

Application No: 19/4873N

Location: Land South of Sandfield House, STATION ROAD, WRENBURY, CW5 8EX

Proposal: Proposed construction of 45 dwelling houses, access, open space and associated infrastructure

Applicant: Miss J Allen, Sovini Homes Ltd

Expiry Date: 05-Nov-2021

## **SUMMARY**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The proposal site is located within the open countryside as set out in the Cheshire East Local Plan, however, is located within the Wrenbury Settlement Boundary as set out within the Wrenbury Neighbourhood Plan Policy HOU2, it is therefore considered to lie within the settlement. Part of the site is also shown to be within the village settlement within the emerging SADPD policies.

The proposal seeks permission for 45 affordable houses across two plots, off Station Road, Wrenbury. The site is bounded by residential development to north, garages to the west, Station Road to the east and the River Weaver to the south. Permission has previously been granted at outline state for 18 dwellings (14/5260N) and a further 27 dwellings (16/0953N). Outline permission is still extant on 14/5260N which is a significant material consideration.

The benefits of the proposal would be the provision of 100% affordable housing, Children Play space on site and the limited economic benefits during construction.

The development would have a neutral impact upon, flooding, air quality and contaminated land, and the loss of Agricultural Land. Also, it would have a neutral impact

on ecology, and trees subject to conditions, where necessary. The development will also include mitigation in terms of off-site contribution for Outdoor Sport, Education and Biodiversity net gain.

The dis-benefits would be the loss of open countryside, and lack of market housing.

It is therefore considered that on balance the development is acceptable and largely accords with the relevant policies within the Development Plan.

## **RECOMMENDATION**

**APPROVE WITH CONDITIONS**

## **PROPOSAL**

The proposal seeks full planning permission for the erection of 45 dwellings on land off Station Road, Wrenbury, with associated access, open space and associated infrastructure.

## **SITE DESCRIPTION**

The proposal site is situated on Station Road, Wrenbury, adjacent to Sandfield House, on the edge of Wrenbury settlement.

The proposal site is two pieces of land surrounded by trees and the River Weaver to the south, garages to the west, and residential properties to the north. The site slopes down towards the river and is particularly steep towards the southern aspect of the site.

There is a group TPO on the trees on the boundary frontage of the site with Sandfield House.

## **RELEVANT HISTORY**

18/3056N – Reserved Matters approval for the appearance, landscaping, layout and the layout of footpaths and associated works following approval 14/5260N - Outline application for residential development of up to 18 dwellings to include means of access – Not determined

17/6363N - Proposed construction of 45 dwelling houses, access, open space and associated infrastructure – withdrawn 31<sup>st</sup> January 2019

16/0953N – Erection of 27 dwellings and associated infrastructure. – Approved subject to a legal agreement 27<sup>th</sup> September 2016

15/1857N - Residential development of up to 18 dwellings to include means of access – withdrawn 23<sup>rd</sup> June 2015

14/5260N - Residential development of up to 18 dwellings to include means of access – Refused 25<sup>th</sup> February 2015, allowed at appeal 23<sup>rd</sup> June 2015

## **PLANNING POLICY**

### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

MP1 – Presumption in Favour of Sustainable Development  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE6 – Green Infrastructure  
SE7 – The Historic Environment  
SE9 – Energy Efficient Development,  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
SC4 – Residential Mix  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
IN1 – Infrastructure  
IN2 – Developer Contributions

Cheshire East Design Code

*Saved policies of the Crewe and Nantwich Local Plan 2011 (CNLP);*

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
RES.5 (Housing in the Open Countryside)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

Development on Backland and Gardens SPD (2008)

## **Wrenbury Neighbourhood Plan (WNP) (Made 22<sup>nd</sup> May 2019)**

HOU1 – Housing Allocation  
HOU2 – Location of new residential development  
HOU3 – Housing mix and Type  
LC1 – Character and Design  
LC2 – Landscape Character  
LC3 – Natural Environment and Biodiversity  
TR2 – Sustainable Transport  
TR3 – Vehicular access to the through the Parish  
INF1 – Broadband and Telecommunications  
INF2 – Renewable Energy

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

### **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection subject to condition for visibility splays to be kept clear of obstructions and informative for S38 Agreement.

**CEC Environmental Protection** – No objections, subject to a number of conditions; travel information pack, electric vehicle charging points, and soil importation and unexpected contaminated land, and informative for construction hours, piling foundations, Dust control, and unexpected contaminated land

**CEC Flood Risk** – No objection in principle, subject to conditions for adherence with the FRA, detailed drainage strategy/design/ management and maintenance, and Levels.

**CEC Education** – No objection subject to developer contribution of £257,515

**CEC Open Space (ANSA)** – No objection to the Childrens Play Space provision, but require further details by condition. A contribution of £45,000 is required to mitigate for Outdoor Sports towards Wrenbury Recreational Ground.

