order to ensure appropriate delegated authority and Planning Committee procedures are in place to deal with requests for approval of detailed design and external appearance of buildings and structures along the route of Phase 2b of HS2.

7. Consultation and Engagement

- 7.1.** Strategic Planning Board and Corporate Policy Committee are being consulted and their views will be updated to Council.

8. Implications

8.1. Legal

- 8.1.1.** Councils wishing to become Qualifying Authorities are required to sign the “Planning Memorandum”.
- 8.1.2.** The Planning Memorandum sets out rules of conduct and administrative arrangements for both the local planning authorities and the nominated undertaker of the works. It is part of a suite of documents forming the Phase2b of HS2 Environmental Minimum Requirements.
- 8.1.3.** The Planning Memorandum regulates the details of the deemed planning consent that are reserved for local planning authority approval. It sets out the undertakings made by Qualifying Authorities in return for the additional planning controls referred to above.
- 8.1.4.** Signing the Planning Memorandum and becoming a Qualifying Authority:
- Is legally binding;
 - Gives CEC a greater degree of control over planning conditions;
 - Does not fetter CEC’s discretion to withhold approval of planning conditions but stipulates certain expectations as to the stringency of conditions
- 8.1.5.** CEC’s status as a Qualifying Authority can be withdrawn in certain circumstances.
- 8.1.6.** It provides for the establishment of a Planning Forum which will meet regularly to assist with the effective implementation of the planning provisions in the Bill in order to help co-ordinate and secure the expeditious implementation of those planning provisions.
- 8.1.7.** Due to the national importance of the HS2 infrastructure project Qualifying Authorities are required to have regard to construction, cost and programme implications.
- 8.1.8.** The Planning Memorandum does not fetter CEC’s ability to refuse a request for approval of conditions but requires that CEC shall not seek to

impose any unreasonably stringent requirements on the requests for approval of any construction arrangement, plans or specifications, mitigation scheme or site restoration scheme, which might frustrate or delay the project, or unreasonably add to its cost. In particular, it should not seek to impose unreasonably stringent requirements or standards in respects of land use, planning, design or environmental matters.

- 8.1.9.** Due to the time pressures on the project, CEC will be expected to put in place appropriate internal decision-making arrangements to ensure that the 8 week period for determining requests is achieved. A delegated process is already in place for HS2 Phase 2a, this provides for delegation to the Head of Planning in consultation with the Chair of Strategic Planning Board. A similar process should be put in place which will require a change to the Terms of Reference for Committees within the Constitution as indicated within Annex 1.
- 8.1.10.** If CEC repeatedly fails to expedite requests for approval, or seriously fails to expedite a request in line with the stipulated timescale, or repeatedly or seriously fails to act in accordance with all the requirements of the Planning Memorandum, the Secretary of State may have sufficient grounds to order that CEC shall cease to have the additional powers of a Qualifying Authority. Prior to being disqualified, the nominated undertaker and the Secretary of State would discuss with CEC concerns regarding its performance and the performance of the nominated undertaker.
- 8.1.11.** Where CEC refuses a request for approval, in addition to specifying the grounds under the Planning Conditions Schedule for its decision, it shall state clearly and precisely the full reasons for its decision.
- 8.1.12.** The Planning Memorandum does not relate to applications for permission to construct over-site development - namely certain non-rail-related development over operational structures such as stations and vent shafts. These will be taken forward under the normal planning process.
- 8.1.13.** Finally, it should be noted that any applications for permission are unrelated to any assurances obtained through the petitioning process. These assurances are dealt with separately as there is a contractual obligation to comply with all relevant assurances made by HS2. A unilateral written commitment is made to Parliament and an undertaking is also given that HS2 will take the necessary steps to secure compliance with any assurances made.

8.2. Finance

- 8.2.1.** Given that signing the Planning Memorandum gives the Local Planning Authority a greater range of controls, this will require more resources to process and deal with applications compared to if the Council chose to

become a non-qualifying authority. However, the Service Level Agreement (SLA) between the Council and HS2 Ltd is intended to cover all costs associated with processing Schedule 17 applications and therefore there should not be any negative cost implications to the Council from becoming a qualifying authority. Any costs will be accounted for within the Council's Development Management budget.

8.3. Policy

- 8.3.1.** HS2 is supported in the Cheshire East Local Plan Strategy under Strategic Priority One which states that promoting economic prosperity by creating conditions for business growth will be delivered by (amongst other things) maximising the opportunities that may be offered by High Speed 2 Rail Links (HS2).

