

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 25th October, 2017  
**Time:** 10.30 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **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 3 - 8)

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

To approve the minutes of the meeting held on 27 September 2017 as a correct record.

4. **Public Speaking**

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. **17/3894M-Outline planning application (access to be considered) for erection of up to 250 dwellings with associated works including the demolition of 15 Hampson Crescent, Land Between Clay Lane and Sagars Road, Handforth for HIMOR (Land) Ltd (Pages 9 - 30)**

To consider the above application.

6. **17/4256M-Outline planning application for the demolition of all buildings and structures and the erection of up to 150 dwellings with 30% affordable homes, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Dickens Lane. All matters reserved except for means of access, Land at Dickens Lane, Sprink Farm, Dickens Lane, Poynton for Hourigan Connolly (Pages 31 - 50)**

To consider the above application.

7. **17/1000C-Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle links, Land between Manchester Road and Giantswood Lane, Hulme Walfield, Cheshire for Worth Partnership (Pages 51 - 84)**

To consider the above application.

8. **Planning Appeals (Pages 85 - 98)**

To consider a report on Planning Appeals.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 27th September, 2017 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor G Merry (Chairman)

Councillors B Burkhill, S Edgar (Substitute), S Hogben, J Jackson, J Macrae,  
S Pochin, M Sewart, L Smetham, L Wardlaw and M Warren (Substitute)

### **OFFICERS IN ATTENDANCE**

Mr A Crowther (Principal Planning Officer), Mr I Dale (Environmental Planning  
Manager), Mr D Evans (Principal Planning Officer), Mr J Felton (Planning  
Lawyer), Mrs N Folan (Planning Solicitor), Mr D Hallam (Principal  
Conservation and Design Officer), Mrs G Horton (Senior Planning Officer), Mr  
P Hurdus (Highways Development Manager) Mr D Malcolm (Head of  
Regulation (Planning)) and Mr P Wakefield (Principal Planning Officer)

### **42 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors T Fox, J Hammond  
and D Hough.

### **43 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/0539N, Councillor  
S Pochin declared that she was the Ward Councillor for Willaston.

In the interest of openness in respect of application 17/0539, Councillor S  
Hogben declared that he was a Director of ANSA who were a consultee,  
however he had not made any comments or discussed the application.

It was noted that most Councillors had received correspondence in respect  
of application 17/0539N.

### **44 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 30 August 2107 be approved as a  
correct record and signed by the Chairman.

### **45 PUBLIC SPEAKING**

#### **RESOLVED**

That the public speaking procedure be noted.

46 **16/5719N-OUTLINE APPLICATION FOR DEVELOPMENT OF 12 NO. SITES FOR RESIDENTIAL DEVELOPMENT FOR UP TO 102 NO. DWELLINGS WITH MEANS OF ACCESS AND LAYOUT INCLUDED, BUT WITH ALL OTHER MATTERS RESERVED, FOR A 15 YEAR PHASED RELEASE AND DELIVERY PERIOD, DODDINGTON ESTATE, BRIDGEMERE, NANTWICH FOR LADY RONA DELVES-BROUGHTON, THE DODDINGTON ESTATE**

Consideration was given to the above application.

(Councillor J Clowes, the Ward Councillor, Parish Councillor Paul Moore, representing Doddington & District Parish Council, Parish Councillor Bob Frodsham, representing Doddington & District Parish Council, Parish Councillor Chris Knibbs, representing Hatherton & Walgherton Parish Council, Adrian Butler, representing STAND and Chris Clayton, representing the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The positive planning benefits for the conservation of the heritage assets does not outweigh the harm that would be caused by the proposed residential development in the open countryside and by the lack of social/community benefits to be provided by the development resulting in an unsustainable form of development;
2. The proposal fails to provide safe and suitable access for Site 4, off Dingle Lane.

In the event of any changes being needed to the wording of the Board'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) has 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 Board's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

(This decision was contrary to the Officers recommendation of approval).

(During consideration of the application, the meeting adjourned for a short break.

Prior to consideration of the following item, Councillor L Smetham arrived to the meeting. The meeting was adjourned from 1.50pm to 2.20pm for lunch).

**47 17/0539N-RESERVED MATTERS APPLICATION FOLLOWING OUTLINE APPROVAL 14/5825N - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 100 DWELLINGS WITH ACCESS AND ASSOCIATED WORKS, LAND REAR OF, CHEERBROOK ROAD, WILLASTON FOR WAINHOMES (NORTH WEST) LTD**

Consideration was given to the above application.

(Stephen Harris, agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That application be delegated to the Officers to approve subject to further consultations to approve subject to the conditions and the approval of the BAPA agreement with Network Rail so that Network Rail raised no objections to the scheme and subject to the following conditions:-

1. Approved Plans
2. Materials to be submitted and agreed in writing
3. Approved landscaping scheme to be implemented
4. Prior to the commencement of development the developer shall submit details of the LEAP for approval in writing. The approved scheme shall be implemented prior to the first occupation of 50% of the dwellings on the site.
5. A scheme of nesting bird mitigation measures to be submitted and approved
6. A scheme of hard landscaping/surfacing to be submitted and approved
7. A scheme of boundary treatment to be submitted and approved
8. All arboricultural works shall be carried out in accordance with TBA Arboricultural Impact Assessment and Method Statement Phase 2 Rev B (Ref MG/4780/AIA&AMS/PHASE2/REVB/MAY17 and TBA Tree Protection Plan (Drawing No 4780.04 B) received by the Local Authority on the 19th May 2017
9. Notwithstanding the approved plans – details of a gated maintenance access to the railway shall be submitted and approved

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) 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.

**48 17/3096N-REDEVELOPMENT AND EXTENSION OF CREWE GREEN  
ROUNDBOUT TO PROVIDE ADDITIONAL TRAFFIC LANES AND  
IMPROVEMENTS TO PEDESTRIAN AND CYCLIST FACILITIES,  
LANDSCAPING AND RE-CONTOURING OF THE ROUNDBOUT, AND  
ANCILLARY WORKS, LAND AT, CREWE ROUNDBOUT, CREWE  
FOR CHRIS HINDLE, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

(Neil Grundy, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the verbal update to the Board, the application be approved subject to the following conditions:-

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. Prior to the commencement of development a Tree Protection Scheme is to be submitted and approved
4. Prior to the commencement of development an Arboricultural Method Statement is to be submitted and approved
5. Implementation of the scheme of landscaping including the replacement tree and hedgerow planting
6. 10 year management plan for hedgerows/woodland
7. Nesting birds – timing of works
8. Implementation of the submitted Construction & Environment Management Plan
9. Hours of construction
10. Acoustic Barrier installation
11. Dust Control Measures to be submitted and approved
12. Signage scheme for pedestrians/cyclists to be installed
13. Progress a TRO to reduce speeds to 30mph but if unsuccessful agree alternative noise reduction measures
14. Progress a TRO to reduce speeds to 30mph but if unsuccessful agree a scheme for a revised pedestrian crossing.

In the event of any changes being needed to the wording of the Board'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 has 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 Board's decision.

(Prior to consideration of the following item, Councillor L Wardlaw left the meeting and did not return).

**49 17/3197C-TO DEMOLISH A GRADE 2 LISTED BARN AND OTHER DERELICT BUILDINGS WITHIN THE FARM SITE, CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH FOR CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

**RESOLVED**

That the application for the reasons set out in the report the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of site clearance, restoration and landscaping to be submitted
4. Development to be carried out in accordance with the recommendations of the submitted Ecology Update Report
5. Proposals for the erection of a barn owl box to be submitted
6. All works to be undertaken within the boundary of the existing great crested newt fencing
7. Nesting bird survey to be submitted
8. Tree protection details to be submitted

In the event of any changes being needed to the wording of the Board'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) has 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 Board's decision.

**50 17/3198C-LISTED BUILDING CONSENT TO DEMOLISH A GRADE 2 LISTED BARN AND OTHER DERELICT BUILDINGS WITHIN THE FARM SITE, CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH FOR CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and in the verbal update to the Board, the application be delegated back to the Head of Planning (Regulation) in consultation with the Chairman to approve, subject to the expiry of the statutory consultation period for the Twentieth Century Society, or earlier receipt of their comments and the following conditions:-

1. Standard Time Limit
2. Development in accord with approved plans
3. Scheme of building recording to be submitted

In the event of any changes being needed to the wording of the Board'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) has 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 Board's decision.

The meeting commenced at 10.30 am and concluded at 3.20 pm

Councillor G Merry (Chairman)



Application No: 17/3894M

Location: Land Between Clay Lane and Sagars Road, Handforth SK9 3HF

Proposal: Outline planning application (access to be considered) for erection of up to 250 dwellings with associated works including the demolition of 15 Hampson Crescent

Applicant: ., HIMOR (Land) Ltd

Expiry Date: 08-Nov-2017

**SUMMARY**

The site is allocated within the Local Plan for residential use and consists of the entire LPS34 allocation. The development accords with the Local Plan policy relating to its allocation by providing housing.

The applicant is providing financial contributions required in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

As the application is in outline many matters are left unresolved at this stage and will be fully addressed as part of any future reserved matters application.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It has been demonstrated the development will not have a detrimental impact on the local highway network, the trees on and around the site or to local ecology. Although some matters must be dealt with by way of conditions at this stage.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

**SUMMARY RECOMMENDATION**  
**Approve subject to Section 106 Agreement**

## **PROPOSAL**

The application is for outline planning permission for the erection of up to 250 dwellings with associated works including the demolition of 15 Hampson Crescent to allow vehicular access into the site.

Access is for approval as part of this application whilst all other matters are reserved for future approval.

## **SITE DESCRIPTION**

The application site consists of agricultural land that is enclosed by Sagars Road to the south, Clay Lane to the west, residential properties on Windermere Road and Ullswater Road to the north and Hampson Crescent to the east. Much of the site boundary consists of mature trees and hedgerows with the hedgerows also in use to divide the fields on the site. A small wooded area to the north east of the site separates the application site from the open space adjoining Meriton Park. Dobbin Brook runs along the rear of the existing properties. The site is generally level.

Included with the application site boundary is 15 Hampson Crescent and this is where the site will be accessed. This is a two-storey detached dwelling.

## **RELEVANT HISTORY**

The site has been subject to applications in the past; however they are not relevant to the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

### **Cheshire East Local Plan Strategy**

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

- MP1 Presumption in favour of sustainable development
- PG1 Overall Development Strategy
- PG2 Settlement Hierarchy
- PG7 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- SE1 Design
- SE2 Efficient use of land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland

SE 6 Green Infrastructure  
SE 13 Flood Risk and Water Management  
CO 1 Sustainable Travel and Transport  
CO 4 Travel Plans and Transport Assessments  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 3 Health and Well Being  
SC 4 Residential Mix  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions

Directly relevant to this site is the following allocation for the entire site:

- Site LPS 34 Land Between Clay Lane and Sagers Road, Handforth

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

NE3 – Protection of Local Landscapes  
NE11 – Protection and enhancement of nature conservation interests  
NE17 – Nature Conservation in Major Developments  
RT5 – Open Space Standards  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC15 – Provision of Facilities  
DC17 – Water Resources  
DC35 – Materials and Finishes  
DC36 – Road Layouts and Circulation  
DC37 – Landscaping  
DC38 – Space Light and Privacy  
DC40 – Children’s Play Provision and Amenity Space  
DC41 – Infill Housing Development

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

### **CONSULTATIONS (External to Planning)**

**Environmental Health** – No objection. Conditions have been requested relating to noise, air quality electric vehicle charging points and contamination. These will be included on the decision notice.

**United Utilities** – No objections. Conditions have been requested in respect of surface water drainage from the site and that the site shall be drained on separate systems.

**Highways** – No objection. The comments made by the highway engineer and all highway matters are addressed in full later in this report.

**Environment Agency** – No objection. Conditions have been requested relating to details of the bridges crossing Dobbin Brook and details of the management of the 8 metre buffer zone from the top of the bank of Dobbin Brook.

**Housing Strategy** – No objection. The development triggers an affordable housing requirement and this matter is addressed in detail later in this report.

**Flood Risk** - A response is awaited and will be reported in an update report.

**Education** – No objection. This is based upon the applicant committing to pay a financial contribution for the provision of additional school places generated by the development. This is addressed in detail later in this report.

**ANSA** – No objection. This is subject to a financial contribution being agreed in respect of recreation open space, indoor recreation provision and the detailed layout going forward providing a LEAP and the required amount of open space within the site based on the number of units proposed. This matter is addressed later in this report.

