

Application No: 23/0376N

Location: Vacant Land at, RICHARD GIBSON ROAD, HENHULL

Proposal: New 1 form entry primary school to accommodate 210 pupils, with an additional Resources Provision for SEN pupils. Associated perimeter fencing for safeguarding, car park, cycle storage, plant and landscaped play areas.

Applicant: Mr Nick Cook, Cheshire East Council

Expiry Date: 01-May-2023

### **SUMMARY:**

The site lies in the Settlement Zone Line as designated in the adopted CELPS and SADPD. Development within the Settlement Zone Line is supported in principle within the CELPS provided that it accords with Policies SD1, SD2 and SE1.

The site is also covered by a site allocation under LPS 46 Kinglsey Fields, Nantwich which seeks a mixed use scheme including “....The provision of a site for a new primary school within the development or a financial contribution towards providing educational facilities.....Open space provision, including sports pitches; multi-use games area; children's equipped play space; outdoor gym and facilities for teenagers”.

Policy PG9 of the SADPD advises that development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

The current proposal will be delivering a new primary school in a sustainable location. As a result the proposal is acceptable from a pure land use perspective. The provision of a primary school on this site was also previously secured under outline application 13/2471N.

The benefits of the proposal would be the provision of further primary education.

It would also provide benefits to outdoor sport and recreation and community benefits though the playing fields to be provided. As a result the proposal complies with Policy SE6 of the CELPS & REC1, REC 2 REC 3 of the SADPD.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies HOU12, HOU13 of the SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and HOU13 of the SADPD.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with SE5 of the CELPS and ENV6 of the SADPD

It is not yet possible to conclude the highway impacts or compliance with CO1 of the CELPS & INF3 of the SADPD.

Excluding Biodiversity net gain, the proposal can be accommodated without causing significant ecological impacts. As a result the proposal would comply with Policies SE 3 of the CELPS and ENV1 & ENV2 of the SADPD

The development is considered to be acceptable in design terms. As a result the proposal would accord with CELPS policy SE1, GEN1 of the SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

In conclusion the application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions**

**REASON FOR REFERRAL**

Given the proposal is a significant application involving the Council either as applicant/ landowner, and that objections have been received.

**PROPOSAL**

Full planning permission for the erection of a new 1 form entry primary school to accommodate 210 pupils, with an additional Resources Provision for Special Educational Needs (SEN) pupils. Associated perimeter fencing for safeguarding, car park, cycle storage, plant and landscaped play areas.

Access would be taken from Richard Gibson Road to the north.

**SITE DESCRIPTION**

The application site relates to a plot of land off the junction of Richard Gibson Road and Reaseheath Way. The site forms part of the wider Kingsley Fields development which gained consent for a mixed use scheme consisting of housing, B1 business, primary school, local centre and allotments.

The site itself is fairly flat and is has some planting to the eastern, northern and southern boundaries.

To the north and east is a mixture of open space and residential properties, Nantwich Town Football Club to the south and MUGA and residential properties to the west.

Sited in the settlement zone as per the Local Plan and contains school playing fields.

## **RELEVANT HISTORY**

Many applications relate to the wider site but most relevant are:

13/2471N – Outline application for residential development of up to 1,100 dwellings, up to 1.82ha of Class B1 Business Use, a potential Primary School, community facilities and local centre (Use Classes A1, A2, A3, B1 and D1), allotments, recreational open space and associated landscaping, highways, access roads, cycleways, footways and drainage infrastructure – approved 20<sup>th</sup> January 2016

16/4601N – Reserved matters application for residential development for 1000 dwellings with associated landscaping, open space, roads, cycle ways, footways and infrastructure – approved 10-Feb-2017

## **POLICY**

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

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE5 Trees, Hedgerows and Woodlands

