

Strategic Planning Board

Agenda

Date: Wednesday, 13th July, 2016
Time: 10.30 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 12)

To approve the minutes as a correct record.

4. **Public Speaking**

Please Contact: Sarah Baxter on 01270 68662
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/2314M-Outline planning permission is sought for a new office development (Use Class B1) and associated car parking, access improvements for vehicles and creation of new pedestrian and cycle routes to the site and enhancement of existing and provision of new landscaping, Land East of Royal London House, Alderley Road, Wilmslow for PAG and RLMIS (Pages 13 - 42)**

To consider the above application.

6. **16/0856N-Outline application for residential development for up to 104 dwellings (Use Class C3) and land for expansion of Brine Leas School (Use Class D1) (Re-submission of 15/3868N), Land to the West of Audlem Road, Audlem for Wainhomes (North West) Ltd (Pages 43 - 72)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 15th June, 2016 at Grand Hall Congleton Hall,
Congleton Town Hall, High Street, Congleton CW12 1BN

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rhoda Bailey (Substitute), D Brown, B Burkill, L Durham,
D Hough, J Jackson, D Newton, S Pochin and J Wray

OFFICERS IN ATTENDANCE

Adrian Crowther (Major Applications Team Leader)
Daniel Dickinson (Legal Team Manager - Corporate & Regulatory)
Paul Hurdus (Highways Development Manager)
David Malcolm (Head of Planning (Regulation))
Gaynor Hawthornthwaite (Democratic Services Officer)

12 APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Gaddum and S McGrory.

13 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 15/4480C Councillor J Hammond declared that he was a member of the Cheshire Wildlife Trust who had been a consultee and that he had not made any comments on the application or taken part in any discussions.

Councillor D Brown declared that as the Highways and Infrastructure Portfolio Holder he had pre-determined application 15/4480C and would, therefore, speak as the Ward Member and would withdraw from the meeting and take no part in the discussions or voting on this application.

In the interest of openness Councillor S Pochin declared that with regard to application number 16/2006C she no longer has any links with Pochin Developments Ltd as her husband is no longer an employee.

14 MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 18th May 2016 be approved as a correct record and signed by the Chairman.

15 PUBLIC SPEAKING

The Chairman announced that as application 15/4480C is a long ribbon road development, passing through four Wards and seven Parish Councils, he had agreed to extend the speaking time as an exception, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, as follows:

- Ward Members – 5 minutes per Ward
- Neighbouring Ward Members – 3 minutes each per Ward Member
- Parish Council – 3 minutes per Parish Council
- Objectors – Up to 2 minutes each, depending on the numbers wishing to speak
- Supporters – Up to 2 minutes each, depending on the numbers wishing to speak
- Applicant/Agent – 5 minutes

16 **15/4480C - PROPOSED, CONGLETON LINK ROAD, CONGLETON: THE PROPOSED CONGLETON LINK ROAD - A 5.7 KM SINGLE CARRIAGEWAY LINK ROAD BETWEEN THE A534 SANDBACH ROAD AND THE A536 MACCLESFIELD ROAD FOR ANDREW ROSS, CHESHIRE EAST COUNCIL**

(Councillor L Smetham (Ward Member), Councillor G Baggott (Neighbouring Ward Member, Councillor D Brown (Neighbouring Ward Member), Councillor G Bell (on behalf of Somerford Parish Council), Councillor A Martin (on behalf of Congleton Town Council), Kenneth Armstrong (Objector), Jean Perry (Objector), Peter White (Objector) and Martin Davis and Paul Griffiths, Jacobs (On behalf of the Applicant) attended the meeting and spoke in respect of the application)

Prior to consideration of this application, as stated in his declaration, Councillor D Brown spoke as the Neighbouring Ward Member, then left the meeting and did not take part in the debate or voting and returned following consideration of the application.

The Board considered a report, a written and verbal update regarding the above application.

RESOLVED

That for the reasons set out in the report the Board be MINDED TO APPROVE subject to referral to the Secretary of State and that further mitigation to supplement the acoustic measures be instigated for Back Lane residents in accordance with submitted environmental statements to ensure best possible measures are achieved be delegated to the Chairman in discussion with the Head of Planning (Regulation) and subject to the following conditions:

1. Development to commence within 3 years.
2. Development to be in accordance with the approved plans and documents
3. Development in accordance with Environmental Statement.
4. Details of materials for structures, lighting columns and fencing.
5. Further details of bridges, structures, underpasses, bridge wing walls, abutments and crossings.
6. Full construction details of proposed pedestrian and cycleway, footpaths and bridleways.
7. Lighting details (permanent)
8. Flood risk / drainage and contamination
9. Foul and surface water drainage in accordance with submitted details. Development in accordance with Flood Risk Assessment and Drainage Strategy Report.
10. Off site highway mitigation/improvement schemes at Eaton, Pagdbury Lane and Wallhill to be implemented prior to the opening of the link road. Improvement schemes to be subject to a programme of consultation to include Ward Members and Parish Councils

Landscaping and Trees

11. Landscaping scheme (note to include planting hedgerows so there is no net loss). The scheme should be subject to consultation with Ward Councillors.
12. Landscaping implementation
13. Tree and hedgerow retention
14. Tree protection
15. Tree pruning / felling specification

Construction

16. Environmental Management Plan. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
17. Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
18. Waste Management: There shall be no burning of materials on site during demolition / construction
19. Dust generation caused by construction activities and proposed mitigation methodology.
20. Details of the phased occupation of the site to protect new occupants. The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
21. Acoustic mitigation scheme as detailed in the Environmental Statement and subsequent addendum shall be implemented in full and maintained in perpetuity. Additional measures for Back Lane should be incorporated where appropriate.

22. The proposed traffic management works aimed at discouraging the use of minor roads to access the link road shall be assessed prior to implementation for their air quality impact.
23. A construction management plan should be prepared and agreed before works commencing and include safeguards to existing infrastructure, such as pipelines, to the satisfaction of the LPA.

Contamination

24. Contaminated Land assessment (Phase I)
25. Remediation strategy agreed if contaminated land found

Archaeology/Heritage

26. Programme of archaeological mitigation works
27. Milestone protection during works

PROW

28. Submission of a Public Rights of Way scheme of management to include:
 - the design of access and Public Rights of Way routes within the development and their surfacing, widths, gradients, landscaping, signage and structures;
 - proposals and timetable for the diversion/stopping-up of the Public Rights of Way within the side roads order under the Highways Act 1980; and
 - proposals and timetable for the temporary closure of any Public Rights of Way within the phasing of the construction, along with alternative route provision, where possible.

Ecology

29. A woodland management scheme for the whole ancient woodland Local Wildlife Site.
30. A detailed bat mitigation scheme should be provided.
31. 'Hop overs' and hedges along the entire scheme should be established early in the construction phase to provide mitigation for species such as barn owls. Grass verges should be regularly mown or nutrient poor substrate utilised. Alternatively verges should be planted with shrubs.
32. Locally sourced plant material should be used in the scheme where possible. Plant communities created should aim to replicate local communities.
33. Environmental Action Plan to draw together mitigation, enhancement, management, monitoring and funding details; Submission of updated ecological surveys and revised mitigation strategies prior to commencement for: Badgers, Otter, Kingfisher
34. Submission of Habitat Management Plan
35. Submission of a methodology for the creation of woodland and grassland habitats including ground preparation and planting/seeding specification to include introduction of native bluebells.
36. Safeguarding of Nesting Birds (general)
37. Submission of detailed proposals for provision of bat boxes, kingfisher nest sites, bat hop-overs and barn owl mitigation planting and the incorporation of Wych Elm.

38. Submission of method statement for the safeguarding of Little Ringed Plover at Eaton Hall Quarry and kingfisher.
 39. Submission of hedgerow and ancient woodland translocation method statement
 40. Management plan for ancient woodland mitigation area.
 41. Method statement for the eradication non-native invasive plant species.
 42. No night working in the vicinity of the River Dane and Loach Brook.
 43. Submission of Construction Environment Management Plan including appointment of ecological clerk of works
- Surface Water Condition
44. Submission of surface water drainage scheme.
 45. Post opening monitoring surveys as required by the Department for Transport to assess as built traffic flows and any necessary further mitigation measures.

The specific detail and wording of the proposed planning conditions still need to be finalised. Subject to the Strategic Planning Board's decision (such as to delete, vary or add conditions titles/informatives/ or reasons for approval/refusal) and prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to add the wording for the conditions in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Following consideration of this application, the meeting adjourned for lunch from 1.10 pm to 2.00 pm

- 17 **16/2006C - MIDPOINT 18 (PHASE 3) POCHIN WAY/CLEDFORD LANE, MIDDLEWICH: APPLICATION FOR VARIATION OF CONDITIONS 1,3,4,5,7,12,14,15,18,20,21,22,23,25,26, & 28 AND REMOVAL OF CONDITIONS 2 & 24 ON APPLICATION 11/0899C FOR EXTENSION TO TIME LIMIT ON APPLICATION 07/0323/OUT (MIDPOINT 18 PHASE 3: PROPOSED DEVELOPMENT FOR B1, B2 AND B8, APPROPRIATE LEISURE AND TOURISM (INCLUDING HOTEL) USES, THE COMPLETION OF THE SOUTHERN SECTION OF THE MIDDLEWICH EASTERN BYPASS & ASSOCIATED LANDSCAPING MITIGATION AND ENHANCEMENT WORKS) FOR MR ANDREW ROUND, CHESHIRE EAST COUNCIL**

(The Head of Planning (Regulation)) read out a statement from Councillor S McGrory (Ward Councillor) who was unable to attend the meeting and Colonel R Goodwin, Jacobs (On behalf of the Applicant) attended the meeting and spoke in respect of the application)

The Board considered a report and a written update regarding the above application.

RESOLVED

That for the reasons set out in the report the application for variation of conditions be APPROVED subject to the following conditions:

1. The development hereby approved shall be implemented as follows:
Phase 1: the bypass
Phase 2: The remainder of the development (including unit 101) or part thereof.
2. The approval of reserved matters relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of the permission reference 11/0899C (granted 11 July 2011). The landscaping shall be carried out in accordance with the approved plans.

The approved landscaping works shall commence within 9 months of the commencement of the Phase 1 development; and shall be substantially completed within 9 months of the substantial completion of the Phase 1 development.

Any trees or plants within the approved advance landscaping scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

3. The Phase 1 development hereby approved shall be commenced before the expiration of five years from the date of this permission reference 11/0899C (granted on 11 July 2011), or before three years from the date of the approval of the last reserved matters to be approved for this phase, whichever is the later.
4. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the phase 2 development or part thereof (hereinafter called "the Phase 2 reserved matters") shall be obtained from the Local Planning Authority in writing before the development of Phase 2 is commenced.
5. Application for approval of the Phase 2 reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
6. The Phase 2 development hereby approved shall be commenced before the expiration of ten years from the date of permission

reference 11/0899C (granted on 11 July 2011), or before the expiration of two years from the date of approval of the last reserved matters to be approved for this phase, whichever is the earlier.

7. None of the buildings hereby approved, shall be occupied until the whole of the Middlewich Eastern bypass has been opened to traffic.
8. Prior to the commencement of each phase of the development hereby approved, a scheme for the protection of those trees proposed to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be implemented prior to construction and retained during the construction work on each phase.
9. An Ecological and Landscape Management Plan shall be prepared for each phase of the development and shall be in accordance with the Strategic Ecological and Landscape Plan (SELP) and the amendment to Paragraph 5.2, hereby approved and dated March 2008 and June 2011.
10. Within the period of 6 months prior to the commencement of the ecological mitigation and enabling works for each phase of the development hereby approved, an Ecological and Landscape Mitigation, Enhancement and Management Plan (ELMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each ELMP shall be in accordance with the framework established in the approved SELP (as amended in 2011), shall accord with, update and implement the mitigation strategies proposed for protected species in the Environmental Statement submitted with application number 07/0323/OUT, have specific regard to the particular issues related to that phase of development and include details of the habitat creation, enhancement scheme, ecological mitigation and implementation and monitoring programmes required. The ecology and landscape shall be implemented and managed in accordance with the approved Ecological and Landscape Mitigation, Enhancement and Management Plan.
11. Prior to the commencement of each phase of the development hereby approved, details showing where soils and aggregates are to be stored on the site relating to each phase, shall be submitted to and approved in writing by the Local Planning Authority and thereafter soils and aggregates shall be stored in accordance with the approved details.
12. Prior to the commencement of development of the bypass hereby approved the design of the railway bridge and a method statement for its construction, shall be submitted to and approved in writing by the Local Planning Authority. The construction of the bridge shall

be carried out in accordance with the approved details unless otherwise agreed in writing.

13. Prior to the commencement of each phase of the development hereby approved an air quality management plan covering the period of construction for that phase shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved air quality management plan.
14. Prior to the commencement of each phase of the development hereby approved a noise management plan covering the period of construction for that phase shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved noise management plan
15. Prior to the occupation of any building hereby approved a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise shall be submitted to and approved in writing by the Local Planning Authority. The development of the scheme shall be implemented in accordance with the approved details prior to the first occupation and retained thereafter.
16. During the construction of B1, B2, and B8 units and hotel in any phase of the development hereby approved, foundation and other piling should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

During the construction of B1, B2 and B8 units and hotel in any phase of the development hereby approved, 'floor floating' should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

17. Prior to the commencement of development of phase 2, samples of the external materials and finishes to be used on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
18. All boundary treatments shall be in accordance with details which

have been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details shall include the position, size, design, colour and implementation for all boundary treatments.

