

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

CONSULTATIONS

Stapeley Parish Council: Object, further to re-consultation in relation to the amended proposals.

The grounds of objection essentially reiterate those already summarised within the previous report which were made to the original proposals, but the Parish Council has added that

- *As a statutory consultee the Parish Council is appalled that the applicant has not even acknowledged the substantive concerns raised previously and submitted to CE Planning on 14 September 2022, sent on behalf of over 4,000 residents in the parish.*
- *Further, the Parish Council is dismayed that the comments submitted on 14 September 2022 appear to have been largely, or completely, unaddressed by the revised plans submitted by the applicant in December 2022.*
- *The Parish Council strongly urges Cheshire East Council to hold the applicant accountable for addressing the comments made.*

United Utilities - No objection following review of the revised documents and confirm the proposals are acceptable in principle.

OTHER REPRESENTATIONS

Since publication of the report, 3 further representations have been received objecting to the proposals and following the re-consultation undertaken on 3rd January 2023 in relation to amended proposals.

The grounds of objection of these representations have reiterated those summarised within the report which were made to the original proposals, but further add that;

- There is inadequate infrastructure to support the development with local secondary school already oversubscribed, and exacerbate the difficulties in accessing local doctors' surgery
- over-development of the area is destroying the natural beauty and green'

(These issues relate to the principle of development and are addressed within report)

OFFICER APPRAISAL

Housing

Space, accessibility, and wheelchair housing standards

Policy HOU 8 of the SADPD states that;

1. In order to meet the needs of the borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standards will be applied.

i. For major developments:

a. at least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and

b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

Determining compliance with the accessibility and wheelchair adaptable standards is the role of Building Control. At the planning stage, the Council needs reassurance that the applicant is aware of the standards and committed to meeting them at the Building Control stage.

The applicant has reviewed the extent of M4(2) and M4(3) properties that can be delivered on the site. Against the requirement of at least 30% M4(2) properties the scheme is proposed to deliver:

- 188 Dwellings Proposed – 100%
- 69 Dwellings Proposed are fully M4(2) compliant – 37%
- 43 Dwellings Proposed are partially M4(2) compliant – 23%

The requirement of Policy HOU8 will therefore be exceeded through the delivery of **37%** M4(2) properties. In addition, there are 43 dwellings designed to partially meet M4(2) standards. Although the applicant has stated that no specific M4(3) properties are proposed, this is a misunderstanding of the requirements of Policy HOU8, which relates to these standards being applied to house types of the scheme.

Accessibility and wheelchair standards are applied through the Building Regulations. Planning conditions are recommended to be attached to ensure the standards of 30% Accessible Dwellings M4(2) and 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) are achieved within the development.

Drainage/Flood Risk and Amenity

Further to its consideration of additional information including an updated drainage strategy and details of connections to the sewerage system an updated consultation response has been received from United Utilities confirming that the proposals are now acceptable in principle and no objections are raised.

As set out in the drainage section of the report, levels need to be raised throughout the site by 200 – 600m to facilitate the operation of the surface water drainage system. A series of indicative site sections have been submitted which demonstrate that the relationship with existing properties of Judson Close, Audlem Road and Bishops Wood will be acceptable. Where site levels have increased, care has been taken to ensure that the proposed levels at site boundaries will tie into existing levels. The difference in levels is not substantial and will not cause any drainage or ponding issues, and the applicant states that land drains will be installed in rear gardens as appropriate.

The impact of the increased levels proposed on the amenities of adjacent properties will be satisfactorily mitigated through the separation distances achieved between existing and proposed dwellings, and land drainage will be provided as necessary to ensure surface water does not drain onto adjoining properties. However, to safeguard the amenities of adjacent properties a condition is recommended for the submission and approval of full details of levels within the development relative to the those of the adjoining dwelling and garden areas prior to the commencement of development.

Ecology

Updated comments have been received from the Council's ecologist in respect of the issues set out below;

Boundary Treatments

No boundary treatment is proposed for the southern boundary of the northern mitigation area (adjacent to phase 3) or the western boundary of the eastern mitigation area. However, Phase 3 will remain as open land until developed, and the Councils Ecologist has advised that it is acceptable for the southern boundary treatment of the northern mitigation area to be provided as part of Phase 3 of the development.

It is considered that the extent of the eastern mitigation area does require demarcation 'on the ground'. The Council's Ecologist considers that a post and rail fence, with a locked gate to allow access for monitoring and management, be provided here. Boundary treatment for each phase of the development is controlled under condition 24 of the outline approval which requires that prior to the commencement of development full details of boundary treatment will need to be submitted and approved by the LPA.

Phasing

The submitted phasing plan combines the two ecological mitigation areas with the broader open space to be provided as part of the proposed development, which is proposed to be delivered at the time of the completion of the 90th dwelling (within Phase 2 of mixed-use scheme). However, the Council's Ecologist considers that this should be delivered at an earlier stage in the development, to ensure that the loss of habitat resulting from the development is addressed in a timely manner. Therefore, notwithstanding the submitted phasing plan, an additional condition is recommended

to ensure that the ecological mitigation areas are provided concurrently with the commencement of development within Phase 2.

CONCLUSION

That the recommendation remains the same as set out in the main report, although amendments are needed to conditions, as set out above.

Firstly, two additional conditions are recommended to ensure that standards of 30% Accessible Dwellings M4(2) and 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) are achieved within the development in accordance with SADPD Policy HOU 8. A further condition is recommended to ensure the loss of habitat resulting from the development is addressed in a timely manner with ecological mitigation areas delivered concurrently with the commencement of development within Phase 2.

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**
- 20. Provision of 30% Accessible Dwellings M4(2) within the development**
- 21. Provision of 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) within the development**
- 22. Provision of ecological mitigation areas at the commencement of development within Phase 2.**