**CEC Housing** – No objections

**Environment Agency** – No objection in principle, subject to condition for finished floor levels

**United Utilities** – No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme.

**Wrenbury-cum-Frith Parish Council** – *The Parish Council have submitted 4 formal comments on this application. A summary of the parish council's comments are noted below. The full versions are available to view on the application file on the website.*

**[17<sup>th</sup> December 2019]**

The Parish Council considered this application at its meeting held on 12 December 2019, whereby it resolved to object to the application for the following reasons -

- The submission has factual inaccuracies, e.g. Distance to Nantwich, distance to Train Station, land is not undeveloped it is open countryside, it is not within the Green Belt, Outline permissions have lapsed, there is only one church in Wrenbury, no direct trains to Chester, Station Road is not a safe pedestrian route, Oakfield Avenue was built in the 1980's, the key on the plans is incorrect.
- There are omissions and misleading information within the statement, e.g. Footpaths are extremely narrow on Station Road, dwellings on Station Road are not within the village settlement, The Bovis site was approved prior to the adoption of the Cheshire Local Plan Strategy and Design Guide, the Ecological buffer is not clearly identified on the plans, there is a lack of information in relation to Archaeology, potential impact on the school in relation to more cars and safety, the bus service in the area is infrequent.

**[17<sup>th</sup> August 2020]**

The latest planning application for this site appears to have taken note of the criticisms made by many parties for Application 17/6363N, which was recommended for refusal and subsequently withdrawn, however despite addressing some of these concerns the Wrenbury Parish Council objects to the scheme proposed for the following reasons.

1. 100% affordable will attract younger families, however there is little employment opportunities in the village and therefore occupants will be car dependant. This will not accord with the Council policies to reduce carbon footprint.
2. There is no need for more housing in Wrenbury. Whilst there may be a national shortage of housing, there is not a local shortage. The recently built Bovis site has struggled to sell the intermediate social housing provision.
3. There is no evidence that there is need for 100% affordable housing scheme in the area.
4. Cheshire East and Wrenbury Neighbourhood Plan policies require a mix of social and market housing and this should be adhered to.
5. Wrenbury village has recently had 34 new affordable properties over 2 sites. An additional 45 affordable dwellings will increase the proportion to 35% of the village housing stock. Question why there is no market housing within the scheme. Development should be 70% market housing, 30% affordable.
6. The development does not accord with the Housing Needs Advice note used to inform the Neighbourhood Plan, which sets out that location need is for downsizing, to free up under used existing dwellings and single person households.

**[23<sup>rd</sup> August 2021]**

Having reviewed the latest information from the Applicant we make the following comments which are in addition to our earlier detailed objection posted 17th August 2020, this also attached

1. Our detailed objections, August 2020, remain fully relevant and we urge you to consider the content in detail as it identifies all the reasons why this proposed development is unsuitable for Wrenbury village. Parish Councillors live in the village and recognise the constraints of this small rural community and the impact this development will have on village life and its limited services.
2. The Applicant has failed to justify the development being 100% affordable dwellings, lacking supporting documentation to identify any local need which this property mix satisfies. This 100% affordable homes mix is contrary to LPS policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs)
3. The Applicant refers to 2 historic approvals of previous applications for this site, 14/5260N which was allowed at appeal on 23 June 2015 for 18 dwellings and 16/0953N for 27 dwellings which was approved on 27/09/2016. The Applicant fails to mention that each of these schemes provided a mixed development with 30% Affordable dwellings and the remainder being open market dwellings
4. Wrenbury-cum-Frith is a village included in the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 and as such the Registered Provider would be expected to comply with the requirements regarding shared ownership dwellings and retention of affordable housing in perpetuity. This obligation does not appear in the application to date and must be conditioned and not be waived by Cheshire East Council, this to ensure an element of affordable housing on this site in perpetuity.
5. Should the Planning Application be approved the Parish Council would expect the applicant/developer/Registered Provider to maintain the two play areas noted in the development. The Parish Council would not be involved with these facilities.

**[17<sup>th</sup> September 2021]** The Parish Council wish to add the following objection to its previous objections, based upon information received recently regarding the paucity of primary school places in the area.

The Parish Council is now aware that following this September's new pupil intake the 2 local primary schools of Wrenbury and Sound are almost 80% over or at their PAN (published admissions number) as noted below.

**PAN analysis**

Wrenbury Primary School - 4 year groups over PAN, (published admissions number) 1 at PAN and 2 years below PAN

Sound Primary School - 4 year groups over PAN, (published admissions number) 2 at PAN and 1 years below PAN

Aggregated at - 8 year groups over PAN, (published admissions number) 3 at PAN and only 3 years below PAN out of 14 year groups

Attendance of primary age children from this proposed development will be very difficult/impossible to achieve in these 2 schools, necessitating travel by car or bus to available places, likely in Nantwich. This is extremely undesirable for these young children and will have a detrimental impact on the environment, which Cheshire East Planning Policies seek to avoid.

## REPRESENTATIONS

Letters of objection have been received from 22 households. The main issues raised are;

