

Application No: 22/3170N

Location: Land at, PETER DESTAPLEIGH WAY, STAPELEY, CHESHIRE

Proposal: Reserved matters application pursuant to outline planning permission 12/3747N for the appearance, scale, layout and landscaping for Phase 1 residential development (Use Class C3) including internal access roads, public open space including NEAP, village green, community orchard and ecological areas, parking and associated infrastructure

Applicant: -, David Wilson Homes North West and Muller

Expiry Date: 03-Nov-2022

## SUMMARY

The application site comprises the first phase of the mixed-use development of outline planning approval 12/3747N which was granted on appeal by the Secretary of State on 15<sup>th</sup> July 2020 relating to land south of Peter Destapleigh Way. The principle for the erection of up to 189 dwellings within this site, has therefore been established. Full approval 12/3746N has also been granted for site access from Peter Destapleigh Way. This application considers the Approval of Reserved Matters including layout, scale, appearance, and landscaping.

The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the site and the CEC Design Guide. The submitted Design Code provides a design-led framework which essentially set out the parameters to guide future reserved matters applications in delivering the components of the mixed-use scheme and ensures overall co-ordination and consistency between development parcels. The development is supported in design terms and accords with CELPS Policies SD1, SD2 and SE1, Policy GEN 1 of the SADPD, and Policy H4 of the SNP in relation to design quality.

The development will deliver 30% affordable housing in accordance with the requirements of the S106 Agreement with units pepper-potted throughout the site, and also secures an acceptable overall housing mix. The proposals are therefore in accordance with policies SC4 and SC5 of the CELPS, Policy HOU 1 of the SADPD and SNP Policies H2 and H3.

The scheme achieves an acceptable relationship with the character of the locality, without material harm to neighbouring residential amenity, and would provide sufficient amenity for the new occupants. As a result, the development would comply with Policies HOU 12 and HOU 13 of the SADPD and policy H4 of the SNP.

The impact on the wider highway network arising from the development of this site was addressed with during the consideration of the outline application. The internal road network meets relevant highways design standards and adequate car parking is provided in accordance

with parking standards identified in the CELPS. Therefore the proposed access arrangement for the development will not adversely affect highway safety or result in traffic management issues on the local highway network and as such complies with CELPS Policies CO2 & CO4, SADPD Policy INF 3 and Policy T1 of the SNP.

Appropriate public open space for the scheme will be provided, including a Neighbourhood Equipped Area for Play (NEAP) and community gardens and orchard as a suitable alternative to the provision of conventional allotments shown on the indicative layout of the outline approval.

With regard to ecological impacts, subject to conditions, it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policy SE 3 of the CELPS. The impact on trees and hedgerows is acceptable and would be mitigated by the proposed landscaping of the site, and recommended conditions to protect retained trees.

The Council's Flood Risk Officer considers that subject to technical details being addressed, the proposed surface water drainage system will satisfactorily serve the development.

Air quality and contaminated land matters were addressed at the outline stage, and subject to planning conditions of the outline approval which are required to be formally discharged.

The proposals are therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the SADPD, the Stapeley & Batherton Neighbourhood Plan and the advice of the NPPF.

**Recommendation: APPROVE subject to Conditions**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises the first phase of the mixed-use development of outline planning approval 12/3747N which was granted on appeal by the Secretary of State on 15<sup>th</sup> July 2020 relating to land to the south of Peter Destapleigh Way.

The application site is of an irregular shape (7.4 Ha) due to future elements of the mixed-use scheme not forming part of this first reserved matters application.

The site is generally flat, agricultural land bounded by native hedgerows with some tree cover subject to a Tree Preservation Order.

It is bounded to the north by a strip of land alongside Peter Destapleigh Way (A5301) and adjoins the ecological mitigation/woodland landscape area for the Cronkinson Farm development.

To the north of Peter Destapleigh Way is the Cronkinson Farm residential development. This includes a small parade of five shops including a Co-Operative convenience store and a public house. Pear Tree Primary School and a community

hall are also situated within this residential development.

The eastern site boundary adjoins the existing ecological mitigation area of the Stapeley Gardens residential development

The western site boundary adjoins the recent residential development of Judson Close, off Audlem Road and then wraps around the northern edge of the Bishops Wood residential development. The southern boundary adjoins existing farmland.

## **DETAILS OF PROPOSAL**

Outline planning approval (12/3747N) was granted on appeal by the Secretary of State in July 2020 for the following;

*Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq. Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area*

This application seeks approval for Reserved Matters in relation to the appearance, landscaping, layout, and scale of 188 dwellings, associated infrastructure and open space including a NEAP, village green, community orchard and ecological areas pursuant to outline planning approval 12/3747N.

This residential element comprises the first phase of the mixed used scheme approved under 12/3747N and will be delivered as a single phase.

Access to the development will be via the access road leading southward from the traffic light junction on Peter Destapleigh Way which was also granted full planning approval (12/3746N) on appeal by the Secretary of State on 15<sup>th</sup> July 2020. Planning permission has also been subsequently granted for a section of internal spine road leading on from the southern end of the access road to serve the mixed-use scheme, including the residential parcel which is the subject of this application.

The proposed 188 dwellings will be made up of 132 market dwellings and 56 affordable units (30%) . These will comprise of a mix of detached, semi-detached, and terraced units ranging from 1-5 bed units. The scheme includes predominantly 2 storey dwellings, particularly adjacent to site boundaries and with taller units (2.5 storey) used at focal points and to frame key junctions.

The development will provide public open space including amenity space, an equipped play area (NEAP) and a community orchard and gardens. In accordance with the outline approval, ecological habitat is also being created within land on the eastern side of the site adjoining the mitigation area of the Stapeley Gardens housing development.

## **RELEVANT HISTORY**

12/3747N - Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq.m Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area; access via adjoining site B (see below) and new pedestrian access and associated works Allowed on Appeal 15<sup>th</sup> July 2020 (Ref APP/R0660/A/13/2197532)

12/3746N - New highway access road, including footways and cycleway and associated works. Allowed on appeal 15<sup>th</sup> July 2020 (Ref APP/R0660/A/13/2197529)

21/1703N - Full planning application for an internal spine road to serve land South of Peter Destapleigh Way. Approved 24 December 2021

## **POLICIES**

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

PG 1 - Overall Development Strategy  
PG 2 - Settlement Hierarchy  
PG 6 - Open countryside  
PG 7 - Spatial Distribution of Development  
SD 1 - Sustainable Development in Cheshire East  
SD 2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 8 - Renewable and Low Carbon Energy  
SE 9 - Energy Efficient Development  
SE 12 - Pollution, Land contamination and Land instability  
SE 13 - Flood Risk and Water Management  
CO 1 - Sustainable Travel and Transport  
CO 2 - Enabling Business Growth Through Transport Infrastructure  
CO 4 - Travel Plans and Transport Assessments  
EG 1 - Economic Prosperity  
IN 1- Infrastructure  
IN 2 - Developer Contributions  
SC 1 - Leisure and Recreation  
SC 2 - Outdoor Sports Facilities  
SC 4 - Residential Mix  
SC 5 - Affordable Homes

### **Site Allocations and Development Policies Document (SADPD)**

PG9 Settlement Boundaries  
GEN 1 Design principles

ENV 1 Ecological network  
ENV 2 Ecological implementation  
ENV 3 Landscape character  
ENV 5 Landscaping  
ENV 6 Trees, hedgerows, and woodland implementation  
ENV 7 Climate Change  
ENV 12 Air quality  
ENV 15 New development and existing uses  
ENV 16 Surface water management and flood risk  
HOU 1 Housing mix  
HOU 8 Space, accessibility and wheelchair housing standards  
HOU12 Amenity  
HOU 13 Residential standards  
HOU 12 Housing Density  
HOU 14 Housing Delivery  
HOU 15 Housing delivery  
INF 1 Cycleways, bridleways and footpaths  
INF 3 Highways safety and access  
INF 9 Utilities  
REC 3 Green space implementation  
Policy REC 5 Community facilities