**Countryside Rights of Way** – No objection. Financial contributions are sought for the improvement to Clay Lane and other footpath links in the area. This is addressed in detail later in the report.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Handforth Parish Council** – Object to the development on the following grounds;

- Inadequate access is proposed.
- The development results in a significant increase in traffic.
- The submitted Transport Assessment is deficient.
- Local schools and doctors surgeries are over subscribed.
- Proximity of three storey properties to existing houses.
- Unacceptable impact on trees
- Impact on the ecology of Dobbin Brook
- Increased risk of flooding

The Parish Council have submitted a report in response to the Transport Assessment submitted by the applicant. This is addressed in detail later in this report.

**Styal Parish Council** – Object to the development on the following grounds;

- The site was part of the Green Belt and alternative sites should have been considered for development.
- Inappropriate access to the site.
- Doubts of the meaning of affordable housing and when it will be delivered.
- Ecology and flooding issues around Dobbin Brook.

- No vehicular access should be taken from Clay lane or Sagars Road.

### OTHER REPRESENTATIONS

397 letters of objection/comments have been received raising the following comments;

- Schools are already oversubscribed.
- Agricultural land will be lost and farm jobs will be lost
- Detrimental to village community
- Detrimental to health and well being of current residents
- Loss of open space used by members of the public
- Irreversible harm to the green belt
- Brownfield sites should be redevelopment before green belt
- Overdevelopment of the site
- The area is already over populated
- Handforth Medical Centre is overwhelmed with patients
- Handforth infrastructure is already saturated
- Water pressure for the village is already very low
- Houses will be too expensive for local people
- The traffic information in the application is incorrect
- The development will result in more congestion and highway safety issues
- Increased air pollution
- Unacceptable level of disruption through the construction works
- Unsympathetic development
- Various internet deliveries to dwellings will harm the centre of the village
- Will exacerbate existing drainage issues
- Additional 250 houses would result in additional sewage problems
- Existing street lighting is poor
- Loss of trees unacceptable
- Cars are already parked on the highway
- The surrounding roads will not be able to cope with the increased traffic
- Emergency services will not be able to access the new estate
- Bin collections will halt the traffic
- Insufficient parking in the village already
- Impact on outlook
- Impact on privacy
- Dust pollution to dwellings to the west
- Light pollution
- Two villages will merge
- Beech trees have already been removed
- Houses should allocated be through application to a housing association
- The removal of this land from the green belt allocation could be illegal
- Access is unsuitable on Meriton Road, widen and resurface Clay Lane, there should also be traffic free sections of Sagars Road and Clay Lane.
- Meriton Road is not capable of taking the volume of construction traffic required
- Very limited bus service and rail service available in the village
- Out of character with the area

- Detrimental impact on wildlife and open green space
- Great crested newts have been seen on the site
- Japanese Knotweed is present on the site which could spread to other areas
- Clear case of opportunistic house building
- Over development of the Cheshire Garden Village
- Cheshire East Council should not be making money off green belt land
- Building on Green Belt should be a criminal offence
- No concern regarding safe pedestrian, cycle or disabled users of the highway
- Handforth's share of property development is disproportionate to its needs.
- Loss of amenity for the area
- Intrudes into the countryside
- As the site is within Styal not Handforth the access should be through Styal
- Other smaller developments have been rejected for similar reasons raised in these objections
- Proposals for houses have been rejected on this site 3 times already
- If approved conditions addressing all concerns raised should be included
- Some of the plots are too close to Dobbin Brook
- The housing density is twice that of the surrounding area
- Dobbin Brook will become polluted
- Existing residents should be compensated
- Insufficient leisure facilities/clubs for youths
- Increased car crime and burglary
- The need for the site is not exceptional circumstances
- Drastic change to the character and historic leisure provision of the area
- 3 storey buildings are out of character with neighbouring dwellings
- Trees should not be removed on Hampson Crescent
- Harm to house values in the area
- Has the use of SUDs been considered to address flooding?
- The proposal is not sound and it is not consistent with national policy
- Existing utilities already stretched.
- Local residents views are being overlooked and disregarded
- Human rights will be affected by noise and impact on green space

### **APPRAISAL**

#### **Key Issues**

- Principle of development
- Sustainability
- Affordable Housing and Housing Mix
- Education
- Open Space and Recreation
- Health Provision
- Residential Amenity
- Impact on Local Highway Network / Access
- Ecology
- Trees

- Flood Risk
- Economic Sustainability
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Recommendation

### PRINCIPLE OF DEVELOPMENT

On 27th July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” This is the test that legislation prescribes should be employed on planning decision making.

The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means: *“approving development proposals that accord with the development plan without delay”*

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*

The Council have recently released the Annual Housing Monitoring Update and this has shown that the Council now has a supply of 5.45 years.

The application site consists of the entirety of the LPS 34 allocation that was a site released from the Green Belt in order to assist the Council in achieving a five year supply of housing. Therefore the principle of residential development is acceptable in this location and subject to all other matters being satisfied the application should be determined without delay.

In addition to around 250 dwellings the development is expected to deliver the following;

- Cycle links to the west
- A link to the open space to the east.
- Retention of trees and hedges along site boundaries.
- High quality design that respects residential amenity.
- A comprehensive landscape scheme.
- Improve pedestrian and cycling links in the area.
- Provision for public open space.
- Respect any ecological constraints.

- Provide health and education contributions.
- Provide affordable housing in line with SC5.

### **SUSTAINABILITY**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

### **SOCIAL SUSTAINABILITY**

#### **AFFORDABLE HOUSING**

The Cheshire East Local Plan Policy SC 5 states in Settlements with a population of 3,000 or more the percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. A ratio of 65/35 between social rented and intermediate housing is required.

The SHMA 2013 shows the majority of the demand in the Sub Area of Handforth and Wilmslow Per Year until 2018, is for 49x 3 and 5x 4 bedroom General Needs dwellings. The SHMA also shows a need for 13x 1 bedroom and 3 x 2 bedroom dwellings for Older Persons. This can be via bungalows, lifetime homes, cottage style flats and flats.

The majority of the demand on Cheshire Homechoice is for 71x 1 bedroom, 108x 2 bedroom, 31x 3 bedroom and 6x 4 bedroom dwellings. Therefore a mix of 1, 2, and 3 bedroom dwellings on this site would be acceptable and this should include provision for older persons and those with access issues.

This is a proposed development of 250 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 75 dwellings to be provided as affordable dwellings. 49 units should be provided as Affordable rent and 26 units as Intermediate tenure.

The applicant has confirmed their acceptance to provide the required 49 Rented and 26 Intermediate dwelling on site. They are also stated an intention to provide the 1 bedroom dwellings as required.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. This issue will be addressed through the reserved matters application.

The affordable housing should be provided no later than occupation of 50% of the open market dwellings and this will be addressed within the s106 agreement. The s106 agreement also ensures the following;



- requires the affordable units to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Given the above the proposal complies with the requirements of Local Plan Policy SC5.

### **EDUCATION PROVISION**

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need. This development of 250 dwellings is expected to generate the following need:

47 primary children (250 x 0.19) – 1 SEN child  
37 secondary children (250 x 0.15) – 1 SEN child  
3 SEN children (250 x 0.51 x 0.023%)

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

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. This is an existing concern, however the 3 children expected from this development will exacerbate the shortfall. The 2 SEN children who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is expected to be 1 EYFS child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

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

$37 \times £17,959 \times 0.91 = £604,680.00$  (secondary)  
 $3 \times £50,000 \times 0.91 = £136,500.00$  (SEN)

Total education contribution: £741,180.00.

The contribution has been agreed by the applicant and is subject to change when the final form of development is known and will be delivered through the s106 agreement.

### **PUBLIC OPEN SPACE AND RECREATION**

Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, in line with the Policy SE6 of the CEC Local Plan, there is a public open space requirement of 65m<sup>2</sup> per family dwelling. On a development of this size it would expect to see all of this space on site.

The proposed site is directly adjacent to Meriton Road Park, a key local outdoor leisure facility and a Cheshire East formal park. A requirement arising from the impact of the development would be access from the development to Handforth schools, shops, library and other infrastructure via the park. This traffic free connectivity is essential to build community cohesion and to link routes to the other local recreational opportunities as highlighted by other consultation responses. Therefore, a new linking route through the park, to include an appropriate crossing over Dobbin Brook and a hard surfaced path to connect to the existing path network would be required in the form of a commuted sum. The developer is expected to deliver the bridge across Dobbin Brook.

Meriton Road Park provides a good range of play equipment and older children from the new development would be able to travel there independently, especially with the addition of an access bridge over Dobbin Brook. However, younger children - toddlers to young juniors - need to be accommodated on site with a LEAP play area in a location that is easily accessible from all households and well overlooked, preferably within a wider network of high quality amenity greenspace. Play equipment should be creative, durable and maintainable and details of the proposed play equipment will be submitted as part of the reserved matters application. Its future maintenance will be delivered through the submission of a management plan that will cover all on-site POS, the play equipment and the bridge.

Amenity greenspace should be functional and flexible space, adaptable over time and should reflect local heritage/culture/wildlife to create distinctive, high quality spaces that compliment and strengthen the identity of the overall development and wider community as well and encouraging community cohesion. They should be large enough to accommodate informal recreation activities without disturbing residents of neighbouring properties. Therefore narrow buffers around the perimeter will not be considered amenity green space.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution will equate to £1,000 per dwelling (excluding the affordable properties) with the final contribution determined upon the final number of properties on site.

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

The Indoor Built Facility Strategy has identified that any existing shortfalls for Handforth should look to focus on improvement of provision at Wilmslow Leisure Centre. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to

improve the quality and number of health and fitness stations at Wilmslow Leisure Centre to accommodate localised demand for indoor physical activity.

The requirement is calculated as follows;

- 250 houses at 1.61 people per residence = a population increase of 402
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 172 additional “active population” due to the new development in Handforth
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional seven (7) stations. Requirement for - x3 running machines (£6,500 per treadmill) , x 2 spin bikes (£4,500 per bike) x 2 resistance / weight pieces (£3,000 per piece). Total £34,500

The applicant has accepted the need for this contribution although the level of contribution may change based on the number of houses eventually approved on site. The contribution will be delivered through the s106 agreement.

## ACCESS TO HEALTH FACILITIES

Eastern Cheshire has the fastest growing over 65 and over 85 populations in the North West with more than one in five people being over 65 which will become nearer to one in four people by 2021. The number of very elderly people is growing even more rapidly, with a higher estimated average annual growth rate when compared to England (2.7% vs. 2.3%). The overall population is forecast to grow by 28,000 (14%) by 2035. Although deprivation levels in Eastern Cheshire are lower than the national average people living in these more deprived local areas experience worse health outcomes than those living in areas identified locally as least deprived.

The Handforth Health Centre GP practice is a 1970's single storey building in need of some improvements if the predicted patient growth over the next 10 years (37% increase) is to be accommodated. Space utilisation analysis has demonstrated that the Handforth Health Centre currently has a 44% shortfall in required space in order to adequately provide primary care services to the existing patient population. Additional growth in patient numbers will add further pressures to the GP practice, with an increase in clinical and non-clinical staff required in order to meet these future patient needs. Such an increase in clinical and non-clinical staffing numbers will require expansion or redevelopment of the Handforth Health Centre site.

It is suggested that the Section 106 funding for the planning application under consideration is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1008 per 3 bed unit

4 bed unit	3.5 persons	£1260 per 4 bed unit
5 bed unit	4.8 persons	£1728 per 5 bed unit

Allocated Section 106 funding would be used to contribute towards the improvement of the Handforth Health Centre premises in order to facilitate a greater level of capacity for the delivery of Primary Care services to the local population. It is envisaged that multiple Section 106 funding allocations obtained from the various local housing developments planned in the Handforth area will be pooled to maximize the potential scope of the development of the Handforth Health Centre.

The applicant has agreed to a financial contribution in respect of this issue and this will be based on the number and size of dwellings that come forward as part of the reserved matters application.

### **RESIDENTIAL AMENITY**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

Many of the issues relating to overlooking, impact on privacy, and overshadowing will be addressed as part of any reserved matters application. Highway matters are addressed separately in this report.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land, air quality or noise and vibration subject to conditions. It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

### **Social Sustainability Conclusion**

The proposals for the residential development will make an affordable housing contribution through the provision of 75 units of the correct tenure. The scheme does make a valuable contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution, health contribution and will make a contribution towards open space, indoor recreation and outdoor sport. The affordable housing provision will meet the requirements

Overall the provision of a reasonable mix of housing for the community as part of a large strategic allocation along with on site affordable housing and education and open space and outdoor recreation contributions which can be provided by the development are considered to be socially sustainable.

