

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 20th September, 2023  
**Time:** 10.00 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

- 1. Apologies for Absence**
- 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 - 8)

To approve the minutes of the meeting held on 26 July 2023 as a correct record.

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For requests for further information

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**E-Mail:** [jennifer.ashley@cheshireeast.gov.uk](mailto:jennifer.ashley@cheshireeast.gov.uk)

#### 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. **23/2054C - UNIT 1, VIKING WAY, CONGLETON, CW12 1TT - Reserved matters approval for 19/5596C: Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure (Pages 9 - 30)**

To consider the above application.

6. **19/0623M - Handforth Garden Village S106 Update (Pages 31 - 58)**

To consider the attached report.

**Membership:** Councillors M Brooks, A Critchley, S Edgar, D Edwardes, K Edwards, S Gardiner (Vice-Chair), T Jackson, G Marshall, H Moss, B Puddicombe (Chair), H Seddon and L Smetham

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 26th July, 2023 in the The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor B Puddicombe (Chair)  
Councillor S Gardiner (Vice-Chair)

Councillors M Brooks, A Critchley, S Edgar, D Edwardes, K Edwards,  
T Jackson, G Marshall, H Seddon, L Smetham and K Parkinson (substitute for  
H Moss)

**OFFICERS IN ATTENDANCE**

David Malcolm, Head of Planning  
Rob Law, Senior Planning Officer  
Phillipa Radia, Senior Planning Officer  
Paul Griffiths, Highways Development Manager  
Nicky Folan, Lawyer  
Jennifer Ashley, Democratic Services Officer

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor H Moss.

**2 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness the following declarations were made:

Councillor Puddicombe declared that in respect of application 21/4113M he knew the Parish Council representative who was registered to speak, as he is the ward councillor for the application site and has previously attended Gawsworth Parish Council meetings. In addition, he has had previous contact with the registered public speaker on an adjacent site, however had not had any discussions or made comment regarding this application.

Councillor Puddicombe also declared on behalf of all committee members that they had received email correspondence from the registered public speaker regarding application 21/4113M, and that no response had been provided by committee members.

Councillor Edwards declared that in relation to application 21/4113M the registered public speaker lived in his ward and has had contact with him in the past, however, had not discussed or made comment regarding this application.

**3 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meetings held on 23 March 2023 and 29 March 2023 be approved as correct records.

**4 PUBLIC SPEAKING**

The public speaking procedure was noted.

**5 21/4113M - LAND NORTH OF CONGLETON ROAD, MACCLESFIELD - OUTLINE APPLICATION (WITH ALL MATTERS OTHER THAN ACCESS RESERVED) FOR THE DEVELOPMENT OF UP TO 92 DWELLINGS, EMPLOYMENT DEVELOPMENT AND ASSOCIATED WORKS INCLUDING LANDSCAPING AND FULL PERMISSION FOR THE ACCESS ARRANGEMENTS VIA A NEW ROUNDABOUT JUNCTION ON CONGLETON ROAD**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application;

Cllr Penny Shepherd - Gawsworth Parish Council, Tom Eccles - Save Danes Moss Group, Brian O'Connor - Redrow /Jones Homes.

**RESOLVED;**

For the reasons set out in the report and update report, the application be REFUSED for the following reasons and subject to reference to the relevant Policies of the Gawsworth Neighbourhood Plan in reasons for refusal numbers 1, 2, 3 and 5:

1. The application site lies within allocation LPS 15 of the Cheshire East Local Plan Strategy (CELPS). The proposal does not comply with Criteria 6 of LPS 15 as the submitted Masterplan fails to show how this allocated site would be delivered in a 'co-ordinated' and 'comprehensive' manner. It would therefore prejudice the delivery of a site allocated for residential and employment uses contrary to Policies LPS 15 and EG 3 of the Cheshire East Local Plan Strategy and Policy L1 of the Gawsworth Neighbourhood Plan.
2. Insufficient information has been provided to demonstrate that the site would provide a shared use cycleway from the development towards the proposed junction with the South Macclesfield Development Area including crossing facilities of Congleton Road, an estimated cost and / or delivery strategy for the Moss Lane / London Road junction improvement and the proposed Mitigation / funding Strategy for the Flowerpot Junction. As such, the proposed development is contrary to Policies CO 1, SE 6 and LPS 15 criterion 4 and site-specific principle 'd' of the Cheshire East Local Plan Strategy, Policy INF3 of the Site Allocations and Development Policies Document, Policy T1 of the Gawsworth Neighbourhood Plan and guidance contained within the NPPF.
3. The submitted Masterplan has failed to demonstrate how development across site allocation LPS 15 could be achieved without resulting in an

unsatisfactory relationship between noise sensitive residential uses and noise generating employment uses owing to a lack of appropriate buffers. The proposal would therefore cause environmental disturbance or pollution contrary to Policy HOU12 of the Site Allocations and Development Policies Document, Policy SE 12 of the Cheshire East Local Plan Strategy and Policy L1 of the Gawsworth Neighbourhood Plan.

4. Insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon a number of species and the Danes Moss Local Wildlife Site (SSSI). There is a lack of information regarding the hydrological link between the ditches on site and the ditches associated with the Local Wildlife Site. No botanical survey data in the form of a full species list for each habitat has been submitted. Further surveys relating to Common Toad, Great Crested Newts (or entry onto a district licensing scheme), a Hedgerow Regulations Assessment, Water Vole, Bat Survey, Barn Owls, breeding birds, reptiles and bluebells are required. The Council therefore has insufficient information to assess the potential impacts of the proposed development upon protected species, the Local Wildlife Site and nature conservation. The proposed development is contrary to Policies SE 3 and LPS 15 site-specific principles 'i' and 'j' of the Cheshire East Local Plan Strategy, Policy ENV2 of the Site Allocations and Development Policies Document and guidance contained within the NPPF.
5. Insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon trees and hedgerows (which are also a priority habitat) and therefore the application is contrary to Policies SE 5 and LPS 15 site criterion 'i' of the Cheshire East Local Plan Strategy, Policy ENV 6 of the Site Allocations and Development Policies Document and Policy E1 of the Gawsworth Neighbourhood Plan.

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 or in the event of an appeal, the Head of Planning 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.

- 6 **21/6443M - MARTON MEADOWS GOLF CLUB, CONGLETON ROAD, MARTON SK11 9HF - THE PROPOSED LEVEL CHANGES OF THE EXISTING FIELD PARCEL WILL BE MET BY THE IMPORTATION OF INERT FILL MATERIAL. CURRENTLY THE EXISTING FIELD PARCEL IS A LARGE, EVEN GRADIENT AREA, SLOPING EAST TO WEST. THERE IS A LARGE AREA OF POORER DRAINAGE, RESULTING IN A MARSHY GRASSLAND HABITAT AREA. IT WILL ALLOW THE CREATION OF A BETTER QUALITY FACILITY THROUGH PROVIDING AN ADDITIONAL 3NO HOLES, THIS WILL BE IMPROVE PLAYING ENVIRONMENT AND THE OVERALL GOLF COURSE.**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application;

Lisa Harrop (Supporter) and Dave Starkie (Agent).

**RESOLVED:**

For the reasons set out in the report, the application be approved subject to the following conditions;

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Materials
4. Development in accordance with recommendations in the Ecological Impact Assessment. Within 6 months of the date of this permission, submission of a habitat creation method statement and 30 year habitat management plan The habitat management plan to include a schedule of ecological monitoring and reporting and a mechanism to secure the agreement and implementation of contingency measures in the event that monitoring reveals that habitats on site are failing to achieve their target distinctiveness and/or condition
5. Submission and implementation of 30-year habitat management plan
6. Prior to the use as part of the golf course commencing, the features to enhance biodiversity shall be provided and retained thereafter
7. Provision of the protective fencing to the 8m buffer zone
8. Protection of breeding birds
9. Root protection measure for tree T1 to be provided prior to commencement of development
10. Widening of the access prior to commencement of development
11. Limiting HGV movements to the site to 112 per day, 56 entering and 56 leaving
12. Records of HGV movements shall be kept at the site and available for inspection by the LPA
13. Notification to the LPA of commencement of importation and requirement for importation to cease after 18 months
14. Hours of operation including HGV movements restricted to 07:00 to 19:00 Monday to Friday. 08:00 to 14:00 Saturday and no working on Sundays or public holidays
15. No crushing or processing to take place on the site
16. Topsoil to be stripped and stored away from the imported material
17. Loads of imported material shall be screened for oversized or unsuitable materials and any found shall be removed from the site
18. No importation of fill shall commence until a strategy containing information relating to the materials proposed to be imported, including a proposed testing regime, has been submitted to and approved in writing by the Local Planning Authority (LPA)
19. Only dry, inert material shall be imported into the site

20. Post-completion of the development, a topographical survey to demonstrate that the levels comply with the submitted plans, shall be submitted to and approved in writing by the LPA
21. Stockpiles of imported materials shall be limited to 3m in height
22. Any movement or mixing of materials already on site with the imported materials shall not be undertaken until those materials have been tested to ascertain whether they are inert and suitable for use in the development hereby approved
23. If during the course of development any historical remains are discovered on the site, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved scheme

Informatives:

- NPPF
- Approved plans

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

The meeting commenced at 10.00 am and concluded at 12.40 pm

Councillor B Puddicombe (Chair)

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Application No: 23/2054C

Location: UNIT 1, VIKING WAY, CONGLETON, CW12 1TT

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

Applicant: Clowes Developments (North West) Ltd

Expiry Date: 26-Jul-2023

## **SUMMARY**

This reserved matters application proposes three retail units including a food store and “drive thru”, referred to as Phase 4 of the development approved in outline under reference 19/5596C.

Highways have raised no objections to the application.

The Design Officer has made a number of observations, generally supporting the proposals, including the design of the food store, however, feels the design of the “drive thru” unit is not strong enough in this frontage location. Whilst the design could be stronger, in the context of the scheme overall it is however considered acceptable.

The landscaping, subject to a few elements that can be conditioned, is considered acceptable.

The Tree Officer has requested some clarification over the impact of the development on the root protection areas of the 2 retained trees. This will be clarified in an update report to Members.

Additional information has been received to address comments from the Council’s Ecologist, and he has confirmed he has no objections to the development.

Following receipt of additional information, the Council’s Flood Risk team have confirmed they now have no objections.

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

The design of the proposals has evolved from the pre application discussions to the present scheme, and although there are some concerns about the strength of the design of the drive-thru, overall, the proposals are now considered acceptable.

## **RECOMMENDATION**

**Approve with conditions**

## **SITE DESCRIPTION**

This application relates to a site, to the East of Barn Road in north Congleton. The slightly irregularly shaped site is the penultimate site that forms part of a much larger site which has the benefit of planning permission for a number of uses. To the north, and offset to the rear of the site residential development has been approved. To the south and south west, across Barn Road are approvals for commercial development with areas of ecological enhancement. Only an area immediately to the rear of the site has no reserved matters or full approval, although this area is shown as employment uses in the approved parameters plan.

The site is currently being re-profiled under an approved enabling works application to create a more or less level development platform. The land rises away from Barn Road and then again more significantly to the rear (east) of the site.

There are two old (one a veteran) trees on the northern boundary, as part of a boundary hedgerow, but otherwise no trees/hedges on the site, except for a newly planted hedge on the highway frontage, done as part of the highway works.

There are no public footpaths crossing the site and no listed buildings or conservation areas affecting this site. The whole site falls within Flood Zone 1 (least risk of flooding).

## **PROPOSAL**

This Reserved Matters application relates to the Phase 4 of the 'Viking Way' (or Barn Road) development approved in outline under reference 19/5596C. The application seeks details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 4 (local retail centre(Use Class E(a)/(b)) of outline planning permission 19/5596C.