SE6 Green Infrastructure

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

EG1 Economic Prosperity

IN1 Infrastructure

SC2 Indoor and Outdoor Sport Facilities

SC3 Health and Wellbeing

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

LPS 46 Kinglsey Fields, Nantwich

Appendix C Parking Standards

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

PG8 Development at Local Service Centres

PG9 Settlement Boundaries

ENV 1 Ecological Network

ENV 2 Ecological Implementation

ENV 3 Landscape Character

ENV 6 Trees, hedgerows and woodland implementation

ENV 7 Climate change

ENV16 Surface Water Management and Flood Risk

HOU12 Amenity

INF3 Highways Safety and Access  
INF 9 Utilities  
REC1 Open Space Protection  
REC 2 Indoor sport and recreation implementation  
REC 3 Open space implementation

### **Other Material planning policy considerations**

*National Planning Policy Framework ('The Framework');*

The relevant paragraphs include;

11	Presumption in favour of sustainable development
124-132	Achieving well-designed places
170-183	Conserving and enhancing the natural environment
92-97	Promoting healthy and safe communities
98-103	Open space and recreation
19-123	Making effective use of land

*Supplementary Planning Documents (SPD)*

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory  
Backland development

### **CONSULTATIONS:**

**CEC Environmental Protection:** No objections subject to conditions/informative regarding working hours for construction, dust, lighting, piling, electric vehicle charging, boilers, & contaminated land

**CEC Highways:** No comments received at the time of writing the report

**CEC Local Lead Flood Authority (LLFA):** No objection subject to conditions requiring a detailed drainage strategy be provided and implemented

**United Utilities:** No objection subject to condition requiring sustainable surface water drainage scheme and a foul water drainage scheme & SUDS

**Sport England:** No objection as does not affect land capable of forming playing fields

**Nantwich Town Council:** No comments received at the time of writing the report

### **REPRESENTATIONS:**

8 letters of objection/concern received on the following grounds:

- Highway safety concerns during pick up and drop off
- Access located off a bend in the road

- Impact on air quality
- Design not in keeping with the locality
- Insufficient parking provision
- No coach parking provision
- Lack of public consultation
- Should share facilities with Nantwich Town FC
- Why not Groundsource rather than Airsource heating
- Lack of footpaths for pupils to gain access

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

The site lies in the Settlement Zone Line as designated in the adopted CELPS and SADPD. Development within the Settlement Zone Line is supported in principle within the CELPS provided that it accords with Policies SD1, SD2 and SE1. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

The site is also covered by a site allocation under LPS 46 Kinglsey Fields, Nantwich which seeks a mixed use scheme including “....The provision of a site for a new primary school within the development or a financial contribution towards providing educational facilities.....Open space provision, including sports pitches; multi-use games area; children's equipped play space; outdoor gym and facilities for teenagers”.

Policy PG9 of the SADPD advises that development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

The current proposal will be delivering a new primary school in a sustainable location. As a result the proposal is acceptable from a pure land use perspective.

The provision of a primary school on this site was also previously secured under outline application 13/2471N.

The main issue therefore is whether there are any other material considerations such as design, amenity, living conditions etc that outweigh the in-principle support for the proposal.

### **Open Space**

The site to the south of the proposed playing fields (weaver stadium) forms part of an area of protected open space which is controlled under policy SE6 (Green Infrastructure) under the Local Plan. The policy aims to protect and enhance existing areas of open space and sport/recreation facilities specifically through:

Strengthening the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East's green infrastructure network by requiring all development

to:

- i. Protect and enhance existing open spaces and sport and recreation facilities;
- ii. Encourage multiple use and improvements to their quality;
- iii. Provide adequate open space (as outlined in Table 13.1);
- iv. Contribute to the provision of outdoor sports facilities in line with Policy SC 2;
- v. Create or add to the networks of multi-functional Green Infrastructure;
- vi. Secure new provision to help address identified shortages in existing open space provision, both in quantity, quality and accessibility;
- vii. Locate open space facilities in appropriate locations, preferably within developments;
- viii. Promote linkages between new development and surrounding recreational networks, communities and facilities.