## **ENVIRONMENTAL SUSTAINABILITY**

### **IMPACT ON HIGHWAY NETWORK/ACCESS**

The site is allocated within the Cheshire East Council Local Plan Strategy for development of around 250 dwellings, hence, the principle of development from a strategic highway and transport perspective has been assessed and accepted subject to meeting certain policy criteria in relation to sustainable links and the detail of site access arrangements.

A direct access route to facilities in the centre of Handforth centre is available via Meriton Road. Meriton Road has good standard footway provision and the residential character of the street allows a suitable environment for cyclists. The walking distance from the centre of the proposed site to the principal shopping area on Wilmslow Road immediately north of Meriton Road is 750m. A pelican crossing is available on Wilmslow Road just to the north of the Meriton Road junction.

Wilmslow Road is the main bus corridor within Handforth. Bus stops are available on Wilmslow Road to the north of Meriton Road with further stops available to the north of Sagars Road. Handforth Rail Station is located approximately 1km from the centre of the proposal site and offers frequent direct services into Manchester, Crewe and local destinations such as Wilmslow, Stockport and Sandbach.

The site provides direct foot and cycle access to the unadopted part of Sagars Road and Clay Lane providing access to Styal to the west which benefits from a rail station.

A travel plan has been submitted with the application and while acceptable in principle it does require amendment to incorporate cycle and bus vouchers within the resident welcome pack.

The above points demonstrate that the site is acceptable from a sustainable transport perspective.

The development is proposed to be served by one permanent access from Hampton Crescent with emergency access available from Sagars Road.

The access as initially proposed was a priority arrangement with Hampson Crescent however to aid development traffic flow a change in priority to give priority to Meriton Road is beneficial and the access plan has been amended to reflect this.

Vehicular traffic accessing the site will predominately use Meriton Road which is around 6.0m in width thus suitable to accommodate the additional traffic associated with the development; in addition, an alternative route is available via Sagars Road. The majority of properties along Meriton Road have curtilage parking and while some on street parking takes place waiting restrictions are in place to prevent this notably at the junction with the Wilmslow Road. The Meriton Road/Wilmslow Road access is a simple priority junction benefiting from good visibility.

Future year capacity assessments have been undertaken at key junctions along the Wilmslow Road corridor incorporating development traffic and building in the assumption of the

completion of the A6 MARR scheme which results in a small reduction in north-south movements along this corridor south of the A555 junction.

These assessments have shown that even with the addition of development traffic they operate to a satisfactory level in future years set against policy guidance contained within the National Planning Policy Framework.

The transport impact of the proposal, detailed in the submitted transport assessment, has been audited and is considered acceptable subject to conditions requiring submission of a Travel Plan and a construction management plan. A financial contribution of £5,000 is required to ensure the Travel Plan is suitably implemented.

In addition to the above, the proposals have been considered in respect of the site's accessibility on foot and cycle and the associated impacts on the local path network.

The development is adjacent to the Public Right of Way. The proposed layout plan includes a linking path from the development onto the Public Right of Way along Clay Lane. This will increase the permeability of the site for non-motorised users. It should be noted that a Restricted Byway may be used by pedestrians, horse riders, cyclists and horse-drawn carriages. It would be pertinent, therefore, if the linking path from the site were designed and constructed to support use by both pedestrians and cyclists in order that journeys of either a utilitarian or leisure purpose can be undertaken directly from the proposed dwellings.

The proposed development would result in an increase in the use of the Public Right of Way. In order to accommodate this, a contribution to improve the surface of the route is to be included within any s106 agreement. A Hop Path type of surface would be appropriate to accommodate legitimate users, from where the tarmac ends on Clay Lane to the concrete section approaching Spurs Loge at Sagars Road; a distance of approximately 250 metres and a width of approximately 3 metres. It would be estimated that this would cost in the region of £18,000.

The Bollin Valley Partnership manage informal paths on land in the ownership of Cheshire East Council running south from Sagars Road along the eastern bank of Dobbin Brook, and linking to the Dean Valley. This Council has aspirations to improve the recreational and ecological value of this area. Residents from the proposed estate would use these paths which do not currently have a sufficient carrying capacity as they are formed with a natural surface. Contributions would therefore be required from the developer in order to improve the paths to a sealed surface specification, in order to accommodate the increased footfall arising from the development. This route would then connect into the proposed pedestrian and cyclist routes within the protected green infrastructure corridors of the proposed Stanneylands development area, offering circular routes and connectivity towards Handforth Station. This contribution is £85,000 and will be delivered through the s106 agreement.

## **ECOLOGY**

The application is accompanied by a comprehensive ecological assessment that addresses the following issues;

Great Crested Newts

A number of ponds are located within 250m of the proposed development and a small population of great crested newts has been identified at a pond some distance from the boundary of the site. The application site offers some suitable habitat for great crested newts, but the proposed development would not result in the fragmentation or isolation of great crested newt habitat or the loss of any identified breeding ponds.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' designed to mitigate the risk posed to great crested newts.

Provided these measures are implemented the development would be unlikely to result in a breach of the Habitat Regulations in respect of Great Crested Newts. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

A condition will be included on the decision notice to ensure that the proposed mitigation measures are implemented.

### Ponds and Common Toad

Three ponds are present within the application site (ponds P1, P2 and P3). These are described in the submitted phase one habitat plan as being Inundation Vegetation rather than ponds. One of these ponds (pond 3) supports Common Toad a priority species. Such ponds are considered a priority for nature conservation and are a material consideration.

The submitted illustrative layout plan has been amended to show Pond 3 being retained as part of the proposed development and two new ponds have been included on the illustrative layout plan to compensate for those ponds lost.

A condition be attached requiring detailed designs of the ponds to be submitted in support of any future reserved matters application.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. A number of such hedgerows are present on the application site. Three of these (H1, H3 and H5) have been identified as being Important under the hedgerow regulations. The emergency access shown on the submitted illustrative layout plan would result in the loss of a section of Important Hedgerow 1 and Hedgerows 2,4 and 9 located in the interior of the site would be lost if the development were to proceed in accordance with the submitted parameters plan. However the hedges are shown as being retained on the illustrative masterplan.

A condition will be included on the decision notice requiring hedgerows to be retained where possible and should any require removal adequate replacement hedgerows are provided.

### Bats

The trees on site have been subject to a preliminary assessment and only trees of low suitability to support roosting bats have been recorded on site. Therefore roosting bats are unlikely to be present or affected by the proposed development. A resurvey of these trees may however be required at the detailed design stage if a long period of time passes prior to

a reserved matters application being submitted and this will be required through a condition on the decision notice.

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition will be attached requiring any additional lighting to be agreed through condition on the decision notice. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK-bats and the built environment series*, (Bat Conservation Trust, 2009).

### 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. A condition will be attached to the decision notice requiring opportunities for hedgehogs to move around the site.

### Badgers

No evidence of badgers was recorded during the submitted survey. Based on the current status of this species, the proposed development is unlikely to have an adverse impact upon this species. As badgers are a widespread species and the habitats on this site are suitable for badgers therefore a condition will be included on the decision notice which requires an updated badger survey to be submitted in support of any future reserved matters application.

### Otters

An old Otter spraint was recorded during the submitted survey which indicates that Otters may occasionally occur on Dobbin Brook. There is no evidence however of recent activity. Based upon the current status of Otters on site, the proposed development is not likely to result in an offence under the habitat Regulations in respect of this species. However, as the status of this species may change over time and therefore a condition should be attached which requires an updated otter survey to be submitted in support of any future reserved matters application. To ensure the culvert crossing Dobbin Brook remains permeable to Wildlife it should be designed in accordance with the recommendations made in the submitted Ecological Assessment.

### Barn owls and nesting Birds

No trees suitable for barn owls were identified during the recent survey. Therefore roosting barn owls are unlikely to be affected by the proposed development. A number of breeding bird species were recorded on site, including a small number of birds of species considered to be a priority for nature conservation. The retention of the existing woodland and hedgerows would reduce the potential impacts of the proposed development upon many breeding bird species. Provision of features for house sparrow should be included with the ecological enhancement detailed below.

### Management Plan and Ecological Enhancement Strategy

A condition be attached to the decision notice which requires the submission of an ecological enhancement strategy and a 10 year landscape and habitat management plan.

### Ecology Conclusion



Subject to the inclusion of the condition listed below the proposal will not have a detrimental impact on any protected species and therefore complies with all relevant policies.

- Updated badger and otter survey.
- Gaps for hedgehogs
- Implementation of Great Crested Newt Reasonable Avoidance measures.
- Details of proposed culvert to be submitted with relevant reserved matters application. The design to be informed by the recommendations detailed in the submitted Otter survey.
- Submission of Construction and Environmental Management Plan including proposals to limit pollution of Dobbin Brook.
- Bat friendly lighting scheme.
- Submission of ecological enhancement strategy including proposals for the provision of features for house sparrow, roosting bats, native species planting and detailed designs for new wildlife ponds.
- Submission of a Landscape and Habitat management plan in support of any future reserved matters application.
- The relevant reserved matters application to be supported by proposals for the provision and safeguarding of an undeveloped 10m buffer zone adjacent to Dobbin Brook, unless it is agreed development can stray into this area where it can be demonstrated no ecological harm will be caused.

### **IMPACT ON TREES/HEDGEROWS**

Policy LPS 34 of the Local Plan Strategy allocates the site as a housing site. Retention of trees and woodlands on the edges of the site, with new planting to re-enforce important landscape features and to properly define a new Green Belt Boundary is cited as one of the site specific principles to achieve the development.

The site is defined by tree lined field boundaries which comprise mainly of Horse Chestnut and Lime with the occasional Oak and Ash along Clay Lane and Sagars Road. The trees are visually prominent and contribute collectively as groups and as individuals within the immediate area and the wider landscape as a whole. In the light of this a Tree Preservation Order was served on 18<sup>th</sup> September 2017 to retain and protect trees those trees that the Local Authority consider contribute significantly to the amenity of the area.

The application is supported by an Arboricultural Impact Assessment (Tyler Grange (Report Number: 2400\_R07\_JJ\_JW dated 26<sup>th</sup> July 2017). The Assessment has identified that sections of hedgerows considered to be of low arboricultural value will be required to be removed to accommodate internal access roads and footpath links. One low (C) category tree (T12 Goat Willow) is also proposed for removal to accommodate a dwelling. The tree is not protected by the recently served TPO and its loss is not considered significant in terms of the impact upon the wider amenity.

The Assessment makes reference to encroachment and potential conflicts within the Root Protection Areas (RPA) of retained trees and suggests that these can be mitigated by sensitive working methods in accordance with BS5837:2012. It should be noted that the design methodology of BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* require that the default position should be that structures

should be located outside the RPA of trees to be retained unless there is an overriding justification for construction with the RPA. In this regard the Assessment has not demonstrated the viability or otherwise of any alternatives to construction within the RPA of retained trees or demonstrating that there is overriding justification for construction within the RPA of trees. However this is an issue that can only be fully addressed as part of any reserved matters application.

In common with many Arboricultural Impact Assessments no realistic assessment has been carried out on design factors referred to in para 5.3.4 of BS5837:2012). This paragraph refers specifically to issues of shading of buildings and open spaces by trees, light levels, privacy and screening and the relationship of buildings to large trees. This will have to be carried out at reserved matters stage if necessary.

The problems related to buildings and spaces around them having low daylight and sunlight levels is well known and has been the subject of specific guidance in; government circulars; Chartered Institute of Building Services Engineers (CIBSE), British Standards Institute (BSI) and Building Research Establishment (BRE) guidance. All the guidance as a whole points to the need to have sufficient daylight and sunlight both within and around buildings and that this should be part of the site planning for development.

It is apparent from the initial site layout, particularly to the southern boundary of the site that these design issues need to be addressed further at Reserved matters to prevent future residential conflict and potential loss of trees.

To conclude it is considered the proposal will be acceptable in principle in respect of its impact on trees and hedgerows. This is subject to a condition on the decision notice requiring the reserved matters being accompanied by an Arboricultural Impact Assessment.

### **FLOOD RISK**

The site is classified as Very Low Risk (former EA Flood Zone 1), which is land that has a less than 0.1% chance of flooding (less than 1:1000). Dobbin Brook is a designated Main River, this is controlled and maintained by the Environment Agency. The Environment Agency have considered the submitted Flood Risk Assessment and further submitted information and have raised no objections to the proposals. Conditions have been requested that require submission of details of the bridges required and details of the management of the buffer zone along Dobbin Brook.

The applicant has submitted additional information in respect of the surface water drainage principles based on the initial comments of the Council's Flood Risk team. Responses are awaited in respect of this additional information and will form the basis of an update report.