The development of Phase 4 will comprise the erection of 3 buildings for retail use which comprise:

- Foodstore (Aldi) – 1,787 sqm
- Drive Thru (Starbucks) – 170 sqm
- Retail Unit B (no identified occupier) – 341 sqm
- Car parking for 133 vehicles and servicing areas
- Landscaping including SUDs and a footpath link to the residential development to the north
- Access to the land to the rear (Phase 5)

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

## **RELEVANT PLANNING HISTORY**

### Congleton Link Road:

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

### Relating specifically to the site:

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

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

Adjoining sites:

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

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

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

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

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

**POLICIES**

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

PG1 – Development Strategy

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

EG 1 - Economic Prosperity

EG 5 - Promoting a Town Centre First Approach to Retail and Commerce

IN1 – Infrastructure

IN2 – Developer Contributions

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 13 - Flood Risk and Water Management  
CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

**Site Allocations and Development Policies Document (“SADPD”)**

GEN1 - Design principles,  
ENV1 - Ecological network,  
ENV2 - Ecological implementation,  
ENV3 - Landscape character,  
ENV5 - Landscaping,  
ENV6 - Trees, hedgerows and woodland implementation,  
ENV7 - Climate Change,  
ENV12 - Air quality,  
ENV14 - Light pollution,  
ENV15 - New development and existing uses,  
ENV16 - Surface water management and flood risk,  
ENV17 - Protecting water resources,  
INF1 - Cycleways, bridleways and footpaths,  
INF3 - Highways safety and access,  
INF6 - Protection of existing and proposed infrastructure  
INF9 – Utilities.  
RET 1 - Retail hierarchy  
RET 2 - Planning for retail needs  
RET 5 - Restaurants, cafés, pubs and hot food takeaways

**Neighbourhood Plans:**

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

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

ECON1 – Rural Economy  
INF1 – Infrastructure

**Other Material Considerations**

The National Planning Policy Framework  
National Planning Practice Guidance

**CONSULTATIONS (External to Planning)**

**Environment Agency** – Have no objections to this application.

**CEC Head of Strategic Infrastructure:** No objections subject to conditions.

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

**CEC Flood Risk Manager:** Following receipt of additional information they raise no objections.

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

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

This application has been reviewed after a full and constructive consultation with the applicants at which a number of detailed elements were discussed and noted.

Having reviewed the plans and documentation for the proposed new Aldi development on Viking Way and also taking into account the public's view of this development, Hulme Walfield and Somerford Booths Parish Council wish to fully endorse the plans for the construction of this new Adli store.

This store will bring much needed employment and food shopping infrastructure to an area where over 500 new housing units will be constructed over the next few years. The unit will also benefit existing residents in the vicinity.

## **OTHER REPRESENTATIONS**

Twenty representations have been received in support of the application, as residents feel a larger discount retail store is needed as the existing stores are inadequate to meet the needs of the increasing population of Congleton. In addition, the location is considered to be good.

## **OFFICER APPRAISAL**

### **Principal of Development**

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

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

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare)
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;

7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
  8. Contributions to health and education infrastructure; and
  9. The provision of land required in connection with the Congleton Link Road
- \*(Reference is made to Figure 15.32 within the CELPS in many of the above criteria)

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

## **Highway Implications**

### *Proposal*

The food retail store is 1,787 sq.m, the drive through and retail unit is 400 sq.m combined. The development is accessed from Viking Way that has a ghost right turn lane and incorporates a LTN 1/20 cycle crossing.

### *Traffic Impact*

The traffic impacts of this phase 4 development has been assessed in the outline planning permission and required mitigation was secured as part of this permission. As this application is for slightly less retail floorspace than approved the traffic impact also will be slightly less on the local road network.

### *Parking*

The food retail store will have 133 parking spaces, which includes 8 accessible spaces and 4 EV spaces. This is only a slight over provision from standard (127 spaces) and is acceptable. The drive through and retail unit has 33 spaces, 4 accessible and 4 EV spaces which also is acceptable. Covered cycle parking is provided for the food retail store and the drive through and small retail store.

### *Accessibility*

The accessibility of the site is good, there is a shared pedestrian/cycle facility on both sides of Viking Way that links to the site and a controlled pedestrian/cycle crossing will be provided across Viking Way as part of the wider masterplan for north Congleton. It is intended that a bus service will be available along Viking Way to serve this site, this is linked to funding from the LPS 27 local plan allocation.

### *Summary*

This reserved matters application is in conformity with the outline application and the proposed internal road is of an acceptable highway standard to serve a commercial development. The level of parking provided is set at an appropriate level with disabled and EV spaces being available within the car parks.

The site is readily accessible to non-car modes and facilities for pedestrians and cyclists to access the site is provided.

Subject to conditions regarding the construction of the access in accordance with the approved plans, and submission/approval of a Construction Management Plan, there are no highway objections raised.

## **Design**

### Layout, landscaping and public realm

The scheme has evolved positively in the pre-application phase, creating a stronger focus for pedestrians between the local centre and the food store and stronger connectivity to the housing to the north. However, the form of the square, incorporating water, could have been a little more interesting and multifunctional as advocated in the spatial code, The larger areas of parking are also more broken up by feature tree planting than in pre-app iterations. However, there are some areas where the design could be strengthened further:

- Hardscape around the food store should be in block not bitmac, particularly the northern area wrapping round to the east to the main access point from the carpark. The applicant has resisted this on the grounds of safety and maintenance. A compromise is sought here and will be conditioned accordingly.
- Continuation of the pavement across the car park access to the local centre by using block to define that and mark the threshold into car park
- Modest extension of the SuDS to include rain gardens to planting areas as part of the square/pedestrian route east of the drive thru, in front of unit B, and in front of the glazed northern frontage to the food store with trees and seating as presently proposed (could be combined with tree pits including cellular storage). The applicant feels however this could lead to safety concerns.
- The block surfaced area incorporating the crossing could be further extended east and west. The pavement to the north from Viking Way could be in block work where it coincides with the block surfaced carriageway.
- There are block paved areas at the entrance to, and around the local centre car park, that could be soft landscape, potentially rain gardens. Likewise, there are localised areas of hard space in the food store car park that could be soft landscaped, including additional tree planting.
- The square area of landscaping east of the food store car park entrance could be better utilised in planting terms, perhaps including a feature tree(s)
- The pedestrian route north of the drive thru access, west of unit B should be throttled down to allow more space for the outside area to unit B and tie in with the width of pedestrian access approved for the housing site north of the red line
- The landscaping of the swales should be as rich as possible. The visualisations portray these as quite barren when the discussion all along has been to make them an interesting and dynamic element of the landscape setting for the development.
- The lighting strategy plan is pretty unintelligible. Lighting should aim to add night-time interest to the area, helping to accentuate landscape and the buildings as well as providing functional lighting.
- Could living walls roofs be used on external bin and cycle stores/shelters?
- No public art was identified in the scheme proposals. This is a requirement of the design code and whilst no details have been submitted a location has been shown. This will need to be conditioned.

### Design of the food store building

The design of the food store building has also evolved positively though the pre-application process, seeking to respond to some of the challenges set by the design code and creating a building with landmark qualities and a generally positive approach to building frontages. Suggested further refinements are:

- Could the entrance/exit directions be tweaked with the entrance on the eastern side and exit to the north (that would equalise it a little for those walking from the north/east, rather than from the store car park
- It is still thought there is scope to introduce a modest area of living wall, either as climbers or a cellular system to help break up blank areas of masonry (especially on the western elevation)
- Materiality is going to be key to the success of the design. Use of buff brickwork is not considered appropriate so will need to be conditioned.

### Design of other buildings

The key issue in respect to this cluster of buildings is the strength of the drive thru building in its prominent gateway position. It is identified in the spatial code as having a landmark function and the Design and Access Statement identifies it as such. However, despite the extensive active façade, there is still a question mark as to whether the building is of sufficient quality to achieve that key design objective. A building of greater massing and stature employing a similar design philosophy would better define the entrance.

It feels right that the drive thru and retail unit share the same architectural language and materiality and there are cross overs between the materiality of the food store and the local centre; which also seems appropriate.

### Conclusions

The scheme has a number of positives and there has been substantive progress on the design from the early pre-app stage. However, a number of minor revisions have been suggested to tighten the scheme and elevate quality, as set out above. Some elements have not been addressed, but they are largely items of detail, and some can be conditioned.

However, the main issue is that of the drive thru and the impact that has upon the scheme and delivering the design objectives set out in the spatial code. Naturally, that has to be weighed against the merits of the scheme in its entirety, but the view of the design officer, is it is quite significant. Whilst this is understood and accepted that this element “could be better”, looking at the proposals as a whole, the design is considered acceptable.

### **Landscape**

No comments have been received from the Council’s Landscape Officer, however the basic principles and to a large extent the hard landscaping details have been considered under the design section above. Full landscaping details have been submitted with the application showing extensive planting, including numerous trees, with hedgerows and planting beds to the site boundaries, along the internal access road and within the parking areas. The landscaping proposals are considered acceptable.

### **Trees**

No arboricultural information has been submitted with this application. Further to viewing the conditioned plans and reports and compared these with site layout details on the proposed Master Plan and the Proposed Phase 4 Hard and Soft Landscaping Plan for this application, the Tree Officer feels the expected level of detail has not been provided to demonstrate that the RPA (root protection area) of Veteran tree T58 will not be impacted by the proposal. Tree T59 Oak a C Cat tree formally shown for retention with approved plans is now shown very close to Retail Unit B with construction anticipated in the RPA.

The proposal should be supported by a plan which indicates the position of these 2 trees in relation to the proposed layout with projected RPAs shown and existing and proposed levels provided where any incursion into the RPA may arise. Once provided this will confirm what additional arboricultural information is required, the technical feasibility of retaining T59, and whether these issues can be dealt with by condition.

The applicant’s agent has highlighted that this matter is the subject to a condition on the outline, which needs to be discharged, however they are preparing a Method Statement that will be shared with the

Tree Officer which will hopefully demonstrate that the development will not impact on the RPA's of the two retained trees on the site.

## **Ecology**

The following conditions are required to be dealt with as part of this reserved matters application, apart from condition 12 (outfalls – that does not apply to this application) and condition 15 SUDS, which is a prior to commencement condition.

Conditions 7 and 13 Habitat creation method statement; ecological monitoring strategy and a 30 year habitat management plan

Acceptable proposals under this condition have been submitted.

Condition 8 Any Reserved Matters Application involving the installation of the surface water outfall into the River Dane shall be supported by an updated Otter and Water Vole Survey

The planning agent has confirmed that no outfalls are proposed as part of this application. This condition does therefore not apply.

Condition 9 Updated survey for Badgers

An acceptable updated badger survey report has been submitted as required by this condition.

Condition 10 Scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows lost

No functional hedgerows are lost as a result of the proposed development. A length of defunct hedgerow adjacent to the ditch on the northern boundary of the site does however appear to be lost. The applicant's agent has identified an area of the site where the replacement hedgerow can be provided, and the landscape plan is being updated accordingly.

Condition 11 Lighting

The base line conditions at this site provide relatively limited opportunities for foraging bats. Similarly, the consented development is also likely to offer limited opportunities. It is therefore advised that the submitted lighting scheme, which limits light spill onto the attenuation ponds, is acceptable.

Condition 12 Plan to show the siting of the proposed outfall location on the bank of the River Dane

No outfalls are proposed as part of this application.

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

Acceptable proposals as required by this condition have been submitted (Habitat Enhancement Scheme, Tyler Grange 216th May 2023).

Condition 15 SUDS

In order to meet the biodiversity targets in the metric calculation under the outline consent it must be ensured that the attenuation ponds hold areas of permanent open water. It has been confirmed that the ponds are able to hold permanent open water, however due to the depth this would require safety fencing – this can be conditioned.

Additional Conditions

If reserved matters consent is granted a condition is required to safeguard nesting birds:

## **Amenity**

There are no residential properties on or immediately adjacent to the site, although as noted above there are residential properties approved to the north and east of the site. Given the separation distances and changes in level, it is not however considered there are any significant amenity concerns raised by this Reserved Matters application.

Environmental Protection recommend a number of informatives regarding construction hours, dust management, floor floating and pile foundations, be attached to any approval granted to protect amenity.

## **Air Quality**

The developer has submitted plans for this Phase 4 development showing the locations of electric vehicle charging points. These plans are acceptable although the developer will need to submit details of the types of charging points to ensure they meet the criteria stipulated by the condition raised on the outline application.

As this phase of the development appears to be selecting the use of ground source heat pumps rather than gas fired boilers, the condition raised on the outline application relating to ultra – low NO<sub>x</sub> boilers will still need to be complied with.

## **Contaminated Land**

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

- The contaminated land conditions from approval 19/5596C should be carried forward with respect to this retail phase.

As these conditions relate to the outline they will equally apply to this reserved matters application.