19. No construction shall take place until details of an archaeological watching brief for each phase has been submitted to and approved in writing by the Local planning Authority. Construction shall take place in accordance with the approved details.
20. No construction shall take place until an archaeological survey dig has been undertaken on the area identified as Site 9 on the Environmental Statement submitted with application number 07/0323/FUL, the scope and methodology of which shall be approved in writing by the Local Planning Authority. A written report of this survey shall be submitted to the Cheshire Archaeology Planning Advisory Service in A4 format within 6 months of the completion of the dig unless otherwise agreed in writing with the Local Planning Authority.
21. The occupier of each of the buildings hereby approved shall, within 3 months of occupation of each building in phase 2, prepare and submit a travel plan for approval in writing by the Local Planning Authority. The travel plan shall be based upon staff travel survey data and include targets and an action plan. Each occupier shall nominate a member of staff to act in the role of travel plan co-ordinator to liaise with the Highway Authority and oversee implementation of the travel plan.
22. Prior to first occupation of any phase 2 unit a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be implemented in strict accordance with the approved details.
23. The Phase 1 development hereby approved shall not be commenced until such time as a scheme for the provision, implementation and management of a surface water regulation system for the whole development has been submitted to, and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the road in phase 1 being brought into use, and shall subsequently be maintained in accordance with the approved details.
24. Where identified in the Environmental Statement submitted with application number 07/0323/OUT, a flood attenuation scheme for each building in phase 2 of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the development of that building, and shall be implemented in accordance with the approved details prior to the occupation of that building.

25. No phase 2 development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
26. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicle, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
27. No phase 2 development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals or effluents has been approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and programme.
28. Prior to first occupation of Unit 101 a scheme detailing the sprinkler tanks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
29. Prior to the first occupation of Unit 101 a scheme detailing the electricity sub stations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
30. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not exceed the heights indicated in Section 6.2 of the Design and Access Statement (March 2007), which was submitted with application number 07/0323/OUT.
31. The general site mitigation measures during the construction and operational phases of the development as identified within Paragraphs 6.2 and 6.8 of the Environmental Statement: Technical Annex 1. Geology, Soils and Land Contamination (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
32. The mitigation measures proposed to limit the potential for water contamination during the construction and operational phases of the development as identified within Sections 5.2 – 5.4 of the

Environmental Statement: Technical Annex 4. Water Quality (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

33. On or prior to each application for the approval of reserved matters for Phase 2, a statement detailing:
- (a) The design principles and design concepts of those aspects of the development to which the application for the approval of reserved matters relates;
 - (b) How such principles and concepts are reflected in the proposals for development set out in the reserved matters application; and
 - (c) The relationship of the portion of the development to which the reserved matters application relates, to the development site as a whole and to the wider context

Shall be submitted to and approved in writing by the Local Planning Authority and the approval of reserved matters shall be in accordance with that approved statement.

34. Car parking spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for car parking, except as otherwise agreed in writing with the Local Planning Authority.
35. Secure cycle spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for cycle storage, except as otherwise agreed in writing by the Local Planning Authority.

The meeting commenced at 10.30 am and concluded at 2.25 pm

Councillor H Davenport (Chairman)

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Application No: 16/2314M

Location: LAND EAST OF ROYAL LONDON HOUSE, ALDERLEY ROAD, WILMSLOW, CHESHIRE

Proposal: Outline planning permission is sought for a new office development (Use Class B1) and associated car parking, access improvements for vehicles and creation of new pedestrian and cycle routes to the site and enhancement of existing and provision of new landscaping.

Applicant: PAG & RLMIS

Expiry Date: 10-Aug-2016

SUMMARY

The site is partially previously developed however the majority of the site is undeveloped. The whole site is within the Green Belt where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to justify the departure from Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

The benefits in this case are:

- Meeting the needs of Royal London in Wilmslow. The development would provide a replacement office headquarters for Royal London Insurance to ensure the retention of this major employer within Wilmslow, retaining 960 jobs in the area.
- Securing the provision of an additional 500-600 jobs
- The development would provide significant economic benefits through the provision of employment during the construction phase, the creation of new jobs and the knock on benefits for local businesses. The proposal will not have an adverse landscape impact, following suitable mitigation being agreed.
- The proposal will result in the widening of Alderley Road in a southerly direction approaching the roundabout on the A34. As well as mitigating against the impact of the development this will overcome an existing issue in the local highway network and ensure that the highway network operates below capacity.
- Pedestrian and cycle linkages will be provided through the site.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The impact on local ecology can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The loss of mature protected trees along Alderley Road. Although this can be mitigated to some degree through the imposition of planning conditions.
-

In this case it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits and mitigation against these adverse impacts can be achieved through submission of further information as part of the conditions or as part of the reserved matters application. On balance therefore the application should be approved.

SUMMARY RECOMMENDATION

Approve (subject to referral to the Secretary of State)

PROPOSAL

The application is for outline planning permission for a new office development (Use Class B1) and associated car parking, access improvements for vehicles and creation of new pedestrian and cycle routes to the site and enhancement of existing and provision of new landscaping.

The application is in outline with only the means of access for approval at this stage. Detailed matters relating to layout, scale, appearance and landscaping are reserved for future approval.

The site will be accessed through the existing Royal London campus with the existing connections on to Alderley Road being improved. A key part of the proposals involve the widening of a stretch of Alderley Road providing additional capacity travelling south towards the existing roundabout. The existing access point into the Royal London site from Alderley Road is proposed to be widened as is the access road that runs through the existing site.

SITE DESCRIPTION

The planning application site consists of four distinct elements.

The first element is the site of the proposed office building and car park. This area is located to the east of the main Royal London site sitting between the existing site and the west coast mainline. This area of the site consists of fields the southern one of which sits at a higher ground level than the surrounding land and the existing parking areas at the southern end of the Royal London site. The ground levels are as a result of spoil being tipped on the site through the development of the existing Royal London site and the A34. Some mature trees

are located along the red line boundary of the site as well as a row of trees dissecting the site. To the north of the site are fields that separate the site from Wilmslow High School and residential properties.

The second element of the site consists of a strip of land that runs from the north western corner of the main application site to join a footpath onto Harefield Drive. Part of this route is already in use as a footpath with the remainder being part of the wider fields directly to the north of the application site.

The third element of the application site is made up of the existing access road that runs from Alderley Road and through the existing Royal London site through to the proposed location of the officer building. The boundary of the application runs at either side of the road allowing for this to be widened before widening out to included existing parking areas that are proposed to be re-configured to accommodate access.

The remaining element is separate from the main application site. This consists of a strip of land that adjoins Alderley Road and runs from the existing secondary access point into the site and runs in a southerly direction to the Whitehall Bridge Roundabout. This area of land currently contains a number of mature trees.

RELEVANT HISTORY

The Royal London site has been subject to numerous planning applications in the past. The previous applications upon the site of the proposed office building are as follows;

15/3488M - Formation and laying out of permanent car park. Approved 29.10.2015

76234P – Land-raising with inert materials sourced from materials as unsuitable in the construction of the A34 Wilmslow to Handforth by-pass. Approved 25.02.1994

41761P - Tipping of material from adjoining site and land to be returned to pasture. Approved 11.06.1985

41807P – Tipping of material from adjoining site and land to be returned to pasture. Approved 25.07.1985

NATIONAL & LOCAL POLICY

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

The Macclesfield Borough Local Plan is the relevant plan in relation to this site. The site is located completely within the Green Belt, parts of the red line boundary are located within the major developed site in the green belt.

Therefore the relevant Local Plan policies are considered to be:

Policy BE1: Design Guidance
Policy DC1: New Build
Policy DC3: Amenity
Policy DC4: Amenity
Policy DC5: Natural Surveillance
Policy DC6: Circulation and Access
Policy DC7: Car Parking
Policy DC8: Landscaping
Policy DC9: Tree Protection
Policy DC13: Noise
Policy DC14: Noise
Policy DC15: Provision of Facilities
Policy DC17: Water Resources
Policy DC18: Water Resources
Policy DC62: Renewable Energy
Policy DC63: Contaminated Land
Policy DC64: Floodlighting
Policy T1: Integrated transport policy
Policy T2: Provision of public transport
Policy T3: Improving conditions for pedestrians
Policy T4: Provision for people with restricted mobility
Policy T5: Development proposals making provision for cyclists
Policy T6: Highway improvements and traffic management
Policy NE2: Landscape character areas
Policy NE14: Natural habitats
Policy NE11: Protection and enhancement of nature conservation interests
Policy NE17: Nature Conservation in Major Developments
Policy GC1: Green Belt boundaries
Policy GC4: Major Developed Sites in the Green Belt
Policy IMP1: Development Sites
Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19th April 2016 where this site is proposed as an allocation for a mixed use development, including B1 offices, residential use and playing fields.

The following are considered relevant material considerations as indications of the emerging strategy:

Site CS26 – Royal London, including land to the west of Alderley Road

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG3 Green Belt
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
EG1 Economic Prosperity
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given significant weight given the stage the CELPS is at.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.
18 – 21 Building a strong, competitive economy
56-68. Requiring good design
72-74 Promoting healthy communities
80, 81 and 89 Protecting Green Belt Land
109. Conserving and enhancing the natural environment
186-187. Decision taking
196-197 Determining applications
203-206 Planning conditions and obligations
216 Implementation

Supplementary Planning Documents:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Trees & Development Guidelines

CONSULTATIONS

Environmental Health – Environmental protection: Whilst a number of possible issues have been identified with regards to noise and vibration, especially during the demolition and construction phase of the development, conditions including an Environmental Management and noise conditions are recommended. With regards to air quality, the assessment concludes there will be a traffic impact of a minor adverse magnitude. A condition in respect of electric vehicle charging points is recommended to address this issue. Finally with regards to contaminated land, a condition and informative are recommended.

Highways – No objection. The comments are considered in detail in the main body of the report.

Environment Agency – No objections, but recommend conditions relating to a remediation strategy to deal with the risks associated with contamination, together with separate conditions relating to verification of the works set out, and if contamination is found how will it be addressed. A condition is also recommended with regards to requiring the approval of piling or other penetrative methods of foundation design to avoid risk to groundwater. Informatives are also recommended with regards to reuse of materials on site, waste removal from site, and they recommend that the EA is consulted prior to more site investigation works.

United Utilities – No objections are raised, but they recommend a drainage condition and make a series of recommendations with regards to water supply and drainage matters.

Cheshire Archaeology Planning Advisory Service: Agree the findings of the Heritage Appraisal that concludes the site has low potential to contain below-ground archaeological deposits that would be affected by the proposals. Therefore no further archaeological work is required.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council - Wilmslow Town Council's Planning Committee recommend refusal of this application on the grounds of inappropriate development in the greenbelt without demonstrating the necessary special circumstances required by the NPPF.

Alderley Edge Parish Council - The Parish Council recommends refusal of this application on the grounds of inappropriate development of the green belt.

OTHER REPRESENTATIONS

58 representations have been made in objection to the application including responses from the Cheshire branch of the Campaign for the Protection Rural England and the Wilmslow Civic Trust.

The points of objection relate to the following;

- The site is within the green belt and as such should not be developed.
- Very special circumstances have not been demonstrated to allow development on green belt land.
- The gap between Wilmslow and Alderley Edge is being eroded.

- The development is contrary to the five purposes of including land in the green belt.
- It is premature to determine the application in advance of the local plan being adopted.
- Only limited weight should be given to emerging local plan policies.
- Approving the application will set a precedent for releasing other green belt sites.
- Increase in traffic in the area adding to the already bad congestion
- The proposed highway improvements are not of any practical value.
- The Council should not feel under pressure to approve the application due to the risk of losing an employer.
- If Royal London decide not to remain in Wilmslow then the very special circumstances do not exist.
- A significant amount of office space is available at Alderley Park and the development could be accommodated there.
- The development will have an irreversible impact on the environment.
- A significant amount of vacant office space is available in the area.
- Loss of protected trees as a result of the widening of Alderley Road.
- The proposal will have an impact on local ecology.

The points of support relate to the following;

- The improvement of pedestrian and cycle links to the town centre.
- Improvement of the ecology habitat as a result of the proposal.
- The highway improvements will reduce congestion and significantly improve the existing traffic issues on Alderley Road.

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Landscape and Visual Appraisal
- Noise and Vibration Assessment
- Framework Travel Plan
- Transport Assessment
- Flood Risk Assessment and Drainage Statement
- Geo Environmental Reports
- Heritage Assessment
- Ecological Assessment
- Tree Quality Survey, Arboricultural Impact Assessment and Method Statement
- Design and Access Statement

APPRAISAL

The key issues that must be considered as part of this application are considered to be as follows;

- Principle of development
- The Green Belt
- Sustainability
- Highways and access
- Landscape Impact

- Impact on protected trees
- Ecology
- Amenity
- Flood Risk
- Economic sustainability
- Social sustainability
- Representations
- Planning Balance

Principle of development

The site is located to the east of the existing Royal London site at the southern edge of Wilmslow. The site is located within the Green Belt where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, indeed the essential characteristic of Green Belts is openness. The whole site is washed over by Green Belt and the majority of the site has not been developed. The site has an open character.

Paragraph 89 of the National Planning Policy Framework (NPPF) outlines what is normally considered to be acceptable, this paragraph states;

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;*
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

In terms of this application, there are no buildings on site at the present time, the application proposes a building of significant size together with extensive areas of parking. Part of the application site already consists of a large car park and as such the use of this land is not changed.

The remainder of the proposals relate directly to the development of the new office building. Such development is not considered to be acceptable within the Green Belt and therefore is inappropriate development and harmful by definition, unless very special circumstances exist

to clearly outweigh the harm by other considerations. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt when considering planning applications.