### **Stapeley & Batherton Neighbourhood Plan**

The plan was made on the 19 March 2018

Policy GS 1 – Landscape and the Countryside .  
Policy GS 2 – Open Space  
Policy GS 3 – Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving  
Policy GS 5 – Environmental Sustainability of buildings and adapting to climate change  
Policy GS 6 - Biodiversity  
Policy T 1 – General Transport Considerations.  
Policy T 2 – Pedestrian and cycle routes.  
Policy T 3 – Footpaths, Cycleways and Bridleways.  
Policy T 4– Bus Services  
Policy T 6 – Identification of underground utility assets  
Policy C 1 – Existing and New Facilities  
Policy C 2 – New Business  
Policy C 3 – Scale, Design and Amenity  
Policy AWB 1 – Accessible GP practices  
Policy AWB 3 – Provide for the sports needs of residents  
Policy AWB 4 – Community Facilities.  
Policy AWB 5 – Communications Infrastructure  
Policy H 1 - Housing Development  
Policy H 2 – Housing to meet Local Housing Needs  
Policy H 3 – Tenure mix.  
Policy H 4 – Design  
Policy H 5 – Settlement Boundary

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Cheshire East Design Guide - SPD

## CONSULTATIONS

**Environmental Protection:** No objection subject to conditions requiring the provision of noise mitigation and remediation of contamination with standard informatives relating to hours of construction, Piling, floor floating and dust management. (Issues relating to contamination and also air quality is addressed under conditions of outline approval 12/3747N).

**Strategic Housing Officer:** No objection to amended scheme as original concerns in respect of ensuring the acceptable pepper-potting of affordable units has been addressed.

**CEC Highways:** No objection as the road design is acceptable to serve the proposed residential development.

**United Utilities:** Object as no flow rate is shown for the surface water connection and no ultimate point of connection is shown for the foul rising main. (Further comments are awaited as additional information has been provided to address these technical issues).

**Flood Risk Manager:** No objection.

**Public Rights of Way Unit:** No objection. Confirms that the development does not affect a recorded public right of way, but comments in relation to wider accessibility for pedestrians and cyclists ;

- 2 proposed path links are shown at the north-western side of the development boundary onto Peter Destapleigh Way on the 'Landscape Masterplan' and 'Open Space Plan', which would increase the permeability of the site for pedestrians, but an assessment should be made as to whether these should be designed and constructed for use also by cyclists also. These paths would need provision of footway/cycleways within the highway boundary to the north of the site boundary, crossings of the road, and/or a footway/cycleway on the southern side of the road.
- A Footpath link is shown from the turning head at the south-western spur of the site, and a Footpath link along the northern edge of the Phase 3 area. The south west link to Bishops Wood would involve the agreement of the Council as landowner outside of the development site, and the construction of a continuing path on the Council's land

**Stapeley Parish Council:** Objects to the application on the grounds summarised below;

- Provision of land allocated for Public Open Space (POS) is not insufficient to meet needs of neighbourhood.
- Vast amount of the POS is attenuation land, or 'permanent ponds' and cannot be used by the public.
- The allotments and the village green of the outline planning permission are not included.
- By incorporating the village green from the outline approval within the proposed POS, this is further reducing the total POS offered in this application.

- The need for allotments to such an extent that the Parish Council pays a fee to Nantwich Town Council to allow Stapeley residents to be able to use its allotments, all of which are not within walking distance for the local residents
- Why have the allotments (as identified in the outline permission) been removed from this proposal?
  - Although a play area is proposed, this application does not include provision for new and different recreational resources, such as a large outdoor recreational area for ball sports (football pitch), an outdoor gym and trim trail, or a dog park, all of which are sorely needed in this community, as identified in the Stapeley & Batherton Neighbourhood Plan.
  - By incorporating the village green from the outline approval within the proposed POS, this is further reducing the total POS offered in this application.
  - The consultation document has published a partial and abridged versions of the feedback in order to fit with the plans the applicant wishes to put forward but does not address the questions raised at the informal meeting.
  - *“The consultation undertaken has been misrepresented as no formal consultation with Stapeley & District Parish Council; moreover, at the consultation meeting held with residents, the attendees were promised responses to a significant number of questions posed. The Parish Council is disappointed to note that the attendees have not yet been provided with the responses, as promised”.*
  - Concerns that there may be other inaccurate representations in the consultation document.
  - Planning conditions should be attached to this reserved matters application to ensure adequate funding provision for a crossing on the North side of the site, as there is no footway on the South side of Peter Destapeleigh Way.
  - Concern of a repeat of the situation which occurred at the Stapeley Gardens development where it was necessary for Cheshire East Council to provide a pedestrian crossing further down Peter Destapeleigh Way owing to extreme safety concerns.
  - The applicant has failed to demonstrate how the proposed development complies with the relevant Stapeley & Batherton Neighbourhood Plan policies, and should be refused on this basis. The Planning Statement merely lists a subset of policies from the Neighbourhood Plan, omitting many which are relevant to a development on a scale such as this.
  - Arboricultural Impact Assessment implies trees/hedgerow will be removed at point G9 for the connection of a sewer and footpath onto the main road although footpath does not appear on the main plan.
  - Inaccuracies in Arboricultural Impact Assessment.
  - Bat Activity Report shows the footpath to the North of the site in a different location to other plans.
  - Stated that provision of POS/NEAP is in abeyance following comments from ANSA which is in conflict with other submitted documents.
  - Footpath proposed through to the Bishop’s Wood green area
  - Concerns raised in respect of CEMP including proposed working hours, proximity to school with no mitigation measures such as during school drop off collection times, no consideration of pedestrian movements at site entrance onto Peter Destapeleigh Way, inaccurate reference to construction site access being taken from Broad Lane, requirement for wheel wash, implications for bat population needs to be addressed, pollution prevention does not make specific reference to pond protection, and health and safety plan not available to view.
  - inadequate monitoring of traffic in noise report This should be a more representative survey undertaken across numerous days to include times when schools are open.

- Air Quality monitoring measures need to be provided given the development's close proximity to the primary school. Air quality should be re-assessed after completion of development "so that the air quality can be brought back to the pre-development level".
- The submitted traffic trip rate assessment only compares journeys to an earlier plan and not the impact on Peter Destapleigh Way. A revised traffic assessment is required.
- As no footway/cycleway on the southern side of Peter Destapleigh Way it would not be appropriate to create a gap for pedestrian access through the hedge from the northern site boundary. This would repeat the Stapeley Gardens footpath situation which has only recently been resolved with the new pedestrian crossing.
- The proposed 'Resident Travel Survey' of the Travel Plan focuses solely on vehicle journeys related to work and does not adequately reflect the travel needs of residents which should include, but not be limited to, education, leisure, health and amenities, and home deliveries.
- No pedestrian/cycle connectivity between the proposed development and the Stapeley Gardens development (to east) or the Cronkinson Farm development. This does not support the travel plan. How are children going to travel sustainably to Brine Leas School?
- There are proposed links through to Bishops Wood and Peter Destapleigh Way but give no details as to how these will be achieved.
- The CEMP document refers to this as 'Stapeley Phase 3'. Assurances is required that there will no vehicular access between this development and the development at Stapeley Gardens. (Nb. There is no proposed or approved vehicular access between the application site/mixed use scheme and the Stapeley Gardens development)

## **OTHER REPRESENTATIONS;**

13 Representation have been received objecting to the application the concerns raised are summarised below;

- This planning application has been ongoing for over 10 years and refused several times. It is evident that the people of Nantwich do not want or need this development and the Stapeley area has been inundated with various developments over recent years.
- Development of greenfield site when many brownfield sites are available.
- Cheshire East has a 5-year housing supply which was totally ignored by the then Secretary of State.
- Increase in traffic and noise pollution
- Exacerbate existing traffic problems with long queues especially on Peter Destapleigh Way especially during school drop off/collection and peak times .
- Other than changes to traffic light junction, further measures required to mitigate the impact of traffic on Peter Destapleigh Way in terms of volume and it's use by HGVs.
- Increase in air pollution
- Adverse impact on highway safety and increase problems of speeding vehicles Detrimental effect on wildlife
- Loss of trees and hedgerows
- Increase in flooding
- Substantial design changes have been made to the approved indicative masterplan. The changes negatively impact on Bishops Wood with smaller affordable houses and multiple parking spaces backing on to the existing houses in Bishops Wood.