## **Flood Risk/Drainage**

This was assessed at the time of the outline application and the enabling works application which set the site levels and was conditioned accordingly. The plans show a series of SUDS features on the site, including SUDS ponds on the site frontage as a landscape feature. As such the Lead Local Flood Authority (LLFA) have commented that they now have no objection to this reserved matters application on the basis that the objections raised in their original response will be addressed in the appropriate phase of development via conditions.

## **CONCLUSIONS**

This reserved matters application proposes three retail units including a food store and “drive thru”, referred to as Phase 4 of the development approved in outline under reference 19/5596C.

Highways have raised no objections to the application.

The Design Officer has made a number of observations, generally supporting the proposals, including the design of the food store, however, feels the design of the “drive thru” unit is not strong enough in this frontage location. Whilst the design could be stronger, in the context of the scheme overall it is however considered acceptable.

The landscaping, subject to a few elements that can be conditioned, is considered acceptable.

The Tree Officer has requested some clarification over the impact of the development on the root protection areas of the 2 retained trees. This will be clarified in an update report to Members.

Additional information has been received to address comments from the Council’s Ecologist, and he has confirmed he has no objections to the development.

Following receipt of additional information, the Council’s Flood Risk team have confirmed they now have no objections.

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

The design of the proposals has evolved from the pre application discussions to the present scheme, and although there are some concerns about the strength of the design of the drive-thru, overall, the proposals are now considered acceptable.

## **RECOMMENDATION**

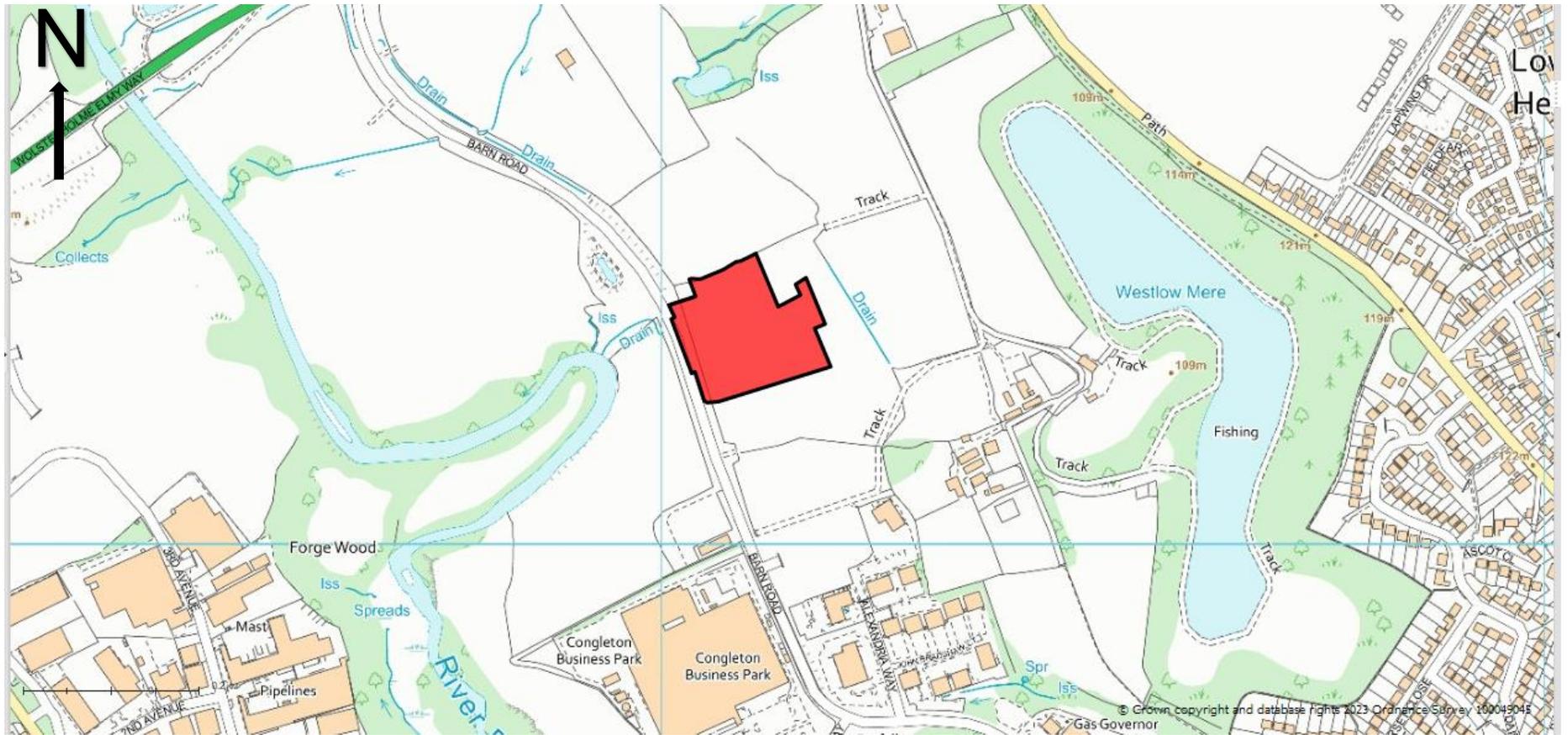
**Approve subject to the following conditions;**

- 1. Approved plans**
- 1. Construction of access in accordance with submitted plan**
- 2. Safeguarding nesting birds**
- 3. Details of safety fencing around SUDS ponds to be approved**
- 4. Facing materials for the food store to be submitted and approved**
- 5. Paving around the frontage of the food store to be submitted and approved**
- 6. Approval of lighting**
- 7. Submission of a construction management plan**

**Informatives;**

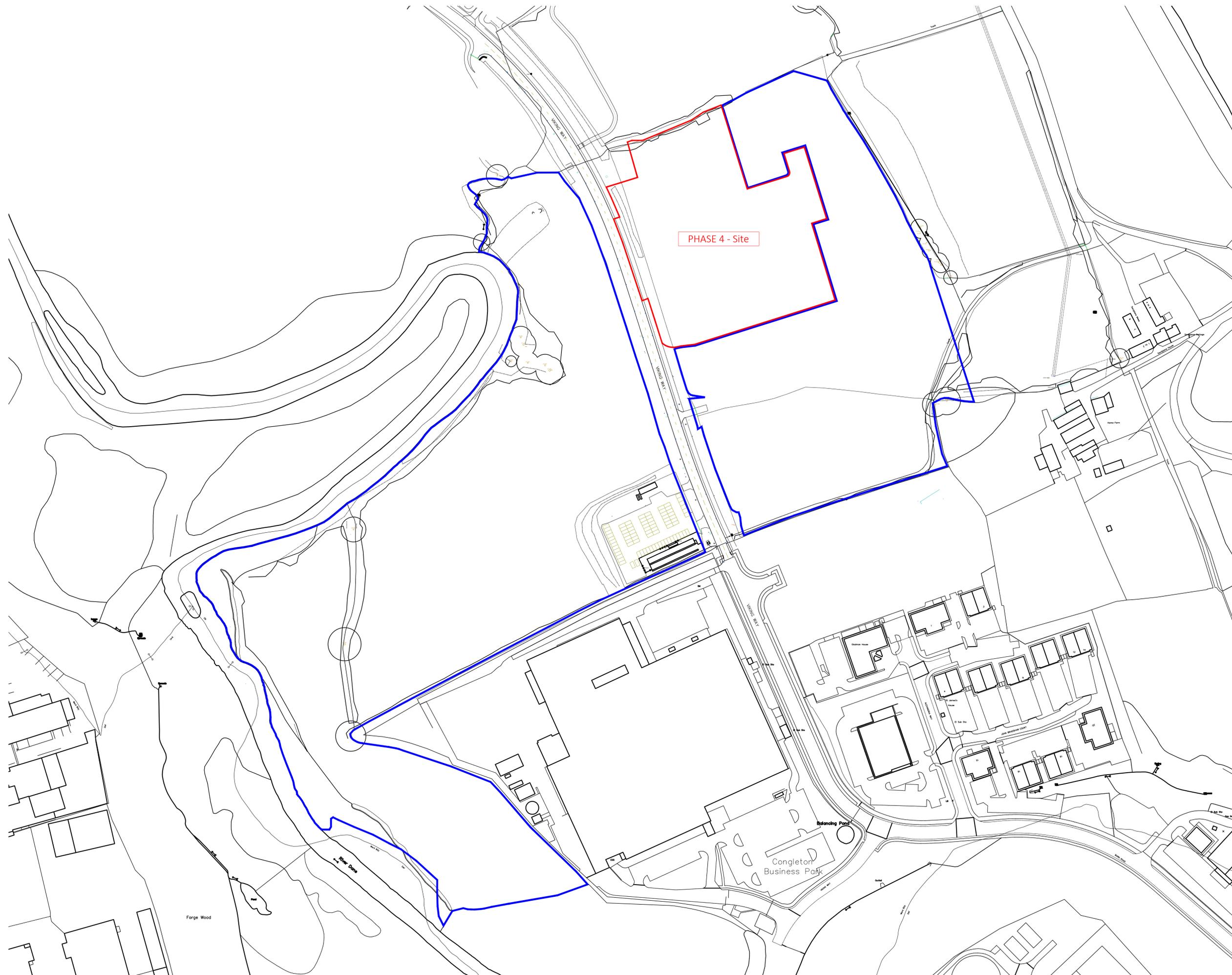
- EP Standard informs**

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



23/2054C

UNIT 1, VIKING WAY,  
CONGLETON,  
CW12 1TT



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**KEY**

Application Red Line Boundary  
 Application Site  
 4.6 Acres  
 1.86 Hectares

Clowes Developments (North West) Limited owned Land

Please note, The boundary shown is based on PDF scan copy of Land registry title plan. Confirmation of the title plan and accuracy of the site boundary shown to be confirmed by the Client / their legal representative prior to commencing any works on site. The boundaries indicated on this drawing are for guidance only.



Project No.	09/09/22	Initial Issue	AB/NF
Date	09/09/22	Description	Initial Issue
Client	Clowes Developments (North West) Limited		
Project	Viking Way, Congleton		
Title	Site Location Plan Phase 4		
Drawing Status	PLANNING		
Drawn	AB	Checked	NF
Scale	1:1250 @ A1		
Date	September 2022		
Whittam Cox Architects	Chesterfield / 01246 260261 London / 020 3388 0019 Leeds / 0113 468 2450 whittamcox.com		
Job No.	210306	Drawing No.	WCA-P4-XX-DR-A-PL400
Rev	P01		

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0 20 50 100

Phase 4 Site Boundary

Development Boundary



Rev 18/08/23	Revised to include latest landscaping layout	AB
Rev 28/04/23	Revised following receipt of updated landscaping information	LH/NF
PO1	11/04/23 Planning Issue	LH/NF
By Issue:	Discussion	Drawn/Checked by
CLIENT		