- Wrenbury does not require any more housing
- Infrastructure in the area is at full capacity, e.g. Doctors, School, Roads
- Loss of open countryside will have a detrimental impact on the area
- Impact on wildlife, and protected species
- This application does not resolve the issues raised by the previously recommended for refusal application
- The Council now has a 5-year housing land supply and therefore the housing is not needed
- The proposal is an overdevelopment of the site
- Houses on the Bovis Scheme have struggled to sell, and there have been applications to change the type of affordable housing provision due to lack of demand
- There is little employment opportunities in the area and therefore all occupants will need to travel for work
- The site is on a very inadequate bus service which would not be suitable for commuting purposes
- Location of Children's Play area is not appropriate, adjacent to main road through the site
- Concerns raised of amenity impact on neighbours on the northern edge of the site
- Impact on light pollution/dark skies
- Concerns raised over the drainage scheme and it not being adhered to
- Conditions imposed on the original outline permission should be reimposed if the application is approved
- No Archaeological assessment has been carried out
- Flood risk concerns, site has recently flooded
- The design of the housing adjacent to the Station Road,
- Concerns raised over the access and impact on protected trees
- Impact on neighbouring amenity due to noise and pollution
- Amenity impact by means of overlooking, overbearing, on neighbours
- Loss of hedgerow along Station Road will have a detrimental impact on the street scene,
- Lack of detail, e.g. Electrical substation,
- The pavement along Station road is very narrow and the increase in traffic on this road will make this walking route more hazardous than it already is
- Factual errors with the application, including location to Nantwich, the site being in the greenbelt, there are no direct trains to Chester, only one church, no social club,
- Existing boundary treatment is limited and occupiers enjoy the view
- Since the Outline applications were received the LPS has been adopted and this site would not accord with those policies
- Limited Economic benefits
- Design is not in keeping with the local area
- There will be an oversupply of housing in area
- The site is unsustainable and not well linked
- Concerns raised over the level of vehicle movements through the village, and the increase cause highway safety concerns
- Train service is bi-hourly not hourly to Crewe
- 100% affordable housing provision is against policy PG6 and RES.5
- Concerns over surface water run off increases caused by the development
- No EVI charging point shown therefore the housing is not future proofed

- Issues with existing road surface caused impact on existing occupiers
- Concerns raised over the location of the children's play are near the access driveway and the river
- Development of 45 houses will create significant disruption to the village, and exacerbate existing infrastructure issues
- Development does not accord with the Neighbourhood Plan

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within the open countryside within the Cheshire East Local Plan Strategy where Policy PG6 is usually the relevant policy, however the settlement boundaries were not amended when the LPS was adopted in 2017.

However, since the adoption of the LPS the site is now allocated and shown as within the settlement boundary of Wrenbury village within the Wrenbury Neighbourhood Plan (Policy HOU 2 – figure G), and due to its adoption being more recently than the LPS it is considered to have primacy as part of the Development Plan for the area. Policy HOU 2 states that, '*....new housing development or redevelopment consistent with the role and function of Wrenbury as a Local Service Centre will be supported within the settlement boundary of Wrenbury*'.

This is in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 which states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

It should also be noted that the initial smaller part of the development site, adjacent to Station Road, is proposed to be included within the settlement boundary of Wrenbury within the draft adopted policies map as part of the emerging SADPD. However, at this time the plan has limited weight.

The village of Wrenbury is identified as a Local Service centre within Policy PG2 of the LPS, where small scale development to meet the needs and priorities will be supported where they will contribute to the creation and maintenance of sustainable communities. Policy PG7 sets out that in Local Service centres around 3,500 new homes are expected to be accommodated.

### *Planning history*

Furthermore, the principle of residential development on site has already previously been accepted at outline application stage, and this is considered to be a material consideration of this development. The site was split into two outline applications, the first approved at appeal 14/5260N for 18 dwellings and 16/0953N approved for 27 dwellings. This application is a full application for 45 dwellings; however, the red edge of the site is slightly larger than the previous indicative outlines. Outline permission 14/5260N is an extant permission, with a reserved matters application outstanding which could still be determined and implemented and therefore this is a significant material consideration in the determination of this development. The outline permission for 16/0953N has lapsed but is still considered to be a material planning consideration.

### *Conclusion*

It is therefore considered that the principle of residential development on the site has previously been accepted, and its inclusion within the Wrenbury Neighbourhood Plan village settlement boundary means the site is acceptable in principle for residential development subject to compliance with all other relevant policies of the development plan.

## **Housing Land Supply**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly, the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up-to-date development plan without delay"

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that "I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years".

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered 'recently adopted' until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update

In May 2021, the Council has published an updated 5-year housing land supply position. National planning policy requires all councils to maintain a minimum 5-year supply of deliverable housing land. Not having a 5-year supply can have implications for planning application decision making, whereby the 'tilted balance' in favour of granting planning permission can apply. The Council's deliverable supply as at 31 March 2020 was 6.4 years.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

Therefore, whilst the Council can demonstrate a 5 year supply, currently, this is not a maximum requirement, and housing is still needed to ensure the constant supply is achieved. Given the site is within the Wrenbury Neighbourhood Plan settlement boundary this is a policy compliant housing site which should be considered.

## **Housing Mix**

Paragraph 62 of the 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'.

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the WNP Policies HOU3 (Housing Mix and Type) which states new homes in developments of 10 or more should be limited to one-third detached properties (unless up – to date evidence or other material considerations for a different mix are accepted), with the remainder (both affordable and market dwellings) provided for smaller homes, bungalows, apartments, terraced or semi-detached and provide for changing needs of an ageing population.

The plans indicate a generally good mix of dwellings proposed, with 4 bungalows proposed, 26no semi-detached dwellings, 9no detached dwellings and 2 blocks of 3no mews properties. All dwellings are single or two storey dwellings. There is a mix of 2 and 3 bedrooms properties. The housing mix appears to adhere to the Neighbourhood Plan Policy which aims to restrict the level of detached properties to one third of the development, however it does not achieve a mix of affordable and market housing dwellings.

## **Affordable Housing**

The Cheshire East Local Plan (CELP) policy SC5 states in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 45 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 14 (13.5) dwellings to be provided as affordable dwellings.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Wrenbury as their first choice is 26. This can be broken down to 12 x 1 bedroom, 6 x 2 bedroom, 7 x 3 bedroom and 1 x 4 bedroom dwellings. The waiting list also shows that 2 x 1 bedroom dwellings are required for over 55's.

