

Strategic Planning Board

Updates

Date: Wednesday, 22nd November, 2017
Time: 10.30 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the Board agenda.

Planning Updates (Pages 3 - 14)

Please contact Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

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APPLICATION NO: 17/4521M

LOCATION: Land at Stanneylands Road, Wilmslow

PROPOSAL: Full planning application for the erection of 174 residential dwellings, new roundabout onto Stanneylands Road, public open space, pedestrian/cycleway connection between Linneys Bridge and the River Dean, a new bridge crossing of the River Dean, and associated works.

Housing Supply

On 8 November 2017 the White Moss Quarry (WMQ) appeal was dismissed due to conflict with the LPS settlement hierarchy and spatial distribution of development. The appeal related to an outline application for up to 400 homes as a second phase to the existing White Moss Quarry development.

However, the Inspector did not come to a clear conclusion whether Cheshire East has a five year housing land supply. His view was that there was a deliverable housing land supply of between 5.07 years (a headroom of 200 dwellings) and 4.96 years (a deficit of 130 dwellings). He concluded that on the evidence before him and the risk of the housing supply falling slightly below the 5-year requirement, he could not be confident that there is a sufficiently robust deliverable supply: *“I conclude that it would be both cautious and prudent in the circumstances of this case to regard policies for the supply of housing to be considered not up-to-date, thus engaging the tilted balance of paragraph 14 of the Framework.”*

As the Council won the appeal, the decision will not be challenged by the Council. However, having reviewed it, there are serious concerns about the inspectors findings that are material to your deliberation and which will form the basis for the Council's case in relation to other appeals:

- the Council disagrees with the WMQ Inspector's findings on the five year housing land supply;
- in several cases, the WMQ Inspector, reached incorrect conclusions on the evidence before him;
- the Council's housing supply witness at the Park Road Inquiry was able to demonstrate a robust 5 year housing land supply;
- development lead-in time assumptions agreed by the Local Plan Inspector through the more extensive and inclusive Local Plan examination process should be followed, particularly so soon after the publication of the Local Plan Inspector's report (June 2017);
- the Council's approach on the *deliverability* of housing is consistent with the judgement of the Court of Appeal in St Modwen (20/10/17) which post-dated the White Moss Inquiry. This judgement confirmed that 'deliverability' in the context of NPPF paragraph 47 means a realistic prospect of the site being delivered. There is no need to demonstrate that every home in the five year supply will be built;

- updated information is now available to further support the Council's judgements as to the contribution that particular sites will make towards the five year supply.

The Council has submitted to the Park Road Inspector that he should find that the Council can demonstrate a 5 year supply of deliverable housing land. There are material differences between the evidence that was before the WMQ Inspector and the evidence that is before the Park Road Inspector to warrant the Park Road Inspector reaching a different conclusion.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

Environmental Health

Comments have now been made in respect of the submitted Air Quality Assessment. No objections have been raised to the application subject to conditions relating to electric vehicle charging points, submission of a travel information pack and dust control.

A condition is already listed for electric vehicle charging points. The requested condition in respect of a travel information pack will be required to be submitted as part of the Travel Plan that is already listed in the main report. Finally the dust control measures will be incorporated within the construction management plan already required through condition.

S106

An additional item requires listing on page 33 of the agenda under the heading 'SECTION 106' to read as follows which reflects highways comments;

- A financial contribution of £80,000 for the installation of MOVA at the traffic signals on the junction

RECOMMENDATION

No change to the overall recommendation set out in the Committee Report but with additional item above to be added to the list of issues subject to the s106 agreement as set out on page 33 of the agenda.

Strategic Planning Board 23rd November 2017

UPDATE TO AGENDA

APPLICATION No.

17/3882N – Removal of conditions 29 & 31 on application 17/0341N for construction of 5 steel framed units to be part of a commercial development

LOCATION

Land Off University Way, Crewe, Cheshire

UPDATE PREPARED

20th November 2017

APPRAISAL

Procedural Matters

It should be clarified that on pages 40 and 41 of the agenda, within the Officer's Committee Report, reference has incorrectly been made to amenity policies within the Congleton Borough Local Plan (GR6 and GR7). These references should refer to the amenity policy within the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy BE.1.

This error does not impact upon the recommendation as Policy BE.1 covers the same relevant aspects of amenity as policies GR6 and GR7 of the Congleton Borough Local Plan.

RECOMMENDATION

No change to recommendation

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APPLICATION NO: 17/3896M

LOCATION: Land at Chester Road, Poynton

PROPOSAL: Outline planning application for the demolition of buildings forming no. 199 Chester Road and residential development including associated infrastructure, open space and landscaping with all matters reserved for future approval with the exception of access.

CONSULTEES

ANSA – No objections subject to the provision of on site open space and financial contributions for recreation outdoor and indoor sports provision.