The application site lies immediately to the north of a playing field site, namely The Weaver Stadium and the playing fields would lie adjacent to each other on each side of the boundary. It is therefore considered that any impact on playing field is negated as the two uses are the same could co-exist alongside each other.

Sport England have also been consulted within their statutory role to consider the impact on the existing playing fields and non statutory role from the creation of new playing fields.

#### Impact on Existing playing fields

Assessing the application against Playing Fields Policy the proposed development is not on a playing field and therefore would not affect any layout of pitches. Therefore, assessment against Playing Fields Policy Exception E3 would be pertinent. Exception 3 states:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

Sport England has consulted with the national Governing Bodies for Sport on this application and the Football Foundation does not consider ball strike risk to be a concern in this instance relative to football facilities and does not require a ball trajectory assessment.

As such they raise no objection as the proposal would not result in any reduction in the existing level of open space/playing fields on the site.

#### New playfield provision

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are:

1. Protect - To protect the right opportunities in the right places;

2. Enhance - To enhance opportunities through better use of existing provision;
3. Provide - To provide new opportunities to meet the needs of current and future generations.

By providing new playing field with capacity for football pitches would help address future grass playing pitch deficiencies therefore the proposal would meet 'objective 3 – provide', and therefore Sport England support this application in principle. In that regard Sport England would welcome a Community Use Agreement to secure community use of the playing field and any multi use games areas.

However, there is a lack of information setting out how the playing field would be constructed therefore Sport England advises the LPA to seek an agronomist report from a RIPTA registered sport turf agronomist to specify the operations required to construct playing field to meet appropriate sports industry standards. Sport England recommends that this includes a ground conditions assessment undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport'. This must be requested and considered now or be secured by planning condition.

Sport England has also consulted with the National Governing Bodies for Sport on this application and the Football Foundation (FF) advises:

- the development should accommodate the pitch requirements appropriate for the ages of children at the school. The Football Foundation comments that the notational area identified for football pitches (45.75m x 27.75m) is sufficient to meet the FA recommended pitch size for mini 5v5 play. It actually exceeds it in length, the recommended is 37x27m excluding the required 3m safety run-off areas required. The pitch areas show an insufficient run-off area to both the landscaping to the east and north (approx. 1.2m), as well as between the two pitches (approx. 1.5m). FF recommends that the applicant considers reducing the pitch lengths to recommended mini 5v5 dimensions and re-configure the siting slightly so that pitches are of the right size and with the required safety run-off areas. Primary schools typically require a 7v7 pitch for mini soccer at Y5-6 age, therefore FF recommends that the applicant explores how 1x mini 5v5 and 1x mini 7v7 pitch could be accommodated within the playing field to offer full flexibility for all pupil ages and for community use. FA recommended sizes:
  - Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area)
  - Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)
- The draft Cheshire East Playing Pitch & Outdoor Sport Strategy evidences that capacity for grass football pitches in the Nantwich area is balanced, though there is a shortfall of 3G pitches for football. The Strategy is not however at a point (Stage D) where club growth intentions have been scenario tested, and it is likely that growth when considered in this way would present a grass pitch capacity shortfall in Nantwich, over and above the population based approach currently applied. The current PPS document identifies that Nantwich Town FC plans to grow the number of teams it has.
- FF does not consider ballstrike risk to be a concern in this instance relative to football facilities and does not require a ball trajectory assessment.
- Should the proposal be considered acceptable, FF would need to see details of how the playing field is to be constructed and maintained, whilst they would like to see a Community Use Agreement to secure community access to the pitches and facilities in future. Given the proximity to existing football clubs and activity, it is likely that the site would be attractive to grow local football activity.