From the available data (Without the Rural Housing Need Survey) a mix of 1, 2 and 3 dwellings would be acceptable with a provision for 1 bedroom over 55 accommodation.

9 units should be provided as Affordable/Social rent and 5 units as Intermediate tenure.

All Affordable Housing will need to be provided in line with policies SC 5 and if required SC 6 of the Cheshire East Local (CELPS).

The applicant has now confirmed that the site is to be 100% Affordable Site. The site is not considered to be a Rural Exception Site under SC 6 as it is located within the village settlement.

It is proposed that the following mix is provided.

- X 9 Affordable Rent
- X 15 Rent to Buy
- X 21 Shared Ownership

It is required that on a 100% Affordable site, 30% of the housing has to follow the preferred split of 65% Rented and 65% Intermediate, the 9 units as rented with the rest as Intermediate is considered to meet the required split.

There now has been an Affordable Housing Statement included in the revised Supplementary Planning Statement and includes the required information the housing team require. The provision should be secured by S106 Agreement.

It is therefore considered that the proposal although exceeds the normal 30% affordable housing provision required for the development site, the 100% affordable housing provision is a significant material consideration and would be a social benefit of the scheme.

## **Open Space**

The green infrastructure for this development consists of a landscaped amenity buffer on the northern boundary, green gateway from Station Road, a centrally located children's play area, and area located towards the lower section of the site, tree retention along western boundary and an ecological corridor adjacent to the River Weaver.

Policy SE6, Table 13.1 sets out the various green space land typology requirements major development should provide. The Green Space Strategy highlights Wrenbury has a shortage of 0.85ha of children and teenager play provision.

The amended plans show two areas for children's play one in the middle of the site and one towards the lower area of the site. The applicants states that there will be around 5,724 sqm of open space within the development, however part of this area is a SUDs pond and a wildlife meadow. Nevertheless, special areas of play have been shown on the plans with 4 pieces of equipment. These are indicative and it is considered that if permission is granted, a condition will be required for the full details to be agreed by condition, including the surfacing material of the proposed pathways, to ensure they are inclusive.

## *Outdoor Sport*

Policy SC2 – 3 Make sure that major residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

The Play Pitch Strategy states there are various issues with the different sports played at Wrenbury Recreation Ground ranging from poor quality of pitches to sub standard changing facilities. This is classed as a local site with football capacity issues. Improvements to pitch quality and changing facilities

are suggested through the PPS. Therefore, a financial contribution of £1,000 per family dwelling or £500 per 2 bed space (or more) per apartment for off-site provision is sought. The proposal therefore requires a contribution of £45,000 to mitigate for the lack of outdoor sport provision towards the nearby Wrenbury Recreational Ground to be secured by S106 Agreement.

## Education

In Cheshire East we are committed to making a difference to the lives of children and young people in our communities.

Cheshire East had 96.3% of its schools rated as outstanding or good by Ofsted in 2016. Children's Services is committed to putting residents first and creating greater opportunities for our young people to live rewarding lives by delivering and maintaining a high standard of education in the Borough.

The Local Plan is expected to deliver 36,000 houses in Cheshire East, which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 45 dwellings is expected to generate:

- 9 - Primary children (45 x 0.19)
- 7 - Secondary children (45 x 0.15)
- 1 - SEN children (45 x 0.51 x 0.023%)

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

The Service acknowledges that this is an existing concern, however the 9 primary age and 7 secondary age children expected from the Land South of Sandfield House, Station Road, Wrenbury application will exacerbate the shortfall.

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

To alleviate forecast pressures, the following contributions would be required:

- 9 x £11,919 x 0.91 = £97,616 (primary)
- 7 x £17,959 x 0.91 = £114,399 (Secondary)
- 1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £257,515

This will be secured via a S106 Agreement should the application be approved.

It is noted that the Parish Council have raised concerns regarding the existing Education Provision in the area being at full capacity, and therefore securing the contribution for additional children will be a benefit of the scheme which will therefore have a negligible impact on the schools as capacity is planned for.

### **Locational Sustainability**

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

The site is on the edge of Wrenbury village which is categorised as a Local Service Centre within Policy PG 2 of the CELPS. The site was considered to be locationally sustainable within the two previous decisions, as the majority of local services are in close proximity of the site within 1km of the site, including, post box, public house, Church, Bus Stop, Post Office, Local Shop, Medical Centre, Equipped Playground, Primary School, Railway Station, Sports Ground and Social Club and Village Green.

As a result, it is considered that the site would be locationally sustainable.

It is noted that within the objections raised concerns relate to the lack of employment in the village, and the need for car journeys will increase. However, it is clear that within the last 18 months there has been a shift in certain sectors to enable home and flexible working and therefore although undoubtedly there will be some journeys to employment outside of the village, there may also be more home working roles.

### **Residential Amenity**

The main residential properties affected by this development are Sandfield House, 20-34 Oakfield Avenue, and 11-17 Oakfield Close, where the development backs onto the rear of these properties.

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principle windows and 13.5m principle windows and flank elevations or non-habitable windows. However, the adopted standards within the Cheshire East Design Guide allow for lower separation distances where property front on to one another, and within development sites.

The plan layout generally meets the Council's separations distances externally, with an access road creating a buffer to the north of the site, with additional planting proposed along the northern boundary to help mitigate the impact further.