A case made up of a series of considerations has been put forward. The applicant stresses in the planning statement that these considerations amounts to the very special circumstances required to help overcome the automatic harm by inappropriateness and to the purposes for including land within the Green Belt.

The following considerations have been put forward as very special circumstances for allowing the proposals:

Consideration 1: That there is no harm to the five purposes of the Green Belt.

Consideration 2: The proposal will have no perceived impact on the openness of the wider green belt.

Consideration 3: The decision to review the Green Belt boundary specifically for the application site.

Consideration 4: Benefits of allowing the proposals.

Consideration 1 – There is no harm to the 5 purposes for including land within the Green Belt.

This point refers to the contribution the site makes to purposes for including land within the Green Belt. Five purposes for including land within the Green Belt are set out in paragraph 80 of the NPPF and are shown below:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The planning statement considers that the proposed development will not conflict with any of the purposes for including land within the Green Belt.

- to check the unrestricted sprawl of large built-up areas;

Having assessed the site it is considered that the proposal will contribute to unrestricted sprawl of large built up areas. The Planning Statement claims that this is not the case as the site adjoins the existing built up area of Wilmslow and the site is within an area of land that is physically enclosed by existing urban areas and the west coast mainline and the A34. These do however form strong physical barriers between the built up area of Wilmslow and the wider green belt to the south and east.

The majority of the site is a greenfield site that has not been previously developed and the development results in an enlargement of the Wilmslow urban area. The nature of the site

and its enclosure by existing urban features the would provide the opportunity for the development of this site to round off the settlement pattern in this part of Wilmslow. However the proposals do not generally accord with this purpose for including land with the green belt.

- to prevent neighbouring towns merging into one another;

The planning statement puts forward the point that the development of this site does not compromise the aim of the green belt to stop neighbouring towns merging into one another. The site sits at the southern edge of Wilmslow with Alderley Edge being located close by to the south. Views of the site from this direction are limited from the south although the gap between the two settlements is not significantly wide at this point.

The proposed development is located to the east of the existing Royal London site and as such will not erode the green belt in the relatively narrow gap to the south of the site that separates the two settlements. Although it does narrow the gap when taken in the strictest sense the strong physical boundaries of the A34 and the west coast mainline separate the site from the farmland beyond.

As a result the development of this site will not result in any harmful erosion of the gap in the built up area between Wilmslow and Alderley Edge.

- to assist in safeguarding the countryside from encroachment;

The development will encroach into the countryside and this is not in doubt. The site is a greenfield site that was last in agricultural use and as such it is clear that on an initial view that the proposals are contrary to this purpose.

However the site is bounded on all sides by existing urban features and land uses as described previously in this report. The wider countryside to the east and south of the site is protected by the strong physical barriers of the A34 and the west coast mainline. It must also be pointed out that the A34 was constructed after the site and the wider land was first defined as green belt.

- to preserve the setting and special character of historic towns;

Wilmslow is considered to be a historic town and indeed has a number of conservation areas throughout the area. However no conservation areas are located close to the site and therefore no contribution is made to this purpose.

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Wilmslow has only a small amount of previously developed land with potential for development. As a result it is considered that the future economic and development needs of the town cannot be met without the release of green belt land. It is not considered there is any conflict with this purpose.

Whilst it is acknowledged that the applicant does not consider the proposal to conflict with the purposes for including land within the Green Belt, this is not the test to determine whether development is acceptable in the Green Belt or not. A proposal can conflict or comply with any number of the purposes and still be found contrary to paragraph 80 of the Framework. Therefore consideration 1 is not considered to be a very special circumstance in itself, however weight can be attributed to this in combination with other circumstances.

Consideration 2: The proposal will have no perceived impact on the openness of the wider green belt.

As explained above the application is by definition harmful to the openness of the green belt. As part of the applicant's submission they have considered the impact of the development in these terms.

Firstly it is pointed out that the NPPF does not provide a definition of openness and as such it is left to case law to establish this. It is put forward that openness generally means the absence of buildings or development. Also of relevance is that case law regards openness and visual impact to be separate but related issues.

The proposed development will clearly introduce built form into the green belt and therefore a loss of openness will occur. The issue then moves onto the extent of harm that is caused by this development. As stated previously in this report the site is contained by existing development to the north and west and by strong physical boundaries to the south and east these being the A34 and the west coast mainline.

Whilst it is accepted that these strong boundaries are in place it is clear from the landscape visual impact assessment that is fully considered later in this report that the development will have some visual impact, although this can be mitigated against to some degree by retaining existing tree cover and landscape enhancement.

The site however, is visible from some distance and it cannot be considered that the proposal will not have an impact on the openness of the wider green belt. This issue centres around the extent and level of harm caused by the impact on openness. The visual impact on the landscape is considered in full later in this report and whilst a separate consideration it is closely entwined with the issue of openness as it goes some way to establishing the level of harm.

Consideration 3: The decision to review the Green Belt boundary specifically for the application site.

The site has been designated as a site for future mixed use development within the Cheshire East Local Plan Strategy – Proposed changes version (CELPS), as a strategic site.

The site is fully within the site identified as CS26 'Royal London including land to the west of Alderley Road, Wilmslow'. The illustrative masterplan submitted with this application demonstrates that the level of development proposed in the Policy can be accommodated within this site without compromising the wider aspirations for the site.

Policy PG3 Green Belt states that CS26 'Royal London including land to the west of Alderley Road, Wilmslow' will be removed from the Green Belt as part of the spatial strategy and to allow for the sustainable growth of Wilmslow which is one of only nine Key Service Centres in the settlement hierarchy.

CS26 states that the development of the site should achieve the following:

1. The retention and protection of buildings and their settings in the existing Royal London Campus.

2. The delivery of around 175 Dwellings (around 80 on land to the east of the existing campus, around 20 to the north of the existing campus and around 75 on land west of Alderley Road.
3. The provision 5ha of employment land for up to around 24,000 square metres of B1 employment space and a hotel.
4. Incorporation of green infrastructure and the provision of public open space at the southern end of the land west of Alderley Road.
5. Provision of at least 1 ha of land set aside for use as school playing field within the site in addition to the area marked as public open space in the map as well as an appropriate level of amenity open space and children's play space.
6. Pedestrian and cycle links and associated infrastructure.

Within the supporting text of CS26 the following is stated at paragraph 15.364:

'This site represents an ideal opportunity for an infill development which, with a mixed use scheme, will facilitate the growth and expansion of a major employment site, provide jobs and meet Wilmslow's much needed requirements for open space provision, whilst retaining the character of the area'

The designation of the application site as a future development site in the CELPS has been made through a thoughtful site selection process, where the designation has been assessed by the Council, a number of evidence based documents have been produced which do not preclude this site from coming forward as a mixed use site. In light of the evidence gathered by the Council, the application site is seen as a logical expansion of the town in order to accommodate the much needed growth and particularly housing growth. As a Key Service Centre, Wilmslow must accommodate future growth over the Local Plan period in order to ensure a sustainable future for the town and the wider borough.

It must be noted however, that this process should follow the plan-led system, where an Inspector appointed by the Planning Inspectorate will make the final decision on which sites will be brought forward for development at the strategic level and until the CELPS has been through the full EIP process and has been adopted, it cannot be afforded full weight.

However, this is not to say that this matter cannot be afforded weight. There are limited options around the edge of Wilmslow for growth, and the level of growth that must be accommodated increases the likelihood that this far through the CELPS development process, this site will be released from the Green Belt. Especially as the evidence gathered to date has not prevented the site from being progressed in the plan-making process.

A recent Secretary of State decision from 31st March 2016 – Land at 'Perrybrook' to the north of Brockworth and south of the A417, Brockworth Gloucestershire – dealt with this issue. The site is located within the Green Belt and the development was for around 1500 dwellings and various other uses. The site has been allocated in the emerging Joint Core Strategy, (not yet adopted). The conclusion of the Inspector and the Secretary of State in this case was that *'the proposal could be described as plan-led development rather than one which would undermine the plan-making process. Since the proposal is in keeping with the emerging JCS, he agrees that the proposal should not be regarded as premature within the terms of Framework paragraph 216'*

The same is true in the case of Royal London, the proposal would not be at odds with the plan-led process, as it would result in an area of land as identified in the plan being released from the Green Belt for employment purposes. The SoS agreed with the inspector that *'as the consistent conclusion of extensive study over the past decade has been that the area represents a logical and acceptable option for the extension of the built up area, the planning policy context should be accorded significant weight'*.

This case does have similarities with the Royal London site. The aim for the Royal London site in the CELPS is to provide a fully policy compliant site, to provide other benefits such as highway improvements, access, and open space improvements. It also allows for the rest of the proposed development to come forward.

This does follow the plan-led system as far as the allocation is concerned. The proposals are accompanied by a masterplan that shows how the full aims of CS26 can be delivered and that the proposed development does not constrain delivery of the wider site in accordance with the aims of the CELPS. Therefore the application is fully compliant with this allocation and in this instance the weight that can be afforded is considered to be significant.

Consideration 4: Benefits of allowing the proposals.

The applicant, within the planning statement, has set out the benefits that will arise should the development go ahead. This is carried out to allow the local planning authority to make a balanced decision on whether these benefits outweigh the harm to the green belt.

The main identified benefits are as follows;

- Meeting the needs of Royal London in Wilmslow
- Highway benefits
- Facilitating infrastructure delivery and investment in the wider strategic site.
- **Meeting the needs of Royal London in Wilmslow**

The applicant, in their supporting planning statement, places significant weight on the fact that Royal London is an important local employer and have submitted an economic case to support the proposals. This has been assessed by the Council's Spatial Planning Team and its conclusions are considered sound.

A number of factors are set out in section 2 of the report that sets out why Royal London's current and future business needs cannot be met in the current facility. The key points put forward are;

- Royal London as a business is growing and looking to expand.
- As part of the expansion plans Royal London are seeking to employ a further 500-600 people at this site and are unable to do this without the proposed development.
- The current building they occupy on the adjoining site is no longer fit for purpose and operates at full capacity.
- The refurbishment of this building is neither practicable or economically viable.
- A building up to the highest modern standards is needed.

- Other sites are being actively pursued by Royal London and the loss of this local employer will have a detrimental impact on local businesses. (This site is the only site with Cheshire East)
- The additional employees to be based at the site will have a positive impact on the local economy.

Royal London currently employ approximately 960 staff in the largest building in the existing campus that is known as Royal London House. Given the success of the business the company is seeking to expand and provide employment for up to 1,500 staff. The current level of employment at the site equates to approximately 1 in every 10 private sector jobs in Wilmslow and as a result the departure from Wilmslow of Royal London will have a detrimental impact on the local economy. This is further supported from the report by Regeneris that sets out the potential loss of £130 million of Gross Value Added (GVA) to Cheshire East.

Royal London House no longer meets the requirements of the company given the fact it operates at maximum capacity and following technological advancements it is no longer fit for purpose. This is not to say that it could be taken on by another occupier once it has vacated but it will require significant investment to be brought up to modern standards and the scale of the works can only be carried out if the building is vacant.

It is clear that Royal London play a significant role in economy in the Wilmslow and should the company re-locate outside of Cheshire East it would have a significant detrimental impact on the local economy in Wilmslow and the wider economy in Cheshire East. The proposals will not only ensure that the current positive benefits are maintained but the increased number of employees at the site will also make a positive benefit.

- **Highway benefits**

A Transport Assessment has been submitted to support the proposals and this matter is discussed in depth later in this report. In summary Alderley Road needs to be widened in order to accommodate the increase in traffic from the development. The Transport Assessment states that these improvements will result in the capacity and operation of the approach to the A34 roundabout being an improvement than the current situation.

- **Facilitating infrastructure delivery and investment in the wider strategic site.**

The application site is part of the wider area identified as site CS26 in the emerging Cheshire East Local Plan Strategy and it is set out previously in this report what it is intended to deliver on this site.

A key aim of this policy is to deliver up to 24,000 square metres of B1 employment space and this application will go some way to achieving this aim. Also as important is that the site is designed in such a way that the other aims of the policy are not compromised. The indicative masterplan submitted with the application suitably demonstrates this.

Access is a matter that is for approval in this instance and involves the upgrade and extension of the existing access road through the site including junction improvements where it meets Alderley Road. The justification for the allocations states that the existing access points will have to be enhanced. By carrying out these enhancements at this stage it will assist in

increasing the future development potential of the site as it is suitable to accommodate the remainder of the development proposed for the allocation.

The applicant has put forward a number of special circumstances to demonstrate that the harm to the Green Belt is outweighed by the benefits and other special circumstances outlined above. It is the role of the LPA to determine if these outweigh the harm to the Green Belt and in this instance it is considered that very special circumstances have been demonstrated and the reasoning behind this is outlined in this report in considering the full planning balance of the harm and the benefits.

Sustainability

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental, economic and social role

ENVIRONMENTAL SUSTAINABILITY

Accessibility

The accessibility of the site to pedestrians is important in regards to sustainability. The site is connected via the access road to the existing pedestrian network on Alderley Road that provides connectivity with Wilmslow. There are existing bus stops located on Alderley Road and are within a 400m walking distance of the site. To provide convenient access to the railway station, a pedestrian/cycle route is proposed that links to Harefield Drive and other residential streets that have good footways and provide a suitable route to the station. It is considered that this route is a more convenient route and it is much less trafficked, but a more direct route than the main Alderley Road. The Alderley Road widening scheme does include a shared footway and cycle facility that does link the southern site access with the cycle facilities on Pendleton Way.