This being the case, Sport England offers no objections to this this application, as it is considered to meet Objective 3, however they suggest conditions be imposed requiring:

- 1) Detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land to identify constraints which could affect playing field quality and works to be carried out to this assessment
- 2) The playing field/artificial grass pitch to be used for Outdoor Sport and for no other purpose
- 3) The playing field/s and pitch/es to be constructed and laid out in accordance with the approved plans
- 4) Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review to be provided
- 5) Community use agreement

The requested conditions are noted. However condition 1 is not considered reasonable as the site is flat with no known irregularities suggesting no ground issues to require this condition. Condition 2 is not considered reasonable as the use would be for the school only. Condition 3 is already covered by the standards plans condition. Conditions 4 & 5 are considered to be overly cumbersome for the limited size of the playing field.

As such the proposal would not impact on existing areas of open space and would result in the provision of new playing fields for use by all and complies with Policy SE6 of the CELPS and REC1, REC 2 & REC 3 of the SADPD.

## **Highways**

The proposal seeks to provide a new access to the north/eastern boundary off Richard Gibson Road. Pedestrian access also be taken of this road but to the north western boundary.

Parking would be provided to the front of the proposed school building and seeks to provide x26 parking spaces (x2 disabled spaces)

At the time of writing the report, only initial holding comments have been received from the Councils Highways Engineer. These suggest part of the front fence be tapered to improve car/ped inter-visibility and also request confirmation of staff numbers.

This information is being provided by the applicant and will be considered in the update report along with the full comments of the Councils Highways Engineer.

As a result it is not possible to conclude the highway impacts at this time.

## **Design**

Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance. Policy GEN 1 of the SADPD also reflects this advice.

The proposal seeks to erect a modern designed building predominantly single storey building but with a 2 storey flat roof section to the front. The proposed materials are a mixture of brick and cladding of varied colours consistent with the appearance of other modern school buildings.



Comments have been raised in representations regarding the flat roof design and whether it is appropriate in this context. To this extent the Council's Design Officer has been consulted who did not raise concern with the proposed flat roof but considered the front elevation to be rather bland and too dominated by blank brickwork and suggested that if this was improved the flat roof could work in this location. It was also questioned why the parking area had to be at the front of the building as he preferred parking not be to the first feature of the site.

As a result revised plans have been received which seek to increase the number of openings at first floor level and introduction of cladding/colour to this elevation thus adding more interest and removing large areas of blank brick. The Design Officer considers this to be an acceptable improvement.

The applicant has explored the incorporation of a pitched roof on the front elevation, however they are restricted in design due to the placing of plant at first floor level given the lack of room elsewhere on this rather small site and the need to provide solar panels to meet wider Council energy targets which in essence dictates a flat roof. The applicant also advises that in reality there are no other suitable areas for parking other than the front given the narrow width of the site so parking is not possible to the side and the need to accommodate the outdoor playing areas to the rear prevents parking further inside the site. It is also noted that the site is not the biggest and is somewhat constrained by the need to provide sufficient teaching space and outdoor space.

Overall it is therefore considered that the proposed flat roof can work in this local context and is not an uncommon feature found in modern school buildings. Whilst it would have been preferable to have parking moved away from the frontage this does not appear feasible for this site, and is an issue to weigh up in the overall planning balance against the need for the educational facilities within the area and to meet the wider site allocation under Policy LPS 46.

Therefore it is considered that the proposal could be accommodated without causing significant harm to the character/appearance of the area and complies with Policy SE1 of the CELPS and GEN1 of the SADPD.

## **Amenity**

With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

The properties most affected by the proposal are properties to the North off Richard Gibson Road, East off Reaseheath Way and west off Onley Place

### Properties off Onley Place

The building would be sited 58m away to the side elevation of the nearest property No.28 Onley Place. This distance complies with the interface distance as noted in Policy HOU13 which suggests no harm by reason of overlooking/overbearing or overshadowing impact.

#### Properties of Reaseheath Way

The building would be over 80m to the front elevations of nearest properties on Reaseheath Way. This distance complies with the interface distance as noted in Policy HOU13 which suggests no harm by reason of overlooking/overbearing or overshadowing impact.