- Affordable housing is concentrated within site adjacent to Bishops Wood. It should be dispersed and spread out throughout the new estate.
- Contrary to CELPS Policy SC5 as affordable properties not pepper-potted within the site. Market and affordable homes on sites should be indistinguishable and achieve the same high-quality design.
- The approved masterplan identified the land to the rear of properties Nos. 2–18 Bishops Wood as allotments but these have now been omitted and replaced with dwellings.
- Omission of allotments from development will exacerbate and do not address shortage of allotment facilities in Nantwich.
- Land to the rear of Nos. 2 - 18 Bishops Wood of insufficient size to accommodate well-designed residential development .
- Inadequate separation distances provided between the existing properties on Bishops Wood and the proposed dwellings contrary to Cheshire East Design Guide
- Concentration of affordable properties adjacent to Bishops Wood, will result in very limited amenity space for future occupiers.
- Inappropriate Density of development / proposed houses are extremely close together with lack of garden space.
- Amended plans show little change and do not improve the situation for residents of Bishops Wood.
- Over dominating impact, loss of light and privacy.
- Adverse impact on quality of life.
- The plans shows a road connecting to the recreation green on Bishops Wood and indicating a potential entrance/exit from the development through Bishops Wood to Audlem Road resulting in further traffic/highway safety problems.
- Increase in noise and disturbance to existing properties due to proximity of new homes and car parking areas.
- Provision of 2.2m high, boundary acoustic fencing or wall necessary.
- Buffer zones provided between the properties that face Peter Destapleigh Way and with western site boundary, but not for Bishops Wood
- 1.8m high timber fencing proposed along rear boundary (N.18 Bishop Wood) with the existing hedgerow situated behind. This will have a negative impact on the existing hedgerow and its roots. The Arboricultural Impact Assessment does not identify measures to protect hedgerow, or take into account the construction of a timber fence at this boundary.
- The access road to Judson Close is a single lane and should not be used for contractor parking during construction.
- Clarification of proposed provision of screen planting along north-western boundary with Judson Close.
- Potential reduction in property values.

## **OFFICER APPRAISAL**

### **Key Issues**

- Principle of development
- Housing
- Design
- Amenity
- Highways

- Ecology
- Trees
- Landscape
- Open Space
- Noise
- Air Quality
- Flood Risk/Drainage

## **Principle of Development**

This application relates to the acceptability of the proposed development in context of the reserved matters as the principle of erecting of up to 189 dwellings as part of a mixed-use scheme has already been granted outline planning approval (12/3747N) on appeal by the Secretary of State in July 2022 .

Therefore, considerations of the Layout, Scale, Appearance and Landscaping are the principal considerations of the proposed development, and the details of all relevant technical matters are discussed within the report.

An indicative masterplan accompanies the outline approval and sets out the main components of the mixed-use development. However this cannot be considered as the definitive layout or design of the development. In particular Condition 3 of outline planning approval (21/3747N) requires this reserved matters application to only “refer” to the submitted and indicative drawings. As a result, it is therefore inevitable that these detailed proposals include changes to the indicative drawings of the outline approval and these changes are addressed below.

Importantly highway access to the site via the traffic light-controlled junction on Peter Destapleigh Way was granted full planning approval (12/3746N) on appeal by the Secretary of State in July 2020. A further planning approval (21/1703N) was granted for an internal spine road leading from the southern end of the access road approved on appeal to serve the mixed-use development site, including the housing parcel which is the subject of this reserved matters application.

The mixed-use development approved on appeal is bound by the terms of the S106 agreement, to secure the following:

- Affordable housing provision (30%)
- Education contribution: Secondary £441,253 and SEN £91,000
- Highway contributions: including financial contribution towards a bus service, provision of new bus stops and for a pedestrian crossing on Peter Destapleigh Way (position to be agreed)
- Provision of NEAP, Open Space provision and management
- Provision and future management of Local Nature Conservation Area (LNCA)

The S106 agreement also requires that the first reserved matters application to provide a Phasing Plan to include;

- The future development of the mixed-use scheme

- Total number of dwellings along with and the delivery of affordable housing, and;
- The location and type of public open space across the site and within each phase.

The submitted Phasing Plan broadly sets out the delivery of the principal components of the mixed-use scheme at this stage and in the following phases;

- Phase 1 - Access & Internal Spine Road (12/3746N & 21/1703N)
- Phase 2 - Residential development including public open space scheme
- Phase 3 - Flexible Use – commercial and/or site for primary school site
- Phase 4 - Mixed Use - employment/ other outline approved end uses
- Phase 5 - Mixed Use - employment/ employment/other outline approved end uses

In particular the residential phase (2) which is the subject of this first Reserved Matters application will deliver 188 dwellings, affordable housing (30%) and open space scheme in accordance with the provisions of the outline approval and the S106 agreement.

Condition 21 of the outline approval (12/3747N) requires;

*The first reserved matters applications shall include a Design Code for the site and all reserved matters application shall comply with provisions of the Masterplan submitted with the application and the approved Design Code.*

In accordance with Condition 21, the application is supported by a “hybrid Design and Access Statement/Design Code” . The submitted document is structured in two parts - The Design Code and Detailed Residential Proposals.

The Design Code provides a design-led framework which essentially set out the parameters to guide reserved matters applications in delivering the components of the mixed-use scheme and ensure overall co-ordination and consistency between development parcels. The design and access statement relates to the residential phase and detailed design issues relating to the scheme are addressed below.

## Housing

### Affordable housing

In accordance with the S106 Agreement, the scheme will provide 30% affordable housing (56 units) in clusters spread throughout the site. Provision includes a range of 1, 2, 3 and 4-beds in accordance with the requirements of the S106 Agreement and also Policy SC5 of the CELPS for the provision of both rented and intermediate housing.

To address concerns raised by the Strategic Housing Officer the proposals have been amended to show an acceptable degree of ‘pepper potting’ of affordable units within the development.

Given the provision now proposed, the Housing Officer has advised that an appropriate mix of property sizes and tenure split is proposed with affordable units being satisfactorily distributed throughout the site.

No. of beds	Number	% of affordable units
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1	7	13%
2	21	38%
3	26	46%
4	2	4%
5	0	0%
Total	56	100%

In terms of tenure 65% of units are for rent, and 35% units will be available for Shared ownership (Intermediate units). The provision of affordable housing therefore complies with CELPS Policy SC5 and SNP Policies H2 (Housing to meet Local Housing Need) and H3 (Tenure Mix).

### Housing Mix

Paragraph 61 of the National Planning Policy Framework states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)’.