The amended plan shows the development moved away from the neighbours at Sandfield House, and located on the opposite side of the access road, and with a grass amenity area. Although the dwellings on plots 38/39 look toward the front garden of the dwelling they are located 22m away from the boundary and therefore are sufficient distance to adhere to the policies on separation distances. The existing protected trees are also located on this boundary and therefore will afford further protection to the neighbours at Sandfield House.

The Cheshire East Residential Design Guide sets out that a lower distance of 18m between frontages could be acceptable for new development. Within the site the majority of the houses meet the separation distances set out in the Design Guide, except plots 16 – 2, and Plots 10 – 21, which are 17m away from the front elevations, there are also some plots which are lower but do not directly overlook one another. Furthermore, the Design Guide sets out that there may be situations where a lower separation distance

can be accepted down to 12m. The design of the development has evolved over the application and the location of principle windows and side elevations has been carefully considered and where there are some closer properties the principle windows do not directly overlook one another, and therefore it is considered that the proposal is acceptable.

The Council also has a standard of 50m<sup>2</sup> garden areas for future occupiers, Plot 25 and Plot 44 fall just below this standard, but all other dwellings meet the requirement. Plot 5 is slightly affected by existing tree coverage in relation to the garden area, however it is not considered that this would have a significant impact on future neighbouring amenity due to the orientation of the dwelling.

Environmental Protection have raised no objections to the proposal subject to conditions regarding piling, construction management plan, construction hours, travel plan, electric vehicle charging, dust, boilers, contaminated land.

It is therefore considered that the proposal is acceptable in terms of existing and proposed amenity and therefore is acceptable.

## **Highways**

The site currently consists of fields with little to no traffic movement associated with it. The proposal is a full application for 45 dwellings with a new access off Station Road. The site has previously had approval, via 2 separate outline applications, for the same number of dwellings as this current proposal, and the principle and detail of access has already been accepted.

There is a footway that runs from the site into Wrenbury providing access to the local destinations including to the bus stops on Nantwich Road. The train station can be accessed also, which is a short distance to the south of the site.

The Strategic Highways Officer notes that the access onto Station Road has been relocated from what has been approved but remains acceptable. The access will be sufficiently wide for vehicles and will adhere to CE adoptable standards. Also, 2m footways are provided within the site and parking is to standard. Sufficient turning areas for refuse vehicles will be available except for plots 35-44 where a bin collection point, adjacent to what will be the public highway, will be made available.

The Strategic Highways officer therefore notes that the proposal is acceptable and no objection is raised subject to a condition to ensure the visibility splays are kept obstruction free and an informative for a S38 Agreement.

## **Landscape**

This is a full application for 45 dwellings, access, open space and associated infrastructure on land south of Sandfield House, Station Road, Wrenbury. The application site covers an area of 2.08 hectares and is currently agricultural land, described in the Design and Access Statement as '*open grassland and comprises two linked agricultural fields which were historically grazed*'. The application site is bound to the north by existing residential development and to the south by the wider rural landscape. The River Weaver and associated woodland vegetation follows a route to the south of the western part of the proposed development.

The submission does not include either a Landscape and Visual Assessment or Appraisal. The Design and Access Statement does identify the site context and a number of constraints, including changes in level across the site, the ecological buffer zone along the River Weaver, electricity lines crossing the site and the existing hedgerow along the Station Road boundary. The Design and Access Statement also refers to the Cheshire East Design Guide, which identifies that the site is located within the Market Towns and Estate Villages Character Area.

The design principles for the proposals include a landscaped amenity buffer along the northern boundary, green access entry from Station Road, dual aspect properties, a centrally located children's play area, retention of existing trees along the western boundary, an ecological corridor and the retention of existing hedgerow. In some respects, many of these principles have been followed to an extent.

The revised landscape scheme for the site has addressed the concerns originally raised by the Landscape Officer and therefore is considered to now be acceptable. The landscape plan should be conditioned for implementation.

## **Trees**

The site is agricultural land with grassland, trees and hedgerows present. Three Pine trees to the north of the site on the boundary with Sandfield House are subject to the protection of the Crewe and Nantwich (Wrenbury No. 3) Tree Preservation Order 1984. There is significant variation in level across the site.

There is a history of planning applications relating to the site. The most recent application was withdrawn following an officer recommendation for refusal on grounds which included negative impact on trees.

Revised Layout D appears to incorporate minor amendments to the housing layout and provides further detail of the layout for the open space. The updated Arboricultural Impact Assessment dated 26/6/20 identifies likely impacts arising from the proposals and includes cross sections of areas where ground modelling is proposed near trees and hedges.

The Impacts shown are:

- Loss of 24m of roadside hedge for access and visibility splays
- Crown lifting of one tree over proposed access road
- Cutting back of hedgerows and tree groups to accommodate development
- Shading of plot 5 by a mature Ash tree T9

The Forestry Officer states that all healthy trees are shown for retention.

Ground modelling appears to have been detailed to reduce impacts on trees with the extensive use of retaining structures across the site. (No design details for structures identified other than a reference to a gabion wall in the POS on the Landscape Strategy plan). Full details can be conditioned for submission.

The Forestry Officer highlights that the layout could be improved further in the following areas:

- Affording greater separation between plot 5, mature Ash tree T9 and adjacent off site tree to the north. (As proposed, the property and half the garden will be over shadowed).

- Reducing the road back from the development boundary south of plot 34, affording space to accommodate further infill hedge planting as proposed between Tree groups G2 and G3, southeast of plots 34,35, 44 & 45).