#### Properties off Richard Gibson Road

The building would be sited 47m away to the side elevation of the nearest property off Richard Gibson Road, No.31. This distance complies with the interface distance as noted in Policy HOU13 which suggests no harm by reason of overlooking/overbearing or overshadowing impact.

#### Noise from use

It is accepted that there would be some noise/disturbance to that associated with a school use, from coming and going of vehicles and people and from pupils using the outdoor areas etc. However given the separation distances provided this is not deemed to be significantly harmful to amenity.

There is also a netball court located in close proximity to the side elevations of No.28 Onley Place. Again use of this would likely result in some noise disturbance when in use. However the hours of use would largely be limited to the hours of a school day 9am-3pm (4pm with after school clubs) so would not result in any disturbance during unsocial hours. It is also not deemed that any noise created would be significant. No flood lighting is shown as being proposed, but condition can ensure that any new lighting does not result in light pollution to this property.

Therefore it is considered that the proposals could be accommodated without causing significant harm to living conditions of neighbouring properties and complies with Policy HOU13 of the SADPD.

### **Trees**

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided. Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

The parcel of land on which the new school site is proposed is located within LPS 46 Kingsley Fields and the incorporation of mature trees and hedgerows in the development of the area is a site-specific principal.

Protected trees which are off site are afforded protection by CEBC (Nantwich - Kingsley Fields) TPO 2016, namely 2 individual protected Oak (T8 southwest corner of site/T9 eastern boundary south of G2) and 1 group of 2 x Oak (G2 eastern boundary).

The application has been supported by an Arboricultural Planning Statement. The proposed development will require the removal of 2 trees and 1 hedgerow, with partial removal of 2 further tree groups and a hedgerow although all protected trees are shown for retention.

A preference was expressed that the layout should seek to maintain as much separation between the school building and trees as possible. Options were demonstrated to be limited due to competing requirements to provide adequate green space and parking and while the position of mature trees and their projected Root Protection Areas (RPA's) have influenced the layout, the relationship presents some concerns due to the extent of overhanging tree canopies affecting the outside playground, and construction, excavation and levels changes arising within the RPAs.

The report has sought to recommend solutions to the constraints identified including the terraced use of cellular confinement systems at staggered depths to accommodate the grade changes of approximately 330mm in respect of trees T7, T8 & T11. Pruning to reduce the radial crown spread and increase ground clearance will also be required although it's accepted that these works can likely be achieved while according with best practice (BS:3998 – 2010) subject to the provision of a suitably worded specification.

The drainage route will arise in disturbance within TPO'd tree T8 and while the Arb Report states that trenching cannot be relocated, that the manhole indicated within the RPA could be moved. Given the pruning works required, the extent of disturbance within the RPA to accommodate the levels change, and excavation to accommodate trenching for drainage, the relocation of the manhole is considered essential to ensure the longer term retention of protected tree T8.

The submitted statement confirms that the relationship of the new school with protected trees is close but broadly acceptable, and it's considered that it has been demonstrated that the school could be constructed without arising in significant harm to high amenity trees subject to strict adherence with the methodologies proposed.

The report proposes an accepted solution to accommodating the levels changes and excavation for drainage. Given that tree works are required to protected trees to create working space and ground clearance a pruning specification was required which has since been received and accepted by the Council's Forestry Officer. However confirmation should also be provided that the installation of drainage will specifically feature within the sequence of operations and trigger the need to arrange for onsite supervision during any excavation of the trench route.

Therefore the Council's Forestry Officer raises no objection subject to conditions requiring:

- The development to only proceed in complete accordance with the tree protection and special construction measures identified in the Landscape Tree Management and Pruning Schedule
- An Arboricultural Clerk to be appointed to report to the Local Planning Authority Arboriculturist on a monthly basis to consider integrity of protective fencing, integrity of RPA's of retained trees, compliance with construction exclusion zone, monitoring and supervision of landscaping works within RPA & monitoring and supervision of drainage routes with RPA's.