United Utilities has commented on the application and raised no objections to the proposals. No objections have been raised in relation to flooding and drainage subject to suitably worded conditions.

### **Environmental sustainability conclusion**

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, there are conditions required in respect environmental matters raised above.

### **ECONOMIC SUSTAINABILITY**

#### **EMPLOYMENT**

The proposed development will provide employment in the short term during the clearance and construction of the development in the area.

#### **ECONOMY OF THE WIDER AREA**

The addition of 250 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Handforth Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

#### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the site which is part of a wider strategic allocation.

### **SECTION 106**

A section 106 agreement will accompany the application and is required to secure the following:

- Provision of 30% affordable units.
- Educational contribution towards secondary and SEN provision.
- Contribution towards ROS £1,000 per open market house.
- Contribution towards health provision
- Contribution for a path from the site to Meriton Park
- Management Plan for the on-site public open space and LEAP
- Contribution towards improvements on Clay Lane £18,000
- Contribution towards footpath improvements in the Dean Valley £85,000
- Delivery of the bridge over Dobbin Brook to access Meriton Park
- Contribution for monitoring of Travel Plan £5,000

### **CIL REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and

reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### COMMENT ON REPRESENTATIONS

The majority of the points of objection have been addressed in the main body of the report or are issues that will be considered as part of the future reserved matters application.

A number of representations objected on the grounds the site is within the Green Belt and therefore should not be developed. However, on adoption of the Local Plan the site was removed from the Green Belt and is now allocated for residential use.

### CONCLUSION AND PLANNING BALANCE

The site forms the entire allocated site LPS34. The proposed development accords with the Local Plan policy relating to its allocation by providing housing and all the other policy requirements. Shortfalls in health and education provision are mitigated through financial contributions to improve existing facilities. The applicant is providing further financial contributions in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

### RECOMMENDATION

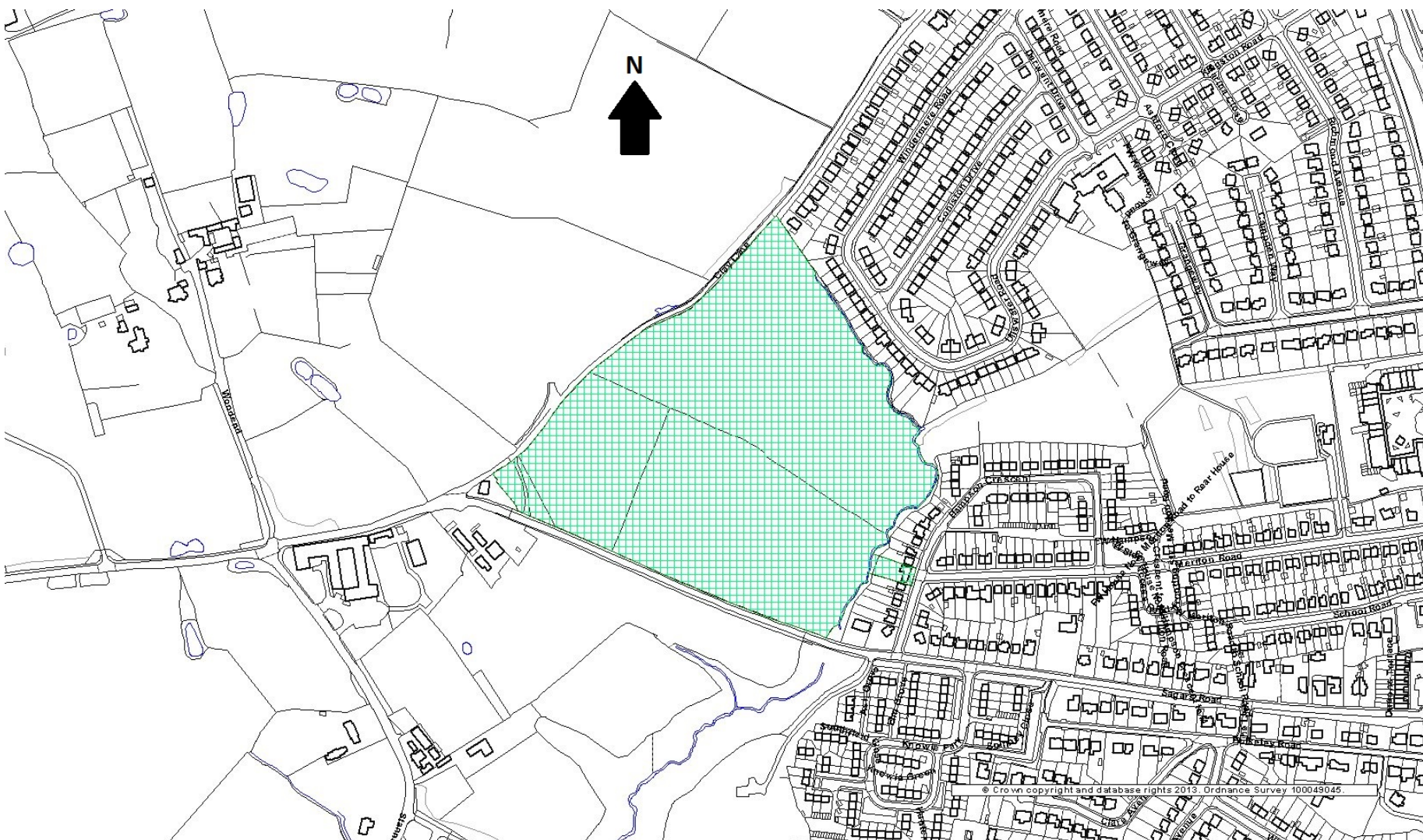
The application is recommended for **approval subject to the conditions** listed below and the completion of the s106 agreement for the measures outlined in the report.

*In the event of any changes being needed to the wording of the Board'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 Board's decision.*

## Application for Outline Planning

### RECOMMENDATION:

1. STANDARD CONTAMINATED LAND CONDITION
2. IMPORTATION OF SOIL
3. UNEXPECTED CONTAMINATION
4. Time period to implement permission.
5. Approve reserved matters details
6. Plans
7. details of surface water drainage
8. Pedestrian and cycle signage
9. Submission and implementation of Travel Plan
10. Pedestrian cycle routes through the site
11. Provision for hedgehogs through the site
12. Newts
13. Details of proposed culvert with RM application
14. Construction environment management plan
15. bat friendly lighting scheme
16. Ecological enhancement strategy
17. Landscape and habitat management plan
18. 10 metre ecological buffer
19. Dust control
20. Provision of Electric Vehicle Charging Points
21. updated otter and badger survey
22. Implement noise recommendations
23. implement landscaping scheme
24. Details and implementation of bridges
25. details of materials
26. details of play area
27. retention of hedgerows
28. boundary details
29. submit arboricultural impact assessment
30. implement access



Application No: 17/4256M

Location: Land at Dickens Lane, Sprink Farm, DICKENS LANE, POYNTON, SK12 1NU

Proposal: Outline planning application for the demolition of all buildings and structures and the erection of up to 150 dwellings with 30% affordable homes, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Dickens Lane. All matters reserved except for means of access.

Applicant: ., Hourigan Connolly

Expiry Date: 24-Nov-2017

### **SUMMARY**

The proposal seeks to provide up to 150 dwellings on a site allocated within the CELPS for around 150 dwellings. The application is an outline submission with all matters reserved except for the main access to the site from Dickens Lane. No highway safety issues are raised by the proposed access. The comments received in representation are acknowledged; however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with paragraph 14 of the Framework, the proposals should therefore be approved without delay.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 agreement

### **DESCRIPTION OF SITE AND CONTEXT**

The site is a 5.31 hectare greenfield site lying on the south eastern edge of the Poynton, which comprises a number of redundant farm buildings. The site is located on the southern side of Dickens Lane. A number of residential properties and a veterinary practice on Dickens Lane back onto the northern boundary of the site. The southern boundary of the site is formed by Poynton Brook. The site is allocated for housing development under policy LPS 49 in the CELPS.

### **DETAILS OF PROPOSAL**

This application seeks outline planning permission with all matters reserved except for means of access for the demolition of all buildings and structures and the erection of up to 150 dwellings with 30% affordable homes, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Dickens Lane.

## RELEVANT HISTORY

12016P – Residential Development (Outline) – Refused 27.10.1977

## POLICIES

### Development Plan

Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 49 Land at Sprink Farm, Poynton

Macclesfield Borough Local Plan saved policies

NE9 Protection of River Corridors

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection



DC14 Noise  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's play / amenity space  
DC63 Contaminated land

### **Other Material Considerations**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance  
Cheshire East Design Guide

#### Poynton Neighbourhood Plan

The Poynton Neighbourhood Plan has reached Regulation 14 (the pre-submission consultation) stage, so a Draft Plan has been produced and went out to consultation in October / November 2016.

Relevant policies of the draft plan include:

EGB18 Wildlife Corridor  
HOU 1B Amount of Housing Development  
HOU 1C Criteria for assessing the suitability of potential housing sites  
HOU 1D Phasing of development  
HOU 2 Proposed Housing Site Allocations  
HOU 3A Housing mix  
HOU 3B Density of development  
HOU 3C Environmental considerations  
HOU 4A Affordable housing  
HOU 5 Design  
TAC 1 Walking  
TAC 2 Cycling  
TAC 3 Cycle Parking  
TAC 4 Disabled facilities  
TAC 7 Traffic volumes  
HEWL1 Encouraging a healthy lifestyle

### **CONSULTATIONS (External to Planning)**

**Environment Agency** – No objection subject to development being carried out in accordance with submitted Flood Risk Assessment

**United Utilities** – No objection subject to drainage conditions

**Manchester Airport** – No objection

**Natural England** – No comments to make

**Cheshire Wildlife Trust** – No comments received

**Housing Strategy & Needs Manager** – No objection

**Flood Risk Manager** – No objections subject to conditions relating to accordance with the submitted FRA and drainage

**Environmental Health** – No objections subject to conditions relating to noise mitigation, an environmental management plan, electric vehicle infrastructure, dust control and contaminated land.

**Education** – No objection subject to a financial contribution of £754,235 towards primary, secondary and SEN school places

**Public Rights of Way** – No objections subject to conditions relating to the PROW and access

**Head of Strategic Infrastructure** – No objections subject to financial contribution towards Poynton Relief Road

**ANSA** – Comments awaited

**CEC Leisure** – No objection subject to a financial contribution of £26,000 for health & fitness equipment

**Cheshire Archaeology Planning Advisory Service** – No objection subject to a condition requiring a programme of archaeological work.

**NHS Eastern Cheshire Clinical Commissioning Group** – Request financial contribution of £151,200 to support the development of the two GP practices in Poynton.

**Adlington Parish Council** – No objection, but raise concern about the likely increase in the levels of traffic on the rural lanes of Adlington.

**Poynton Town Council** – Recommend refusal on the following grounds:

- Contrary to LPS 49 – fails to address key matters of infrastructure, impact on local and site amenities and flood risk
- Unacceptable increase in traffic at three junctions – new site access / Dickens Lane; Dickens Lane / A523, and; Waterloo Rd / Dickens Lane
- Site should not be considered for development until A6 MARR and Poynton Relief Road are open to traffic, and future traffic patterns established
- Contrary to SD1 – unsustainable development lacking public transport
- Submitted transport material understates levels of car ownership and usage
- Contrary to SE1 - unneighbourly as site access road will have a detrimental impact on adjacent residential properties
- Contrary to SE3, SE4 and SE5 (bio and geo diversity, landscape, trees, hedgerows and woodland – unacceptable loss of trees, hedgerows and woodland. Concern not all ponds have been surveyed.
- Contrary to IN1 and IN2 - application makes no attempt to assess the physical, green and social and community infrastructure needs generated by this development

- Contrary to SE12 – risk of surface run-off draining towards Poynton Brook, which has suffered serious flooding. Development encroaches into flood risk zone
- Fails to adequately address the issue of flooding
- Local drainage system in this area is wholly unable to cope with additional run off or sewage from this site
- Fails to comply with the Borough Council's Statement of Community Involvement. No efforts or actions have been taken to respond to the strong objections of the local community
- Adverse impact on the Poynton Brook wildlife corridor as identified by the Cheshire Wildlife Trust in the draft Poynton Neighbourhood Plan
- Application provides both insufficient and contradictory information to allow a full and informed assessment of the development now being proposed

The Town Council also highlight the following planning considerations for current and future planning applications for the site:

- 150 dwellings appropriate and should include mix of house types and sizes (including elderly accommodation)
- Open space areas should be provided and well related to residential properties
- Development should create a balanced community with a mix of property types and tenures distributed across the site
- 30% affordable with variety of tenures should be provided
- Density should not exceed 30 dwellings per hectare
- Highways improvements required
- Impact on existing residents should be given particular attention
- Arrangements for health and other community and social services need to be addressed
- Improvements are needed to facilitate non-car borne movement within the town for a variety of purposes
- Developers will be expected to address the provision of public transport services to and from the site and the railway station
- Careful consideration to site layout will be required to minimise tree / hedgerow losses
- Should explain how infrastructure to serve the physical, green, social and community services are to be provided for future residents and their homes and open areas.