There are local bus services that pass the site on Alderley Road, these bus services run at varying levels of frequency but does provide opportunities to commute to the site. In addition, Royal London provides a shuttle bus service between the site and Wilmslow railway station. Clearly, an important factor to improving accessibility is improving public transport access to the site, it is noted discussions with bus operators will be undertaken with a view to having bus services enter the site. In addition, improving frequency of the shuttle bus service will be explored through the submission of a travel plan for the site that will be part of the conditions attached to the planning permission.

A key part to promote sustainable mode usage is to ensure that there are convenient and safe routes, the pedestrian and cycle route to the station is being enhanced by the provision of the new footway/cycle link to Harefield Drive. A condition will be included on the decision notice requiring details of the design of this link and ensuring that it is available for use before the building is first occupied. A condition is also required to ensure that secure accommodation for 45 bicycles is also provided.

Highways

Objections have been received by local residents in relation to increased traffic and highways issues. The introduction of a new office building must be safe and acceptable in highways terms, offices generate large levels of traffic especially at peak times, and it is very important that there are no adverse highways impacts as a result of the proposed development. CEC Highways have commented on the application.

Traffic Impact Assessment

The scope of the highway impact has been agreed with the applicant and they have considered a number of junctions in the vicinity of the site, the two existing access points (northern and southern) with Alderley Road, the roundabout at the junction of Alderley Road/Bedells Lane and the roundabout on Melrose Way to the south of the site on the Alderley Edge By-pass.

The assessments have been undertaken on the worse case scenario with the existing buildings fully occupied and with the new Royal London building fully occupied.

The results of the 2021 capacity tests for the northern signal access and the southern access show that both site access points would operate within capacity with the proposed development added. The Alderley Road/Bedells Lane roundabout capacity results does show some of the arms are operating above capacity levels in 2021 although the queues are not particularly long and not ones that can be considered severe. The highway impacts in respect of these junctions is considered acceptable.

The operational assessment of the A34 Melrose Way/A34 Pendleton Way roundabout indicate that the existing road layout experiences capacity problems particularly in the PM peak on Alderley Road. The applicant has proposed an improvement scheme on Alderley Road on the southbound approach to the roundabout, this improvement involves widening to provide three 2.75 m lanes. The proposed design has been subject to a Stage 1 Safety Audit, no serious road safety concerns were raised in the audit.

A further capacity test has been undertaken with the improvement scheme in place, this shows that with the addition of the development it does not affect the operation of the

roundabout with the exception of A34 Melrose Way approach in the AM peak and Alderley Road (S) in the evening peak. Whilst, predicted queue lengths have increased with the addition of the development, these are not extensive queues that can be considered to be severe in the context of the NPPF and also these using traffic flows in the worse case scenario.

Overall, it is clear that the major traffic impact of the development falls on the southbound approach to the Melrose Way roundabout, there is a requirement for mitigation measures to be provided and there has been an improvement scheme submitted that deals with the development traffic. This scheme involves the widening of Alderley Road on the approach to the roundabout and the installation of an additional lane to accommodation traffic turning left. At present this stretch of Alderley Road operates above capacity at peak times. The agreed improvements not only ensure that the development is mitigated against but also results in this approach operating within capacity at peak times and represents a significant improvement on the current situation.

A condition will be included on the decision notice requiring the completion of these works within 6 months of the occupation of the new office building. This is a key benefit of the scheme that benefits the wider area, the transport assessment demonstrates the local highway network will function better, even with the new development fully occupied, than it does at present.

Car Parking Provision

The actual floorspace of the new building will not exceed 17,000sq.m and a condition will be included to reflect this. It is envisaged that the building would accommodate 1500 employees. The existing Royal London campus already employs a significant number of people and they have access to 752 car parking spaces across the site. The availability of car parking on the site has historically been less than operationally required and this has led to applications for further car parks to be constructed on the site. In addition, off site parking has occurred with vehicles being parked in residential street in the vicinity of the site.

This application consists of 1100 spaces for the 1,500 employees likely to be accessing the site, the number of car parking spaces is in excess of the recommended B1 office standard although it is important that sufficient parking is provided operationally and does not cause overspill parking externally from the site.

The level of car parking provision to serve the development is another important consideration, a balance needs to be struck between providing an operational amount of parking and high levels of parking that are not conducive to the use of sustainable modes. Historically there have been problems at the site with lack of parking provision and this application does provide a reasonable staff/parking ratio for the site. The final level of parking provision can be concluded at the reserved matters as it is only indicative at this stage.

Highways Conclusion

In summary, the application is acceptable subject to provide the Alderley Road improvement works to mitigate the traffic impact of the development, these works will be developer funded and implemented through a S278 Agreement. A condition on the decision notice will also ensure it is delivered within a reasonable timescale.

Subject to conditions relating to the implementation of the cycle links and improvements to Alderley Road, submission of a travel plan, and submission of a construction environment management plan the proposal is acceptable in highway terms.

Landscape Impact

The Landscape Officer has assessed the application, and the Landscape Visual Impact Appraisal (LVIA). The LVIA takes into account 17 viewpoints from all directions around the site although the majority of the views are taken from the south and east of the site as this is where most of the impact will occur.

Views of the site from the west are extremely limited due to the existing Royal London campus being set in a landscape of mature and well maintained environment. The only mitigation required is to retain and manage the existing landscaping.

The views from the south were taken from various points along the A34 between the residential property adjacent the roundabout and the west coast mainline. These views are all of varying sensitivity and take into account the view from the residential property, drivers on the A34 and users of a public footpath. From each of these views only a small part of the proposed building will be visible due to mature planting alongside the A34 and within the site. The recommended mitigation is to manage the existing woodland and supplement this with additional planting along the application site boundary. In time the building will not be visible from these areas.

From the north views were considered from Wilmslow High School and from residential properties at the Harefield Farm development. The degree of sensitivity is considered low in respect of the school but high in respect of the residential properties. From the school the building will be mostly screened by existing trees that form the southern boundary of the playing fields. In respect of the residential properties the magnitude of change has been assessed being medium as the building will be readily noticeable from this point but is not considered to dominate the view. The recommended mitigation is to retain the existing trees with additional landscaping and ensuring the building is located on the south eastern part of the site as shown on the indicative plan.

A number of different views have been taken from the east as the most open views of the site are from this direction. The furthest view from the site is taken from Castle Rock which is located 2.2 kilometres to the south east of the application site. This is an elevated vantage point that is publicly accessible and as a result the sensitivity of the view is considered to be high with views available across north Cheshire and Greater Manchester. It is not considered that the impact of the development from this view will be significant as only a small part of the building is likely to be visible from this point and will not result in a prominent feature in the landscape. The maintenance of the existing trees and planting along the site boundaries is considered sufficient mitigation in this instance.

A number of views from residential properties and along a footpath have been taken into account and are considered to be of high sensitivity as they are from public vantage points. The impact from each of these vantage points is considered to be low with suitable mitigation

being the retention of the existing planting and further planting along the eastern boundary of the site.

It is considered that the range of views taken into account is acceptable having been agreed in advance of the application being submitted. It is clear in the LVIA that the development will not be prominent in the wider landscape due screening by the topography, vegetation and buildings in the area. Additional mitigation will be required and shall be submitted as part of the reserved matters application and a condition relating to the wider management of the landscaping will also require details to accompany any reserved matters application.

Trees

The site enjoys significant tree coverage and is subject to a significant tree preservation order therefore the Arboricultural Officer has made representations on the application and the application is supported by Tree Quality Survey, Arboricultural Impact Assessment and Method Statement (Tyler Grange Ref 10359_R02a_MR_LP dated 11th May 2016. The tree survey has been carried out in full accordance with BS5837:2012 *Trees in Relation to Design, Demolition and Construction-Recommendations*.

Selected trees within the site are protected by the Macclesfield Borough Council (Wilmslow - Harefield/Fulshaw Hall) Tree Preservation Order 1975, which was subsequently confirmed on 4th Sept 1975. This order covers the protection of 11 individual trees, 5 areas of trees and 20 groups of trees.

The assessment has identified 23 individual trees, 24 groups and 1 hedge within the application site, the majority of which it has been stated are in a fair to good physiological and structural condition. Three trees have been categorised as 'U' under the BS5837:2012 categorisation as unsuitable for retention due to their deteriorating condition. The Assessment identifies partial removal of 7 groups of trees of high (A) and Moderate (B) category trees and one low (C) category tree to accommodate the proposed development. The tree losses are identified in the tree survey and include protected trees (part of G19 of the TPO) along the Alderley Road frontage towards the roundabout to accommodate the widening of the Alderley Road on the southbound approach to the A34.

Within the site the loss of part of TPO Area A4 (G6 of the survey) and a protected Horse Chestnut to accommodate a potential roundabout is proposed along with the loss of part of TPO Area A2 and possibly TPO G9 (T10 and G7 of the survey) due to site level changes to accommodate an access and car park. The localised widening of the internal access indicate the loss of part of TPO Area A3 (G20) and potentially an impact upon the rooting environment of a tree within TPO G16 (T20 of the survey)

The partial removal of two Groups shown as Group G9 and G13 to accommodate access widening and the proposed car park are outside TPO control and consequently there are no objections in principle to the loss of these trees

The loss of protected trees along the Alderley Road frontage is described in the arboricultural statement as having a minor arboricultural impact (due to the quality of trees as individual specimens) but are classified as Category A specimens (Trees of high quality and landscape qualities of particular visual importance – BS5837:2012 Table 1). A number of these trees are large specimens which collectively provide the mature tree lined nature of this section of

Alderley Road. As the trees are protected by a TPO group designation they should be assessed in terms of their group collective value and contribution to the street scene rather than on an individual basis. Many of the trees proposed for removal are mature specimens and it will take some considerable time before any replacement planting will reach the size of those trees proposed for removal.

The loss of the trees within the site is considered to be acceptable subject to additional planting through the site that will be required as part of the reserved matters applications.

The loss of the protected trees to accommodate the widening of Alderley Road is a significant material consideration and must be balanced against the benefits of their removal. This benefit is that the operation of the local highway network will be improved as part of the improvements required as part of these proposals. The planning balance falls in this instance to allow the removal of the trees given the wider benefit the highway improvements will have to the area in general. Mitigation for the lost trees can be secured through the reserved matters application along with a management plan for the existing and additional woodland areas going forward.

Additionally the reserved matters application shall be accompanied by an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan that shall inform the design of the definitive site layout.

Ecology

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has fully considered the proposals.

Woodland

The proposed development will result in the loss of an area of plantation woodland. The plantation woodlands on the site are individually considered by the submitted ecological assessment to be of site value, but collectively of local value. The revised ecological assessment anticipates a loss of 0.03ha of relatively immature plantation woodland as a result of the development itself and 0.1ha of more mature plantation due to the proposed road widening.

In principle, the loss of this small section of woodland is acceptable in ecology terms. The extent of the mitigation will be agreed as part of the reserved matters application following submission of a detailed ecological mitigation strategy.

Common toad

This species was recorded during reptile surveys. The area of toad activity would not be directly affected by the proposed development. To compensate for any impacts on this species it would be ensured that sufficient replacement habitat is provided as part of the final design of the scheme. The provision of an additional pond on site would be beneficial for this species and this will be delivered through a condition on the decision notice.

Badgers

Badgers are active on site, but no evidence of a sett being present was recorded. A condition be attached requiring an updated badger survey to be submitted with reserved matters application

Bats

Levels of bat activity recorded on site during the submitted surveys appeared low. Two areas of habitat that supported sustained bat activity are however likely to be affected by the proposed development. The potential impacts will be localised and the level of impact will depend on whether any lighting of the car parks is required and the hours of operation of any lighting. The Landscaped buffers around the car park will reduce these impacts slightly and the proposed offsite habitat creation would be enough to compensate these impacts once it matures. The off site habitat creation is located within the blue line of the application and therefore within the applicant's control.

A condition be attached requiring any lighting strategy for the car parks to be submitted as part of any future reserved matters application. The lighting strategy should be designed to minimise light spill onto the adjacent boundary hedgerows and trees.

Birds

A number of widespread species have been recorded as breeding on site. Whilst the site does not appear to be particularly important for birds, it should be ensured that any suitable habitat (trees, woodland, hedgerows etc.) lost is replaced at the detailed design stage and this will be considered at reserved matters stage when approval of landscape is sought.

Hedgehog

This priority species was previously recorded on the application site. The landscaped buffers around the site will assist in facilitating the movement of this species through the site. To ensure any losses of habitat for this species are compensated for it must be ensured that any hedgerows, woodland etc lost are adequately replaced as part of the ecological mitigation strategy for the scheme and this will be considered at reserved matters stage when approval of landscape is sought.

Ecological Mitigation

An outline ecological mitigation strategy, including the provision of additional ponds, is provided as part of the submitted ecological assessment (section 5). A condition requiring submission of a detailed strategy to be submitted with reserved matters application will be included on the decision notice. The strategy should be informed by the outline strategy and include an additional ponds and replacement woodland and hedgerow planting.

Amenity

There are no objections to the proposal on the ground of noise / vibration and dust subject to conditions being applied to any approval.

Environmental Health have considered the noise and vibration assessment submitted with the application and have accepted the findings of the report. Any noise sensitive receptors are a sufficient distance from the proposed B1 development. In order to mitigate against any impacts that may occur as part of the construction works a construction environment management plan is required to be submitted as part of a condition.