8.4. Equality

- 8.4.1.** All public sector authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. In exercising their powers authorities must have regard to the effect of any differential impacts on groups with protected characteristics. In deciding to become a qualifying authority the Council must pay due regard to its Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.
- 8.4.2.** The enhanced controls provided for in becoming a qualifying authority should have a positive public benefit when it comes to the PSED

8.5. Human Resources

- 8.5.1.** It shall be necessary to ensure that sufficient resource is allocated in Planning, Highways, and Legal Services to support determination of the applications within the timescales required

8.6. Risk Management

- 8.6.1.** Key risks to the Council relate to ability of officers to determine the applications within the required statutory timescales and staff resource implications associated with the additional workload.
- 8.6.2.** This will be managed through the use of the SLA between the Council and HS2 Ltd to secure additional finance to ensure sufficient resources to manage the process effectively. Early engagement with HS2 Ltd has already taken place about the likely timing and number of future applications which will also enable staff resource to be managed well in advance of any increased workload. This engagement will continue with early pre-application discussions.

8.7. Rural Communities

- 8.7.1.** The route of the scheme passes through a number of rural communities which are likely to be subject to applications for the approval of detailed designs or other associated developments. Each application for approval would enable an assessment of the relevant environment effects for those matters that the Council is able to control under the Bill.

8.8. Children and Young People/Cared for Children

- 8.8.1.** There are no direct implications for children and young people.

8.9. Public Health

- 8.9.1.** There are no direct implications for public health

8.10. Climate Change

- 8.10.1.** There are no direct implications for climate change.

Access to Information	
Contact Officer:	David Malcolm, Head of Planning david.malcolm@cheshireeast.gov.uk 07788 415246
Appendices	1. Proposed change to Constitution
Background Papers: Section 3 of HS2 Phase 2b Information Paper B2: Main Provisions of the Planning Regime and the Phase 2b Planning Memorandum explain this in more detail: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1048798/B2_Main_provisions_of_the_planning_regime_v1.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1050458/M345.pdf	

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Annex 1: HS2 Phase 2b - Proposed Change to Constitution
Extract from Constitution (Chapter 2 – Part 4 Page 22)

Strategic Planning Board
Functions

- 1 To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision making at the most appropriate level, and to that end:
 - 1.1 monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate
 - 1.2 vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning
 - 1.3 adopt working protocols and procedures: e.g. protocols governing the direction of applications between the Planning Committees, public speaking rights, Referral procedure and others.
- 2 To exercise the Council's functions relating to town and country planning and development control, protection of important hedgerows, preservation of trees, regulation of high hedges, and any relevant applications pursuant to **Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021 Acts**. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning, but the following are reserved to the Board:
 - 2.1 Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes:
 - 2.1.1 residential developments of 200 dwellings or more, or 4 ha. or more
 - 2.1.2 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.
 - 2.2 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
 - 2.3 Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.
 - 2.4 Applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is minded to approve.
 - 2.5 Any other matters which have strategic implications by reason of their scale, nature or location.

- 2.6 Any other matters referred up to it at the discretion of the Head of Planning, including major development of less than the thresholds set out in paragraph 2.1 above which have wider strategic implications.
- 2.7 To exercise a consultation and advisory role, commenting upon the content of proposed planning policy, any document which forms part of or linked to the Local Plan and upon the effectiveness of existing policies employed in development control decisions.
- 2.8 To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.
- 3 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 4 However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

Northern and Southern Planning Committees

Functions

- 1 To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, preservation of trees, regulation of high hedges and any relevant applications pursuant to **Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021 Acts** Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Planning: the following are retained for the Planning Committees:

1.1 Applications for Small Scale Major Development for:

- 1.1.1 residential developments of 20 to 199 dwellings or between 1 and 4ha.
- 1.1.2 retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4 ha.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

- 2. To determine any other planning and development control matters:
 - 2.1 advertised as a departure from policy, which the Head of Planning is minded to approve;
 - 2.2 submitted by a Councillor, senior Council officer (Grade 12 or above) or a member of staff employed within the Development Management and

Policy service area; or by an immediate family member or partner of these where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers;

- 2.3 considered to be significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made;
 - 2.4 referred up to the Committee by a Councillor in accordance with the Committees` Referral procedure. However, any request must be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee (except for a request to review a Schedule 17 application, where a 7 day time frame will apply);
 - 2.5 any other matters referred up to them at the discretion of the Head of Planning;
 - 2.6 any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.
- 3 Applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers.
 - 4 Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will normally be dealt with under delegated powers.
 - 5 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
 - 6 However, there will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
 - 7 Each Committee will refer up to the Strategic Planning Board matters involving a significant departure from policy which it is minded to approve contrary to recommendation by the Head of Planning.

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