### **OTHER REPRESENTATIONS**

9 letters of representation have been received objecting to the development on the following grounds:

- High density in area with sense of openness
- Impact on local highway network
- Car users will use quiet country lanes of Moggie lane, Skelhorn Green Lane and Street Lane
- Ribbon development and sprawl
- Contrary to NPPF which attaches great importance to Green belts and their openness
- Fails to consider CELPS policy to utilise brownfield sites before releasing greenbelt land for development
- Potential to convert existing buildings rather than demolish

- Open space facilities only accessed through the new development and are unlikely to be a facility used by other Poynton residents
- Flawed application and fails to comply with the sustainable development policies of CELPS
- Site is not in a sustainable location
- Temporary construction jobs is not a benefit that should be taken into account
- Poynton does not have a job skills shortage caused by the lack of housing for potential employees
- How will local overstretched services in particular doctors surgeries and schools meet increased demand?
- Development will burden the already overstretched Community, Health and Educational resources that Poynton provides
- Car ownership and traffic movements underestimated
- Surveys of breeding and nesting sites not provided
- Increased traffic, congestion, pollution and noise
- Most journeys will be by car
- Solutions to drainage problems need to be provided
- Development makes no attempt to assess the social and infrastructure needs of the community (policies IN1 and IN2)
- Inadequate footpath provision on Dickens Lane
- Dickens Lane very narrow in places
- Inadequate parking on Dickens lane for existing residents
- Dangerous access close to Siddington Road
- Loss of Sprink Farmhouse – prominent and full of character and history
- Wildlife conservation is inadequate
- Out of character with cottages on Dickens Lane
- Lack of car park capacity at local supermarkets/shopping centres
- Lack of additional public transport provision
- Impact on local schools and health services
- Contrary to LPS 49
- Contrary to policies SE3, SE4 and SE5 - Trees alongside the brook provide a barrier to the greenbelt, a clear landscape feature of the site as well as being significant to wildlife
- Not all ponds surveyed - pond located at the edge of the site towards Adlington in an adjoining garden has GCN
- Adverse effect on the Poynton Brook wildlife corridor as identified by the Cheshire wildlife trust in the draft Poynton Neighbourhood Plan
- Dangers of increased use of existing informal parking
- Loss of attractive piece of land
- Impact on neighbouring properties
- Reduction in local bus services
- New houses should not look directly at existing properties
- Existing flooding issues
- Dickens Lane particularly narrow close to junction with Waterloo Road

### **OFFICER APPRAISAL**

## PRINCIPLE OF DEVELOPMENT

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 49 states that the development of Land at Sprink Farm over the Local Plan Strategy period will be achieved through:

1. The delivery of around 150 new homes;
2. Incorporation of green infrastructure, including:
  - i. an appropriate level of amenity open space and children's play space;
  - ii. creation of links within the site to incorporate the existing public right of way through the site and to the adjoining network of footpaths; and
  - iii. pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities, including improved pedestrian links to the town centre, and the railway station.
3. Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing.

The draft Poynton Neighbourhood Plan (PNP) was published in September 2016, and therefore pre-dates the adoption of the Cheshire East Local Plan. Policy HOU 1B within this document states that development of no more than 100 units on any one site will be considered during the plan period (2016-2030), which conflicts with the adopted local plan. As an application for up to 150 dwellings, the proposal is therefore contrary to this draft policy in the PNP. However, given that the PNP is a draft document, and the CELPS is a recently adopted document, it is the CELPS the conflict in this case is recent adopted status of the CELPS this conflict is decided in favour of CELPS as it is the most recent of the two documents to become part of the development plan.

Accordingly, the proposal for up to 150 dwellings is therefore considered to be acceptable in principle.

## SOCIAL SUSTAINABILITY

### Housing

#### Affordable Housing

Policy SC5 of the CELPS states that “in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable.” As this is an outline application for up to 150 dwellings, up to 45 of the units will be required to be affordable, depending on the final number of dwellings on the site. The application proposes the provision of 30% affordable housing in accordance with policy SC5.

The SHMA 2013 shows the majority of the demand in Poynton per year until 2018 is for 24 x 1 bedroom, 45 x 2 bedroom, 19 x 3 bedroom and 4 x 4 bedroom dwellings. Also the SHMA 2013 identifies a need per year of 35 x 2 bedroom older person's dwellings. These could be provides as bungalows, flats or cottage style flats.

The majority of the demand on Cheshire Homechoice is show a total of 130 on the waiting list that have Poynton as their fist choice. This is broken down to 52 x 1 bedroom, 42 x 2 bedroom, 30 x 3 bedroom and 6 x 4 bedroom dwellings.

The Housing Strategy and Needs Manager raises no objections to the proposal noting that a mix of 1, 2 and 3 bedroom dwellings on this site would be acceptable. 65% of the units should be provided as affordable/social rent and 35% of the units as intermediate tenure. There should also be some 2 bedroom dwellings for older persons. These details can be dealt with at the Reserved Matters stage.

### **Open Space**

#### Outdoor

The local plan allocation for this site requires “*an appropriate level of amenity open space and children’s play space*” to be provided.

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children’s play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major greenfield and brownfield development sites. The indicative development framework shows areas for some on site open space including a LEAP. At 65sqm per dwelling, the total amount of open space required could be up to 9,750sqm on site. The design and access statement identifies 1.7ha of green infrastructure within the development.

As noted above, necessary outdoor sports facilities would be provided by way of a financial contribution towards off site provision.

Comments from ANSA are awaited and therefore the specific open space requirements for the site will be reported as an update.

#### Indoor

The development will increase the need for local indoor leisure provision and as such a financial contribution should be sought towards Poynton Leisure Centre which is the nearest provision (less than 0.5 mile distance) to the site

The Indoor Built Facility Strategy has identified that any shortfalls for Poynton should look to focus on improvement at Poynton Leisure Centre. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by mitigating for their own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the Strategy acknowledges that the increased demand is not sufficient to require substantial indoor facility investment through capital build there is currently a need to improve the quality and number of health and fitness stations at Poynton Leisure Centre to accommodate localised demand for indoor physical activity.

A contribution of £26,000 is therefore sought to address this increased demand. This has been calculated as follows:

150 dwellings at 1.61 people per residence = a population increase of 242

The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 103 additional “active population” due to the new development in Poynton

Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional four (4) stations. Requirement for – x4 running machines (£6,500 per treadmill) = total £26,000

## Education

One of the site specific principles of LPS 49 in the CELPS is “contributions to education and health infrastructure”.

In the case of the current proposal for 150 dwellings, this is expected to generate:

28 primary children (150 x 0.19) 29 – 1 SEN

22 secondary children (150 x 0.15) 23 – 1 SEN

2 SEN children (150 x 0.51 x 0.023%)

					SEN Yield			2			
	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						Comments
					2017	2018	2019	2020	2021		
Primary Schools											
Lostock Hall Primary School	21	21	147	147	130	134	136	140	145		
Lower Park School	40	40	280	280	275	273	269	261	259		
St Paul's Catholic Primary School	17	17	119	119	116	119	118	114	118		
Vernon Primary School	50	50	367	367	374	384	399	406	415		
Worth Primary School	30	30	210	210	209	206	204	202	201		
Adlington Primary School - OWN planning area	15	15	105	105	120	122	120	109	110		
Total School Capacity				1,228							
Developments with S106 funded and pupil yield included in the forecasts				0							
Developments pupil yield not included in the forecasts									0		
Pupil Yield expected from this development									28		
OVERALL TOTAL	173	173	1,228	1,228	1,224	1,238	1,246	1,232	1,276		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					4	-10	-18	-4	-48		
	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						
					2017	2018	2019	2020	2021	2022	2023
Secondary Schools											
Poynton High	246	246	1,230	1,230	1,165	1,164	1,166	1,180	1,202	1,235	1,249
Total School Capacity				1,230							
Developments with S106 funded and pupil yield included in the forecasts				6	Please Note; All figures quoted exclude any allowance for 6th Form Pupils						
Developments pupil yield not funded and not included in the forecasts											0
Pupil Yield expected from this development											22
OVERALL TOTAL	246	246	1,230	1,236	1,165	1,164	1,166	1,180	1,202	1,235	1,271
OVERALL SURPLUS PLACES PROJECTIONS					71	72	70	56	34	1	-35

**Table 1 – Pupil forecasts and school capacity for Poynton**

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts shown in Table 1 above both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

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. Whilst it is

acknowledged that this is an existing issue, the 2 children expected from this application will exacerbate the shortfall.

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

$28 \times £11,919 \times 0.91 = £303,696$  (primary)

$22 \times £17,959 \times 0.91 = £359,539$  (secondary)

$2 \times £50,000 \times 0.91 = £91,000$  (SEN)

Total education contribution: £754,235

Without a secured contribution of £754,235, Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 28 primary children, 22 secondary children and 2 SEN children would not have a school place in Poynton, and would not comply with LPS 49 in the CELPS.

### **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application noting that there are two NHS GP practices within Poynton - Priorsleigh Medical Centre and McIlvrde Medical Practice. Both GP practices are in need of development and/or expansion if the predicted patient growth over the next 10 years is to be accommodated, together with an increase in clinical and non-clinical staff required in order to meet these future patient needs.

Such an increase in clinical and non-clinical staffing numbers will require expansion or redevelopment of the Priorsleigh site and internal structural changes at the McIlvrde site. Priorsleigh Medical Centre has put forward a bid into the NHS Estates and Technology Transformation Fund (ETTF) however it is acknowledged that this NHS funding will not cover the total costs of the planned future developments.

A financial contribution is therefore sought as part of this application, which is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

Where a planning application has not provided a breakdown of the dwelling unit sizes in the proposed development, it is proposed that the average occupancy of 2.8 persons is used in the initial health calculation until such time as the size of the dwelling units are confirmed, at which point a revised and more accurate calculation can be confirmed.

For the planning application in question the CCG requests a contribution to health infrastructure via Section 106 of £151,200 based on a calculation of 2.8 persons x 150 dwelling units x £360. This provides an indication of the contribution required to comply with LPS 49 of the CELPS, however a formula based approach could be utilised in the s106 in order to secure the appropriate contribution once the details of the dwellings / occupancy is secured at the reserved matters stage.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**



Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The nearest existing residential properties are located along Dickens Lane. The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between these properties and the proposed dwellings, and between the new dwellings as appropriate, whilst maintaining adequate amenity space for each new dwelling. No further significant amenity issues are raised at this stage.

### **Air Quality**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The air quality impacts of the proposal have been considered within the air quality assessment submitted in support of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The assessment concludes that the overall impact of the future development will not be significant. For the chosen 17 receptors the impact will be negligible with regards to both Nitrogen Dioxide and particulate matter concentrations, with the exception of one receptor, ESR13, experiencing a slightly adverse impact based on the sensitivity analysis technique.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on local air quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. This can be achieved by conditions relating to dust control and the provision of electric vehicle infrastructure, which are accordingly recommended. The developer has also submitted a travel plan as a form of mitigation, and a condition requiring the implementation of this travel plan is also recommended. Subject to these conditions, the proposal will comply with policy SE12 of the CELPS.

### **Noise**

The applicant has submitted an acoustic report which details potential noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by traffic noise from Dickens Lane and commercial noise.

Provided that the noise mitigation measures as detailed in the supporting noise impact assessment are applied in order to meet BS8233 and WHO noise limits; it is considered, that there should be no adverse impacts on health and quality of life resulting from road traffic and commercial noise at this location affecting future occupants.

As the detailed design and final layout of the site, has not yet been confirmed; in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, a noise impact assessment report will be required at the Reserved Matters stage, demonstrating that all the residential properties can achieve appropriate standards. Subject to this requirement it is considered that the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### **Public Rights of Way**

Policy LPS 49 of the CELPS requires the creation of links within the site to incorporate the existing public right of way through the site and to the adjoining network of footpaths. Public Footpath Poynton No. 33, runs north to south through the centre of the site, and will be affected by the proposed development. As this is an outline application the submission does not specify exactly how the right of way will be affected.