With regard to air quality Environmental Health have commented that transport emissions associated with new development has the potential to worsen air quality and affect the health of people. The impact of this can be felt wherever additional vehicles use the highway network. To mitigate this, the development should incorporate technology to encourage the use of ultra low emission transport options including walking, cycling and electric / plug in hybrid vehicles. This will be ensured through a condition..

With regard to land contamination, detailed reports were submitted as part of the planning application process, Environmental Health has raised no objections to the proposals subject to conditions.

Therefore the proposals accord with policies DC3 and DC63 of MBLP and the NPPF.

Flood Risk

The site is a greenfield site and to ensure that flooding is not caused by the development, run-off rates must not exceed the current greenfield levels. A Flood Risk Assessment was submitted with the application, which concludes the following:

The vast majority of the site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources. A small area of the site along its southern boundary around Mobberley Brook is within flood zones 2 and 3 which means that part of the site are at medium or high risk of flooding. This area does not impact upon the site of the office building itself.

Data obtained from the Strategic Flood Risk Assessment (SFRA) also places the site at low risk of flooding from other sources. In accordance with NPPF and local policy, this FRA has considered the impact on the surface water regime in the area should development occur.

Development of the site should be possible with careful consideration of the surface water and foul drainage, as well as other possible flooding issues. The proposals should balance the flood storage volumes and should not impede overland flows. Infiltration, if suitable, will be the preferred method of discharge of surface water, with all flows in excess of the infiltration rate being attenuated on site. The exact method and volume of attenuation will be submitted as part of any future reserved matters application.

Based on the information available the flood risk to the proposed development is low and development should not be precluded on flood risk grounds.

The Environment Agency and United Utilities have not raised objections to the proposals. United Utilities have recommended conditions in order to ensure that the proposed development does not create or exacerbate flooding through surface water run-off and to ensure that the drainage of the site is adequate. It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

Environmental sustainability conclusions

It is considered that the proposed development is environmentally sustainable. The location is sustainable in terms of accessibility however this will be improved in terms of providing pedestrian links which will be delivered through condition on the decision notice. With the

required mitigation the proposals will be acceptable in highway terms. Any harmful effects of the development with regard to pollution can be adequately mitigated. The landscape impact of the proposed development is, with suitable mitigation, considered to be acceptable. An adverse impact is that some mature protected trees need to be removed in order to accommodate the highway improvements on Alderley Road. On balance it is considered that the proposals are environmentally sustainable, the removed trees will be mitigated against and the highway improvements have a wider benefit to the local highway network.

ECONOMIC SUSTAINABILITY

Employment

The proposed development is to meet the needs of Royal London's expansion plans that will result in an additional 500-600 jobs on the site. As set out previously in this report should the application not be approved there is a very real prospect that Royal London will leave the borough. Should this occur there will be a negative impact on local employment with the loss of the existing 960 jobs in Cheshire East.

The construction of this development of this size would bring the usual economic benefit to the closest shops in Wilmslow for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

Economic sustainability conclusions

The proposals will result in additional employment in the short term through the construction of the site along with an economic boost locally through the increase in employees working in the town. It is considered that the proposals will make efficient use of the land by providing market housing in a town centre location and are therefore economically sustainable.

SOCIAL SUSTAINABILITY

The detailed design of the building is reserved for future approval so is not for consideration at this time. Likewise the details of open space will be determined at that stage and as part of any future development proposals for the adjoining land.

The issues on social sustainability are ones that will be considered as part of any future reserved matters application and there is no reason to suggest that the proposals at this point will not represent sustainable development.

Representations

A large number of representations have been received in relation to the application, representations both in objection and in support of the proposal. Most of the representations relating to this scheme and its merits have been addressed in the main body of the report. With the remaining issues being addressed below;

- A significant amount of office space is available at Alderley Park and the development could be accommodated there.

The Alderley Park site has been subject to its own application for redevelopment. The site is not in control of the applicant as the application site is, and the use of that site is not in any event a material consideration in determining this planning application.

- A significant amount of vacant office space is available in the area.

It is likely that vacant office space is available in the area. This however is spread over a number of sites, whilst the requirements of Royal London is to have all employees located in a central building located in a high quality environment.

Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

PLANNING BALANCE

The site is partially previously developed however the majority of the site is undeveloped. The whole site is within the Green Belt where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to justify the departure from Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In terms of consideration 1 and 2 it is considered that some weight can be attributed these. It is demonstrated that the site only offers a limited contribution in relation to the purposes of including land within the green belt, however it is clear from the submitted information that the proposed building will have some impact on the landscape and on the openness of the green belt. This can be mitigated against to a certain degree through submission of a suitable landscape scheme as part of the reserved matters submission and the continued retention of the mature trees already located around the site. On balance it is considered that these considerations in themselves cannot be considered as being very special circumstances, although they do provide some weight when considered in relation to the other circumstances.

Point 3 of the applicant's case relates to the fact that the site is earmarked for development in the CELPS. The degree of weight to be attached to an emerging plan which has not gone through the full EIP process depends on the level of how much the policy aligns with the NPPF.

The amount of weight to be given depends on the following as set out in paragraph 216 of the NPPF.

-the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

-the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
-the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In light of paragraph 216 it is acknowledged that the stage of preparation of the CELPS is advanced, initial EIP hearings have taken place and changes have been made in line with the Inspectors recommendations. The hearings are due to resume later in the year, following which the Inspector will make final recommendations. The recommended changes have been made to the policies and these changes have been consulted on which ended in April 2016. The Royal London site has objections to the release of Green Belt land.

The weight in this case to attach to CS26 should be significant, due to the level of preparation of the CELPS, and the fact that the proposals are in compliance with the other non green belt policies set out in the Macclesfield Borough Local Plan.

The remaining point put forward relates to the benefits that arise as a result of the development. It is considered that significant weight should be attributed to this. Paragraphs 18-21 of the NPPF compel local planning authorities to support the needs of business and assist in building a strong economy. The proposals will result in the protection of 960 existing jobs and the potential to accommodate up to an additional 600.

Royal London has an urgent need to expand and are also examining opportunities outside of Cheshire East. It is noted that the issues relating to the applicant's needs and as such the planning permission must reflect this. In order to ensure the permission reflects these circumstances it is proposed that rather than the standard three years to submit reserved matters applications it is intended to reduce this period to 18 months to ensure that should the local plan not progress or the circumstances of the applicant changes the application can be considered afresh on its own merits.

As part of the Transport Assessment it has been identified that the widening of Alderley Road is required to ensure that the proposal does not have an unacceptable adverse impact on the operation of the local highway network. At present there is an acknowledged issue of traffic queuing in a southerly direction past the application towards the roundabout on the A34. This arm of the junction operates above capacity during peak time. Modelling undertaken by the highway consultant demonstrates that the widening of Alderley Road will result in a significant improvement in the flow of traffic to the extent that this part of the highway network will operate within capacity even with the level of the traffic the proposal will create. This is considered to be a significant benefit of the proposals that provides a positive improvement that benefits the wider community.

The proposal is largely sustainable in terms of the environment. The widening of Alderley Road will result in the removal of protected trees. However the balance in this issue is in the fact that a significant improvement in highway performance along Alderley Road, in addition mitigation will be agreed through the reserved matters relating to landscaping and through a landscape management plan that will be submitted as part of the conditions attached to the planning permission.

The proposal and the wider proposals are economically sustainable as detailed in this report.

The benefits in this case are:

- Meeting the needs of Royal London in Wilmslow. The development would provide a replacement office headquarters for Royal London Insurance to ensure the retention of this major employer within Wilmslow, retaining 960 jobs in the area.
- Securing the provision of an additional 500-600 jobs
- The development would provide significant economic benefits through the provision of employment during the construction phase, the creation of new jobs and the knock on benefits for local businesses.
- The proposal will not have an adverse landscape impact, following suitable mitigation being agreed.
- The proposal will result in the widening of Alderley Road in a southerly direction approaching the roundabout on the A34. As well as mitigating against the impact of the development this will overcome an existing issue in the local highway network and ensure that the highway network operates below capacity.
- Pedestrian and cycle linkages will be provided through the site.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The impact on local ecology can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The loss of mature protected trees along Alderley Road. Although this can be mitigated to some degree through the imposition of planning conditions.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of all three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts at footnote 9.

On the basis of the considerations in this report it is considered that the very special circumstances have been suitably demonstrated that when weighed against the definitional and physical harm to the green belt are considered to overcome the limited harm that is caused. The adverse effects of the scheme are significantly and demonstrably outweighed by the benefits and mitigation against these adverse impacts can be achieved through submission of further information as part of the conditions or as part of the reserved matters application.

On balance therefore the application should be approved in principle subject to the following conditions. It should be noted that due to the nature of the development within the Green Belt that any approval would be subject to referral to the Secretary of State.

RECOMMENDATION

Approve with the following conditions subject to referral to Secretary of State.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Outline Planning

RECOMMENDATION:

1. Development in accord with approved plans
2. Submission of reserved matters
3. Tree retention/retention/protection
4. Submission of construction and environmental management plan
5. Tree retention
6. Landscaping (implementation)
7. Access available for use before occupation
8. Limitation on use
9. Refuse storage facilities to be approved
10. Standard contaminated land
11. Importation of soil
12. Unexpected contamination
13. 18 months to submit reserved matters
14. Levels
15. Submission of materials
16. Travel Plan
17. Landscape & Habitat Management Plan
18. Updated ecological mitigation strategy
19. Drainage
20. Cycle Parking
21. Electrical Vehicle Charging Points
22. Separate drainage systems

- 23. Management beyond site edged red
- 24. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
- 25. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
- 26. Implementation of Alderley Road widening
- 27. Details and implementation of cycle way and footpath
- 28. Restriction of floorspace to 17,000 square metres
- 29. Updated badger survey as part of reserved matters application



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Application No: 16/0856N

Location: LAND TO REAR OF 144, AUDLEM ROAD, NANTWICH, CHESHIRE

Proposal: Outline application for residential development for up to 104 dwellings (Use Class C3) and land for expansion of Brine Leas School (Use Class D1) (Re-submission of 15/3868N)

Applicant: Wainhomes (North West) Ltd

Expiry Date: 20-May-2016

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.

The development would provide benefits in terms of affordable housing provision, delivery of housing, the provision of land for Brine Leas High School and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Nantwich.

The development would have a neutral impact upon the local highway network, education provision, protected species/ecology, drainage, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land. The development would also be contrary to the daft Stapeley and Batherton Neighbourhood Plan which can only be given limited weight due to its early stage.

The benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement and the imposition of conditions

PROPOSAL

The application site is to the southern edge of Nantwich and to the rear of existing housing along Audlem Road (the A529). The majority of the site is semi-improved grassland. Residential gardens of the dwellings which front Audlem Road lie to the east, while the grounds and extensive playing fields of Brine Leas High School and Weaver Vale Primary School lie to the north and west respectively. Elliotts Wood is located to the south of the site with Batherton Lane to the south-east corner of the site.

Other than the access proposed through No 144 Audlem Road, the site lies outside of the settlement boundary as defined in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The proposal would involve the demolition of the dwelling at No 144 to allow for a new access to the site. The A529, reportedly an historic turnpike road between Chester and London, approaches Nantwich from the south. There is housing to both sides of Audlem Road, a small church and a public house, beyond which, traffic signals mark the junction with the A5301 and the road then leads, via the B5341, into the centre of Nantwich, which offers a range of facilities and transport options.

The application also includes a scheme of public realm highway improvements within the vicinity of the site access point onto Audlem Road.

Public footpaths No 1 and No 28, run to the west of the site and improvements are proposed to these footpaths as part of the scheme.

SITE DESCRIPTION

The proposal seeks outline planning permission and approval for access for 104 no. dwellings.

Access would be obtained via No 144 Audlem Road, for which permission has already been granted to demolish the existing dwelling and create a new access under outline application 13/1223N.

The proposal also seeks permission to change the use of the land in the northern portion of the site to use class D1, to become part of the Brine Leas school site.

RELEVANT HISTORY

15/3868N - Outline permission for residential development for up to 104 dwellings (Use Class C3) and land for expansion of Brine Leas School (Use Class D1) – Refused 23rd November 2015 – Appeal Lodged. Application refused for the following reason;

In the opinion of the Local Planning Authority, the proposed development would be unable to provide a safe and suitable access to and from the A529. This would result in a 'severe' and unacceptable impact in terms of road safety and would significantly and demonstrably outweigh the benefits of the scheme, notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich

Replacement Local Plan 2011 and paragraph 32 of the National Planning Policy Framework, which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.

14/4588N - Reserved matters application for the erection of 33 dwellings with associated works to include landscaping following approved outline 13/1223N - Approved 2nd February 2015.

13/4603N - Outline application for up to 40 dwellings (resubmission of 13/1223N). Refused 20th March 2014.

13/1223N – Outline application for up to 40 dwellings - Appeal Allowed 4th August 2014.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Stapeley Neighbourhood Plan

The Stapeley Neighbourhood Plan is now at Regulation 14 - Pre-submission Consultation stage. A draft plan has been produced. The following policies of the Draft Stapeley NP are relevant to this application:

H1 – Scale of Housing Development

H2 – Housing to Meet Local Housing Needs

H3 – Tenure Mix

H4 – Design

H5 – Phasing of Housing

H7 – Car Parking on New Development

H8 – Adapting to Climate Change

AWB1 – Accessible GP practices

AWB2 – Services for the elderly, disabled and for mental health

AWB3 – Provide for the sports needs of residents

AWB4 – Community facilities

AWB5 – Community infrastructure

AWB6 – Communications Infrastructure

T1 – General transport considerations

T2 – Walkable neighbourhoods

T3 – Pedestrian and cycle routes

T4 – Footpaths, cycleways and bridleways

T5 – Cycle Parking

T6 – Bus Services

T7 – Improving Air Quality

T8 – Identification of underground utility assets

GS1 – Open space within the Parish
GS2 – Green spaces
GS3 – Landscape Quality, Countryside and open views
GS4 – Important views and vistas
GS5 – Woodland, trees, hedgerows, walls and boundary treatment and paving
GS7 – Environmental sustainability of buildings
GS10 – Footpaths
GS11 – Biodiversity

It should be noted that there are some errors in the draft plan on the housing numbers which have been pointed out to the group and fed back in the Councils consultation response.