PROJECT  
Congleton

TITLE  
Proposed Masterplan

DRAWING STATUS  
Planning

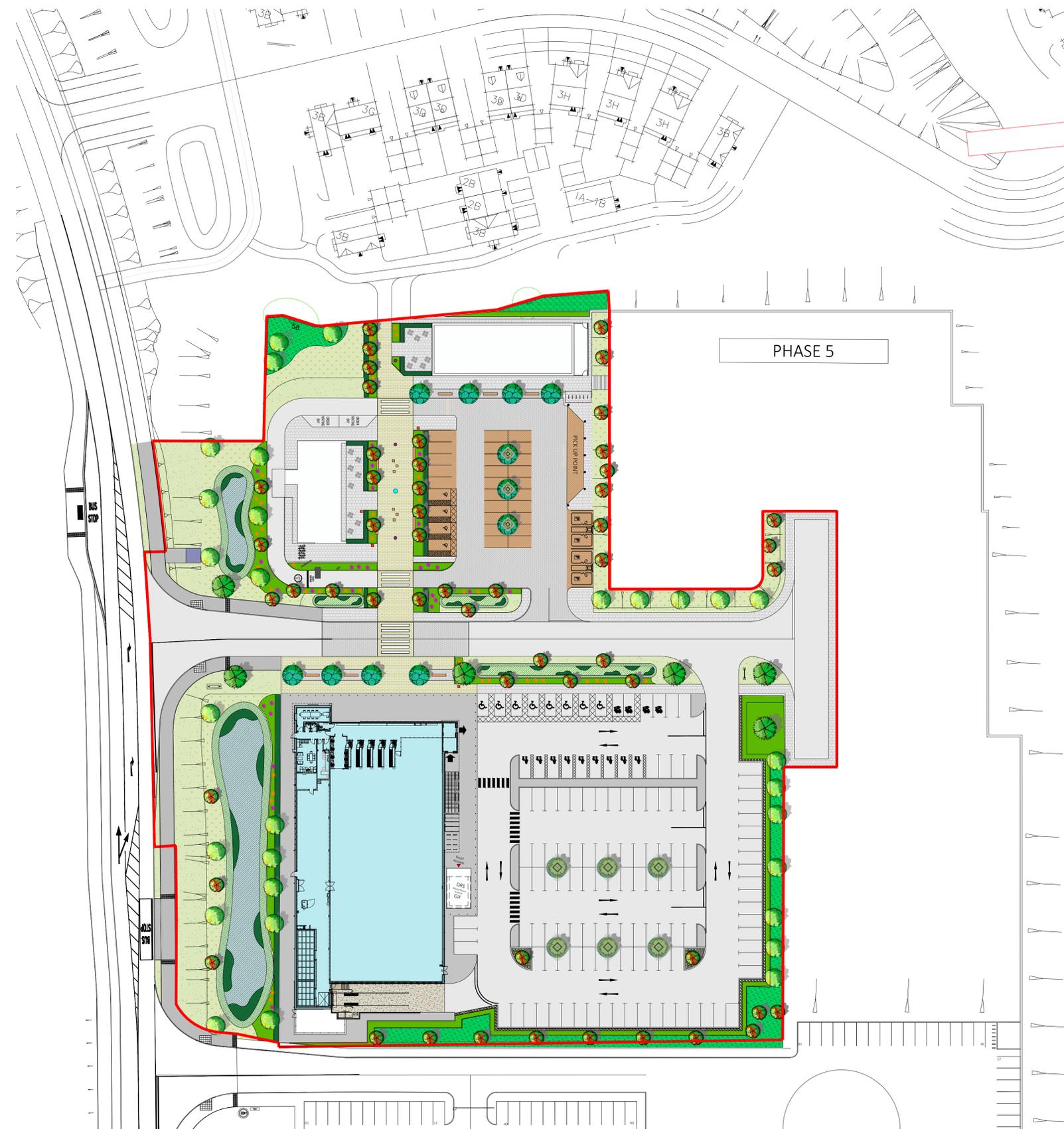
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SCALE 1:2000 @ A1

DATE March 2023

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JOB NO. 210306 DRAWING NO. WCA-P4-00-DR-A-PL401 REV P03



Phase 4 Site Boundary  
18.640m<sup>2</sup>  
4.6 Acres

- Tarmacadam car park areas
- Tarmacadam footpaths
- Heavy duty tarmacadam access road
- Concrete Handstanding
- Block paved footpath to main entrance of building
- Block paving to carpark as per Landscape Architects specification
- Block paving to public square as per Landscape Architects specification
- Soft landscaping area to Landscape Architects specification
- Swale to Landscape Architects specification
- Concrete base for substation and signage columns

18/08/22	Revised to include latest landscape plan	AB
03/05/23	Key revised to suit revised plans	AB/NF
28/04/23	Revised following receipt of updated landscaping information	LH/NF
28/03/23	Initial Issue	LH/NF
By Date	Description	Drawn/Checked by
CLIENT		



PROJECT  
Congleton

TITLE  
Proposed Phase 4 Hard and Soft Landscaping Plan

DRAWING STATUS  
Planning  
DRAWN LH CHECKED NF  
SCALE 1:500 @ A1  
DATE March 2023

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JOB NO.	DRAWING NO.	REV
210306	WCA-P4-00-DR-A-PL410	P04



ELEVATION A



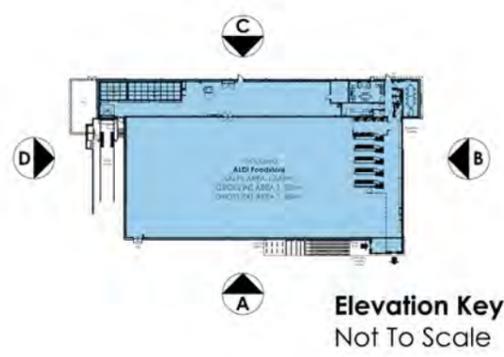
ELEVATION B



ELEVATION C

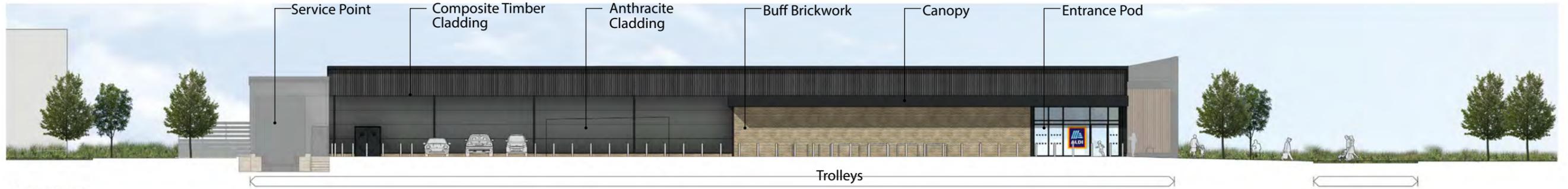


ELEVATION D



Proposed Development  
 Viking Way, Congleton  
 Client: Aldi Stores Limited  
 Date: 05/04/23  
 Job/Dwg: 17328 NES-V103-Proposed Elevations  
 Not to Scale@A3

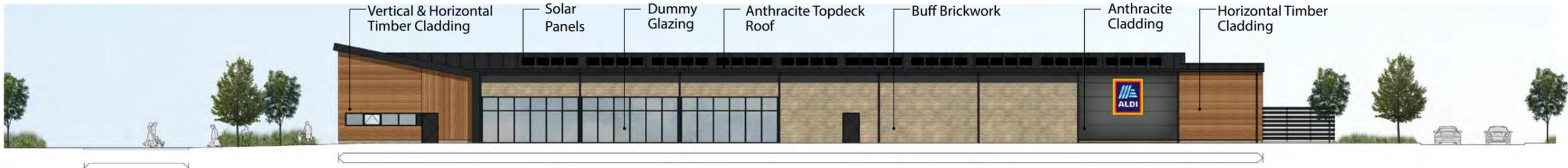




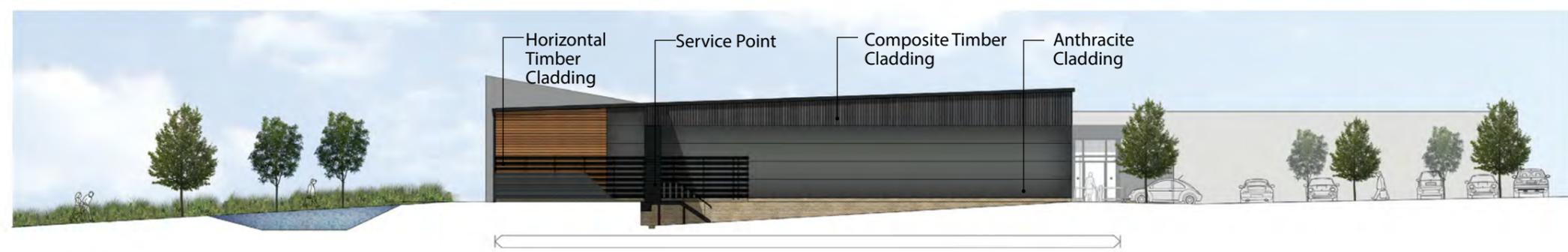
ELEVATION A



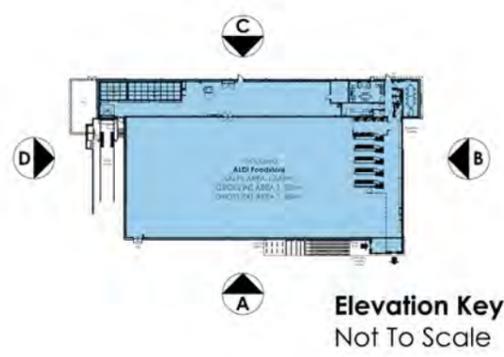
ELEVATION B



ELEVATION C



ELEVATION D





Key

- Full height curtain wall - mullions RAL 7022, umbra grey finish
- 2 Eternit Equitone facade panels - Linea LT60
- 3 Moco Pinus - Durline wooden facade panels 27 x 144mm exterior cladding
- 4 Wood finish doors - to match Moco Pinus Durline finish
- 5 XS001 Sign - Woodmark surface mounted illuminated - 250mm
- 6 Paint RAL 7030 stone grey - Door panel finish
- 7 XS002 Custom Sign - Drive thru illuminated stacked wordmark
- 8 XS003 Sign - Logo disk surface mounted, illuminated - 1500mm
- 9 Emergency exit door handle, RAL 7022 colour finish



1 EXTERIOR ELEVATION - MAIN ENTRANCE  
1:100



2 EXTERIOR ELEVATION - SECONDARY ENTRANCE  
1:100



No. Date Description Drawn/CHK By

CLIENT



PROJECT  
Congleton

TITLE  
Proposed Coffee Shop Elevations - Sheet 1

DRAWING STATUS  
Planning

DRAWN LH CHECKED NF

SCALE 1:200 @ A1

DATE April 2023

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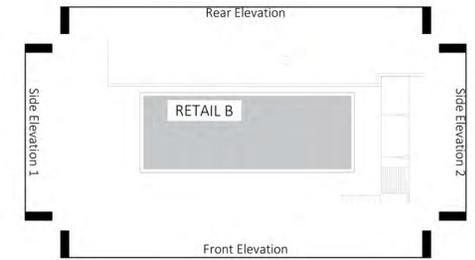
JOB NO. DRAWING NO. REV  
210306 WCA-P4-XX-DR-A-PL407 P-



Key

- Full height curtain wall - mullions RAL 7022, umbra grey finish
- 2 Eternit Equitone facade panels - Linea LT60
- 3 Moco Pinus - Durline wooden facade panels 27 x 144mm exterior cladding
- 4 Wood finish doors - to match Moco Pinus Durline finish
- 5 XS001 Sign - Woodmark surface mounted illuminated - 250mm
- 6 Paint RAL 7030 stone grey - Door panel finish

Front Elevation



Side Elevation 1

No.	Date	Description	Drawn/Checked By
CLIENT			



PROJECT  
Congleton

TITLE  
Proposed Retail Unit B Elevations - Sheet 1

DRAWING STATUS  
Planning

DRAWN LH CHECKED NF

SCALE 1:200 @ A1

DATE April 2023

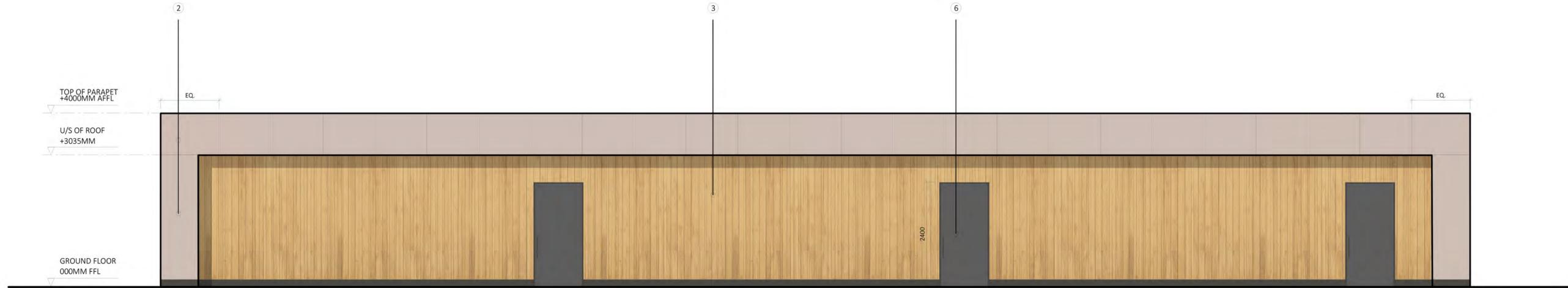
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210306 WCA-P4-XX-DR-A-PL405 P-