CELPS Policy SC4 ‘Residential Mix’ advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Policy H3 ‘Tenure Mix’ of the Stapeley and Batherton Neighbourhood Plan (SNP) states that proposals for affordable homes must be of a tenure, size and type to help meet locally identified need and contribute to a mixed, balanced and inclusive community where people can live independently longer.

The Site Allocations and Development Policies Document Policy HOU1 ‘Housing Mix’ advises that housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. SADPD Policy HOU 1 ‘Housing Mix’ includes in the supporting text, table 8.1 which is considered a ‘starting point’ for the consideration of housing mix on major schemes at full/reserved matters stage. The policy then goes on to include a number of relevant factors that the applicant should consider in determining an appropriate housing mix and type on the site.

The agent has submitted a housing mix statement, prepared by Tetlow King. The housing mix statement has had regard to policy HOU 1 ‘Housing Mix’ using table 8.1 as a ‘starting point’ but has then considered factors outlined in SADPD policy HOU 1 criteria to establish a housing mix for the site. The housing mix statement acknowledges that the proposed housing mix on the scheme provides for more four- and five-bedroom dwellings than that outlined in table 8.1 of the SADPD and has sought to justify this position. Furthermore, since completing the study, the housing mix has been further revised to increase the overall number of 2 beds in the housing mix proposed for the scheme by 5%.

The mix proposed would not be provided as per table 8.1 of the supporting text of policy HOU 1. However the policy text makes it clear that this is to be used as a starting point for analysis and negotiation. The aim of this policy is to provide a mix of housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. In this case, the mix appears to be consistent with that aim. Overall, the mix of the site would provide for 63% of 1-3 bed properties.

No. of beds	Number	% of total units
1	7	4%
2	37	20%
3	74	39%
4	60	32%
5	10	5%
Total	188	100%

The proposed housing mix therefore provides a variety of accommodation for different household types and sizes spread throughout the development and accords with policy SC4 of the CELPS, Policy HOU 1 of the SADPD and SNP Policy SNP H3.

Space, accessibility and wheelchair housing standards

In terms of dwelling sizes, Policy HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). However the standard will only apply from six months after the date of adoption of the SADPD.

The applicant has provided the following table to show the current position in terms of the house types and NDSS compliance;

House Type	TYPE	No. of Units	NDSS req(sq.m)	House Type (sq.m)	Comply with NDSS
<b>Open Market Properties</b>					
Type A	2B 3p	7	70	77.2	Yes
Type Z	2B 4p	9	79	92.4	Yes
Type C	3B 4p	1	84	104	Yes
Type D	3B 5p	30	93	109.7	Yes
Type E	3B 6p	4	102	126.7	Yes
Type F	3B 6p	13	102	125.7	Yes
Type J	4B 6p	11	106	133.2	Yes
Type K	4B 6p	18	106	138	Yes
Type L	4B 7p	23	115	142.9	Yes
Type N	4B 7p	6	115	183	Yes
Type P	5B 8p	10	128	184	Yes
<b>Affordable Properties</b>					
Type R	1B 2p	3	50	52	Yes
Type S	3B 4p	3	74	80	Yes
Type T	1B 1p	4	39	42	Yes
Type U	2B 3p	4	61	59	No
Type V	2B 3p	8	70	70	Yes
Type W	3B 5p	22	86	86.4	Yes
Type X	4B 6p	2	99	102.6	Yes
Type Y	3B 5p	1	86	86.4	Yes

Overall all open market units are NDSS compliant, and the majority of affordable units are NDSS compliant. Only Type U has a very minor shortfall of 2sq.m. There are only 4 of these

units (type U) proposed within the development, and therefore overall the scheme is 98% NDSS compliant.

## **Layout / Design**

The importance of securing high quality design is specified within the NPPF and Policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD and the Cheshire East Design Guide. In particular, development proposals should consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located.

These principles are echoed by SNP Policy H4 and also reflected in the CEC Design Guide and the “Building for a Healthy Life Framework” (BHL). The Council’s Design Officer has undertaken an assessment of the application using the BHL framework which is reflected in the commentary below. BHL uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens.

During the course of the application the site layout has been amended in response to concerns raised in respect of the relationship of the scheme with adjoining properties of Bishops Wood. In particular the “southern finger” of the site has been redesigned to accommodate fewer dwellings which has been reduced from 18 to 11. In addition, development is of lower density with more detached properties being located in this part of the site and has also improved pepper-potting of affordable units across the site.

### 1. Natural connections

Vehicular access is solely via a new junction on Peter Destapleigh subject to full planning approval 12/3746N. This access is to serve the various mixed-use elements of the development that will form later phases as well as the residential element which is the subject of this Reserved Matters application.

The Design Officer considers that a real effort has been made to connect walking and cycling routes beyond the site, but this is not wholly effective as a result of constraints such as the ecology compensation area to the north and third party land ownership of the strip of land between the northern site boundary and Peter Destapeleigh Way. Although an important pedestrian link is provided from the western site boundary to an existing area of POS owned by Cheshire East Council within the Bishops Wood estate.

Internally though, connections are considered strong with a perimeter block arrangement and a network of public footpaths. However, whilst this is beyond the control of this application and efforts have been made to mitigate the effects of this, it is not possible to award a green light for a development of this scale with a single point of access to Peter Destapleigh Way. An amber is awarded.

### 2. Walking, cycling and public transport

Walking and cycling routes are well considered and the main access boulevard linking to Peter Destapleigh Way is also well designed. However, the previously referred to lack of connections

which cannot currently be secured beyond the northern site boundary and the absence of a dedicated public transport link mean that no more than an amber light can be awarded.

### 3. Facilities and services

A well-equipped and suitably located NEAP with attractive POS Community Orchard, Growing Area and Green Gym will be provided as part of the residential scheme. Access to all other facilities and services would require leaving the site and for the largely unavoidable reasons discussed above, this is not as easy as it could be. As this Reserved Matters application is for the residential element of what is part of a wider mixed-use scheme additional facilities and services will come forward at a later date. However, as the exact make-up or timescale for any future phases are not known this cannot be considered here and it is not possible to award a green light.

### 4. Homes for Everyone

There are a wide range of house types provided, with a broad accommodation mix ranging from 1-bedroom to 5-bedroom dwellings. Overall, 30% of all homes are affordable, which is in line with LPA policy and whilst there is inevitably some clustering of affordable homes the design is tenure blind, and this is considered to be acceptable. A green is awarded

### 5. Making the most of what's there

The site is generally flat and currently comprises agricultural land. Existing trees and hedgerows and watercourses are retained and integrated into the layout effectively and views to the south in particular are established. Overall, existing assets have been used sympathetically to support the proposed development and as a result a green light has been awarded.

### 6. A memorable character

There has been a comprehensive local character study undertaken and this has clearly informed the detailed character area codes that have in turn, led to the design and materials specification of the houses that form this Reserved Matters application. The role in this process played by the Cheshire East Borough Design Guide (CEC 2017) can be clearly seen and the net result is a place for and of the local area. A green is awarded.

### 7. Well defined streets and spaces

This has clearly been designed in line with both guidance contained in Building for a Healthy Life and the Cheshire East Borough Design Guide. There is a clear and legible perimeter block arrangement with a continuity of street frontages, front doors facing the street and a well-defined relationship between public and private space. Public open space is both well located and well-overlooked, houses turn corners and there are strong internal vistas. As a result green light is readily awarded.