The applicant has considered the proposed amendments, and states that although carefully considered, it has not been possible to make these amendments as it would threaten the overall delivery of the scheme, and on balance a large number of issues relating to tree have already been addressed. This should be considered within the planning balance of the scheme.

The Forestry Officer noted that in the event of approval, conditions should be attached to require the submission of a Tree Protection Scheme, submission of a AMS and the submission of detailed design detail of the proposed retaining structures.

## **Design**

The proposal has been assessed using the Council's Cheshire East Design Guide, supporting a Building for Life 12 assessment. The scheme as amended has scored 3 amber awards, and 9 Green awards for the scheme.

### *Connections* (Amber rating)

The homes are served by a single vehicular access from Station Road to the east and whilst this is clearly the only real option for connection to the existing highway, there is a concern over the nature of this entrance on what is an attractive gateway to the village. Internally, the split nature of the site (as a result of the topography) has led to an essentially linear layout with five cul-de-sac 'fingers' coming off it and whilst the reasons for this are clear, it is a not well connected layout. Whilst it is appreciated that the nature of the site, its location and topography in particular, does limit the options it is clearly not possible to award a green light here and an amber is the result.

### *Facilities and Services* (Green)

It would not be expected to provide additional facilities for a development of this size and none are included, aside from 'Children's Play'.

With regard to access to external facilities and services, it can be seen that the site lies within about a ten-minute walk of Wrenbury village centre and is slightly closer to the Primary School. As it is not reasonable to expect the provision of anything more in this location a green is awarded.

### *Public Transport* (Green)

The site is located around a ten-minute walk from the nearest stop on the only bus route serving the village which has a regular service into Nantwich at approximately 3-hour intervals. Potentially more useful for commuting is the Railway Station located only a few minutes walk down Station Road. This has hourly services into Crewe and less frequent ones into Chester where a wide range of connections can

be made. Overall, for a rural site public transport connections are good and as a result a green light is awarded here.

### *Meeting Local Housing Needs*

(Green)

The accommodation mix is suitably varied, including 2, 3 and 4-bed houses with some bungalows and has been seemingly agreed after consultation with the Local Planning Authority. Originally there was confusion over the amount of affordable housing being proposed. However, this has subsequently been confirmed as 100% affordable housing scheme and therefore is now afforded a Green award.

### *Character*

(Amber)

Site context and character analysis is included in the DAS and this makes useful reference to the Borough Design Guide, specifically the 'Market Towns and Estate Villages' character areas (CEC, 2017ii, pp59-68) and this is welcomed. Amended plans and discussions between the Design Teams were carried out and whilst originally awarded a red light, the most recent amendments have increased the award to Amber. The Design officer notes that it would be difficult to achieve any higher on this site due to the constraints posed by the location

### *Working with the Site and its Context*

(Amber)

There has been a clear attempt to retain trees on the site and the layout has been designed to accommodate these. There is also consideration of the sloping topography and the need to create an ecological buffer to the River Weaver to the south. The layout is considered to be successful in this regard, with the opportunity offered to create positive long distance views of the village and from the homes exploited with the 'fingers' of the lanes providing many oblique views. The difficult issue of the boundary to the north is also resolved as well as could be expected. One issue is the approximately 50m of mature hedgerow lost to the Station Road boundary and there is no indication of where this is to be replaced. As a result of this and the general issue over the high density of development described above, an amber is awarded here but this could be easily converted to green.

### *Creating Well Defined Streets and Spaces*

(Green)

The positioning of homes only along one side of the main entrance street is understandable given the constraints of the site and the building lines are generally appropriate. Homes turn corners well and both front doors and habitable rooms typically address the street, which is good. Overall, the height-to-width ratios are broadly appropriate too, and the homes facing the open space (plots 22-26 and 31-34) would have a pleasant outlook as well as providing useful surveillance. The termination of the views at the end of the cul-de-sac 'fingers' with the open space and river beyond could/should be successful but some more exploration of how this may look would be useful. Overall though this is successful, buildings define and enhance streets and a green is awarded.

### *Easy to Find Your Way Around*

(Green)

The scheme is relatively small and there are a number of natural signposts to act as references, so finding your way around is not likely to be an issue. The lack of internal connectivity as a result of the multiple cul-de-sac layout could be problematic as could the lack of distinctiveness with the house types but, despite this the scheme would still be easy to navigate and therefore a green light is awarded here.

### *Streets For All* (Green)

There is a suitably simple hierarchy of streets with a variation in surface treatments. Amendments have been made to the layout to clarify the hierarchy and the amber light has been increased to green.

### *Car Parking* (Green)

Initially concerns were raised regarding some of the larger parking areas and lack of visitor parking. These issues have now been amended and the scheme has been awarded a Green.

### *Public and Private Spaces* (Green)

The consistent building lines and a layout with private gardens to the rear and semi-private spaces to the front means that public and private spaces should generally be clearly defined across the scheme. The application now identifies the various boundary treatments and has more detailed information regards the public area and Childrens Play area. The development is now awarded a Green.

### *External Storage and Amenity Space* (Green)

There is adequate space for the storage of household waste including recycling at the rear of the dwellings and there is a clear external route to the front of the property for collection without the need to go through homes. Clarity on the location and storage has been shown on the amended plans and the proposal has now been scored a Green award.