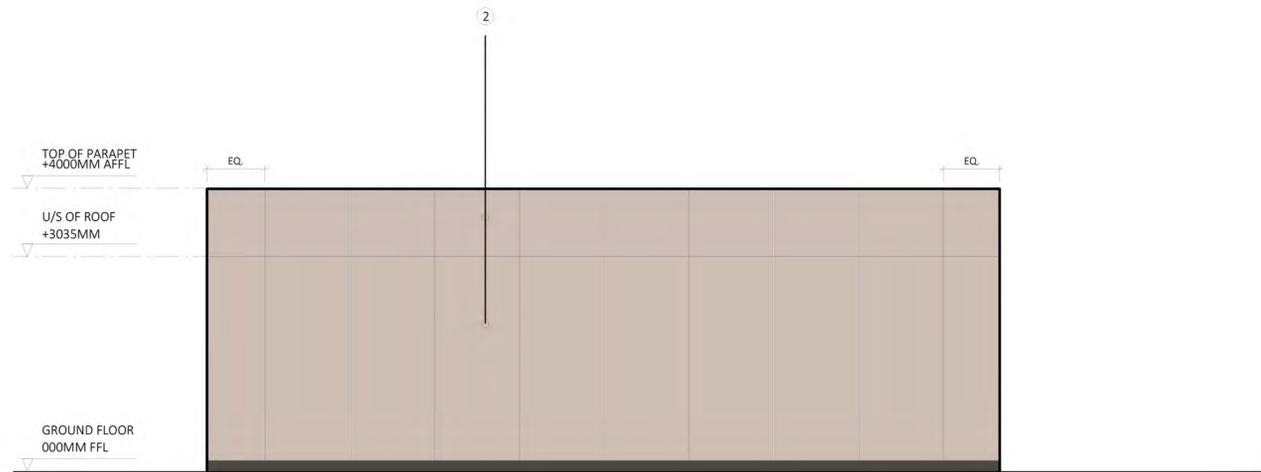
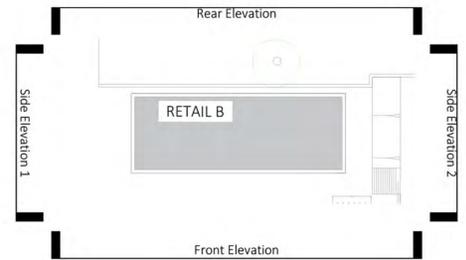


Key

- Full height curtain wall - mullions RAL 7022, umbra grey finish
- ② Eternit Equitone facade panels - Linea LT60
- ③ Moco Pinus - Durline wooden facade panels 27 x 144mm exterior cladding
- ④ Wood finish doors - to match Moco Pinus Durline finish
- ⑤ XS001 Sign - Woodmark surface mounted illuminated - 250mm
- ⑥ Paint RAL 7030 stone grey - Door panel finish



Rear Elevation



Side Elevation 2

No.	Date	Description	Drawn/Checked By
CLIENT			



PROJECT  
Congleton

TITLE  
Proposed Retail Unit B Elevations - Sheet 2

DRAWING STATUS  
Planning

DRAWN LH CHECKED NF

SCALE 1:200 @ A1

DATE April 2023



JOB NO.	DRAWING NO.	REV
210306	WCA-P4-XX-DR-A-PL406	P-

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**OPEN**

**Strategic Planning Committee**

**20 September 2023**

**Handforth Garden Village Hybrid Planning Application 19/0623M Update Report**

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**Report of: David Malcolm Head of Planning**

**Ward(s) Affected: Handforth**

### **Purpose of Report**

- 1 Following the approval of this application by Members of the Strategic Planning Board on 13 January 2023, this report provides an update for Committee on proposed changes to the format of the Section 106 Agreement and Conditions set out at the time.

### **Executive Summary**

- 2 Planning approval was granted for the following development, subject to the removal of the holding condition from the Environment Agency (which was subsequently removed), the completion of the Section 111/Section 106 agreement and conditions.
- 3 This is a hybrid planning application proposing a new mixed-use settlement for the Garden Village at Handforth. It comprises two parts: (1) Outline planning application, including: demolition works (unspecified); around 1500 new homes (class C3); new employment uses (class B1 & B2); new mixed-use local (village) centre (classes A1-A5 inclusive, B1(a), C1, C2, C3, D1 & D2); new green infrastructure; and associated infrastructure. All detailed matters (appearance, means of access, landscaping, layout & scale) reserved for subsequent approval. (2) Full planning application for initial preparation and infrastructure works (IPIW), including: ground remediation, re-profiling and preparation works; highway works; drainage works; utilities works; replacement A34 bridge works; green infrastructure works; and other associated infrastructure. Land East of the A34 and South of A555, Handforth, Cheshire,
- 4 Since approval was granted, extensive discussions have taken place with the applicant over the format of the Section 111/106 agreement to secure the planning obligations required and the conditions attached to the approval granted by Members. A revised approach is now recommended, that does not significantly affect the decision made by Members in January but is a different approach to the s106 agreement and has allowed the conditions and s106 requirements to be streamlined whilst still covering all the areas originally set out in the officers report.

RECOMMENDATIONS

The Strategic Planning Committee is recommended to:

1. Approve the amended approach to the Section 106 Legal Agreement
2. Approve the amended list of conditions
3. Approve the amended list of s106 requirements and triggers

**Background**

- 5 In January of this year Strategic Planning Board (SPB) resolved to grant planning permission subject to planning conditions, and the completion of a legal agreement securing obligations under section 111 of the Local Government Act 1972 and section 106 of the Town and Country Planning Act 1990 (s.106 Agreement). Appendix 1.
- 6 A s.106 Agreement binds the landowners and developers to deliver mitigation both within and outside of the application site which is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development. These are known as the CIL Regulations s122 tests. As part of their decision in January, SPB identified a list of mitigation that is required to be provided in connection with the Garden Village Scheme that would necessitate being secured through a s106 agreement.
- 7 Ordinarily all parties with a material interest in an application site will enter into the s.106 Agreement prior to the grant of planning permission. In this case, as large parts of the site are in the ownership of the Council, the LPA takes the position that public law and contract law principles prevent Cheshire East BC from entering into a legal agreement with itself. In any event the Council cannot take enforcement action under s106 against itself as that requires a separate legal personality. Separately, other landowners of parts of the site are not in a position to sign up to the s106 agreement covering the Council land.
- 8 In these circumstances, an alternative legal method to secure the mitigation necessary to make the development acceptable in planning terms has been identified that has been utilised by Cornwall Council in a similar case. The method places stronger reliance on planning conditions than in a more conventional application context due to the novel circumstances that exist. Those circumstances being the fact that the Council is in effect the applicant and majority landowner, with only a small amount of land that is part of the application site falling outside of the Council's control.
- 9 In these novel circumstances it is proposed that the s106 obligation (or mitigation and requirements that would otherwise be secured by the s106 obligation) are secured by negatively worded planning conditions attached to the planning permission requiring:

- That to the extent the Council as landowner/developer implements the permission, the commencement of development is prohibited until the Council as landowner submits to, and has approved by, the LPA a Memorandum of Understanding (MoU), confirming how and when relevant obligations in the agreed form of s.106 Agreement will be met for the development that is proposed to be carried out.

- That to the extent the Council as landowner/developer divests its land interests to a third-party developer for that developer to implement the permission, development is prohibited unless the Council as landowner/developer ensures that such third-party developer enters into the agreed form of s.106 Agreement with the Local Planning Authority before it is permitted to implement the permission.

- That to the extent the permission covers third party land, the commencement of development is prohibited until the relevant third-party landowner has entered into the agreed form of s.106 Agreement prior to commencement on that land.

Under these conditions it means that there is no way to implement the planning permission that can take free of the s106 requirements that make this development acceptable in planning terms.

- 10 The Planning Practice Guidance (PPG) advises that negatively worded conditions requiring a s106 agreement to be entered into prior to certain development taking place are unlikely to be appropriate in the majority of cases, but that they may be required in exceptional circumstances. Particularly complex development schemes and schemes where delivery could otherwise be at risk are identified as examples of exceptional circumstances. It is considered that given the size of this scheme and the importance of its delivery in terms of housing supply and infrastructure to bring forward the development of the site for the Borough and the potential of delay to the scheme that may put the delivery of the scheme at risk, that this development would satisfy the exceptional circumstances criteria in the PPG. The negatively worded conditions would still need to meet the standard condition tests that are set out in the National Planning Policy Framework and the PPG.
- 11 This proposal is not without risk. Utilising a more bespoke solution is open to legal challenge. The LPA would not be able to seek an injunction for breach of the MoU given by the Council as developer. This therefore puts the Council as developer in a position that would not be available to other landowners and increases the risk of challenge. The method would effectively rely on the reputational damage to the Council, if any of the undertakings made in the MoU were not met. However, enforcement through breach of condition would still be an option.
- 12 Given the circumstances, officers are of the view that the Cornwall method described utilising negatively worded planning conditions and Memoranda of Understanding, is an acceptable way forward. It has been proposed that responsibility for drafting any MoUs on behalf of the Council, as landowner, agreeing them with the LPA, and signing them, will be delegated to the Director

of Growth & Enterprise by the Economy and Growth Committee at their meeting on 12<sup>th</sup> September 2023. At that meeting the detail of the method proposed is to be put before Committee members for them to approve or otherwise this approach. The decision of the Economy and Growth Committee will be reported to SPB as part of an update.

- 14 A draft of the first MoU, which would be required prior to the commencement of the Initial Primary Infrastructure Works is set out at Appendix 2. Further MoU may be required as the development progresses and further s.106 obligations are triggered. The delegation to the Director of Growth & Enterprise is intended to cover the MoU relating to the Initial Primary Infrastructure Works and any further MoUs that might be required if the Council as developer determines to undertake further phases of development itself.
- 15 Discussions on the s106 obligations are well advanced and there is a draft s106 in place. Prior to the grant of planning permission the terms of the s106 agreement will be agreed in the interest of precision, enforceability and transparency so that all parties understand what is required as mitigation for this development and at what stage in the development process. On this basis the updated table of s106 requirements and trigger points are set out below.

**Consultation and Engagement**

- 15. Full public consultation was undertaken on the planning application in accordance with normal procedures and responses considered as part of the Officers report to SPB in January 2023.

**Reasons for Recommendations**

- 16. There is a concern that the way the current decision mechanism is formulated would not stand up to scrutiny, as if the applicant – Cheshire East Council – Economic Development does not fulfil it’s obligations as set out in the report, Cheshire East – as Local Planning Authority cannot enforce against itself.
- 17. A full review of the conditions has been undertaken, and the revised list attached to this report, avoids any duplication and clarifies what will be included as a legal obligation and what can be conditioned.

**Other Options Considered**

Option	Impact	Risk
Do nothing – Keep decision as recommendation to SPB 13 January 2023	Inability of the Council as Landowner to sign up to a s106 agreement and therefore there is no way to ensure delivery of relevant s.106 obligations and therefore no planning	That no planning permission would be able to be issued and therefore the HIF funding that has been awarded to the scheme would be lost which would call into question the

	<p>permission can be issued</p>	<p>deliverability of the scheme as a whole</p> <p>Undermining the delivery of a key mixed use site within the Local Plan</p>
--	---------------------------------	--

**Implications and Comments**

*Monitoring Officer/Legal*

18 All planning matters were considered as part of the Officers report to SPB in January 2023

*Section 151 Officer/Finance*

19 All planning matters were considered as part of the Officers report to SPB in January 2023.

*Equality, Diversity and Inclusion*

20 All planning matters were considered as part of the Officers report to SPB in January 2023

*Human Resources*

21 All planning matters were considered as part of the Officers report to SPB in January 2023

*Risk Management*

22 All planning matters were considered as part of the Officers report to SPB in January 2023

*Rural Communities*

23 All planning matters were considered as part of the Officers report to SPB in January 2023

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

24 All planning matters were considered as part of the Officers report to SPB in January 2023

*Public Health*

25 All planning matters were considered as part of the Officers report to SPB in January 2023

*Climate Change*

26 All planning matters were considered as part of the Officers report to SPB in January 2023

<b>Access to Information</b>	
Contact Officer:	David Malcolm Head of Planning <a href="mailto:David.malcolm@cheshireeast.gov.uk">David.malcolm@cheshireeast.gov.uk</a>
Appendices:	Appendix 1: Original decision from SPB in January  Appendix 2: Memorandum of Understanding – Heads of Terms  Appendix 3: Proposed amended decision
Background Papers:	January SPB report for Hybrid Planning Application 19/0623M

## Appendix 1

Previous decision (taken from the 13 January 2023 SPB Minutes)