### 8. Easy to find your way around

There are a series of character areas across a layout consisting of perimeter blocks, meaning that the proposals are internally well-connected and legible. This is supported by a well-defined hierarchy of streets and squares framed by buildings. Houses turn corners, providing surveillance and focal houses are located at key locations such as the termination of vistas and serve to aid the legibility. Similarly, the location of the POS and community orchard at the heart of the development provides a useful reference point and aids navigation. A green is awarded

## 9. Healthy Streets

There is a clearly defined hierarchy of streets leading from the access spine road, comprising avenues, streets, lanes and shared drives and these are designed in accordance with the guidance set out in the Cheshire East Borough Design Guide (CEC 2017i). As a result they will be safe for cars, cycles and pedestrians and a green light is readily awarded.

## 10. Cycle and car parking

The car parking strategy is mixed comprising in-curtilage bays to the front and side and a number of small and well-landscaped parking courts. All car spaces are close to homes and well-overlooked and it is not felt that cars would dominate the streetscape. With regard to cycle provision, there is access to the rear of all properties without going through the house and identified space for cycle storage in the rear gardens and as a result of all of this, a green light is awarded.

## 11. Green and blue Infrastructure

The proposal retains the sites key landscape features and integrates these into the green infrastructure network. Key areas of POS, including a NEAP are both well located and well overlooked and it is encouraging that the attenuation basin is integrated as a landscape feature. The community orchard is located at the heart of the site to act as a focal point. The footpath link to the north of the site connects to the spine road and runs alongside the ecological mitigation area to the edge of the woods beyond. Overall, whilst a more surface focussed SUDs approach would have been welcomed, the green and blue infrastructure proposals are positive and a green light has been awarded.

## 12. Back of pavement, front of home

Good use of landscape design, materials and boundary treatments provides a clear delineation between private, semi-private and public space. Refuse and recycling stores are clearly identified on the plans and each dwelling has access to rear gardens without going through the home. There is also a welcome lack of 'left-over' spaces that can so often despoil a place. Overall, the back of pavement and front of home is handled effectively, and a green light is awarded.

## Summary of assessment

The role played by the detailed design coding process and guidance including the Cheshire East Design Guide is evident and the Reserved Matters residential application is considered well-designed. It should be noted There are no reds and that the only amber lights awarded



are in respect of Criteria 1, 2 & 3 are effectively legacy ones, as a result of the constraints of the site and the less than perfect connections established by the earlier outline permission.

It is considered that in design terms the application complies with Policies; SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, Policy H4 of the SNP and the Cheshire East Design Guide SPD.

## **Amenity**

SADPD Policy HOU 12 (Amenity) that new development should not be permitted if it is deemed to cause unacceptable harm upon neighbouring amenity such as form overlooking, visual intrusion or noise and disturbance. SNP Policy H4 (design) requires that new residential development provides a good standard of amenity for existing and future occupiers of the proposed development and ensures that the amenities of neighbouring properties will not be adversely affected.

In addition Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)
- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey).

The closest existing properties to the application site are those of Bishops Wood. Judson Close and Audlem Road adjoining the western and southern site boundaries.

The layout has been amended to improve the relationship of the development with properties of Bishops Wood adjoining the southern part of the site. In particular and as referred to above, the “southern finger” of the site has been redesigned to accommodate fewer dwellings which has been reduced from 18 to a total of 11. The development within this part of the site adjacent to Bishops Wood is of lower density through the inclusion of more detached house types.

The scheme ensures satisfactory separation distances are achieved between proposed plots (two-storey) with adjacent properties of Bishops Wood. Minimum separation distances are exceeded between principal and non-principal elevations of existing properties with Bishops Wood as set out by Policy HOU 13. In particular an interface distance of 15.5m is secured between the rear elevation No.32 Bishops Wood and the gable end of Plot 61, which contains no windows to habitable rooms. In addition, separation distances of between 22m and 27m are secured between facing rear elevations of existing dwellings of Bishops Wood and the proposed plots of the development.

Further concerns have been raised by neighbouring residents of Bishops Wood that the site layout does not meet expectations given by the indicative proposals of the outline approval. However, the proposed arrangement and grouping of units, and associated provision of small residential parking courts, would not typically result in an adverse impact on residential amenity in terms of unacceptable noise and disturbance. Nor is there any compelling evidence that the siting of affordable units adjacent to existing properties will result in any greater levels of noise and disturbance than from the occupiers of market dwellings.

It is therefore considered that the relationship between the development and existing properties of Bishops Wood will not result in unacceptable harm upon neighbouring amenity such as from overlooking, visual intrusion noise and disturbance or result in an over-dominating impact.

Existing properties on Audlem Road, in the main, have good sized rear gardens, ensuring that interface distances between elevations of proposed and existing properties accord with the 21 metres minimum set out in by Policy HOU 13 and the Cheshire East Design Guide.

The relationship of new dwellings and existing properties of Judson Close will also be acceptable. The gable elevations of dwellings of Judson Close face towards the western site boundary and contain no principal windows. Separation distances exceeding 14m are achieved between the front elevations of proposed plots and existing gable ends of properties of Judson Close. In addition a separation distance of more than 21m is achieved between front elevations of No.11 Judson Close and Plot 121 of the development.

As set out in the drainage section of the report below, levels need to be raised throughout the site by around 200-600mm to facilitate the operation of the surface water drainage system. Further information has been requested to be submitted to demonstrate that the relationship with existing properties is acceptable where site levels have increased, and to particularly ensure that where necessary the proposed levels at the site boundaries will tie into existing levels. In any event a planning condition is recommended requiring the approval of ground and finished floor levels prior to the commencement of development.

Concerns have been raised regarding proposed boundary treatment (1.8m high fencing) alongside the western site boundary with Bishops Wood and impact on an existing hedgerow. However, it is often the case that the type/position of boundary treatment is negotiated directly between the developer and adjoining property owners to take account of existing vegetation and/or boundary structures. Condition 24 of the outline approval requires that prior to the commencement of development full details of boundary treatment will need to be submitted to and approved in writing by the LPA.

It is therefore considered that the amenities of the occupiers existing neighbouring dwellings or future occupants of approved development will not be detrimentally affected in relation to with regard to loss of light, privacy, or an overbearing impact. The proposed development would comply with Policies HOU12 and HOU13 of the SADPD and SNP Policy H4 .

In consideration of amenity for future occupiers of the proposed development, the layout adheres to, or closely adheres with, the recommended separation standards within CEC Design Guide to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of loss of light, or privacy, or an overbearing impact from each other.

Policy HOU13 of the SADPD states that proposals for housing development should 'include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development'. Although some of the proposed gardens are a little small in size, notwithstanding this, it is deemed that they are sufficient in order for the future

occupiers to enjoy normal activities e.g. sitting out, hanging washing, BBQs etc. Furthermore, large areas of shared public green space are provided within the development.

Environmental issues associated with this development in terms of noise, air quality and contaminated land were considered as part of the outline application and a number of planning conditions are attached to the outline consent.

## **Highways & Accessibility**

### Background

It was established under full planning approval 12/3746N (access road) that the access to development will be via served the traffic light controlled junction of Peter Destapleigh Way and Pear Tree Field. The detailed junction arrangements for the access road with Peter Destapleigh Way were approved under full planning approval 12/3746N. In addition, Condition 11 of the outline approval requires that no development is to commence until MOVA traffic signal control systems have been installed at the site access junction from Peter Destapleigh Way and also at the Audlem Road/Peter Destapleigh Way traffic signal junction.

The S106 agreement accompanying 12/3747N requires the payment of a financial contributions towards the provision of a new pedestrian crossing facility on Peter Destapleigh Way, provision/upgrading of bus stops in the vicinity and towards the funding of a bus service to the site.

In addition, there is a separate approval (21/1703N) for the main internal spine road serving the mixed-use site which connects with the southern end of the approved access road leading to the junction with Peter Destapleigh Way (12/3746N). However, this reserved matters application only considers the internal design and road layout of the application site, as access has already been approved.