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside and as Green Gap under Policy NE.4.

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.4 (Green Gaps)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland

SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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
Interim Planning Statement Affordable Housing

CONSULTATIONS

Head of Strategic Infrastructure: No objection subject to the imposition of planning conditions.

CEC Environmental Health: No objection subject to the imposition of the following conditions; piling method statement, dust control, construction management plan, external lighting, travel plan, electric vehicle infrastructure and contaminated land.

Strategic Housing Manager: No objection based on the applicants confirmation that 30% affordable housing would be provided on site, 65% as affordable and 35% as intermediate tenure.

CEC Flood Risk Manager: No objection subject to the imposition of drainage conditions.

United Utilities: No objection subject to the imposition of a drainage condition.

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

Primary education - No contribution is required
Secondary education - $16 \times £17,959 \times 0.91 = £261,483.04$
SEN - $1 \times £50,000 \times 0.91 = £45,500$
Total education contribution = £306,983.04

CEC Public Rights of Way: No objection subject to conditions requiring the submission of a management plan, on-site improvements to Public Footpath No 1 Batherton. Off site improvements to Public Footpath No 28 Nantwich have previously been agreed under approved application 13/1223N and a contribution of £30,000 would be required as part of the S.106.

Ramblers Association: No comments received

Mid Cheshire Footpaths Society: No comments received

Ansa (Public Open Space): The development would provide sufficient POS provision. If a LEAP sized facility is provided then it should be in line with Fields In Trust standards, having a minimum number of six play experiences which may include balancing, rocking, climbing, sliding, swinging, jumping, crawling, rotating, imaginative and social play.

VIEWS OF THE TOWN/PARISH COUNCIL

Nantwich Town Council: Nantwich Town Council objects to the proposed development on the following grounds:

- The proposed access is unsuitable for a development of this size
- The site was not a preferred site in the Nantwich Town Strategy
- The access is too narrow and is taken off Audlem Road which is narrow at this point. Narrowing the carriageway on Audlem Road will affect the free flow of traffic and cause demonstrable harm to highways safety.

In terms of the proposed works to Audlem Road the Town Council have stated that;

- The proposed road works shown on the amended plan will do little to overcome the fundamental problems with this proposed access onto Audlem Road where it is not possible to achieve highway standards because of sightlines, parked vehicles and the width of Audlem Road. The changes proposed to the road surface in terms of level and materials are not appropriate for a main distributor road into Nantwich.

Stapeley Parish Council: Objects to the application on the following grounds;

- Although the access was previously approved, that was on the basis that there would be 40 dwellings only; the increase to 104 dwellings makes the access even more unsuitable than previously, notwithstanding that a Planning Inspector has approved it as acceptable.
- The application conflicts with the provisions of the emerging Neighbourhood Plan in a number of respects, including, but not limited to, Policies H7 - Car Parking on New Development, H6 - Housing Development, H2 - Housing to Meet Local Housing Needs, H1 - Scale of Development, T1 - General Transport Considerations.
- The development can be expected to generate at least 208 vehicles and will adversely impact the residents on Audlem Road.
- There will be a consequent increase in vehicle movements as a result of the increase in dwellings from 40 to 104 and the configuration of the road is such that home-owners on Audlem Road, who currently park on the road itself, will be compelled to use more complicated manoeuvres, dependent on which direction they are travelling.
- The development is expected to generate 19 primary-age children; 16 secondary-age children; and one special educational needs child. This will adversely impact on school places in the immediate locality.
- The spelling of 'Stapeley' is incorrect on the plan and is located 400 yards from the parish boundary. This concern relates to the projected primary school place provision from CEC showing that most of the primary schools local to the proposed development will be significantly above their PAN and cannot reasonably be expected to accommodate such excesses, which are contributed to by this proposed development. It can be viewed as unethical to compromise the education of children at Highfields, Millfields, Stapeley Broad Lane, and Willaston primary schools for the sake of this proposed development. Many of the local primary schools are Academies and therefore fall outside of CEC purview for funding arising from S106 or other financial contributions from developers.

REPRESENTATIONS

Letters of objection have been received from 14 local households raising the following points:

Principal of development

- The Strategic Planning Board has previously resolved to refuse this application.
- Loss of BMV agricultural land
- When the first appeal was allowed there was no mention of Brine Leas School acquiring any of this land
- Just because part of the site was allowed at appeal does not mean that this application should be approved
- The site is not a strategic site identified within the CEC Local Plan
- The application conflicts with the policies contained within the Stapeley and Batherton Neighbourhood Plan
- The types of dwelling proposed are not required in the Parish
- The site should be reserved for the expansion of Brine Leas School

Highways

- Audlem Road is a very busy main road used by cars, buses, HGV's and large farm vehicles. This development will add to the already high level of traffic especially at rush hour/school run times
- Parked cars along Audlem Road makes it difficult for vehicles to pass
- Pavements are narrow and overgrown. This is a dangerous route for pedestrians.
- Audlem Road is too narrow to serve this development
- The proposed access and narrowing of the A529 would contribute to a major safety issue
- The planning inspector raised concerns over the impact upon Audlem Road
- Health and safety of the school pupils
- Further traffic congestion
- The submitted TA does not demonstrate that the proposed access is fit for purpose
- The existing railway crossings cause traffic backlogs in Nantwich
- The development would be a danger to pedestrians and cyclists
- The proposed off-site highway works are not appropriate. The use of granite sets on a road which is heavily used by large vehicles will create noise
- The proposed car-parking lay-by will not be large enough to accommodate all of the cars currently parked along Audlem Road
- Narrowing Audlem Road will make the existing travel problems worse and two vehicles will not be able to pass
- The 20mph will not stop people speeding
- The proposed works to Audlem Road will cause traffic problems during the construction phase
- The visibility splays at the site entrance do not comply with Manual for Streets 2

Amenity Issues

- Loss of privacy

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Stapeley and Batherton Neighbourhood Plan

Part of the application site is located within Nantwich and part is located within the Stapeley and Batherton Neighbourhood Plan Area.

The NP is now at Regulation 14 - Pre-submission Consultation stage. A draft plan has been produced and has not yet been the subject of any consultation.

The NP identifies that the housing need will be met by current housing construction in the Parish and by sites with full and outline planning permission. This site is not identified as a housing site within the draft NP.

New housing in the NP area is limited under Policy H1 to infill development, rural exception sites (sites of up to 5 houses), the redevelopment of brownfield sites, the re-use and conversion of redundant buildings and greenfield development to a maximum of 5 dwellings to meet the Objectively Assessed Housing Need.

Policy H6 provides guidance on the number of houses that will be granted planning permission in the plan period from 2010 to 2030. However as stated above this is an error within the draft plan which will need to be corrected.

It should be noted that the earlier application on this site will be heard at a Public Inquiry in September 2016. The draft NP plan is not likely to proceed to examination until October 2016 with referendum estimated in January 2017 with adoption in February 2017.

In this case it can be concluded that the NP is at an early stage as it has not been subject to public consultation and contains errors in terms of the housing numbers over the plan period. As such the weight that can be afforded to the NP is limited but will need to be considered as part of the planning balance.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply.

From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

SOCIAL SUSTAINABILITY

Affordable Housing

The applicant has stated in their accompanying Planning Statement that 30% of the dwellings will be affordable this equates to 31 units. These should be provided in line with the tenure split identified in the Interim Planning Statement (IPS), equating to 20 rented and 11 intermediate tenure units.

Neither the Application Form nor the Planning Statement shows the proposed breakdown of property types and sizes. Whilst the submitted Sketch Layout does include the developer's

standard house types for market and affordable units there are no details of these standard house types and whether they meet the identified housing need.

The site falls partly within the Nantwich sub-area and partly in the Wybunbury and Shavington sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

For Nantwich the SHMA identifies a need for 78 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 40 x 1 bed, 15 x 3 bed, 35 x 4+ bed general needs units and 16 x 1 bed older persons accommodation. On Cheshire Homechoice there are 159 people asking for one bedroom accommodation, 176 people asking for 2 bed accommodation, 79 asking for three bed and 12 asking for four or more bed.

For Wybunbury and Shavington the SHMA identifies a need for 54 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed general needs units and 1 x 1 bed older persons accommodation & 8 x 2 bed older persons accommodation.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

In this case the level required would be 3,640sq.m. The submitted Design and Access Statement states that the level of public open space provided by the development would amount to 0.36 hectares (3,600sq.m). In addition to this there would be the provision of an area of land which would be transferred to Brine Leas School which would be used for new sports pitch provision.

In terms of children's play space this would be provided on site and the applicant has indicated in the Planning Statement that they are willing to provide a LEAP. This is considered would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3.

The provision of the POS and LEAP on the site would be secured as part of a S106 Agreement.

Education

A development of 104 dwellings is expected to generate 19 primary aged children and 16 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by the following primary schools; Highfields, Millfields, St Anne's, Stapeley Broad Lane, Weaver, Wyche, Pear Tree and Willaston. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution. This can be seen in the school places projections below where there are 84 vacant spaces in 2015 dropping to 40 vacant spaces in 2019.

	PAN Sep 15	PAN Sep 16	NET CAP May-15	NET CAP 2016	PUPIL FORECASTS based on October 2014 School Census					
					2015	2016	2017	2018	2019	
Primary Schools										
Highfields	30	30	210	210	214	219	216	216	216	
millfields	30	30	210	210	210	215	213	214	214	
st Anne's	30	30	210	210	204	203	198	195	191	
Stapeley Broad Lane	30	30	204	204	215	220	225	229	228	
weaver	30	30	210	210	214	212	209	205	201	
wyche	28	28	196	196	170	175	177	179	181	
Pear Tree	30	30	210	210	213	209	207	204	200	
willaston	30	30	210	210	216	224	235	242	246	
				80						
Developments with S106 funded and pupil yield included in the forecasts										
Developments pupil yield not included in the forecasts									3	
Children expected from this development									20	
OVERALL TOTAL	238	238	1,660	1,740	1,656	1,677	1,680	1,684	1,700	
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					84	63	60	56	40	

In terms of secondary schools, there are two which would serve the proposed development (Brine Leas and Malbank). The table below shows that there are capacity issues at these schools and there would be a shortage of 28 spaces in 2020 rising to a shortage of 137 spaces by 2021.

	PAN Sep- 15	PAN Sep- 16	NET CAP May-15	NET CAP 2016	PUPIL FORECASTS based on October 2014 School Census						
					2015	2016	2017	2018	2019	2020	2021
Secondary Schools											
brine Leas	215	215	1050	1,050	1117	1142	1180	1192	1203	1204	1203
malbank	210	210	1050	1,050	877	905	973	1018	1065	1107	1137
Shavington	170	170	850	850	542	597	645	670	713	739	755
Please Note; All figures quoted exclude any allowance for 6th Form Pupils											
Developments with S106 funded and pupil yield included in the forecasts				72							
Developments pupil yield not included in the forecasts											48
Children expected from this development											16
OVERALL TOTAL	595	595	2,950	3,022	2,536	2,644	2,798	2,880	2,981	3,050	3,159
OVERALL SURPLUS PLACES PROJECTIONS					486	378	224	142	41	-28	-137

As there are capacity issues at these local schools the education department has requested a contribution of £261,483.04. This will be secured via a S106 Agreement should the application be approved.

In this case the applicants have questioned whether a contribution is required when they will be transferring land to Brine Leas School. The Education Department have requested the financial sum to expand a local secondary school in the usual process, this sum could be spent at any of the schools within 3 miles (the service has to satisfy a number of differing criterion before identifying where to expand such as playing field areas etc). It is accepted that Brine Leas School (an academy) as an oversubscribed popular and successful school objected to the approved application on the basis that the school do not have the grounds to expand and following discussions between the school and the developer an offer of land was made.

The Education Department at this stage would be unable to commit to which school the funding would be spent at because it would be pre-empting any process. On this basis the Education Department is requesting the financial contribution to build any expansion and the land required to expand Brine Leas School (without which it would restrict any expansion of the school).

The development is expected to impact upon SEN places. 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 Education Department acknowledges that this is an

existing concern. However the 1 child expected from this application will exasperate the shortfall (the 1 SEN child who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting). On this basis a contribution towards SEN education will be required and this has been calculated at £45,500. This will be secured as part of a S106 Agreement.

Impact upon Brine Leas High School

This application includes land for the expansion of Brine Leas School (the indicative plan which has been submitted in support of this application shows that the area of land could be laid out as an additional sports pitch).

Brine Leas is one of two secondary schools in Nantwich and the school has seen a number of recent developments/improvements such as improvements to the sports facilities, a new ICT language room and other redecoration/upgrading of other areas of the school.