KEY ISSUES

Housing Supply

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However, the Inspector did not come to a clear conclusion whether Cheshire East has a five year housing land supply. His view was that there was a deliverable housing land supply of between 5.07 years (a headroom of 200 dwellings) and 4.96 years (a deficit of 130 dwellings). He concluded that on the evidence before him and the risk of the housing supply falling slightly below the 5-year requirement, he could not be confident that there is a sufficiently robust deliverable supply: *“I conclude that it would be both cautious and prudent in the circumstances of this case to regard policies for the supply of housing to be considered not up-to-date, thus engaging the tilted balance of paragraph 14 of the Framework.”*

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- updated information is now available to further support the Council's judgements as to the contribution that particular sites will make towards the five year supply.

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Open Space

The public open space (POS) requirement for the site is as set out in policy SE6 and as outlined in the original committee report. Policies SC 1, SC 2 and LPS 50 of the CELPS seek to secure appropriate outdoor and indoor sports facilities to satisfy the need arising from the new development. This should be provided in line with Cheshire East's Open Spaces Assessment, Green Space Strategy, Playing Pitch Strategy and Indoor Sports Strategy.

The indicative plan does not indicate sports provision on site and therefore the Council's ANSA Section has advised that in lieu of on-site provision, there will be a commuted sum requirement of £1000 per family dwelling at full market value towards outdoor provision. These contributions will be used for pitch improvements at Deva Close playing fields.

With respect to indoor provision, ANSA has advised that the development will increase the need for local indoor leisure provision and as such a further financial contribution will be required. The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East, which would equate to 82 additional "active population" for this development. Based on an industry average of 25 users per piece of health and fitness equipment, this equates to an additional three stations required. These would be catered for through the provision of 3 x running machines (£6,500 per treadmill - Total £19,500). These would be provided at Poynton Leisure Centre, which is the nearest provision (approximately 1.5 mile distance).

S106 Heads of Terms

A s106 agreement will be required, and given that the final number of dwellings is not currently known, the agreement will need to be worded to

require contributions on a formula basis rather than a fixed sum. The following heads of terms are required:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £238,618 (primary) £294,168 (secondary) and £45,500 (Special Educational Needs) = total of £578,286**
- **Highways contributions of £5,555 per dwelling towards the Poynton Relief Road**
- **Public Open Space:**
 - **On site Provision of amenity open space and children's provision - 65m2 per family dwelling and a LEAP and LAP play area**
 - **Financial contribution towards indoor sports – £19,500 to provide 3 pieces of equipment at Poynton Leisure Centre.**
 - **Financial contribution towards outdoor sports - £1,000 per market dwelling used for pitch improvements at Deva Close playing fields**
- **NHS contributions of £120,986 towards 2 GP Practices in Poynton**

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements 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 provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation, and healthcare (financial) mitigation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

A financial contribution towards the Poynton Relief Road is necessary to make the development acceptable in planning terms in order to mitigate for its impact on the highway network.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which currently have no projected spare capacity. In order to increase the capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

RECOMMENDATION

Approve subject to the conditions outlined in the original committee report in the agenda reports pack and the Heads of Terms listed above.

APPLICATION NO: 12/3747N

LOCATION: LAND BETWEEN AUDLEM ROAD/ BROAD LANE & PETER DESTAPLEIGH WAY, STAPELEY

PROPOSAL: Residential development up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with maximum floor area of 1800sqm Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700sqm GIA; primary school; public open space including new village green, children's play area and allotments; green infrastructure including ecological area; new vehicle and pedestrian site access points and associated works.

KEY ISSUES

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Urban Design

The application proposals have been assessed against the criteria in The Cheshire East Borough Design Guide which has been adopted since the original submission back in 2012, and the 12 criteria in Building for Life 12 (BFL12). As much of the assessment is based on the Design and Access Statement this has proved difficult as this has not been updated from the original submission, and was based on the main access being from Broad Lane, and the prospect of land to the south forming future phases of development, even though they did not form part of the application.

Looking at the criteria in the design guide and BFL12, as an outline application many of the criteria would need to be addressed at any future reserved matters stage(s), although the Design and Access Statement does set out how many of these matters could be successfully addressed. Using the traffic light approach the site fairs reasonably well on most criteria with the majority of criteria being either green or amber (largely matters to be addressed at reserved matters), however there were two areas the proposals fell down on.

1. The Green infrastructure linkages are very disjointed in the illustrative layout, being broken up by areas of built development interrupting any continuous links. This is something that will need to be looked at carefully in any reserved matters submission.
2. The southern boundary of the site does not follow any established landscape feature, and in fact incorporates an existing hedge-line within the development (breaking that up) and establishing a new site boundary part way through an open field to the south of the hedge line. This goes against the principals of good urban design, but it is thought this is because the illustrative layout is based on future phases of development being carried out. Whilst this is far from ideal, it is not a matter raised in relation to the original application, and it is not

considered that a reason for refusal could be sustained on this matter as a strong new boundary could be created as part of a reserved matters application.

CONCLUSION:

Whilst there are matters that will need to be carefully examined at any reserved matters stage, and the illustrative layout falls down on a number of matters and should not be approved, there are no changes to the recommendation.

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