For the reasons set out in the report, update report and verbal update at the meeting the application be APPROVED subject to the removal of the holding condition from the Environment Agency, the completion of the Section 111/Section 106 agreement to secure:

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
Strategic green and common areas-Strategy, management and Maintenance plans		Commencement of development
Strategic green and common areas-Provision and transfer to management company		Prior to disposal of 1000 <sup>th</sup> unit
Off-site ecological mitigation	£5,943,664	Lump sum prior to commencement and then maintenance sum annually
Education (primary/secondary/SEN)	£14,661,362	50% prior to Commencement of a unit then 50% Prior to occupation of 750 <sup>th</sup> unit
Education -provision of school site		Prior to commencement of dwellings
Village Hall/village centre/employment uses-provision of Affordable Housing	<b>30%</b>	Prior to disposal of 1000 <sup>th</sup> unit sale or let of 50% market houses
Highway improvement works	£5,047,000	Prior to occupation of 375 units
Highways - Hall Moss Lane	£387,522	Prior to commencement of development
Highways – Poynton bypass	£4,661,192	Occupation of the 150th unit
Highways – Bus Services	£1,714,000	Occupation of the 50th unit
Highways – Handforth P & R	£980,000	Occupation of the 100th unit
Highways - Pathways and cycleways	£500,000	Commencement of development
Highways – Travel plan monitoring	£10,000	Commencement of development
Public Open Space in housing areas-provision of		Occupation of 50% units in phase
Public Open Space in housing areas-Transfer to management company and maintenance in perpetuity		Occupation of 75% units in phase
Allotments/Community Orchard-Provision and transfer to management company		Prior to disposal of 750 <sup>th</sup> unit

Indoor and outdoor sports facilities	£1,719,987	50% prior to occupation of any Units and 50% prior to occupation of 750 <sup>th</sup> unit
Healthcare - Handforth	£1,530,015	Prior to occupation of any units

**and the following conditions:**

OUTLINE

1. Time limit – approval of reserved matters (5 years)
2. Approval of reserved matters – all reserved
3. Approved plans – Location and parameter plans
4. Approve Accommodation Schedule
5. Compliance with the EIA (& Addendum) and mitigation (combine with 3?)
6. No commencement until approved initial primary works complete
7. Approval of phasing plan
8. Development to comply with housing densities identified in the Indicative Masterplan
9. Compliance with Public Rights of Way and 20-Year Walking Route Code
10. Approval of signage for pedestrians and cyclists
11. Programme of archaeological work to be agreed
12. No works on the main development site to take place within 100m of the Dairy House Farm (Listed Building) site prior to the completion of the stabilisation/repair works
13. Future development of the designs for the site, coding and development going forward, must adhere to the Heritage Design principles and Fixed Parameters; Heritage Plan
14. The design parameters set out in the Heritage Assessment which relate to the listed buildings shall be taken forward to create a guide
15. All Reserved Matters application to be supported by an Arboricultural Impact Assessment
16. Management plan for works for trees identified as being or having the potential to be a veteran tree.
17. Scheme for the provision of community allotments and community orchards to be approved
18. A detailed Strategic Green Infrastructure and Landscape Strategy document to be submitted (for Strategic GI within IPW Area, Strategic GI within the Outline Application Area & Landscape within Development Parcels) in accordance with the guidance set out in the Spatial Design Code Addendum rev J.
19. Landscaping for each phase to be approved
20. Approval of boundary treatment for each phase
21. Levels/contours
22. Details of play areas and equipment
23. Landscape implementation
24. Submission of Habitat Creation and Landscape and Habitat Management Plan (for both full permission and future reserved matters applications). The retained extent of the on-site Local Wildlife Site to be put under management at the time of the initial site infrastructure works being implemented.
25. Submission of detailed designs including proposed locations for the proposed on-site wildlife ponds. Wildlife ponds not to form part of the SUDS for the development.
26. Measures for safeguarding the retained ecological habitats across the site during the construction and demolition process
27. Bird nesting season

28. Provision of proposals for the interpretation of the retained Local Wildlife Site.
29. Updated protected species surveys and mitigation method statements prior to commencement for each phase.
30. Method Statement of Amphibian Reasonable Avoidance Measures for that approved phase
31. A Protected Species Survey and Impact Statement shall support all reserved matters applications.
32. Approval of Lighting Scheme for each phase to minimise impacts upon foraging bats
33. Detailed proposals of compensatory hedgerow planting to be provided to address impacts of any hedgerow lost to the scheme.
34. Proposals for the management of public access into the retained Local Wildlife Site
35. Agreement of scheme entered into Great Crested District Level Licence scheme
36. For each phase incorporation of features to enhance on-site biodiversity to be approved
37. Phase II Ground Investigations and Risk Assessments for each phase
38. Verification Report required for each phase
39. Approval of Community Management and Maintenance Plan for the site
40. Approval of a proposal for restricted access from footpaths in the open space and ecological areas along the western boundary with the A34
41. Soils shall be pre-tested for contamination and verified for suitability for use
42. Unexpected contamination
43. No infiltration of surface water drainage into the ground where adverse concentrations of land contamination are known or suspected
44. Site-wide Surface Water Drainage Scheme to be approved
45. For each phase a Drainage Management Plan to be approved
46. Scheme for Sustainable Urban Drainage System (SUDS)
47. Foul and surface water shall be drained on separate systems.
48. Grampian – off site works before occupation of any of the houses
49. The Primary Infrastructure Works, and other associated highway infrastructure shall be implemented in accordance the approved Works Phasing Plan (i.e.: Before First Occupation) and retained for the life of the development.
50. The construction of the approved off-site park and ride facility at Handforth shall be completed prior to the occupation of 150 dwellings on site.
51. The bus service(s) to link the development with Handforth district centre and Wilmslow town centre shall be operational prior to the occupation of 150 dwellings on site and remain operational for a minimum of 7 years.
52. Access Strategy for Dairy House Lane to be agreed
53. The submitted Travel Plan Framework, which is hereby approved, shall be implemented in accordance with the submitted timetable
54. Ultra-Low Emission Boilers for each phase
55. Electric Vehicle Infrastructure plan for each phase/use
56. Covered and secure space/s for cycles
57. Noise insulation measures to achieve BS 8233
58. Approval required for any plant/equipment on premises
59. Approval of opening hours for all commercial, industrial, and retail premises
60. Approval of external lighting
61. Approval of kitchen extraction equipment
62. Demonstrate compliance with Nationally Described Space Standards
63. Character Area Design Codes to be approved for each phase
64. Code Compliance Statements shall accompany all reserved matters applications (?)
65. Manchester Airport – Aerodrome Safeguarding – reflective surfaces

66. Manchester Airport – Aerodrome Safeguarding - Wildlife Hazard Management Plan for each phase
67. Manchester Airport – Aerodrome Safeguarding – approval of onsite and offsite ecological mitigation works (?)
68. Approval of external materials/finishes
69. Approval of site-wide Sustainable Waste Management Strategy for each phase
70. Removal of PD Rights
71. Approval of CEMP for each phase. To include hours of construction, piling and dust management, and to ensure there are no impacts on the retained on- site Local Wildlife Site, Hall Wood Handforth and River Dean Banks Local Wildlife Site, on-site stream, and ponds.
72. Approval of Construction Traffic Management Plan (CTMP)
73. No development on any parcel/phase prior to completion of a s106/s111 agreement

#### FULL

1. Three year time limit
2. Approved plans
3. Compliance with mitigation measures set out in the Environmental Statement
4. Approval of Phasing Plan for the development of the Initial Primary Works
5. Approval of detailed scheme for any works to the track/public right of way (FP127) where it links between the new bridge over the A34 (to the east) and Hall Road (to the west)
6. Tree protection
7. Construction Specification / Method Statement (Trees)
8. Submission of Habitat Creation and Landscape and Habitat Management Plan (for both full permission and future reserved matters applications). The retained extent of the on-site Local Wildlife Site to be put under management at the time of the initial site infrastructure works being implemented.
9. Submission of detailed design for wildlife underpasses, (the ‘Eco-Bridge’ (underneath the access road/high street taken from the Coppice Way/A34 roundabout) & ‘Ecological Tunnel’ (underneath the access road taken from the A34 Dumbbell junction where it crosses the retained Local Wildlife Site)
10. A Remedial Options Appraisal & Remediation Strategy to be approved
11. Prior to the commencement of the approved Primary Infrastructure Works, a Works Phasing Plan shall be submitted to and approved
12. Notwithstanding the submitted plans levels for the Country Park to be agreed
13. Notwithstanding the submitted plans details of landscaping of the Country Park to be agreed
14. Notwithstanding the submitted plans landscaping details of the A34 Bridge and details/finishes of the bridge design.
15. Detailed Landscape and Planting Scheme to be agreed
16. Approval of boundary treatment
17. Scheme for the provision of community allotments and community orchards to be approved
18. Programme of archaeological work to be agreed

**Appendix 2**

**Memorandum of Understanding**

**Relating to the delivery of the Initial Preparation and  
Infrastructure Works (IPIW) for the Garden Village at  
Handforth (Phase 1)**

**THIS MEMORANDUM** is dated

2023

**PARTIES**

- (1) **CHESHIRE EAST BOROUGH COUNCIL** of Westfields, Middlewich Road, Sandbach, CW11 1HZ (**'Owner'**)
- (2) **CHESHIRE EAST BOROUGH COUNCIL** of Westfields, Middlewich Road, Sandbach, Cheshire, CW111 1HZ (**'Council'**)

**1. Background**

- 1.1 The Owner is the majority landowner of the Site.
- 1.2 The Council is the local planning authority for the purposes of the Town & Country Planning Act 1990 ('the Act').
- 1.3 By an application registered on 15<sup>th</sup> May 2019 and allocated planning reference number 19/0623M, the Owner, through its development company Engine of the North Limited ('EOTN') applied for planning permission to the Council, acting as Local Planning Authority, to develop land east of the A34 and south of the A555 at Handforth, Cheshire ('the Site').
- 1.4 EOTN has submitted a High Level Phasing Plan ('Schedule 2') to the Council identifying the number, location, extent and programming of construction Phases of the whole Site including details of the Green Infrastructure, mixed use village centre and employment uses as described in the Application.

**2. Definitions**

- 2.1 The following terms used within this MoU are as defined in the S106:

"Access"	Means full and unrestricted construction access (subject to compliance with health and safety matters) with and including all officers, employees, contractors and agents, with or without plant, machinery and materials, subject only to the Council giving the Owner at least 5 working days' notice of the date of required access.
"Annual Ecological Commuted Sum"	The sum of £164, 051 (one hundred and sixty four thousand and fifty one pounds)
"Application"	The hybrid application for planning permission registered by the Council on the 15 May 2019 and allocated reference number 19/0623M
"BB103"	Means the document described as Building Bulletin 103 and entitled "Area Guidelines for Mainstream Schools" published by the Department for Education and the

Education Funding Agency and dated June 2014 including any document which from time to time replace (in whole or part) that document

“CMMP”

A detailed community management and maintenance plan relating to the Site, submitted to and approved by the Local Planning Authority setting out;

1. a strategy for the maintenance and management in perpetuity of the Common Areas
2. the proposals for the long term management and maintenance in perpetuity of each element of the Common Areas, identifying the maintenance requirements including all ongoing maintenance and management operations, specifically identifying the management objective, task and the timing and frequency of the operation for all the features of the area to include any hard and soft landscaping, surfacing materials, furniture, play equipment, refuse or other storage units, signs, lighting, boundary treatments, trees, shrubs and hedge plants to ensure that the area remains safe and as necessary available for public use
3. details of how the long term maintenance and management of the Common Areas will be secured and a business plan explaining how they will be financed (together with details of the mechanisms by which the Estate Management Charge is to be calculated) and carried out throughout the lifetime of the Development
4. how relevant parts of the Common Areas will be operated and managed by the Management Company

“Commencement of Development”

The date on which any material operation (as defined in Section 56(4) of the 1990 Act) forming part of the Development begins to be carried out and “Commence Development” shall be construed accordingly.