As part of the appendices to the submitted Planning and Design and Access Statement a letter from the school is included in support of the application and this is summarised as follows;

- The school has grown rapidly over the last 10 years and Pupil Admission Numbers (PAN) have increased. There is now an average of 217 students in each year group (this is over capacity by 35)
- Additional classrooms have been built to replace the temporary accommodation. However there are still 3 mobile classrooms and a shortage of specialist facilities such as science laboratories
- For 2015 the school has gone over its PAN due to the large number of siblings. This cannot be sustained without further expansion
- Successful exam results over a long period of time mean that the school is popular
- The school opened a sixth form in 2010 and adjustments were made to the sporting facilities on site. However the existing playing field is extensively used and has been reduced in size. This is noticeably detrimental to the children
- The school have put in a bid to demolish the existing technology rooms and to construct a new building with an additional storey. This would allow the school to take an additional form of entry
- Given the additional land it is likely that the school could provide better value for money and they would be able to build on part of the existing school playing field. The school hope to provide an additional all weather facility which would be available for community use.

It is accepted that Brine Leas School is currently constrained by development on all sides especially with the consented development on this site which was allowed under the appeal decision for application 13/1223N (Phase 1). This current application has been prepared so that it includes an area of land for the school to expand and this land would be transferred to Brine Leas School for their future expansion with the land to the south being developed for new open market and affordable homes.

As it currently stands it is open for the applicant to implement the extant Phase 1 approval and then to pursue Phase 2 under a separate application without the transfer of land to Brine Leas School. This application provides the opportunity to secure an area of land for Brine Leas School to expand and would provide an important planning benefit which needs to be considered as part

of this application. A refusal of this application would mean that the developer could build out Phase 1 and the potential benefits for the school would be lost.

Health

A search of the NHS Choices website shows that there are 4 GP practices within 3 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

Category	Facility	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	1100m
Local Amenities:	Convenience Store (500m)	1000m
	Supermarket* (1000m)	1400m
	Post box (500m)	31m
	Playground / amenity area (500m)	1300m
	Post office (1000m)	1800m
	Bank or cash machine (1000m)	1000m
	Pharmacy (1000m)	1400m
	Primary school (1000m)	750m
	Secondary School* (1000m)	400m
	Medical Centre (1000m)	2200m
	Leisure facilities (leisure centre or library) (1000m)	2100m
	Local meeting place / community centre (1000m)	26m
	Public house (1000m)	170m
	Public park or village green (larger, publicly accessible open space) (1000m)	1100m
	Child care facility (nursery or creche) (1000m)	2000m
Transport Facilities:	Bus stop (500m)	23m
	Railway station (2000m where geographically possible)	1300m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	1300m
<i>Disclaimers:</i>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
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	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

The site fails against 11 criteria in the North West Sustainability checklist, 8 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Nantwich is a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur. Nevertheless, this is not untypical for suburban dwellings and the proposal would lie to the side of the established linear form of development along Audlem Road of which lie within Nantwich Settlement Boundary.

Similar distances exist between the town centre and the approved development site (subject to the completion of the S.106 Agreement) at Kingsley Fields and, although the development at Kingsley Fields would probably be large enough to have its own facilities, not all the requirements of the checklist would be met on site.

Accordingly, it is considered that the site is locationally sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

Due to the separation distances involved to existing properties along Batherton Lane and Audlem Road and the intervening boundary treatments, there is not considered to be a significant impact to the surrounding dwellings.

Detailed measures to achieve appropriate levels of existing and proposed residential amenity between properties would be secured at reserved matter stage.

The Environmental Health Officer has requested conditions in relation to a piling method statement, external lighting, and an environment management plan.

Air Quality

The applicant has submitted an Air Quality Assessment in support of this application.

There is one Air Quality Management Area (AQMA) within the vicinity of the site which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO₂). By virtue of the development location, there is the potential for vehicles travelling to and from the development to increase pollution levels in this sensitive area.

There is also concern that the cumulative impacts of development in Nantwich will lead to successive increases in pollution levels and thereby increased exposure to airborne pollutants.

The submitted assessment concludes that there will be a small impact within the Hospital Street AQMA. The assessment has ignored an underestimate at one of the receptors and therefore it is likely to have significantly underestimated the potential impact at this specific residential property within the AQMA. It is the view of the Environmental Health Officer that any increase in concentrations within an AQMA is significant as it is directly converse to local air quality management objectives and the Council's Air Quality Action Plan (AQAP). The NPPF requires that development be in accordance with the Council's AQAP.

In order to mitigate the impact upon the AQMA the Environmental Health officer has suggested conditions in relation to the submission of a Travel Plan, electrical vehicle infrastructure and dust control.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. A Phase I Preliminary Risk Assessment for contaminated land has been submitted in support of the application. The report does not address the whole application area, and therefore it requires updating to include the north of the site as well.

As such, the Councils Environmental Health Officer recommends that a standard contaminated land condition is attached to any approval.

Public Rights of Way

The development would affect Public Footpaths No. 28 Nantwich and No. 1 Batherton.

The Councils PROW Officer raises no objections to the development subject to a condition to secure a Public Rights of Way scheme of management to be submitted to and approved in writing by the Local Planning Authority.

The proposed on-site improvements to Public Footpath No. 1 Batherton which runs along and within the western boundary of the site, would involve the provision of an all-weather route between the site and the facilities of the school and town centre. Public Rights of Way have confirmed that the specification of the route improvement has been agreed and confirmed with the applicant and this would be added as a condition to any grant of consent.

Public Footpath No. 28 Nantwich runs from the north-western boundary of the site northwards and provides a sustainable, traffic-free route between the site and the facilities of the schools and town centre.

The provision of off-site improvements to this route, to the sum of £30,000 has previously been established and agreed with the applicant under approved outline application 13/1223N. This sum would also be required for this application and would be secured in the S.106 Agreement.

Highways

The previous application (15/3868N) for 104 dwellings on this site was refused due to a reason for refusal relating to the safety of the point of access only. The reason for refusal does not refer to any impact upon the capacity of the surrounding highways network.

Access

It is proposed to locate the access off Audlem Road via a simple priority controlled junction (as per the approved application 13/1223N). The access would provide a carriageway width of 5.5m with 2m footways either side linking into a proposed 1.9m wide footway onto Audlem Road. The width of Audlem Road would be narrowed to 6.1m (from approximately 7.2m) for a short stretch to the north and south of the proposed access. The access would also include the provision of a parking bay large enough to accommodate a minimum of 6 cars.

To the north of the application site the applicant has also indicated that they propose to provide a zebra crossing (although the exact location is yet to be confirmed).

Following discussions with the applicant's agent an amended plan has been received which shows a scheme of public realm works along Audlem Road. This scheme complements the previously consented access arrangements to serve application no. (13/1223N) enhancing the environment of the Audlem Road corridor by controlling vehicle speeds and improving the pedestrian environment.

This has been achieved by the introduction of the following:

- The use of high quality materials in the form of Yorkstone paving, sets at junctions, conservation kerbing and coloured road surfacing
- Gateway features incorporating advisory 20 mph signage.
- Increasing the width of Audlem Road carriageway to 6.1m.
- Provision of informal crossing points at the access road with the option of incorporating vertical deflection to provide improved pedestrian connectivity from the development to the surrounding area.
- In addition these access arrangements will be subject to a post construction safety audit where issues arising post implementation can be raised and if required addressed.

It is recommended that this scheme is implemented via a S278 agreement and completed prior to first occupation of the 1st dwelling.

Access Safety

The visibility splays indicated are 2.4m x 34m to the north (to edge of carriageway) and 2.4m x 32m to the south (0.17m into the carriageway). The TA assumes that because the access was accepted as suitable by the Inspector at Inquiry for 40 dwellings that it remains acceptable for 104 dwellings. As the Inspector accepted that the access will be a safe one, and it is accepted that there will be no capacity issues at the site access itself for the 104 dwelling development, it is accepted that the access is safe and suitable for the currently proposed level of development.

In terms of the proposed visibility splays the Inspector found that;

'the proposed visibility splays would be acceptable'

In terms of the works to reduce the width of Audlem Road the Inspector as part of the previous appeal stated that;

The proposal would result in an extended stretch being reduced to a width of 5.5 metres, similar to that alongside the Toll House to the south. 5.5 metres is a relatively typical road width for urban residential situations and would allow for cars to pass comfortably, although, notwithstanding the widths set out in Figure 7.1 of MfS1, HGVs and other larger vehicles would, in my judgement, be restricted and may wait or pass with care.

And that;

'The road width along this stretch would be likely therefore to be 5.5 metres with some lengths reduced to approximately 3.5 metres and insufficient for cars to pass each other. This proposal therefore represents a significant change to the nature of the road here, altering it from one where traffic, for the most part, passes as a two-way flow, to one where single flow traffic will occur at points.

I accept that this may represent inconvenience to regular users when they would have to wait for another vehicle before passing any parked cars. However, the test before me is whether there are any material safety implications or alterations to traffic flow or congestion such that the residual cumulative impacts would be severe.

I carefully considered the road situation during my unaccompanied site visits, and was able to consider the proposed junction and potential visibility splays during the accompanied visit, when road widths were confirmed through measurement. In circumstances where there are parked cars, I consider that the narrowing of the road would provide some measure of traffic calming, speeds would be reduced and the proposed visibility splays would be acceptable'

The issue of the on-street parking along Audlem Road was considered by the Inspector who noted that on-street parking would not be continuous along this stretch of road due to the number of existing driveways (the Inspector witnessed that there were at least 4 parked cars during his site visits, with 8 in the evening).

In terms of the current on-street parking situation the Inspector found that;

'Currently, the road operates with a level of parking predominantly to its eastern side. Thus the road width remaining is approximately 5.2 metres and sufficient for cars to pass each other. I observed that to be the case, although larger vehicles would often wait before or between the parked cars for other vehicles to pass.'

In terms of the proposed development and on street parking the Inspector found that;

'Their presence may bring traffic across the centre line closer to the new junction, but even were the road to be reduced to 3.5 metres adjacent to a parked car, this would not prevent the oncoming driver, who would have excellent forward visibility, responding to a car edging out'

As can be seen from the comments from the previous appeal decision it can be concluded that under the existing layout, even with parking present, cars can pass each other with care allowing two-way vehicle flow but a car and larger vehicle cannot pass each other with the parking present.

Larger vehicles form some 5% of overall traffic flows on Audlem Road. The narrowing of the carriageway with parking present, will form a barrier to two-way traffic flow unless parking on Audlem Road relocates. The applicant is proposing six unallocated parking bays alongside the access road to their development.

The proposal is for an additional 64 dwellings (beyond that originally tested). As such the level of additional development to generate 35 to 45 peak hour vehicle trips. This authority made a case for severe traffic impact related to the proposed 40 dwellings. Given the views expressed in the Inspector's decision that such impact was not severe a Highways reason for refusal for an additional traffic impact of less than one vehicle per minute in peak hours could be sustained, even with the increased delay associated with the road narrowing.

Furthermore the applicant is proposing a scheme of public realm improvements along this stretch of Audlem Road as discussed above.

Traffic impact

A Transport Assessment has been submitted in support of the application. The level of committed development traffic assessed in the TA is deemed sufficient for the purposes of assessment of the development proposal and although traffic data was collected in 2013 it is also considered to be suitable for the assessment of the impacts of this development proposal.

This site has planning permission for a proposed development of up to 40 dwellings. This proposal is for an additional 64 dwellings (beyond that originally tested). It is realistic to expect such a level of additional development to generate 35 to 45 peak hour vehicle trips. This is consistent with the submitted Transport Assessment which identifies the following traffic generation from the proposed development:

Peak Hour	AM Peak			PM Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Permitted (40 units)	7	16	23	14	9	23
Proposed (104 units)	18	41	59	37	24	61
Net Impact	11	25	36	23	15	38

Cheshire East made a case for severe traffic impact related to the proposed 40 dwellings. Given the views expressed in the Inspector's decision that such impact was not severe it seems unlikely that a Highways reason for refusal for an additional traffic impact of less than one vehicle per minute in peak hours could be sustained.

Furthermore it should be noted that the submitted Transport Assessment includes an assessment of two junctions within the vicinity of the site; the proposed access onto Audlem Road and the junction of Audlem Road/Peter Destaplegh Way.

In terms of the site access/Audlem Road the Transport Assessment that this junction will operate with significant spare capacity during the peak hours in the assessment year of 2020

In terms of the junction of Audlem Road/Peter Destaplegh Way the submitted Transport Assessment shows that the signal controlled junction of Audlem Road and Peter Destaplegh Way will operate with spare capacity during the peak hours in the assessment year of 2020.

The introduction of proposed development flows is forecast to have a negligible impact on the operation of both junctions.

Pedestrian Accessibility

The applicant is proposing upgrades to existing footpaths and the provision of a footway to the south of the site access onto Audlem Road. The upgraded footpaths will assist mainly those at the site and the footway on Audlem Road will assist those in dwellings immediately to the south of the site access; with its primary purpose being to increase visibility from the site access at the expense of carriageway width and potential increased delays to main road traffic with parking in place.

The issue of pedestrian safety was considered by the Inspector as part of the previous appeal decision and the Inspector found that;

'the proposal would provide a footway for pedestrian use along the western side of the carriageway. This would not only improve pedestrian access but would provide an additional element of space and visibility for cars exiting driveways on this side. I note the Council's concern that there would be issues with pedestrian visibilities for these driveways, but overall this would represent considerably enhanced provision for the existing properties along this part of the road. Overall, I consider that there would be no significant harm to highway safety'

The applicants TA includes plans with what they call 3km and 5km cycling isochrones. They are in fact, 3km and 5km crow-flow radii measured from the centre of the site. Nevertheless, cycling is a realistic option than walking for accessing local facilities under ideal weather conditions and where heavy loads are not to be carried.