### Conclusion

The Urban Design officer therefore concludes that as a result of the amended plans, there are no longer any objections to the scheme from an urban design perspective.

## **Ecology**

The application includes protected species survey, which the Councils Ecologist has considered.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a 24m section of hedgerow to facilitate the site access.

The Ecology officer advises that in the event that this loss of hedgerow is considered unavoidable and planning consent is granted, sufficient replacement hedgerow planting would be required to be delivered to compensate for that lost.

A condition should be included in any permission for the replacement of hedgerow to mitigate the loss.

### Other protected species

Other Protected species activity appears to have reduced on site in recent years. However, a number of habitats are still present on site. The proposed layout would result in the loss of one sett and the potential disturbance of a second. In order to avoid the risk of other protected species being harmed during the construction phase the applicant proposes to permanently close one minor habitat and temporarily close a second habitat prior to the commencement of development. The setts would be closed under the terms of a Natural England license. The submitted mitigation strategy also includes recommendations for the monitoring of activity on site prior to the commencement of development.

In the event that planning consent is granted the Councils Ecologist advises that the proposed mitigation is acceptable to address the impacts of the development upon the existing other protected species habitat.

The proposed development would also result in the loss of foraging habitat. It is advised that this is not likely to have a significant impact upon the species provided suitable habitat is retained adjacent to the river corridor.

As the status of other protected species can change within a short timescale it is recommended that if planning consent is granted a condition should be attached which requires the submission of an updated other protected species survey and mitigation strategy prior to the commencement of development.

### Barn Owl

This priority species was previously recorded foraging over the rough vegetation adjacent to the river to the south of the site. This habitat does not however appear optimal for barn owls. The Councils Ecologist advises that the retention of an undeveloped buffer between the proposed development and the river would retain the barn foraging habitat. Under the current proposals an area of 'Wild flower planting is proposed'. This is likely to retain suboptimal habitat for barn owls on site.

### Trees with Bat roosting potential

Bat foraging activity on site, as recorded during surveys to inform the earlier application at this site, was concentrated around the south west corner of the application site close to the Ash trees in this locality and also to the south east of the site adjacent to a large Oak Tree. The submitted ecological assessment identified a number of trees with potential to support roosting bats. These trees would however be retained as part of the proposed development. The proposed development is therefore unlikely to have a direct impact upon foraging bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

### River Weaver

The proposed development retains a buffer between the proposed development and the adjacent River Weaver. This buffer would be sufficient to avoid any direct impacts on the river. The Council's Ecologist further advises that in the event that planning consent is granted a Construction Environmental Management Plan (CEMP) which includes proposals to safeguard the river corridor and associated habitats should be secured by means of a condition.

### Offsetting/Defra metric - final comments

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The applicant has submitted a biodiversity assessment using the version 2.0 Biodiversity Metric. An assessment of this type quantifies the residual impacts of the development and calculates in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

The submitted assessment concludes that the proposed development would result in a loss of 0.61 biodiversity units. With a total of 1.06 units being required to deliver 10% net gain.

The proposed development therefore fails to comply with Local Plan policy SE3.

However, if the Council is minded to approve this application the Council may accept a commuted sum in order to deliver habitat creation at an off-site location.

The commuted sum would be calculated on the basis of £10,035 being cost per biodiversity unit of grassland habitat required and an additional fee of £1,200 per unit to cover our officer time and expenses in delivering the offsite habitat creation works. These are the figures from the CEC Biodiversity SPD which has just been through its consultation period.

As 1.06 units are required to secure Biodiversity Net Gain, the appropriate commuted sum would be calculated as follows:

$$1.06 \text{ (units required)} \times £11,235.00 \text{ (habitat creation + additional fee)} = £11,909.10$$

In order to ensure sufficient habitat creation is delivered on site a habitat creation method statement and 30 year management plan is required, to be secured by condition.

Furthermore, this planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

## **Air Quality**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is for the construction of 45 new dwellings. Whilst this scheme itself is of a scale which would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Travel Information Pack
- Electric Vehicle Infrastructure

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

## **Flood Risk**

The application includes a submitted Flood Risk Assessment which demonstrates the proposed dwellings will be on land that is approximately 3 metres above the modelled 1 in 100 year fluvial flood level in the River weaver.

The Environmental Agency has raised no objections to the proposal, however, note that the water course along the southern boundary of the site is the River Weaver, which is designated as 'main river', and therefore any works within eight meter of the top of the bank of the river may need a permit. A condition has been suggested also for the adherence of the development with the FRA.

Furthermore, the Councils Flood Risk Officers have raised no objections to the proposal and note that the FRA has been accepted by the Environment Agency. The developer will be required to seek appropriate permits in line with EA guidance on outfall into a min river. Subject to conditions the Floodrisk Officer has raised no concerns.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding submission of the drainage scheme, foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice. The UU have also raised concerns that a public sewer crosses the site and development over it may not be permitted.

Therefore, subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

## **Agricultural Land Quality**

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

It has not been possible to ascertain whether the land is Grade 3a or 3b. However, given the limited size of the site, its location and the previous permissions it is not considered that its loss would be significantly detrimental.

## **CIL Compliance**

In order to comply with the Community Infrastructure Regulations 2010, it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

The proposal would result in a requirement for the provision of 14 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development. However, the scheme is proposed at 100% affordable and to ensure all is provided in accordance with the mix set out above, it is considered reasonable and fair to ensure it is retained as such in perpetuity.