“Common Areas”

The Strategic Green Infrastructure, Open Space, the Village/Community Hall, the village centre, unadopted roads (which shall be maintained as part of the Common Areas over which the public shall have rights of access in perpetuity) and all other areas of the Site transferred to the Management Company and identified in the CMMP;

“Development”

The Development of the Site by

Part 1 – Outline Planning Application

The demolition works (unspecified); around 1,500 new residential dwellings (Class C3); new employment uses (Classes E and B2); new mixed-use local (village) centre

(Classes E, C1, C2, C3, F.1, F.2 and sui generis uses); new strategic green infrastructure; and other associated infrastructure. All detailed matters (appearance, means of access, landscaping, layout, scale) are reserved for subsequent approval;

Part 2 – Full Planning Application

The initial preparation and infrastructure works, including: earthworks, remediation, re-profiling and preparation; access works and other highway infrastructure; drainage; utilities; demolition and replacement of A34 bridge; strategic green infrastructure; and other associated infrastructure,

as set out in the Application.

“Footpath and Cycleway Contribution”	The sum of £500,000 (five hundred thousand pounds)
“Footpath and Cycleway Purposes”	The provision of new and improved off-site pathways and cycleways to link the Site with the local neighbourhood and key destinations
“High Level Phasing Plan”	The plans reference xxxxx and set out in Schedule 2 that sets out the number, location, extent and programming of construction Phases of the whole Site including details of when each element of the Common Areas, Strategic Green Infrastructure, mixed use village centre and employment uses as described in the Application are to be provided
“Initial Ecological Commuted Sum”	The sum of £1,842,389 (one million eight hundred and forty two thousand, three hundred and eighty nine pounds)
“Interim Maintenance and Management Scheme”	<p>A scheme providing full details of the maintenance and management proposals for each individual area of the Strategic Green Infrastructure following completion and prior to the transfer to the Management Company including but not limited to-</p> <ol style="list-style-type: none"> <li>1. identifying the maintenance requirements including all ongoing maintenance operations, specifically identifying the management objective, task and the timing and frequency of the operation for all the features of the area to include any hard and soft landscaping, surfacing materials, furniture, play equipment, refuse or other storage units, signs, lighting, boundary treatments, trees, shrubs and hedge plants, and,</li> <li>2. details who is to undertake the maintenance and management of the area to ensure that the area remains safe and as necessary available for public use</li> </ol>

“Initial Primary Infrastructure Works” “IPIW”	Means the earthworks, remediation, re-profiling and preparation; access works and other highway infrastructure; drainage; utilities; demolition and replacement of A34 bridge; Strategic Green Infrastructure; and other associated infrastructure that form part of the full planning permission of the Development
“Level and Fully Serviced Condition”	the provision of adopted roads, sewers, water supply, gas, electricity and telecommunications (including the provision of broadband) to the boundary of the School Site with a capacity assessment to be submitted to the council to ensure sufficient capacity and the adequate provision of the service for the running of the New School and its associated infrastructure
“Remediated”	means free from any contamination which would limit, prevent or restrict the development and use of the School Site for its intended purpose (to the reasonable satisfaction of the Council as evidenced in writing) and the mitigation measures and recommendations detailed in any environmental contamination remediation scheme reasonably required by the Council have been carried out to the Council’s satisfaction;
“School Scheme”	a scheme identifying- <ol style="list-style-type: none"><li data-bbox="719 1077 1305 1144">1. the level of the School Site relative to the surrounding land, and,</li><li data-bbox="719 1178 1374 1245">2. the location and depth of connection points for services, and</li><li data-bbox="719 1279 1414 1413">3. details of the size, fall and capacity of the services to be provided in or adjacent to the access road to serve the School Site and provide it in a Level and Fully Serviced Condition, and,</li><li data-bbox="719 1447 1315 1514">4. Traffic calming or 20mph speed limits on surrounding roads to the School Site, and</li><li data-bbox="719 1547 1382 1715">5. Adopted public highway provided to ensure suitable vehicular access for building maintenance (not a cul-de-sac) and a separate suitable vehicular access to service the playing field</li><li data-bbox="719 1749 1198 1787">6. an all weather sporting provision.</li></ol>
“School Site”	The site identified on the Fixed Parameters: Land Use Plan in a Remediated, Level and Fully Serviced Condition site providing for a new school in accordance with BB103 and associated ancillary areas to accommodate pupils of primary through secondary school age with a total size of not less than 3 hectares

and provision of an all weather sporting provision, the exact details of which will be identified as a Reserved Matter

“Stockport Hall Moss Lane Improvements Contribution”

The sum of £387, 522.00 (three hundred and eighty seven thousand five hundred and twenty two pounds)

“Stockport Hall Moss Lane Works”

Improvement works for mitigating the traffic and transportation impacts of the Development at the Hall Moss Lane and Dairy House Lane junction located within Stockport MBC, the need for which arises directly from the Development

“Strategic Green Infrastructure Strategy”

A strategy that provides:

1. full details of the location of each element of the Strategic Green Infrastructure by reference to a plan.
2. for each element of Strategic Green Infrastructure:
  - the full details of the works to be undertaken;
  - any existing features that are to be retained and works to be undertaken to them;
  - an Ecological Works and Habitat Scheme
  - any ecological mitigation and enhancement works which are to be undertaken to create and increase the ecological value;
  - any footpaths or other rights of way that are to exist and/or currently exist and works to be undertaken to them;
  - any drainage function that is to be provided.
3. the programme and timing of works for each element of the Strategic Green Infrastructure and the Phase within which it is located.
4. whether the public will have access to each element of the Strategic Green Infrastructure in the future and how this will be achieved or restricted as necessary.
5. the Interim Maintenance and Management Scheme for each element of the Strategic Green Infrastructure

“Travel Plan Monitoring Contribution”

The sum of £10,000.00 (ten thousand pounds)

### 3. Undertaking

3.1.1 The Owner agrees to meet the relevant requirements of the S106 relating to the IPIW as referenced in Schedule 1.

**Schedule 1**

**S106 Clause**      **DRAFT Owner covenants triggered by Phase 1**      **DRAFT Undertaking**

**Notifications**

Clause 5.1.3	To notify the S106 Monitoring Officer within 5 days of 3 months prior to anticipated Commencement of Development	Within 5 working days of the date which is 3 months prior to the anticipated Commencement of Development an officer within the Economic Development Service shall email the CEC S106 monitoring officer, copying in the case planning officer
	To notify the S106 Monitoring Officer within 5 working days after Commencement of Development	Within 5 working days of Commencement Development an officer within the Economic Development Service will email the CEC S106 monitoring Officer copying in the planning Officer
	To notify the S106 Monitoring Officer within 5 working days after commencement of Strategic Green Infrastructure works	Within 5 working days of commencement of Strategic Green Infrastructure works an officer within the Economic Development Service will email the CEC S106 monitoring Officer copying in the Planning Officer

**Schedule 1**

**Part 1 General Provisions**

Clause 1	Not to Commence Development unless and until the Owner has submitted the Strategic Green Infrastructure Strategy and the Interim Maintenance and Management Scheme to the Council for approval and the Council has approved the Strategic Green Infrastructure	Prior to the Commencement of Development, an officer within the CEC Economic Development Service, will email the CEC S106 Monitoring Officer a copy of a Strategic Green Infrastructure
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Strategy and the Interim Maintenance and Management Scheme in writing.

Strategy and Maintenance and Management Scheme for approval.

The Council as Owner will ensure that any contract for the IPIW provides that development cannot commence until written approval of the Strategic Green Infrastructure Strategy and the Interim Maintenance and Management Scheme has been received from the LPA.

To implement the Strategic Green Infrastructure Strategy and the Interim Maintenance and Management Scheme in full, also in accordance with the approved High Level Phasing Plan.

Once the Strategic Green Infrastructure Strategy and the Interim Maintenance and Management Scheme have been approved in writing by the LPA, the Council as landowner will implement the Strategy and Scheme as so approved and also in accordance with the High Level Phasing Plan set out at Schedule 2.

The Strategic Green Infrastructure Strategy will set out the extent of landscaping to be undertaken as part of the IPIW. This will be included in the contract for the IPIW.

### Part 3 Open Space Provisions

#### Strategic Green Infrastructure

Clause 1.1 To undertake the Strategic Green Infrastructure Works in accordance with the Strategic Green Infrastructure Strategy as approved by the Council.

Strategic Green Infrastructure Works, in so far as they fall within the scope of the IPIW, will be undertaken in accordance with the Strategic Green Infrastructure Strategy as approved.

The remaining areas of Strategic Green Infrastructure on land within the Council ownership (which fall outside the scope of the IPIW) will be subject to a further MoU if they remain in the ownership of the Council at the time they come forward for development.

- |                   |   |   |
|-------------------|---|---|
| <p>Clause 1.2</p> | <p>Not without the prior written consent of the Council to undertake works other than the Strategic Green Infrastructure Works or works in accordance with the Strategic Green Infrastructure Strategy or CMMP or locate any compounds or undertake any activities on the Strategic Green Infrastructure without the prior written consent of the Council</p> | <p>For the duration of the IPIW this will be ensured by embedding this requirement into the contract for the IPIW. A copy of the contract will be shared with the LPA prior to completion of the contract.</p> <p>Upon completion of the IPIW the Interim Maintenance and Management Scheme will regulate activities within the Strategic Green Infrastructure.</p> |
| <p>Clause 1.3</p> | <p>To manage and maintain the elements of Strategic Green Infrastructure in accordance with the Interim Maintenance and Management Scheme as approved by the Council from the time they are provided to the reasonable satisfaction of the Council until transfer to the Management Company.</p>  | <p>In so far as Strategic Green Infrastructure provided falls within the scope of the IPIW, this will be managed and maintained in the manner set out in the Interim Maintenance and Management Scheme once approved.</p>   |
| <p>Clause 1.4</p> | <p>Following Commencement of Development, the area of the Handforth Dean Meadows and Ponds Local Wildlife Site that lies outside of the IPIW will be protected from any building works and will be managed and maintained in accordance with the Strategic Green Infrastructure Strategy for this area from the Commencement of Development.</p>              | <p>Protection of this area will be ensured by embedding the requirement for protection of this area into the contract for the IPIW. The contract will be shared with the LPA prior to completion of the contract.</p>   |

**Ecological clauses**

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|-------------------|--|--|
| <p>Clause 7.1</p> | <p>Prior to the Commencement of Development to pay the Initial Ecological Commuted Sum to the Council and the first five (5) years of the Annual Ecological Commuted Sum and not to permit or allow the Commencement of the Development unless and until the Ecological Commuted Sum and the first five (5) years of the Annual Ecological Commuted Sum have been paid to the Council for the Ecological Works Purposes and for the Ecological Management Purposes</p> | <p>Prior to Commencement of the Development the Initial Ecological Commuted Sum and 5 years Annual Ecological Commuted Sum will be made available for ecological off site mitigation necessitated by the IPIW.</p> |
| <p>Clause 7.2</p> | <p>Three (3) years from the date of the payment of the Initial Ecological Commuted Sum to the Council and thereafter annually on the same date for a period of twenty five (25) years to pay to the Council the Annual Ecological Commuted Sum for the Ecological</p>  | <p>Three (3) years from the date of the payment of the Initial Ecological Commuted Sum to the Council, the Annual Ecological Commuted Sum will be made available for ecological</p>                                |

Management Purposes

off- site mitigation necessitated by the IPIW on an annual basis for a period of 25 years.