As a result subject to the conditions suggested, it is considered that the proposal can prevent any significant harm to existing landscape features and complies with Policy SE5 of the CELPS and ENV 6 SADPD

## **Flood Risk**

The site is located in flood zone 1. This means it has a low probability of flooding from rivers and the sea. However the proposal has been supported by a drainage report.

The Council's Flood Risk Team have been consulted and have raised no objection subject to conditions requiring a detailed drainage strategy be provided and implemented.

United Utilities have also been consulted who also raised no objection subject to condition requiring sustainable surface water drainage scheme & a foul water drainage scheme and SUDS

As such subject to conditions the proposal can be accommodated with causing significant drainage/flood risk concerns and complies with CELPS Policy SE13 & SADPD Policy ENV16.

## **Ecology**

### Habitats

Part of the application site was not accessible for survey due to the presence of temporary fencing. However the Council's Ecologist advises that this is unlikely have affected the reliability of the submitted survey reports and assessments.

### Great Crested Newts and Reptiles

The Council's Ecologist advises that these protected species are unlikely to be affected by the proposed development. No further action in respect of these species is therefore required.

### Bats

The Council's Ecologist advises that bats are unlikely to be affected by the proposed development, provided a suitable level of replacement hedgerow planting is provided on site and the lighting scheme for the site is designed to minimise impacts on bats.

### Badgers

No evidence of badgers was recorded during the submitted survey. However as the status of badgers can change in a short time scale therefore the Council's Ecologist recommends that if planning consent is granted a condition be attached which requires an updated badger survey prior to commencement of development.

### Hedgehogs

The Council's Ecologist advises that there is a low risk of this priority species being present on site. If this species was present the proposed development would result in the localised loss of suitable habitat and pose the risk of killing or injuring any hedgehogs present. The risk of hedgehogs being harmed could be reduced through the implementation of Reasonable Avoidance Measures and features for hedgehogs could be secured through the ecological enhancement condition.

## Nesting Birds

The application site is likely to support nesting birds, potentially including the more widespread priority species. The loss of hedgerows on site and site clearance is likely to result in a localised impact upon nesting birds. If planning consent is granted a condition is required preventing demolition taking place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds.

The incorporation of features for nesting birds could be secured through the Ecological Enhancement condition below.

## Hedgerows

Native Hedgerows are a priority habitat. Hedgerow 3 (as shown on the tree survey plans) would be lost as a result of the proposed development. The submitted Ecological Impact Assessment advises that this amounts to a loss of 30m of this hedgerow. Compensatory planting is proposed as part of the submitted landscape plan. If the loss of existing hedgerow is considered unavoidable The Council's Ecologist advises that the extent of compensatory planting proposed is sufficient to compensate for its loss and provide a minor net gain.

## Biodiversity Net gain and Ecological Enhancement

All development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and deliver a Biodiversity net gain in accordance with SADPD policy ENV 2. In order to assess the overall loss/gains of biodiversity the applicant has undertaken an assessment completed in accordance with the Defra Biodiversity 'Metric'.

The metric as submitted shows that the proposed development would result in the loss of 0.86 biodiversity units and so fail to comply with Local Plan Policy.

The metric calculation has however not included the native tree planting or ornamental orchard planting included on the submitted landscape plans. The inclusion of these measures will reduce the loss of biodiversity associated with the development. The Councils Ecologist therefore recommends that the metric be revised to include these planting proposals.

The preference is for any habitat creation to be provided on site in the first instance and if not possible offsite habitat creation would ordinarily need to be secured through a legal agreement to secure an appropriate level of habitat creation on site to achieve a net gain. However as the Council is the land owner this is not possible as it is not possible to enter into legal agreement with ourselves, therefore this would need to be secured by condition in this instance.