However, Rights of Way Circular 1/09 states that most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved for subsequent approval.

Further details as to the permeability of the site for pedestrians and cyclists, and future adjoining sites, will therefore be required at the reserved matters stage. The Public Rights of Way team raise no objections to the proposal subject to conditions relating to the Right of Way.

### **Accessibility**

The site access will connect with the existing footway network on Dickens Lane, which incorporates uncontrolled crossing points. As noted above, due to the outline nature of the application, the internal footways and cycle path connections are not being considered at this stage and will be dealt with at reserved matters.

There is an existing bus stop outside the site on Dickens Lane that provides a bus service between Macclesfield and Stockport and currently operates as an hourly service. Given the presence of this existing hourly facility no contributions or improvements are sought for existing or new public transport links.

In addition to the bus stop, a number of facilities including schools, open space, the leisure centre are all within relatively close proximity of the site. Poynton Town Centre is approximately 1.5km from the site where the majority of shops, services and facilities are located, and are within walking distance.

### **Highways**

The application is outline with means of access to the site sought as part of this proposal. One point of vehicular access is proposed which is a priority junction, 5.5m wide and has a 2m footway on each side. The Head of Strategic Infrastructure advises that this is an

appropriate width of carriageway to serve 150 units proposed. Speed surveys have been undertaken by the applicant on the site frontage to determine the 85%ile speeds of 35mph east and 36mph west. The proposed visibility splays at the access provide the required stopping site distances for the 85%ile speeds recorded.

The internal layout and levels of car parking provided are reserved for subsequent approval at the reserved matters stage.

### Development Impact

The Transport Assessment submitted has assessed the traffic impact of the development in the application year 2017 and future year assessment in 2022 allowing for traffic growth and committed developments.

The scope of impact of the proposed development has been discussed with the applicant and they have considered a number of junctions on the local road network and these are indicted below.

- a) Dickens Lane/Clumber Road (Priority)
- b) Dickens Lane/A523 (London Road South) Roundabout
- c) A523/Clifford Road (Priority)
- d) Clifford Road/A5149

The traffic generation of the development has been derived from The Trics database, the peak hour generation (two way) is 81 trips am and 92 trips pm. The Head of Strategic Infrastructure states that this level of traffic generation can be accepted as the likely level of peak hours generation from the site.

The results of the capacity junction assessments indicate that the site access and the junction closest to the site at Clumber Road work well within capacity. The Dickens Lane/London Road South is forecast to operate over capacity in the opening year and in the future year with and without development. There are long queues forecast on the A523 north towards the junction. The results are also similar for the Clifford Road/A523 North junction in that the junction operates over capacity in both the opening year and future year.

Poynton has for some time had significant traffic congestion problems particularly in the town centre at the A523 London Road/A5149 Chester Road junction. This junction has not been assessed in the submitted Transport Assessment. There are two major infrastructure schemes that affect the levels of traffic travelling through Poynton, the A6 MARR (Manchester Airport Relief Road) that is currently under construction and scheduled to open in 2018 and the PRR (Poynton Relief Road) that has received planning approval. With these infrastructure schemes in place significant reductions in through traffic in Poynton have been predicted resulting in less congestion in the town centre.

The A523 London Road/A5149 Chester Road junction has not been assessed in the TA but it has been assessed the SEMMMs model that indicates that in the base case there are long queues currently at this junction. Direct observations of queue lengths also show that long queues form particularly in the peak hours but also at other times of the day.

In summary, the assessments indicate that the A523 has congestion problems and this can be significantly reduced by the introduction of the A6 MARR and the PRR, but without these schemes the development will have an impact on the road network.

The Head of Strategic Infrastructure has stated that the proposed development should not worsen existing traffic congestion levels on the A523 and that it should contribute to the planned infrastructure improvements, in this case the PRR. Discussions are ongoing in this regard and further details will be provided as an update.

Subject to the satisfactory resolution of this matter, the proposal raises no significant highway safety or traffic generation issues, in accordance with policy DC6 of the MBLP.

### **Trees / Landscape**

#### Trees

A detailed amenity evaluation of the site has highlighted three individual trees noted within the Arboricultural report as T6, T8, and T23 and the established woodland which extends across the whole of the sites southern boundary as being worthy of formal protection under a Tree Preservation Order. A Tree Preservation Order dated 6th October 2017 has subsequently been served on all relevant parties. The implementation of the Tree Preservation Order does not establish any significant constraints in respect of this outline application.

The Arboricultural report identifies the removal of three individual trees, two mature Cypress identified as T1 and T2 within the site, and a Lombardy Poplar T26 at the north west corner of the site. The Cypress are moderate value specimens, with the Lombardy poplar designated as a low value specimen. None of the three trees identified for removal are considered to be suitable for formal protection, and their loss can be accepted.

The indicative site layout accompanying the application establishes an area of POS between the woodland and the edge of the development. Ensuring an adequate degree of separation between the woodland and the houses is important to make sure the nearest properties to the woodland are not subject to restricted light attenuation, due to the woodland being located due south of the development area. Any future reserved matters application will need to be supported by a detailed Arboricultural Impact Assessment, which should inform the development layout. Particular care will need to be taken to avoid areas of adoptable highway establishing an incursion within identified root protection area (RPA), and to ensure post development problems associated with light and social proximity are designed out. No further arboricultural issues are raised at this stage.

#### Landscape

The woodland along Poynton Brook forms a strong barrier to the south / south east of the site, which would serve to contain the proposed residential development. To the north the site is bordered by residential properties both those backing on to the site along Dickens Lane and those on the opposite side of the road on and off Siddington Road. Trees and hedgerows are largely confined to the site boundaries, with the fencing to the Public Right of Way being the main delineating feature within the site, which is positioned centrally and divides the site into two similarly sized fields. As an open greenfield site there would be some urbanisation of the area but given how the site relates to adjoin land uses and the string southern boundary that will be retained it is not considered that there will be a significant landscape impact.

## **Ecology**

An ecological appraisal, GCN survey and Bat survey have been submitted with the application.

### Buffer zones

Policy LPS 49 of the CELPS requires any woodland, priority habitats or habitats of Local Wildlife Site quality on the site should to be retained and buffered by areas of open space/habitat creation. The submitted development framework plan illustrates the inclusion of buffered areas of priority woodland in accordance with the Local Plan requirement.

### Bats

Numerous species of bat were recorded commuting and foraging over the site, notably including *Nathusius pipistrelle*. The nature conservation officer recommends a condition requiring the enhancement of bat commuting habitat including the retention and enhancement of the boundary hedgerows, the buffering of the woodland habitat along Poynton Brook and the integration of public open space. Bat sensitive lighting, which details lighting features and unlit areas, should also be included within the development.

Bats and birds are known to occur in this locality. Therefore in order to enhance the value of the development site for bats and birds, and hence lead to a biodiversity gain from this development as required by the NPPF, artificial bat roosts and bird boxes should be incorporated into the design of the development. A suggested mitigation scheme is included within the submitted bat report which is considered appropriate. An appropriate condition is therefore recommended.

### Badgers

Evidence of badger activity has been recorded on site. It is considered to be unlikely that the development will have a significant impact upon badgers due to the proposed vegetated buffer on the site's southern boundary. The nature conservation officer advises that an updated badger survey should be submitted as part of any future reserved matters applications.

## **Layout / Design**

With all matters reserved for subsequent approval, only a development framework drawing has been submitted. The submitted framework drawing seeks to provide a strong green buffer to Poynton Brook through the retention of the woodland, and provision of open space and informal paths, in addition to the retention of the existing footpath providing connections the wider countryside beyond the boundaries of the site. The main vehicular access will be taken through the site of the existing farm buildings which are to be demolished. A primary route is indicated on the plan suggesting a street hierarchy will be incorporated into the layout at the reserved matters stage. The design and access statement expands this by identifying primary streets, secondary streets and semi-private drives being used within the layout. The primary building frontages are orientated to provide passive surveillance over pedestrian and vehicular routes and public spaces.

The application indicates that the dwellings will not exceed 2.5 storeys in scale. The majority of properties within the immediate area are either single or two storey. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the

introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

### **Heritage**

The application is supported by an Archaeology and Built Heritage Assessment, which states that some of the buildings proposed for demolition have some historic value due to their antiquity, dating from the late 18th or early 19th-century. These buildings include the large brick barn and the adjoining smaller brick pig sty or cow house range and the farmhouse. The report recommends that the historic value of these structures can be retained through mitigation in the form of a photographic record of the buildings

### Existing buildings

The existing buildings are considered to be non-designated heritage assets, and as such fall to be assessed against policy SE7 of the CELPS, which requires the impact of a proposal on the significance of a non-designated heritage asset to be properly considered. Whilst the buildings do have some historical value, they appear to be in a poor state of repair, which limits the opportunities for re-use. Their loss will clearly impact upon their significance, however, the loss of these buildings will facilitate the development of an allocated housing site in the CELPS which will make a significant contribution to the housing supply in Cheshire East. Given the condition and limited value of these buildings, the requirement for housing is considered to outweigh the harm arising from their loss.

### Archaeology

Whilst the Council's Archaeologist is in agreement with some of the conclusions of the report, it is considered that further archaeological mitigation would be necessary in order to fully understand the historical development and significance of the Sprink Farm complex. This is particularly the case as the period 1750-1880 has been recognised as the most important period of farm building development in England.

Therefore, it is recommended that large brick barn, adjoining smaller brick pig sty/cow house range and the farmhouse should be the subject of a level 2 historic building survey in line with the guidance set out in Section 5.2 of Understanding Historic Buildings: A Guide to Good Recording Practice (2016), published by Historic England. It is also recommended that once the buildings have been demolished down to the present ground floor level that the footprint of the buildings be subject to further archaeological investigation (strip & record) in order that any early surviving below-ground remains are properly recorded and reported. This work can be secured by means of an appropriate condition.

The proposal is therefore considered to comply with policy SE7 of the CELPS.

### **Flooding**

The majority of the site is located in Flood Zone 1, including the developable area of the site. A very small area of the site within the retained woodland around Poynton Brook is shown to be in Flood Zones 2 and 3. Consequently, the southern edge of the site is potentially vulnerable to fluvial flooding from the Poynton Brook.

The Environment Agency and the Flood Risk Manager have been consulted on the application and have raised no objections subject to conditions. These conditions relate to

mitigation outlined in the FRA (finished floor levels) and a drainage strategy for the site. Subject to these conditions the proposal will comply with policy SE12 of the CELPS.

### **Contaminated Land**

The application area has a history of agricultural use and therefore the land may be contaminated, and 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.

The submitted Phase I Preliminary Risk Assessment submitted in support of the application recommends that a targeted intrusive investigation is required in the farmyard, orchards and around tracks and gateways and where any made ground is identified during development works. A phase II ground investigation will therefore be required, which can be dealt with by appropriate conditions. Subject to these conditions the proposal will comply with policy DC63 of the MBLP and policy SE12 of the CELPS.

### **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 Poynton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **S106 HEADS OF TERMS**

As noted above, discussions regarding the potential contribution towards the Poynton Relief Road are ongoing, and final comments are awaited from ANSA regarding the open space. Feedback from the applicant on the other requested contributions / obligations is also awaited.

Therefore, a s106 agreement is currently being negotiated to secure:

- Education contributions
- Indoor sports contribution
- Healthcare contribution
- Open space provision and management
- 30% affordable housing
- Poynton Relief Road contribution

Final details on the s106 package and an assessment against the CIL regulations will be provided as an update.