#### **Part 4 Highways and Sustainable Transport Provisions**

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|------------|--|--|
| Clause 1.1 | Prior to the Commencement of Development to pay to the Council the Stockport Hall Moss Lane Improvements Contribution for the Stockport Hall Moss Lane Improvements Works and not to allow or permit the Commencement of Development until the Stockport Hall Moss Lane Improvements Contribution has been paid in full. | Prior to Commencement of Development, the Stockport Hall Moss Lane Improvements Contribution will be paid to the LPA for the Stockport Hall Moss Lane Works. |
| Clause 1.6 | Prior to the Commencement of Development to pay to the Council the Footpath and Cycleway Contribution for the Footpath and Cycleway Purposes and not to allow or permit the Commencement of Development until the Footpath and Cycleway Contribution has been paid in full.  | Prior to Commencement of the Development the Footpath and Cycleway Contribution will be made available to the LPA for the Footpath and Cycleway Purposes.    |
| Clause 1.7 | Prior to the Commencement of Development to pay to the Council the Travel Plan Monitoring Contribution for the Travel Plan Monitoring and not to allow or permit the Commencement of Development until the Travel Plan Monitoring Contribution has been paid in full   | Prior to Commencement of Development the Travel Plan Monitoring Contribution will be made available to the LPA for Travel Plan Monitoring.                   |

#### **Part 5 Education Provisions**

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|------------|---|---|
| Clause 1.3 | A School Scheme will be submitted to the Council for approval prior to the Commencement of Development and Commencement of Development will not take place unless and until the School Scheme has been approved in writing. Any subsequent amendment or variation to the School Scheme must be approved in writing by the Council and the approved School Scheme must be complied with. | A School Scheme will be submitted to the LPA for approval prior to Commencement of Development and the owner agrees that any further variations to the School Scheme must be approved in writing by the Council.  |
| Clause 1.4 | <p>The School Site at the point of appropriation to the Education Department of the Council will;</p> <p>a) not be crossed by public right of way or access, crossed by or bounded by power lines, crossed by gas mains.</p>  | Prior to entering into a contract for the IPIW the Council as landowner will ensure that any specific requirements relating to the School Site will be included in that contract. The contract will be shared with the LPA prior to completion of the contract. |

b) be free of items or structures of archaeological interest, protected species or habitats, and not be part of a conservation area or have planning restrictions

c) be free from buildings and other surface structures, trees and abutting trees, pipes and underground cables, spoil, land fill and fly tipping and void spaces such as wells, sumps and pits.

d) be Remediated and free from invasive plants such as Japanese Knotweed.

e) be outside any current or proposed 57dBA Leq noise contour and not materially affected by potential sources of noise, air or light pollution.

f) be available and accessible for investigation purposes. Vehicular access must be suitable for construction and commissioning purposes.

g) Provide services at sufficient capacity to enable the running of the New School and its associated infrastructure and provide a services assessment to the Council to show that the services provided are sufficient to make adequate provision for the New School and associated infrastructure.

h) be fully secured against any unauthorised access to the satisfaction of the Council

Clause 1.6 To ensure that any Disposal of land lying adjacent to the School Site will contain a covenant preventing the formation of openings in the boundary into the School Site.

The Council as landowner will ensure such a covenant is embedded into any documentation for the disposal of any land in the Council's ownership which lies adjacent to the school site.

Clause 1.7 To permit the Council to enter the School Site on prior reasonable notice for the purpose of undertaking survey work until the date that the School Site is transferred and following transfer of the School Site to provide Access to the School Site (whether temporary or not) to allow the construction of the new school. If the Access is via a temporary route, then the Owner shall be entitled to replace the whole or part of the access roads or appropriate parts of them

The Council as landowner will include a clause in the contract for the IPIW requiring reasonable access be given for this purpose by the IPIW contractors subject to prior notice as specified.

and shall permit the Council to use the same.

Clause 1.8 To provide a safe, reasonable, unrestricted and health and safety compliant pedestrian access to the School Site for children attending the School Site from each residential Phase of the Development, if necessary, via a temporary route, from the date of opening of the school to be located on the School Site

*This clause requires discussion with the LPA to better understand what is required.*

## **Part 7    Timing**

Clause 1.2 Not to permit the Initial Primary Infrastructure Works to be undertaken within a 5 metre radius of the listed building known as Dairy House Farm until the works of stabilisation and repair have been completed in accordance with listed building approval 20/1942M.

The Council as landowner will ensure the stabilisation and repair works at Dairy House Farm as approved under 20/1942M will be implemented prior to any IPIW occurring within 100m of Dairy House Farm.

In line with the Councils Financial Scheme of Delegation, in relation to payment or assignment of each commuted sum, the appropriate written decision will be made and recorded either via ODR, the appropriate Committee or full Council.

## Appendix 3

Proposed amended decision:

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
Submission of Strategic Green Infrastructure and common areas Strategy		Commencement of development
Submission of Strategic Green Infrastructure and common areas Interim management and Maintenance plans		Commencement of development
Submission of Community management and maintenance plan for common areas and strategic green infrastructure		Prior to commencement of development outside of the strategic green infrastructure and initial preparation and infrastructure works
Strategic green and common areas outside of or not attached to building parcels		Provision of - Prior to the commencement of development outside of the strategic green infrastructure and initial preparation and infrastructure works  transfer to management body – prior to occupation of the development
Strategic green and common areas attached to or part of phased building parcels		Provision of - On a phased basis occupation of 50% units in the phase  transfer to management body and maintenance in perpetuity- On a phased basis occupation of 75% of the units in the phase
Transfer to management body and maintenance in perpetuity of the Handforth Dean Meadow and Ponds Local Wildlife Site		prior to occupation of the development
Ecological areas that form part of the phased building parcels		Provision of- On a phased basis occupation of 50% units in the phase

		transfer to management body and maintenance in perpetuity - on a phased basis, occupation of 75% of the units in the phase
Off-site ecological mitigation	£5,943,664	Lump sum prior to commencement and then annual maintenance sum
Education (primary/secondary/SEN)	£14,661,362	50% prior to Commencement of a unit then 50% Prior to occupation of 300 <sup>th</sup> unit
Education -provision of school site		Prior to commencement of Dwellings
Village Hall/village centre/ employment uses-provision of and transfer to management body		Prior to disposal of 1000 <sup>th</sup> unit
Affordable Housing	<b>30%</b>	Prior to sale or let of 50% market houses
Highway improvement works	£5,047,000	Prior to occupation of 300 units
Highways - Hall Moss Lane	£387,522	Prior to commencement of development
Highways – Poynton bypass	£4,661,192	Occupation of the 150 <sup>th</sup> unit
Highways - Pathways and cycleways	£500,000	Commencement of development
Highways – Travel plan monitoring	£10,000	Commencement of development
Public Open Space in housing areas		Provision of - Occupation of 50% of the units in the phase  Transfer to management body and maintenance in perpetuity - Occupation of 75% of the units in the phase
Allotments/Community Orchard-Provision and transfer to management body		Prior to disposal of 1000 <sup>th</sup> unit
Indoor and outdoor sports facilities	£1,719,987	50% prior to occupation of any Units and 50% prior to occupation of 750 <sup>th</sup> unit

Healthcare - Handforth	£1,530,015	Prior to occupation of any units
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**and the following conditions:**

## OUTLINE

1. Submission of Reserved Matters- 15 years
2. Approval of Reserved Matters- All reserved
3. Approved Plans – Location and parameter plans
4. Approve Accommodation Schedule
5. Compliance with mitigation set out in Environmental Statement (and Amendment)
6. No occupation until IPIW approved in Full are substantially complete
7. Approval of Phasing Plans
8. Development to comply with housing densities identified in the Fixed Parameters Land Use Plan
9. Compliance with Public Rights of Way and 20-Year Walking Route Code
10. Approval of signage for pedestrians and cyclists, to include timings
11. Programme of archaeological work to be agreed
12. No works on the main development site to take place within 100m of the Diary House Farm (Listed Building) site prior to the completion of the stabilisation/repair works
13. Future development of the designs for the site, coding and development going forward, must adhere to the Heritage Design principles and Fixed Parameters: Heritage Plan
14. All Reserved Matters application to be supported by an Arboricultural Impact Assessment
15. Management plan for works for trees identified as being or having the potential to be a veteran tree
16. Landscaping for each phase to be approved
17. Boundary treatment for each phase to be approved
18. Levels/contours
19. Landscape implementation
20. Submission of Habitat Creation and Landscape and Habitat Management Plan for areas within building parcels and outside of strategic green infrastructure
21. Submission of detailed designs including proposed locations for the proposed on-site wildlife ponds.
22. Measures for safeguarding the retained ecological habitats across the site during the construction and demolition process (if not deleted)
23. Bird Nesting Season
24. Provision of proposals for the interpretation of the retained Local Wildlife Site
25. Updated protected species surveys and mitigation method statements and biodiversity matrix calculations prior to commencement for each phase.
26. Method Statement of Amphibian Reasonable Avoidance Measures for that approved phase

27. Approval of Lighting Scheme for each phase
28. Detailed proposals of compensatory hedgerow planting to be provided to address impacts of any hedgerow lost to the scheme.
29. Proposals for the management of public access into the retained Local Wildlife Site
30. Agreement of scheme entered into Great Crested District Level Licence Scheme
31. Incorporation of features to enhance biodiversity
32. Phase II Ground Investigations and Risk Assessments for each phase
33. Verification Report required for each phase
34. Approval of a proposal for restricted access from footpaths in the open space and ecological areas along the western boundary with the A34
35. Soils shall be pre-tested for contamination and verified for suitability for use
36. Unexpected contamination
37. No infiltration of surface water drainage into the ground where adverse concentrations of land contamination are known or suspected
38. Compliance with FRA
39. Site wide Surface Water Drainage Scheme to be approved
40. For each phase- SUDS Drainage Management Plan to be approved
41. Foul and surface water shall be drained on separate systems.
42. Park & Ride provision before occupation of 150 parking spaces
43. Provision of bus service between Handforth & Wilmslow
44. Access Strategy for Dairy House Lane to be agreed
45. The submitted Travel Plan Framework, which is hereby approved, shall be implemented in accordance with the submitted timetable
46. Ultra-Low Emission Boilers for each phase
47. Electric Vehicle Infrastructure plan for each phase
48. Covered and secure space/s for cycles, where appropriate throughout the development
49. Noise insulation measures to achieve BS 8233
50. Approval required for any plant/equipment on premises
51. Approval of opening hours for all commercial, industrial, and retail premises.
52. Approval of external lighting
53. Approval of kitchen extraction equipment
54. Demonstrate compliance with Nationally Described Space Standards
55. Character Area Design Codes to be approved for each phase
56. Code Compliance Statements shall accompany all reserved matters applications
57. Manchester Airport – Aerodrome Safeguarding – reflective surfaces
58. Manchester Airport – Aerodrome Safeguarding - Wildlife Hazard Management Plan for each phase
59. Dust and smoke control measures
60. Approval of external materials/finishes
61. Approval of Sustainable Waste Management Strategy for each phase
62. Removal of PD Rights
63. Approval of CEMP for each phase.
64. Approval of Construction Traffic Management Plan (CTMP)
65. S106 obligations- Council land
66. S106 Obligations- land in other ownership

67. Details required to limit traffic speeds in outline areas to 20mph
68. EA Condition – Unexpected contamination
69. EA Condition – No piling or penetrative foundations without express consent
70. EA Condition – Infiltration of surface water
71. EA Condition – Verification report

FULL

1. Three year time limit
2. Approved Plans
3. Compliance with mitigation measures set out in the Environmental Statement
4. Approval of Phasing Plan for the development of the Initial Primary Works
5. Approval of detailed scheme for any works to the track/public right of way(FP127) where it links between the new bridge over the A34 (to the east) and Hall Road (to the west)
6. Tree protection in vicinity of Bridge
7. Submission of Habitat Management and Monitoring Plan for the Handforth Dean Meadow and Ponds Local Wildlife Site to put site under management at the time of the initial site infrastructure works
8. Submission of detailed design for wildlife underpasses
9. Approval of CEMP for IPIW
10. Details of replacement wildlife ponds
11. Amphibian avoidance measures if needed
12. Agreement of scheme entered into Great Crested District Level Licence Scheme
13. Updated protected species surveys and mitigation method statements and biodiversity matrix calculations prior to commencement for each phase.
14. Bird Nesting Season
15. Approval of Lighting Scheme for each phase
16. Detailed proposals of compensatory hedgerow planting to be provided to address impacts of any hedgerow lost to the scheme.
17. Remediation Options and Strategy/None
18. Soils shall be pre-tested for contamination and verified for suitability for use
19. Notwithstanding the submitted plans levels for the Country Park to be agreed together with landscaping of the same
20. Notwithstanding the submitted plans landscaping details of the A34 Bridge and details/finishes of the bridge design"
21. Detailed Landscape and Planting Scheme to be agreed
22. Boundary treatments
23. Programme of archaeological work to be agreed
24. Remediation Options and Strategy
25. Management of bore holes
26. Verification Report required
27. No works on the main development site to take place within 100m of the Diary House Farm (Listed Building) site prior to the completion of the stabilisation/repair works
28. Scheme for Sustainable Urban Drainage Systems (SUDS) of the IPIW area/full approval,

29. Levels as approved unless otherwise agreed
30. Foul and surface water shall be drained on separate systems.
31. Manchester Airport – Aerodrome Safeguarding – reflective surfaces
32. Wildlife Hazard Management Plan
33. Dust and smoke control measures
34. S106 Obligations -Council owned land
35. Notwithstanding road designs- measures to be designed to limit speeds to 20mph