### Access

There is a single priority access proposed that connects with the internal spine road, the priority junction design provided adequate capacity to serve the 188 units proposed. Whilst a secondary access point is always beneficial, there is no requirement to provide one given the number of dwellings being served by the single access point. The Highway Officer advises that the priority junction design is acceptable given the predicted level of traffic generation arising from the development and also the number of turning movements at the junction.

### Design

The Highway Officer considers road design to be acceptable internally, with the rear part of the site having good road connectivity and there are no long stretches of straight road alignment in the design, traffic calming features have been included on the main collector roads. The internal roads are a mix of standard design roads with two separate footways and also shared surface roads and private drives.

Swept paths have been provided to indicate that refuse and delivery vehicles can access all the units with turning facilities being provided. The parking provision for the dwellings proposed in the development accords with the CEC parking standards.

### Accessibility

Amended plans include the provision of pedestrian/cycle routes up to the north site boundary and to the western site boundary with an area of POS of the Bishops Wood estate.

However, given existing third-party ownership of the strip of land between the northern site boundary and the highway, pedestrian/cycle connections cannot be made through to Peter Destapleigh Way at this time. Consequently pedestrian/cycle movements will need to use the route alongside the main access and spine road to exit the site to the north. Whilst less than ideal, this route still allows for reasonably direct access from a large part of the residential development to the primary school and local centre located off Pear Tree Field via pedestrian crossing facilities at the traffic light-controlled crossroads junction which will be improved in accordance with planning approval 12/3746N.

### Summary

Access to the site from the principal highway network has already been approved along with any associated traffic impact of the site on the highway network. The internal layout is for consideration in this application.

The submitted road design is acceptable to serve the proposed residential development and as such raises no objections. Although no direct links to/from the site cannot currently be provided from the northern site boundary to Peter Destapleigh Way, it is acknowledged by the Highway Officer that there are suitable pedestrian and cycle facilities provided along the site access road linking to Peter Destapleigh Way.

Overall, the Highway Officer concludes that the proposals are acceptable and no objections are raised.

### **Ecology**

There are various ecology matters to consider and these are broken down into the following subsections and assessed accordingly.

The Ecologist has provided comments to reflect the revised Landscaper Master Plan and Ecological Mitigation Plan.

A number of conditions of the outline approval concerning ecological issues are relevant to the consideration of this application as follows;

#### Condition 5 - 8 metre wide buffer zone alongside the watercourse on the northern boundary.

This a pre-commencement condition, however based upon the submitted layout plans the required buffer zone has been incorporated into the proposed development.

#### Condition 18 - Detailed Ecological Mitigation Strategy

An updated ecological mitigation strategy (ECUS July 2022) has been submitted as required by this condition. This is supplemented by further bat and barn owl survey information (17<sup>th</sup> November 2022).

The submitted assessment states that no trees with potential to support barn owl would be lost as a result of the proposed development. T2 (as identified by the submitted arboricultural report) was initially to be removed, but is now retained under the revised layout due to the relocation of the foul/surface water pumping station. The Council's Ecologist advises if barn

owls were roosting within trees on site, the proposed development would likely have an adverse impact upon this species regardless of whether the trees were retained or not. However, a further assessment of the trees on site has been undertaken and no significant opportunities for this species identified.

The ecological mitigation strategy includes the provision of a new pond within the eastern ecological mitigation area. This is supported by the Council's Ecologist.

As the application site has been cleared of great crested newts under the terms of a Natural England license the proposed development is unlikely to result in an offence under the Habitat Regulations. The Council's Ecologist considers that the submissions are sufficient to address condition 18.

Condition 20 - Trees with bat roost potential as identified by the Peter Destapleigh Way Ecological Addendum Report shall be retained.

Tree T2 (as identified by the arboricultural report submitted in support of this application) has potential for roosting bats and was initially proposed for removal. This tree will now be retained under the revised layout as stated above.

#### Hedgerows

Native Hedgerows are a priority habitat and hence a material consideration. As anticipated at the time the outline consent was granted the proposed development will result in the loss of existing hedgerows. The submitted Hedgerow Assessment identifies 2 sections of hedgerow to be removed under this application that are Important under the Hedgerow Regulations. Native hedgerow planting is shown on the revised landscape master plan, and the Council's Ecologist considers this sufficient to compensate for that lost.

#### Grass snake

The Council's Ecologist advises that this species may occur on the application site on a transitory basis. The measures undertaken to safeguard great crested newt however would be sufficient to minimise the impacts of the proposed development upon this species.

#### Lighting

Bats commute and forage around the site to some extent. Condition 19 of the outline approval requires details of external lighting to be submitted and approved by the Council. This condition specifically requires measures to avoid light spill upon bat roost features, boundary hedgerows and trees.

#### Habitat Management Plan

The application is supported by a revised landscape and habitat management plan (rev C 15<sup>th</sup> December 2022). The Council's ecologist recommends that a condition be attached to secure the implementation of this plan.

#### Conditions

In summary, the Council's Ecologist has advised that issues raised in earlier comments have been satisfactorily addressed, and therefore has no objection to the development subject to the following conditions being attached;

- Updated badger survey prior to commencement

- Attenuation ponds to be designed to hold an area of permanent open water in accordance with the submitted ecological mitigation strategy.
- Implementation of landscape and habitat management plan.

## **Trees**

The site is subject to a Tree Preservation Order (Stapeley Land South of Peter Destapeleigh Way - Tree Preservation Order 2013.) The TPO essentially covers the row of Oak trees running north/south through the centre of the application site and within the man areas of POS, and also individual trees (Oaks and a sycamore) within the western part the site.

In response to issues raised by the Council's Tree Officer an updated Arboricultural Impact Assessment & Method Statement (1391-AMS-V1-E – Rev E) takes account of the latest drainage strategy. The Tree Officer considers that the AIA is now satisfactorily and demonstrates the impact of the development in respect of existing tree is acceptable subject to planning conditions being attached.

Tree T2 a protected Oak, is now confirmed to be retained in the amended layout, which is welcomed and reflected on corresponding plans. The original drainage layout drawing had indicated that the drainage route would run through the root protection area of tree T2 and was formally shown to be removed and which is now to be retained. The location of the foul /surface water pumping statement has been revised to allow for the retention of tree T2, as reflected in the updated AIA.

Whilst the applicant's arboricultural consultant advises that technical drainage details are still being prepared, it has been confirmed that works within the vicinity of protected trees will relate to lightly constructed footpaths. The site is generally level in these locations and footpaths will follow the existing ground contours which will accommodate the no-dig construction where footpaths are indicated within the RPAs of retained trees.

As requested by the Tree Officer, tree protection and special construction measures are identified in the Arboricultural Impact Assessment and method statement.

The tree officer has advised that the site layout and associated relationship between protected tree T6 and Plot 34 has been amended, and while the spatial relationship between the closest elevation and the tree has not been increased, no construction in the RPA is now proposed and the layout has made provision for an increased area of outside garden space which will only incur very minor overhang from the trees to the north.

A Hedgerow Assessment has confirmed that part removal of 3 hedgerows considered to be 'important' would be required to accommodate the development. These include (HE, H2 and H3) of the hedgerow survey which translate as group G5, H2 and H3 of the AIA, which broadly equates to a loss of approximately 208m of hedgerows deemed to be important under the Hedgerow Legislation. The assessment states that new hedgerows to be planted would be of greater value as shown on the Landscape Master Plan. Supplementary information has confirmed that 585m hedgerow of species rich hedgerows is proposed to mitigate for this loss and the proposed replanting is also considered to have the potential to increase biodiversity in the longer term.