At the time of writing the report no conclusion has been reached as to how the habitat creation would be provided, although off-site creation appears the most likely option. This issue will be addressed in an update report.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3.

The Council's Ecologist therefore recommends that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

As such, excluding the issue of Biodiversity net gain, the proposal could be accommodated without causing significant ecological harm subject to conditions and complies with CELPS Policy SE3 and ENV 1 & ENV 2 of the SADPD.

## **Other**

The site was visited by the case officer on 15<sup>th</sup> June 2022.

The majority of representations responses have been addressed above in the report. The following remaining issues are addressed below:

### Impact on air quality

Conditions have been requested by Environmental Protection to deal with air quality (electric vehicle charging & low emission boilers).

### Lack of public consultation

Public consultation has taken place in accordance with the Development Management Procedures Order, including notifying residential properties which touch a site boundary and a site notice has been displayed.

### Should share facilities with Nantwich Town FC

The Council has to consider the application as proposed.

### Why not Groundsource rather than Airsource heating

The Council has to consider the application as proposed.

### Lack of footpaths for pupils to gain access

There are sufficient footpaths serving the site.

## **Conclusion**

The site lies in the Settlement Zone Line as designated in the adopted CELPS and SADPD. Development within the Settlement Zone Line is supported in principle within the CELPS provided that it accords with Policies SD1, SD2 and SE1.

The site is also covered by a site allocation under LPS 46 Kinglsey Fields, Nantwich which seeks a mixed use scheme including "...The provision of a site for a new primary school within the development or a financial contribution towards providing educational facilities.....Open space provision, including sports pitches; multi-use games area; children's equipped play space; outdoor gym and facilities for teenagers."

Policy PG9 of the SADPD advises that development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

The current proposal will be delivering a new primary school in a sustainable location. As a result the proposal is acceptable from a pure land use perspective. The provision of a primary school on this site was also previously secured under outline application 13/2471N.

The benefits of the proposal would be the provision of further primary education.

It would also provide benefits to outdoor sport and recreation and community benefits though the playing fields to be provided. As a result the proposal complies with Policy SE6 of the CELPS & REC1, REC 2 REC 3 of the SADPD.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies HOU12, HOU13 of the SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and HOU13 of the SADPD.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with SE5 of the CELPS and ENV6 of the SADPD

It is not yet possible to conclude the highway impacts or compliance with CO1 of the CELPS & INF3 of the SADPD.

Excluding Biodiversity net gain, the proposal can be accommodated without causing significant ecological impacts. As a result the proposal would comply with Policies SE 3 of the CELPS and ENV1 & ENV2 of the SADPD

The development is considered to be acceptable in design terms. As a result the proposal would accord with CELPS policy SE1, GEN1 of the SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

In conclusion the application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to the following conditions:**

- 1. 3 year time limit**
- 2. Development in accordance with the approved plans**
- 3. Details of proposed materials**
- 4. Dust suppression methods**
- 5. Lighting (amenity)**

6. Piling details
7. Details of electric vehicle charging points
8. Details of low emission boilers
9. Remediation strategy
10. Verification report
11. Contaminated land soil testing
12. Contaminated land unexpected contamination
13. Details of a sustainable surface water drainage scheme and a foul water drainage scheme
14. SUDS
15. Lighting (bats)
16. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds
17. Hedgehog Reasonable Avoidance measures
18. Submission of an ecological enhancement strategy
19. Updated badger survey prior to commencement of development
20. Details of levels
21. Development in accordance with the tree protection and special construction measures identified in the Landscape Tree Management and Pruning Schedule (4361-502) dated 16th May 2023, the Arboricultural Planning Statement (1051995\_Conlon\_Kingsley Fields School\_APS) dated April 2023, Tree Protection Plan (dated 20/4/2023) and Landscape Sections – Footpath with No dig construction for existing tree RPA (4316-301) dated 19/4/2023
22. An Arboricultural Clerk of Works
23. Landscaping scheme to be implemented

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager 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.