### **CONCLUSIONS**

The proposal seeks to provide up to 150 dwellings on a site allocated within the CELPS for around 150 dwellings. The comments received in representation have been given due consideration in the preceding text, however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with paragraph 14 of the Framework, the proposals should therefore be approved without delay. Accordingly a

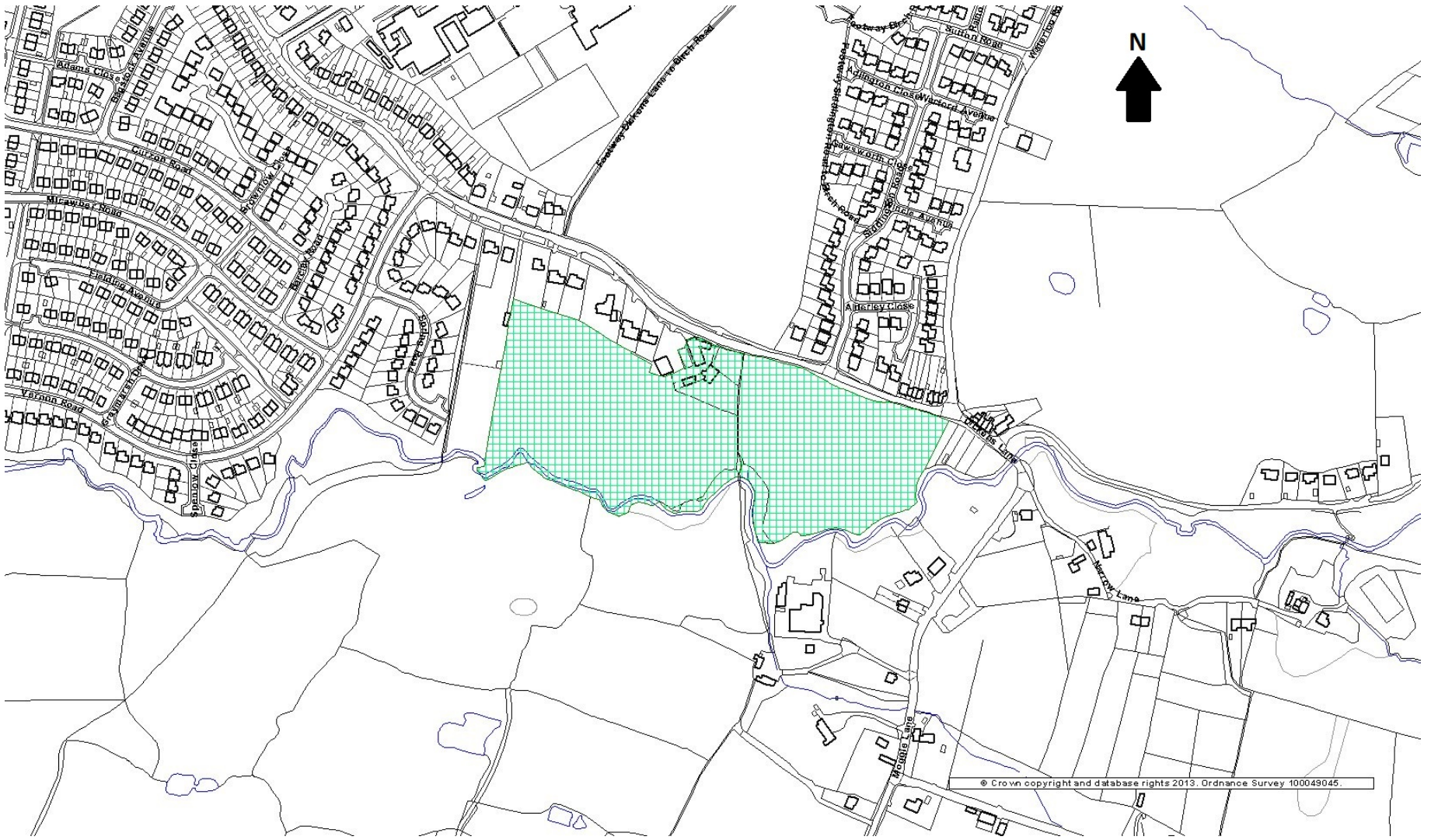
recommendation of approval is made subject to conditions and the prior completion of a s106 agreement.

### Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Submission of reserved matters
2. Implementation of reserved matters
3. Time limit for submission of reserved matters
4. Commencement of development
5. Development in accord with approved plans
6. Noise mitigation measures to be submitted
7. Construction Environmental Management Plan to be submitted
8. Electric vehicle infrastructure to be provided
9. Scheme to minimise dust emissions to be submitted
10. Phase II contaminated land report to be submitted
11. Verification Report prepared in accordance with the approved Remediation Strategy to be submitted
12. Imported soil to be tested for contamination
13. Contamination not previously identified
14. Arboricultural impact assessment to be submitted
15. Development to be carried out in accordance with Flood Risk Assessment and mitigation measures
16. Drainage strategy including detailed calculations to be submitted
17. Details of enhancement of bat commuting habitat to be submitted
18. Bat sensitive lighting details to be submitted
19. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
20. Updated badger survey to be submitted
21. Written scheme of archaeological investigation to be submitted
22. Reserved matters application to incorporate public right of way routes
23. Provision for pedestrians and cyclists to be provided





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Application No: 17/1000C

Location: LAND BETWEEN MANCHESTER ROAD AND GIANTSWOOD LANE,  
HULME WALFIELD, CHESHIRE

Proposal: Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle links

Applicant: Worth Partnership

Expiry Date: 27-Sep-2017

## SUMMARY

The development is in accordance with the site specific newly adopted CE Local Plan Strategy and would deliver 500 houses, a primary school, a retail facility together with areas of open space and green infrastructure and significant contributions to the Congleton Link Road.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. As with other key sites in North Congleton, the site is making a significant contribution towards the Link Road, but with an agreed reduction in affordable housing to 17.5%, together with contributions to other highway/sustainable transport works and education. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents.

The development would provide for a one form entry primary school, and addresses issues of drainage, highways, trees, residential amenity, noise, air quality and contaminated land.

At the time of writing the report there are outstanding matters in relation to landscape impact, with particular reference to the proposed school site, and ecological offsetting mitigation and these matters will need to be reported to Members in an update report.

Jodrell Bank have objected to the application and this does represent a factor against the proposals.

On the assumption the outstanding matters can be addressed, the scheme represents a sustainable form of development which the NPPF states should be “approved without delay” and the planning balance weighs in favour of supporting the development in accordance with the development plan subject to a 106 legal agreement and conditions.

**Recommendation**

Approve subject to a Section 106 Agreement and conditions.

**1. SITE DESCRIPTION**

This application relates to a 25.7-hectare site on the northern side of Congleton. The site currently consists of 2 agricultural fields, used for crop growing. The larger of the two fields lies to the south of the unnamed narrow watercourse, and whilst not flat, consists of an area which sits above the adjacent water course and associated tree line. Within the centre of this area is an area of woodland, and the boundaries are largely marked by hedgerows, in particular on Giantswood Lane. The smaller parcel of land lies north of the water course, and is general lower lying, but rises towards the northern site boundary. This site has a frontage to Manchester Road.

In the future the area will change significantly with the building of the Congleton Link Road (CLR) to the north of the site, and indeed parts of the land holding are required to build the road, and the associated landscaping/ecological mitigation.

**2. DETAILS OF PROPOSAL**

This application seeks outline planning permission for:

Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle links.

The application is accompanied by an Environmental Statement and a Parameters Plan. The parameters plan has been revised during the lifetime of the application, and shows the larger of the two site areas being set out for housing, retaining the central area of woodland, and providing areas of green infrastructure and open space. The smaller site area is proposed to be the site of the new primary school and retail facility.

Access is only proposed for vehicular traffic off Manchester Road, but with pedestrian/cycle links onto Giantswood Lane and north towards the CLR.

**3. RELEVANT PLANNING HISTORY**

Nothing affecting the site in question, but on the adjacent site to the south and east is an approved development by Bloor Homes who have recently started on site. The approval is as follows:

16/3107C – Reserved matters application (appearance, landscaping, layout and scale) for residential development comprising of 96 dwellings. Land Between Manchester Road and, Giantswood Lane, Hulme Walfield APPROVED May 2017

In addition is the approval for the Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

Finally, across the A34 to the east are approvals for housing developments under approvals 14/4451C & 14/4452C amongst others.

#### 4. PLANNING POLICIES

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 comprises the recently adopted Cheshire East Local Plan Strategy, and the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Congleton Local Plan is applicable for the majority of this site.

#### **Cheshire East Local Plan Strategy 2010-2030**

The following are considered relevant material considerations:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC3 – Health and Wellbeing  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE9 –Energy Efficient Development  
SE14 - Jodrell Bank.  
IN1 - Infrastructure  
IN2 – Developer Contributions

Site LPS 29 - Giantswood Lane to Manchester Road, Congleton (See below for wording).

#### **Saved policies in the Congleton Local Plan**

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures

GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

The **Macclesfield Local Plan** is however relevant for land north of the water course – the proposed school site, and as such the following policies are considered relevant:

NE17	Nature Conservation in Major Developments
GC14	Jodrell Bank
RT7	Cycleways, Bridleways and Footpaths
DC8	Design - Landscaping
DC9	Design - Tree Protection
DC13 & DC14	Design - Noise

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Strategic Housing Land Availability Assessment (SHLAA)  
Article 12 (1) of the EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010  
The North Congleton Masterplan

**Site LPS 29** - Giantswood Lane to Manchester Road, Congleton. (Former SL 8 & CS 46 )

The wording reads as follows:

*“The site at Giantswood Lane to Manchester Road over the Local Plan Strategy period will be achieved through:*

- 1. The delivery of, or a contribution towards, the Congleton Link Road / complementary highway measures on the existing highway network;*
- 2. The delivery of around 500 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.34;*
- 3. The provision of appropriate retail space to meet local needs;*
- 4. The provision of a new primary school as set out in Figure 15.34;*
- 5. Vehicular, pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;*
- 6. The provision of children's play facilities;*
- 7. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.34.*

### *Site Specific Principles of Development*

- a. Provision should be made for managed vehicular linkage through the site between Manchester Road and Giantswood Lane, together with connection through to Strategic Site LPS 27 Congleton Business Park. Contributions will also be sought towards the Congleton Link Road.*
- b. Contributions towards complementary highway measures on the existing highway network including the management of traffic on Giantswood Lane.*
- c. The provision of the new school and associated localised retailing should be made in an accessible location capable of serving adjacent developments. Contributions should be made to health infrastructure.*
- d. The provision of a network of open spaces for nature conservation and recreation. This should include enhancement of the proposed habitat area defined by the Congleton Link Road as set out in Figure 15.34.*
- e. The timely provision of physical and social infrastructure to support development at this location.*
- f. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm. Landscape features should be retained whilst defining landscaped spaces and key movement choices.*
- g. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.34 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.*
- h. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- i. The provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities including adjacent Strategic Site LPS 27 Congleton Business Park. Future development should provide an east to west greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton.*
- j. The site will provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.*
- k. Future development should also have consideration to Policy SE 14 'Jodrell Bank'.*
- l. Future development should consider the use of SuDS to manage surface run off from the site.*
- m. A desk-based archaeological assessment should be undertaken, with appropriate mitigation, if required.*
- n. The visual, noise and pollution assessment of development should be undertaken with the assumption that the link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.*
- o. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC 2 'Indoor and Outdoor Sports Facilities'.*
- p. The Congleton Link Road will form the northern boundary to this site.*
- q. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be*

*found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.*

*r. The proposed route of the Congleton Link Road is as shown in Figure 15.34. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development..”*

The site, subject of this application makes up the majority of this allocation. The only area excluded includes an area to the north east adjacent to the A34 where it would meet the Congleton Link Road. This area presumably has been excluded as it sits in a hollow and consists of low lying marshland.

It is also important to note the school site is indicated on Giantswood Lane on the proposals map, whereas it is now proposed across the site on the A34.

### **Hulme Walfield and Somerford Booths Neighbourhood Plan**

The majority of the site falls with this Neighbourhood Area. The plan is currently at Regulation 16 - Consultation on Submitted Plan, and as such the plan can be afforded some weight in the planning process. Of particular note is emerging policy HOU 2 which states:

*“New development on the proposed strategic sites must be of a high standard of design and where possible enhance local character. The developments should be designed in a way that respects the rural backdrop and protects and enhances existing landscape quality, valued trees and hedgerows, wildlife assets and the River Dane. Ecological losses should be offset or mitigated. Development should respect the important contribution that the open countryside will make to the sites’ setting and visual quality. Access points and the increased volumes of traffic from the strategic sites should not adversely affect the existing rural road network. The strategic sites should have their own distinctive neighbourhood identity and reflect local traditional building materials, and their design and layout should demonstrate consideration of the Cheshire East Design Guide (2016) the Local Character Assessment for Hulme Walfield and Somerford Booths (2017) and policies HOU4 and HOU5 of this Neighbourhood Plan.”*

Whilst many of these matters will need to be looked at in more detail at the reserved matters stage, the general issues raised are addressed in this report.

### **Eaton Neighbourhood Plan**

This plan area covers the proposed school/retail site, however as the plan is only at Regulation 7 - Neighbourhood Area Designation, it cannot be afforded much weight at this stage as the policies are only just being developed.

### **CONSULTATIONS:**

**United Utilities:** No objections subject to conditions relating to foul and surface water being drained on separate systems, and submission of a surface water drainage scheme based on a hierarchy of drainage options.

**Jodrell Bank:** They oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from that direction



will be severe. This is a general direction in which there is already significant development close to the telescope.