The use of no-dig engineer designed surfacing is now confirmed around trees T3, T4 and those within G2. The Tree Officer considers that further to the arboricultural information proposed footpath links indicated to pass through group G9 (Scrubby dense unmanaged hedge line) adjacent to the northern site boundary and G10 (off-site Field maple & Common Ash) along the western boundary with POS of Bishops Wood can be installed without the loss of trees or significant vegetation loss.

The Tree Officer raises no objection to the proposals subject to the following conditions being attached ;

- Retention of retained trees,
- Development to take place in accordance with the tree protection and special construction measures of the Arboricultural Impact Assessment & Method Statement and tree protection plan
- Site specific engineer designed no dig hard surface construction specification for any area of hard surfacing within the root protection area of retained trees
- Detailed Levels Survey which provides for the retention of trees on the site.

## **Landscape**

The Landscape Officer considers that the principles of the Cheshire East Design Guide have been referred to and reflected in the design of the scheme. Many existing trees and hedgerows have been retained, and where loss will occur this will be adequately compensated by new hedgerow planting.

The POS and community orchard are well placed at the centre of the proposed housing development and act as a focal point. The amendment to the orchard and growing area with the inclusion of the Pergola Archway feature leading to accessible and defined area of raised beds storage shed is considered acceptable.

The Landscape Officer welcomes the amendments to boundary treatments which now include the siting of Cheshire railings at the entrance to the site and not alongside hedges within the housing areas, which would appear inappropriate and be more problematic to maintain.

Areas of landscaping and open space are subject to management arrangements secured under the S106 agreement and need to accord with maintenance details as set out within a landscape management plan. The submitted landscape management plan is considered broadly acceptable although following further assessment clarification is advised by the Landscape Officer in terms of its schedules and timings for all aspects of Landscape and Ecology management including trees, with a focus on a 15-year schedule to be monitored, reviewed, and amended (if needed) preferably 'in perpetuity'. A condition is therefore recommended to secure the approval and implementation of a long-term landscape and habitat management plan.

It is understood that the landscape buffer to the future development area to the north-western boundary is temporary in nature and to improve the aspect of the housing area when entering the site. A future reserved matters application for the development of this adjoining part of the mixed- uses scheme (employment units) will need to identify and ensure an appropriate level of buffer screening.

Condition 22 of the outline approval (12/3747N) requires that, *'Prior to the commencement of each phase of development a scheme for landscaping shall be submitted to the Local Planning Authority and approved in writing. The approved landscaping scheme shall include details of any trees and hedgerows to be retained and/or removed, details of the type and location of Tree and Hedge Protection Measures, planting plans of additional planting, written specifications (including cultivation and other operations associated with tree, shrub, hedge, or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.'*

The Landscape Officer considers that the submitted application documents include a landscape masterplan and a more detailed suite of landscape plans which provide acceptable overall landscaping scheme for the site. However it is considered that insufficient details of the planting specifications for trees, shrubs and hedgerows have been provided. A condition is therefore recommended that notwithstanding the submitted plans, additional details of planting specifications are provided and approved.

### **Public Open Space**

The Council's Leisure Officer is satisfied that the overall quantum of public open space (1.25 hectare) proposed to serve the residential development accords with CELPS Policy SE6 (Table 13.1). The scheme includes a NEAP, village green area and community orchard and growing area.

The main open space which also contains the NEAP is set in the heart of the development with the "village green" to the south providing much needed informal kick about recreational space. The "village green" shown by the indicative masterplan was illogically located on the eastern periphery of the scheme remote from the housing phase. Its relocation to the heart of the development and act as the principal area of public open space is therefore entirely appropriate. In particular the layout of the proposed housing scheme frames and overlooks public open space and importantly ensures good levels of natural surveillance. It is not considered that the proposals will result in a loss of overall open space within the wider mixed-use scheme, given that significant opportunities for the provision of open space remain available within the later commercial phases.

In addition this central location is in line with the recommendations set out in the Council's Green Space Strategy given its accessibility by resident of the development. The Leisure Officer advises that the NEAP accords with Fields in Trust standards and its design has greatly improved, however further details of its specification are required.

The SUDs attenuation pond will be deep enough to permanently hold water with appropriate landscaping giving extra benefit to wildlife whilst creating a visual amenity for the community to relax and enjoy. Habitat information/interpretation boards/way markers are also indicated to be provided around this feature, with seating and accessible picnic benches proposed throughout the site. A condition is recommended requiring further details of the location and design notice/habitat/interpretation boards and way markers.

A good pathway network has been proposed throughout the site with connections to the northern boundary and also to the south-western boundary with existing open space of the



Bishops Wood estate. Although for the reasons already set out earlier in this report these links cannot connect through to Peter Destapleigh Way at this time. The proposed paths are currently self-binding gravel however for maximum accessibility and inclusivity it is recommended the paths are resin bound.

The outline approval's indicative masterplan showed allotments located within the southwestern finger of the site located to the era of Nos. 2 -18 Bishops Wood. However, following detailed consideration, it has been concluded that providing allotments on this part of the site would not be feasible. This is because the indicated allotment's location was isolated from rest of the site, the potential conflict between allotment tenants and neighbouring residents which needs careful consideration particularly around the management of the site, boundary treatments/fencing and supporting facilities such as water supply, parking, and storage facilities for both tools and rotting material/manure.

The Council's Green Space Strategy allows for not only formal allotments but also general food production space and community gardens/orchard. In this case it is considered that a more informal community orchard and growing area would give more scope to include the wider community thereby bringing increased community cohesion, as the space would be for all not just individual allotment holders. This would also decrease the intrusion which could be caused with allotment odour, disturbance and parking issues. A condition is recommended to control the provision of the community gardens including further details of the water pump specification.

The community orchard will have inclusive paths with a feature Pergola Archway leading to accessible raised beds. Fruiting trees, edible herbs will form the basis of this area however areas for wildlife including bug hotels and log piles will be present. Wildflower spaces to encourage pollinators will also be incorporated along with formal and informal seating, information boards and informal play.

Although not a requirement of the S106 legal agreement, negotiations have taken place with the applicant and a green gym has been incorporated into the southern area of open space. This grouping of equipment gives an all-round body work out. This will further increase the sites capacity, creating maximum activity improving health and wellbeing of the community.

The S106 Agreement accompanying the outline approval, does not require contributions for the provision of off-site sports or recreational facilities.

The Council's Leisure Officer raises no objections to the overall provision of public open space and associated recreational facilities proposed within the scheme, subject to the conditions recommended above. The proposals are therefore considered to comply with the open space requirements of policies SE 6 of the CELPS and Policy REC 3 of the SADPD.

## **Noise**

In support of this application, the applicant has submitted a noise impact assessment (NIA) which relates to the proposed site layout .

The Council's Environmental officer has advised that the impact of the noise from road traffic on the proposed development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Building
- Department of Transport document 'Calculation of Road Traffic Noise' (CRTN), 1988

An agreed methodology for the assessment of the noise source.

This NIA recommends a noise mitigation measures so that future occupants of the properties are not adversely affected by noise. This includes the use of windows/doors of well-fitted standard thermal double glazing and acoustic trickle vents serving habitable rooms or plots facing towards Peter Destapaleigh Way, in addition the provision of a screen, boundary wall (2m) is required for two identified plots within the northern part of the site adjacent to Peter Destapeleigh Way

The Council's Environmental Protection Officer has advised that the mitigation measures recommended by the NIA are acceptable in safeguarding the amenities of future residents of the development from road traffic noise.

The proposed development would comply with Policies HOU12 and HOU13 of the SADPD.