The development would result in increased demand for primary, secondary school and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the area of open space is identified on the submitted plans, and this along with the maintenance of this space by means of a private management company, it is therefore necessary to secure these works and a management scheme. Furthermore, the site increased the demand for outdoor sports in the area and a contribution of £45,000 towards the Wrenbury Recreational Ground is required. This is directly related to the development and is fair and reasonable.

Furthermore, the site will incur a loss of 0.61 biodiversity units with a total of 1.06 units being required to deliver a 10% net gain as required by policy. This is required to make the proposal policy compliant and there is considered to be directly related, fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **PLANNING BALANCE**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The proposal site is located within the open countryside as set out in the Cheshire East Local Plan, however is located within the Wrenbury settlement boundary as set out within the Wrenbury Neighbourhood Plan Policy HOU2, it is therefore considered to lie within the settlement. Part of the site is also shown to be within the village settlement within the emerging SADPD policies.

The proposal seeks permission for 45 affordable houses across two plots, off Station Road, Wrenbury. The site is bounded by residential development to north, garages to the west, Station Road to the east and the River Weaver to the south. Permission has previously been granted at outline state for 18 dwellings (14/5260N) and a further 27 dwellings (16/0953N). Outline permission is still extant on 14/5260N which is a significant material consideration.

The benefits of the proposal would be the provision of 100% affordable housing, Children Play space on site and the limited economic benefits during construction.

The development would have a neutral impact upon, flooding, air quality and contaminated land, and the loss of Agricultural Land. Also, it would have a neutral impact on ecology, and trees subject to conditions, where necessary. The development will also include mitigation in terms of offsite contribution for Outdoor Sport, Education and Bio-diversity net gain.

The dis-benefits would be the loss of open countryside, and lack of market housing.

It is therefore considered that on balance the development is acceptable and largely accords with the relevant policies within the Development Plan.

## **RECOMMENDATION:**

**Approve subject to S106 Agreement and conditions;**

## Head of Terms

| <b>S106</b>                         | <b>Amount</b>   | <b>Triggers</b>   |
|-------------------------------------|---|---|
| <b>Affordable Housing</b>           | 100% Affordable Housing provision (9no affordable rent, 15no Rent to Buy, and 21no shared ownership)  | All development to accord   |
| <b>Education</b>                    | Contribution of £257,515 in total.<br>£97,616 towards Primary Education<br>£114,399 towards secondary education and<br>£45,5000 towards special education needs education | 50% Prior to first occupation<br>50% at occupation of 23rd dwelling   |
| <b>Public Open Space</b>            | 1 Provision of Public Open Space, and to be maintained by a private management company<br>2 Contribution of £45,000 towards the Wrenbury Recreational Ground.             | Open space on site prior to first occupation<br><br>Contribution –<br>50% Prior to first occupation<br>50% at occupation of 26th dwelling |
| <b>Ecology (Bio-diversity Gain)</b> | Contribution of £11,909.10  | Prior to first occupation   |

### And the following Conditions

1. **Standard Time – 3 years**
2. **Compliance with the Approved plans**
3. **Materials to be submitted and approved**
4. **Surfacing materials to be submitted and approved**
5. **Landscape Scheme to be submitted and approved**
6. **Landscape Implementation**
7. **Details of boundary treatment across the whole site to be submitted and approved**
8. **Tree Protection scheme to be submitted and approved**
9. **AMS to be submitted and approved**
10. **Details of retaining structures to be submitted and approved**
11. **Lighting strategy to be submitted and approved**
12. **Habitat Creation method statement and 30 yr management plan to be submitted and approved**
13. **Updated Badger Survey to be submitted and approved**
14. **Submission of CEMP to safeguard the River Weaver to be submitted and approved**

15. Ecological Enhancement Strategy to be submitted and approved
16. Development to adhere to FRA and mitigation within it
17. Detailed strategy/design limiting the surface water runoff generated by the proposal, and associated management /maintenance plan - required prior to commencement
18. Levels information required, GFL and FFLs to be submitted and approved
19. Foul and surface water to be drained separately
20. Travel Information Pack to be submitted and approved
21. Electric Vehicle Charging Provision to be submitted and approved
22. Soil Importation to be submitted and approved
23. Unexpected contaminated land
24. Full details of Children's Play equipment, and surfacing details to be submitted and approved
25. PD rights removed including surfacing of front gardens
26. Visibility Splays as plan and kept obstruction free

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) 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.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

| <b>S106</b>               | <b>Amount</b>   | <b>Triggers</b>   |
|---------------------------|---|---|
| <b>Affordable Housing</b> | 100% Affordable Housing provision (9no affordable rent, 15no Rent to Buy, and 21no shared ownership)  | All development to accord   |
| <b>Education</b>          | Contribution of £257,515 in total.<br>£97,616 towards Primary Education<br>£114,399 towards secondary education and<br>£45,5000 towards special education needs education | 50% Prior to first occupation<br>50% at occupation of 23rd dwelling                                 |
| <b>Public Open Space</b>  | 3Provision of Public Open Space, and to be maintained by a private management company   | Open space on site prior to first occupation<br><br>Contribution –<br>50% Prior to first occupation |

|                                     |   |                                    |
|-------------------------------------|---|------------------------------------|
|                                     | 4 Contribution of £45,000 towards the Wrenbury Recreational Ground. | 50% at occupation of 26th dwelling |
| <b>Ecology (Bio-diversity Gain)</b> | Contribution of £11,909.10  | Prior to first occupation          |