The TA indicates that there are four bus services in reasonable proximity to the site, one of which provides only a single service on a Wednesday. The other three services are indicated to serve Nantwich, Crewe, Shavington, Leighton Hospital, Whitchurch and Audlem between them. The services only run at an hourly frequency. Service 51 is a local service that runs hourly between 1015 and 1615 and so is of no value for employment trips. Service 73/75 is Nantwich – Audlem – Whitchurch and runs between about 08:00 and 20:15 but only a few services go beyond Audlem. Service number 6 referred to by the applicant does not appear to serve Nantwich let alone the development site. Service 39 does pass Brine Leas School and it offers a two-hourly service. The overall level of bus provision at the site is therefore only poor to moderate.

Highways Conclusion

The Inspector's decision in relation to a previous application on part of the site indicates that he felt that access was safe and suitable, and that the proposals would not result in a severe impact in terms of safety or delay on Audlem Road. It is realistic to expect such a level of additional development to generate 35 to 45 peak hour vehicle trips. This level of traffic generation would not result in a severe highways impact in terms of road safety and as such a reason for refusal on these grounds could not be sustained.

Trees/Hedgerows

The submitted tree report identifies 25 individual trees, 7 groups and one boundary hedgerow located within and immediately adjacent to the application site. Ten individual trees have been identified as High (Category A) trees; 4 individual and 4 groups as Moderate (Category B) trees and 11 individual trees as Low (Category C) trees. One tree, a Hawthorn located within the rear garden of 144 Audlem Road, is in terminal decline and will require removal by virtue of its condition.

In terms of impact on trees, access from 144 Audlem Road is as per the extant consent and will necessitate the removal of two low category groups (G1, G2) and the declining Hawthorn referred to above.

The proposed footpath and emergency access link to the southern part of the site will require the removal of trees (mostly Hawthorn and Elm) within a moderate category group (G3). It is acknowledged however that the impact is not considered significant in terms of the wider amenity.

The submitted sketch plan seeks to demonstrate how up to 104 dwellings could be accommodated on the site. Whilst this shows how dwellings are to be located around internal access roads, it does not show best design in terms of the retention of those A and B category tree constraints identified in the submitted Tree Report. The positions of existing trees, in particular those located on the Batherton Lane frontage are not shown accurately on the sketch plan and it would appear that number of mature trees along the Batherton Lane frontage would potentially be located within the rear gardens of properties. As part of the design process required by BS5837 there is a requirement to ensure due allowance for space around retained trees, particularly in terms of their relationship and social proximity to new buildings. If mature trees are to be located within rear gardens, then additional space may be required in order to ensure the trees long term retention which could impact upon the overall layout design in terms of plot numbers.

No reference is made in the submitted Tree Report to Elliotts Wood to the south of the site. In this regard an assessment will need to be carried out as part of an Arboricultural Impact Assessment as to the impact in terms of the future growth of woodland edge trees and the shading of buildings and gardens.

Existing trees to the west (adjacent to FP1 Batherton) are shown located within proposed open space although there is some interface with buildings.

There are some reservations over the proposed design and the proposed number of dwellings given existing tree constraints. A condition to secure an updated Arboricultural Impact Assessment as part of the reserved matters application will be imposed to any approval.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked.

The proposal would have a low density of 20.8 dwellings per hectare, which is considered to be appropriate. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

This is an outline application for the development of up to 104 dwellings on land to the rear of 144 Audlem Road, Nantwich. The application also includes an area for the expansion of Brine Leas School. The application site is located on the southern edge of Nantwich, to the west of Audlem Road. The properties located along the western side of Audlem Road form the eastern boundary, Footpath 28 Nantwich and Footpath 1 Batherton form the western boundary, Brine Leas School and the associated playing fields form the northern boundary and Elliot's Wood forms the southern boundary of the application site.

As part of the Landscape and Visual Impact Assessment the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland Plain, specifically ELP1 Ravensmoor Character Area.

The Councils Landscape Architect would broadly agree with the Landscape and Visual Impact Appraisal that has been submitted with the application which includes an Indicative Sketch Layout. The Councils Landscape Architect feels that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters application and appropriate conditions.

Ecology

Great Crested Newts

Great Crested Newts have been recorded at a pond located within the centre of the proposed housing development and also at numerous ponds surrounding the development.

The proposed development will result in the loss of one pond used by Great Crested Newts and also a significant area of relatively low value terrestrial habitat. The proposed development would also pose the risk of killing or injuring any newts present on site when the development was undertaken.

In order to address the potential impacts of the proposed development the applicant is proposing to remove and exclude newts from the footprint of the proposed development using standard best practice measures under the terms of a Natural England license. The loss of the pond would be

compensated for through the enhancement of an existing pond and the construction of new ponds.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:
- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements.

The NPPF advises that LPA's should contribute to 'protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the proposed development would provide an extension to Brine Leas School as well as much needed open market and affordable housing
- The derogation is not detrimental to the maintenance of GCN as a scheme of mitigation would be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would provide an extension to Brine Leas School as well as much needed open market and affordable housing

The Councils Ecologist advises that the proposals to mitigate the risk of GCN being killed or injured during the construction phase are acceptable. The Councils Ecologist was previously

concerned that the proposed mitigation strategy would lead to a fragmentation of the existing ponds due to the distances between them. The provision of a further additional pond as per the latest version of the master plan would reduce these impacts. The Councils Ecologist therefore advises that the proposed mitigation and compensation is adequate to maintain the favourable conservation status of Great Crested Newts.

Roosting Bats and Trees

A number of trees have been identified as having potential to support roosting bats. Based upon the submitted masterplan it appears feasible for these trees to be retained as part of the proposed development. Further surveys may be required at the reserved matters stage if any of these trees are to be lost.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. It appears likely that the proposed development would result in the loss of a section of hedgerow to facilitate the site access. It must be ensured that any losses of hedgerow are compensated for by means of appropriate native species hedgerow creation at the detailed design stage of the development.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted a condition will be attached to mitigate the impact upon Hedgehogs.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Nantwich including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

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.

The previous outline application under 13/1223N included the submission of an agricultural land survey which indicated that the northern portion of the site is grade 3a agricultural land. The applicant has not submitted a survey to accompany this application, however, given the application site is only separated to the northern portion of the site by a hedgerow, it is assumed that the application site would also be classed as grade 3a agricultural land.

Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

The Council accepted in the Statement of Common Ground relating to application 13/1223N, that the loss of BMV land would not be a reason to refuse the application in the absence of a five year housing land supply. In his decision, the Inspector concluded that given the scale of land in the district available for agriculture, the loss of BMV land in this instance represented only a limited weight against the proposal.

It is acknowledged that the size of the application site is larger than the previously approved outline application. However, the Inspector also concluded in his decision under 13/1223N that the proposed development would significantly contribute to the Council's shortfall in housing land supply as well as result in an increase in affordable housing in the area, to which afforded greater weight than the impact of the development on the character and appearance of the open countryside and loss of agricultural land.

Accordingly, this would be weighed in the overall planning balance.

CIL Regulations

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.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the

open space and children's play space. This is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in Nantwich and SEN provision within the Borough where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards secondary school education and SEN is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased use of Public Footpath No 28 Nantwich, which is presently unsurfaced and considered to be unsuitable for year round use. The route is considered to be an important sustainable transport route to and from the proposed development and a contribution to improve the route is considered to be necessary and reasonable. The contribution sum of £30,000 has already been established under approved outline application 13/1223N.

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

PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies and LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework..

In this case the proposal would be contrary to the Stapeley and Batherton NP. However given its early stage the NP can only be given limited weight in the determination of this application. Furthermore, it should also be noted that in this particular case the NP will not be made by the time of the appeal scheduled for this site in September.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in this location
- The proposal provides an important opportunity to provide land for Brine Leas High School to expand which is currently suffering from capacity issues and is constrained on all sides by existing development and the consented scheme (13/1223N). The refusal of this application could result in this benefit for Nantwich being lost as the developer has the option to implement the existing planning permission.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Nantwich.
- The public realm works are considered to be a benefit to the area given the context of the site and circumstances.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral subject to mitigation
- The highway implications from this development are considered to be neutral subject to conditions and mitigation.

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- The development would be contrary to the Stapeley and Batherton NP. However this is at an early stage and has not been subject to any consultation. As a result this can only be given limited weight in the determination of this application.

The benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- **The numbers, type, tenure and location on the site of the affordable housing provision**
- **The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- **The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- **The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- **The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. Provision of Public Open Space and a LEAP to be maintained by a private management company

3. SEN Contribution of £45,500

4. Secondary School Education Contribution of £261,483.04

5. The transfer of the land shown on the submitted plans to Brine Leas School

6. PROW contribution of £30,000

And the following conditions:

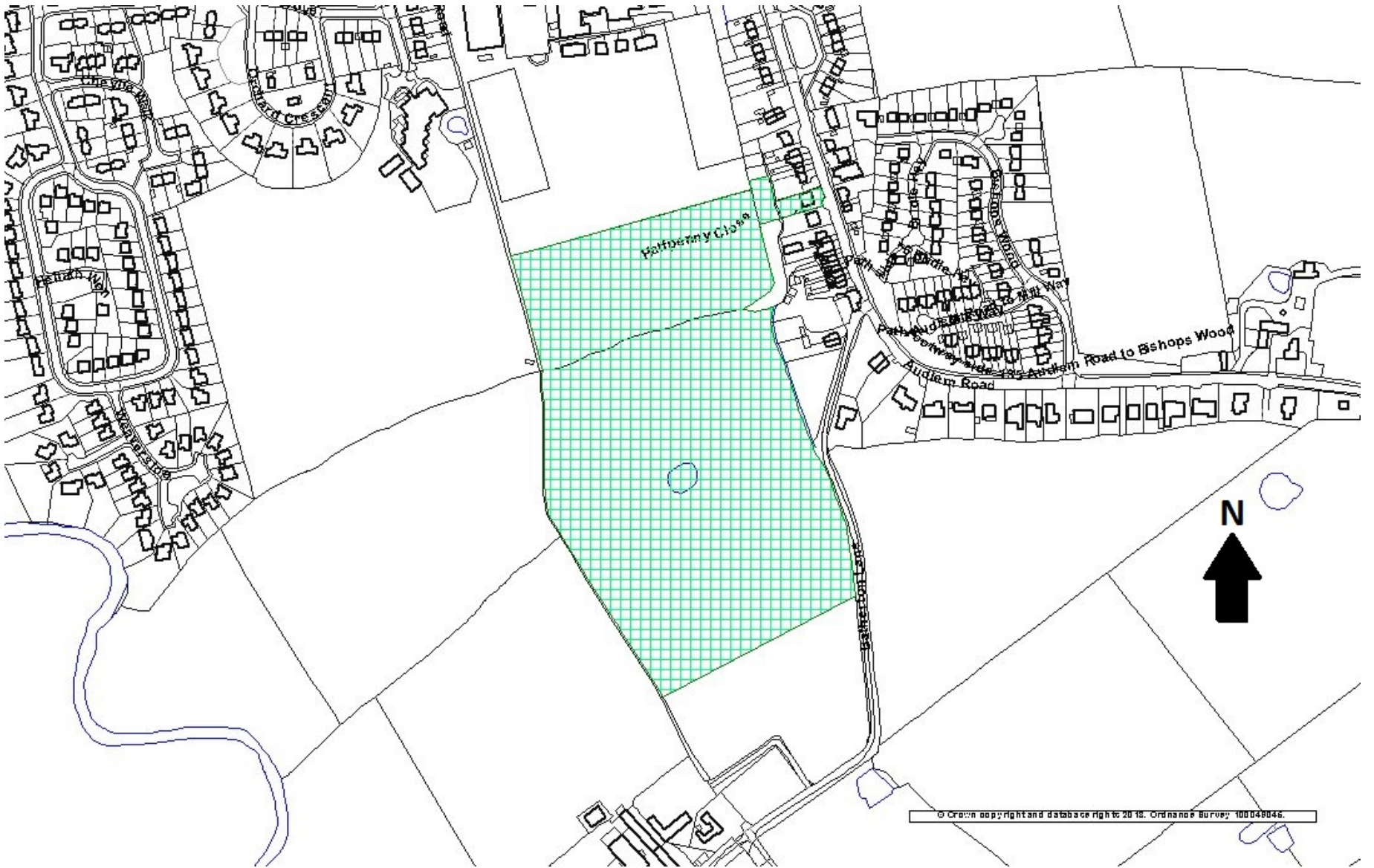
- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**
- 5. Travel Plan**
- 6. Prior to the commencement of development details of the upgrade of 2 local bus stops and the provision of a zebra crossing on Audlem Road to be submitted and approved. The approved measures to be implemented prior to the occupation of the 41st dwelling**
- 7. Construction method statement to be submitted and approved**
- 8. Provision of Electric Vehicle Infrastructure to be submitted and approved**
- 9. Submission / Approval of Information regarding Contaminated Land**
- 10. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.**
- 11. Details of surface water drainage to be submitted and approved**
- 12. Any future reserved matters application to be supported by a detailed great crested newt mitigation strategy. The strategy to include the provision of additional ponds as shown on the indicative layout plan (1257WHD/AREx-SK01 rev. J)**
- 13. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.**
- 14. Submission and approval of a management plan and on-site improvements to Public Footpath No 1 Batherton**
- 15. The off-site highway works are completed prior to first occupation of the 1st dwelling**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and 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:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. Provision of Public Open Space and a LEAP to be maintained by a private management company
3. SEN Contribution of £45,500
4. Secondary School Education Contribution of £261,483.04
5. The transfer of the land shown on the submitted plans to Brine Leas School
6. PROW contribution of £30,000



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