### **Air Quality**

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact on Air Quality from the mixed-use development was considered at the outline stage. To mitigate the impact on air quality, conditions were imposed on the outline approval requiring the approval of travel plan by the LPA prior to the first occupation of the development (Condition 13) and also the provision of Electric Vehicle Infrastructure for each property prior to first occupation on (Condition15)

As part of this reserved matters application the developer has submitted information relating to electric vehicle charging points and a travel plan.

The Environmental Protection Officer has nevertheless advised that the contents of the submitted travel plan are considered acceptable in meeting the requirements of condition 13. It is further advised that additional information is required demonstrating the types of charging points intended for use within the scheme to ensure they comply with the requirements of the condition.

However these details are required to be approved under Conditions 13 & 15 of the outline approval and therefore form no part of this application.

### **Flood Risk/Drainage**

Drainage and flood risk issues were addressed at the outline stage. Condition 4 was imposed on the outline approval requiring that development shall not commence until details of a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the LPA.

The Council's Flood Risk Manager has raised no objections in principle to the Reserved Matters Application and proposed Drainage Strategy. Although detailed issues are still required to be addressed in respect of the design of elements of the drainage system .

In addition the submitted preliminary levels plan indicates a 200-600mm level increase across the development. Whilst these increases in level are relatively small, further information is necessary to demonstrate the change between existing and proposed ground levels adjacent to the site boundaries to avoid surface water flooding.

The LLFA also point out that a Surface Water public sewer runs along the development's western boundary. Appropriate treatment measures and required easements are required to be agreed with United Utilities prior to construction. Additionally, any potential conflict with the existing public sewer and open watercourse will need to be addressed.

The drainage scheme for the development is controlled by Condition 4 imposed on the outline approval (12/3747N) and is required to be discharged prior to the commencement of development. The detailed and technical matters raised by the LLFA will need to be addressed through an application to discharge Condition 4.

A consultation response has been received from United Utilities objecting to the application on technical grounds . The primary issues raised by United Utilities (UU) relate to the detailed design of the surface water drainage system as no surface water flow rate is shown for the connection to the existing surface water sewer and a connection for the foul rising main needs to be specified. The information requested by UU, which includes an updated drainage strategy has been submitted, and a response from UU and is awaited. The applicant has also advised that discussions are continuing with UU and are confident that the issues raised can be resolved. An update of the drainage position will be presented at the SPB meeting.

### **Other issues**

The issues raised in representations that are material planning considerations have been considered by the relevant specialist officers of the Council, and in the preceding text.

### **Construction Method Statement**

Representations raise a series of concerns about the impact of the development during the construction phase including the need to mitigate the impact of construction traffic in the locality and nearby primary school.

A Construction Environmental Management Plan (CEMP) has been submitted for this development and includes measures to protect the amenities local residents during the construction of the development. However, issues have been raised by the Council's Environmental Health Office as regards working hours and delivery hours. Nevertheless, the details of such a construction method statement are required to be approved under Condition 42 of the outline approval and therefore form no part of this application.

### **Pre-Application Public Consultation**

The Councils Statement of Community Involvement SPD (January 2022) states that for, “For significant or major applications, developers will be encouraged to carry out pre-application consultation with interested local parties and community bodies”.

In response to issues raised by Stapeley Parish Council, the applicant has advised that pre-application engagement was undertaken as described in the submitted Statement of Community Involvement (‘SCI’) prepared by UK Networks which accompanied the planning application. In particular it is stated that, “Extensive consultation was undertaken including 4 briefings/meetings (MP Kieran Mullan, Nantwich South and Stapeley Ward, Stapeley Parish Council, Local Residents). A meeting was undertaken on site with UK Networks, Muller, DWH and Stapeley Parish Council on 3rd May 2022”.

Although it is understood that the Parish Council would have preferred a formal meeting with the applicant to discuss the proposals, there is no planning or legislative requirement for such a meeting. Similarly there is no requirement for developer’s pre-application consultation exercise to undertake extended community engagement such as the provision of feedback etc. to individual residents. In addition, whilst there is disagreement concerning the issues and details addressed in the applicants “SCI” document, this is not however a relevant matter which is material to the consideration of the planning application.

## **CONCLUSIONS**

The principle for the erection of up to 189 dwellings within this site as part of a wider mixed-use development with access via Peter Destaplegh Way has already been permitted under outline approval 12/3747N and also full approval 12/3746N (Access Road). This application considers the approval of Reserved Matters, including layout, scale, appearance, and landscaping

The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the site and the CEC Design Guide. The submitted Design Code provides a design-led framework which essentially set out the parameters to guide future reserved matters applications in delivering the components of the mixed-use scheme and ensure overall co-ordination and consistency between development parcels.

The development subject to conditions is supported in design terms and accord with CELPS policies SD1, SD2 and SE1, Policy GEN 1 of the SADPD, and Policy H4 of the SNP in relation to design quality.

The development will deliver 30% affordable housing in accordance with the requirements of S106 Agreement with units pepper-potted throughout the site, and also secures an acceptable overall housing mix. The proposals are therefore in accordance with policies SC4 and SC5 of the CELPS, Policy HOU 1 of the SADPD and SNP Policies H2 and H3.

The scheme achieves an acceptable relationship with the character of the locality, without material harm to neighbouring residential amenity, and would provide sufficient amenity for the new occupants. As a result the development would comply with Policies HOU 12 and HOU 13 of the SADPD and policy H4 of the SNP.

The impact on the wider highway network arising from the development of this site was addressed with during the consideration of the outline application. The internal road network meets relevant highways design standards and adequate car parking is provided in accordance with parking standards identified in the CELPS. Therefore the proposed access arrangement for the development will not adversely affect highway safety or result in traffic management issues on the local highway network and as such complies with CELPS Policies CO2 & CO4, SADPD Policy INF 3 and Policy T1 of the SNP.

Appropriate public open space for the scheme will be provided including a Neighbourhood Equipped Area for Play (NEAP) and community gardens and orchard as a suitable alternative to the provision of conventional allotments shown on the indicative layout of the outline approval.

With regard to ecological impacts, subject to conditions, it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policy SE 3 of the CELPS. The impact on Tree and hedgerow is acceptable and would be mitigated by the proposed landscaping of the site, and recommended conditions to protect retained trees

The Council's Flood Risk Officer considers that subject to technical details being addressed, the proposed surface water drainage system will satisfactorily serve the development.

Air quality and contaminated land matters were addressed at the outline stage, and subject to planning conditions of the outline approval which are required to be formally discharged.

The proposals are therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the SADPD, the Stapeley & Batherton Neighbourhood Plan and the advice of the NPPF.

## **RECOMMENDATION**

**APPROVE subject to the following Conditions:**

- 1. In accordance with outline permission**
- 2. In accordance with approved plans**
- 3. Submission/approval of facing and roofing materials**
- 4. Submission/approval of details of hard surfacing treatments**
- 5. Submission/approval of ground level and finished floor levels**
- 6. Submission/approval of planting specification**
- 7. Implementation Noise mitigation**
- 8. Design detail, specification and implementation of NEAP and green gym**
- 9. Provision of the community gardens including further details of the water pump specification.**
- 10. Details and provision of notice/habitat/interpretation boards and Waymarkers**
- 11. Retention of retained trees,**
- 12. Development in accordance with tree protection and special construction measures of AIA & Method Statement and tree protection plan**
- 13. Submission/approval of no-dig hard surface construction specification**
- 14. Submission/approval of Detailed Levels Survey providing for retention of trees**

- 15. Updated badger survey prior to commencement**
- 16. Submission of working design/details for attenuation basin**
- 17. Approval and Implementation of landscape and habitat management plan**
- 18. Provision of Cycle Storage**
- 19. Obscure glazing to first floor bathroom windows in side elevations of plots 27 & 61**

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