They ask the planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

**Environmental Health:** They note that whilst an Environmental Statement accompanies the application, as the application is only in outline and as such the full details of the proposal are not known at this stage, they give a range of comments and suggested conditions with regards to the construction and demolition phase, noise and vibration, air quality and contaminated land.

**Education:** No objection subject to developer contribution of £3,200,000 towards education provision and the land requirement to build a primary school.

**Housing:** Object to the application as only 17.5% affordable housing is proposed, and the required 65/35 between social rented and intermediate housing is not being met. If a lower percentage of units is proposed with a different split this should be supported by a viability appraisal.

**Flood Risk Officer:** The site is flood zone 1, and they recommend conditions relating to carrying out the development in accordance with the submitted Assessment recommendations, and submission of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

**Strategic Highways Manager:** No objections, but detailed comments are set out in the Highways section below setting out the relationship with the CLR, more localised impacts including how Giantswood Lane is addressed, accessibility and what they feel should be covered by conditions/106 contributions.

**Public Rights of Way:** The development would affect Public Footpath No. 3 in the Parish of Hulme Walfield, and any changes to this will require their approval in advance of any reserved matters application. This should be conditioned/subject to informatives. Detailed comments have also been received in relation to connections from the site into the local footpath and cycleway network, and extensive discussions have been had with the applicant's agent to secure in particular the east west links which are of strategic importance to North Congleton.

**ANSA:** Commenting on the original proposals, it was considered there would be a quantity deficiency of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP). The comments then go on to set out what should be provided on site. Comments on the revised parameters plan will be reported in the update report.

### **VIEWS OF THE PARISH COUNCILS**

**Hulme Walfield and Somerford Booths Parish Council** –Object to the application “specifically on the impact this could have on traffic in our rural parishes”. Whilst they are concerned about the increase in the numbers of houses in their small Parish, they understand the strategic nature of the development in relation to Congleton, however it is impact of traffic

movements, and access onto Giantswood Lane they are particularly concerned about. This could have a significant impact on the rural Parish.

### **REPRESENTATIONS**

A number of objections have been received from neighbours:

The main concern is with regards to highways impacts, both in terms of the general congestion issues in Congleton, rat running through local streets and in particular impacts on Giantswood Lane, which is a narrow country Lane regularly used by pedestrians and cyclists. Many residents make the point that the site should not be developed before the Link Road is in place.

Other concerns include:

- The infrastructure (doctors/schools/sewers etc) of Congleton can't cope with the additional houses.
- Cumulative impact of all the developments in NE Congleton
- Loss of farmland and open countryside
- Landscape impact, change in character and loss of wildlife habitat.
- Air/Noise pollution concerns
- Concern about sustainable transport links, and in particular lack of bus access near the site.

It is important to note that many of the comments received were received before the Local Plan was adopted in July this year, although clearly many of the concerns would still be raised.

Full details of resident's objections can be viewed on the Council's website.

### **APPLICANTS SUBMISSION:**

The application is supported by an Environmental Statement (ES) (Containing 14 chapters)) and in addition the following documents have been submitted:

Supporting Planning Statement  
Statement of Community Involvement  
Parameters Plan – Land Uses and heights  
Spatial Design Code  
Transport Statement  
Design and Access Statement  
Arboricultural Impact Assessment  
Section 106 Heads of Terms  
Air quality Note  
Ecology offsetting

These reports can be viewed on the application file, but it is important to highlight that some of these documents/plans amended during the lifetime of the application.

## APPRAISAL:

### PRINCIPLE OF THE DEVELOPMENT

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.*” This is the test that legislation prescribes should be employed on planning decision making.

The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means:

*“approving development proposals that accord with the development plan without delay”*

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

Councillors will be familiar with the second section of Paragraph 14, namely that:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be Restricted”*

With the adoption of the Local Plan, the development plan is clearly not absent. It is also unlikely to be the case that the development plan will be silent or that relevant policies are out-of-date. As a consequence the second limb of the favourable presumption will not apply to overwhelming majority of planning decisions from this point forward (but see further on housing supply below).

That being the case, the appeal Court case of *Barwood Strategic Land II LLP v East Staffordshire Borough Council* has determined that there is no further test to employ in respect of the favourable presumption. The correct test for planning decision taking is that set out in Section 38(6) of the Act.

The Inspector’s Report published on 20 June 2017 signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords. In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the

Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

## **SUSTAINABILITY**

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 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 role – contributing 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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.

## **ENVIRONMENTAL SUSTAINABILITY**

### **HIGHWAY SAFETY & TRAFFIC GENERATION**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### Access

The proposed access to the site has been subject of pre application discussions and it is agreed that there would be one principal point of access taken from Manchester Road. A new priority junction to serve the site is proposed together with a ghost right turn lane. This access is located further north than the approved access point to serve the 96 units and does provide a satisfactory separation distance of 100m.

An internal road/pedestrian link between this application site and the approved 96 unit residential scheme is proposed as this is required to allow residents to access the school/retail facilities without having to use the A34 Manchester Road.

The North Congleton Masterplan ultimately foresees local highway links to LPS27 Congleton Business Park that is located on the western side of Giantswood Lane and consideration has been given to the increased level of traffic that would use Giantswood Lane should vehicular connections from this application be provided. It is likely that Giantswood Lane would see modest increases in traffic if vehicular connections were made due to vehicles accessing the town centre and the A34 and therefore it is proposed to provide the road links to Giantswood Lane to allow for this future possibility but not allow use by general traffic and have emergency access only.

In order to address the likely use of Giantswood Lane when the links are opened by development traffic, it is considered prudent that a contribution to traffic management measures are required. The LPS27 site when it comes forward will be requested to also make a contribution. As these mitigation measures are only required in the event that a connection to the LPS27 is made it is considered that this is reflected in a suitable 'trigger' condition.

### Development Traffic Impact

The applicant has considered the impact of two phases of development and provided traffic generation figures in support of these proposals. The supporting information with the application confirms that up to 40 units can be constructed prior to the CLR being implemented and the remaining 460 units can only be provided post completion of CLR.

The traffic impact on the road network for the full development has been assessed with the CLR in place with and does include the current committed development sites, the assessment has been undertaken in 2032. The development traffic impact element of the assessment includes the trips arising from the 500 units and the primary school trips travelling to the site from external residential areas.

The development is predicted to add 255 trips to the road network in morning peak hour which is the worst case as the 08.00 – 09.00 period co-insides with the peak school traffic. The traffic generation during the evening peak 17.00 – 18.00 is much lower due to the absence of the school traffic.

The impact of the additional trips on the road network needs to be considered and it is clear that in the 'Do Minimum Base' i.e. no CLR that there would be a material impact at the A34 Rood Hill junction and also the nearby gyratory at A34/A536. However, with the CLR in place the traffic flows at the same junctions are much less even with the development traffic added due to the redistribution of flow onto the CLR.

Capacity assessments have also been provided at the site access and the new roundabout on Manchester Road/Congleton Link Road, the results indicate that the site access works well within capacity and also the roundabout is predicted to operate within capacity in 2032 with full development in place.

It is apparent that the development relies on the CLR being implemented as only with the infrastructure associated with the scheme being in place can the development traffic be accommodated. Therefore, a financial contribution to the CLR will be required from the applicant.

### Accessibility of the Site

The site will be linked to the footpath network both on Manchester Road and Giantswood Land. Facilities for both pedestrians and cyclists will be required as part of the development although details of routes etc will be dealt with in the reserved matters stage. There is provision within this application to link adjacent sites to allow non-vehicular trips to be made to the school and retail facilities being provided as part of this application.

It is important that a development of the size proposed 500 dwellings and a new school is as sustainable as possible and although there is a bus service that runs between Macclesfield and Crewe this service is a considerable walking distance to the bus stops 850m to the site access point alone and considerably more to the dwellings within the site. The applicant has considered how to improve the public transport accessibility of the site and has suggested a contribution towards the 'pump priming' of a new bus service from the site to the Town Centre.

It is also important that the linkage between adjacent residential site/s on the A34 and to the new cycleway facilities on the Congleton Link Road via Manchester Road is provided especially as walking to school is being promoted and a formal pedestrian/cycle crossing should be provided and a condition added to secure the provision and details to be submitted with the reserved matters application. Though outside of the applicants control there is a

strong benefit in strengthening the cycle and pedestrian links to the new underpass of the A34 provided by the CLR. A contribution to address this via a S106 is requested.

### Summary and Conclusions

- As an outline application only the access is being considered at this stage, the internal layout would be considered as part of any reserved matters application.
- Access is only proposed from Manchester Road which is considered acceptable, and no vehicular access would be from Giantswood Lane.
- Due to congestion concerns, only 40 units can be brought forward in advance of the CRL, which the development should contribute to.
- Current bus services in the vicinity of the site are poor and as such the site should contribute to improvements at an estimated cost of £150,000 per annum for 3/4 years to provide an additional service
- A financial contribution towards the Congleton Link Road is required, the amount of the contribution is £15,000 per dwelling. This approach has been agreed on other sites within the North Congleton Masterplan area and has been subject to a full viability assessment. This application will be counted as one of the five S106 contributions to the CLR. On the basis of 500 houses a contribution of £7.5m would be realised. The viability work undertaken for the North Congleton area has demonstrated that to achieve this reduction in affordable housing to 17.5% is required.
- In summary Highways have no objection to this application subject to conditions and contributions listed at the end of this report.

### DRAINAGE AND FLOODING

The site in question is in Flood Zone 1, at low risk of flooding, although it is noted the Dane Valley below the site is within Zone 2/3 so care will be needed during any construction phase to avoid impacts on the river and in particular impacts of pollution. Drainage is more of an issue and is fully considered as part of the supporting Environmental Statement. No detailed proposals have been put forward, but it is proposed to address possible issues with sustainable drainage measures to reduce run off to acceptable levels and prevent possible impacts on the adjacent woodland and river beyond. The Flood Risk Officer agrees these matters can be addressed at the Reserved Matters stage of the application.

### FORESTRY

The Macclesfield Borough Council (Eaton - Manchester Road) Tree Preservation Order 1996 affords protection to two individual trees (a mature Beech and Oak) located adjacent to Manchester Road and a small area of trees outside the application site which comprise of Oak, Beech, Sycamore, Scots Pine, Hornbeam, Field Maple and Hawthorn located between Manchester Road and a field ditch.

The application is supported by an Arboricultural Assessment. The Assessment identifies 88 individual trees, 36 groups of trees, 1 Woodland and 8 hedges within or immediately adjacent to the site.

The Assessment has identified one Veteran Tree, a mature Alder (T60) located to the north of the site adjacent to a ditch and a public footpath FP2. This tree appears to be shown for retention on the Parameters Plan within open space provision.

The Assessment indicates that the majority of high (A) category and Moderate (B) category trees will be retained with a 35 metre section of Hawthorn hedge (H6) adjacent to Manchester Road and a low (C) category group of Wych Elm (G7) proposed for removal to accommodate access into the site. A number of trees within the group (G7) appear to be dying as a consequence of Dutch Elm Disease (DED) and therefore their loss to accommodate the proposed access is considered acceptable.

The Hawthorn hedge adjacent to Manchester Road has been identified in the Environmental Statement (Chapter 13 Ecology) as an Important Hedgerow under the Hedgerow Regulation 1997 as it forms part of a Historic Parish Boundary (Schedule 1 Part II para 1 of the Regulations).

Given that the hedgerow qualifies as an 'Important' hedge on historic criteria, the impact of the loss of a 35m section is a significant material consideration in the determination of this application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The Assessment has identified that proposed internal access connecting the school and retail site to the residential area will require some tree removal where it crosses a tree-lined ditch. The option presented proposes a road within a gap between two Moderate (B) category Alders (T27 and T40). As suggested, the design of the road will need to be supported by an Arboricultural Method Statement, with an option of removal of one or both trees. It is accepted that the positioning of this access presents the least harm taking advantage of an existing gap within the linear group of trees along the ditch.

The proposed southernmost access off Giantswood Lane will utilise an existing access to the north-west of an existing High (A) category Oak. Whilst the access will incorporate existing compacted ground, any increase in width should be to the west taking into account the calculated Root Protection Area of the tree.

A second (northernmost) access off Giantswood Lane is not specifically referred to in the Assessment but appears to be located in a gap between two groups of poor quality Wych Elm (G15 and G16). In this regard there appears adequate space to accommodate access provision without any significant adverse harm to trees.

A second access point shown off Manchester Road on the Parameters Plan and referred to at para 5.14 of the Assessment is approved under 16/3107C.

The Arboricultural Assessment indicates that the development would not require the removal of any High and Moderate category trees, however as the Parameters Plan is indicative it



does not demonstrate that the site can accommodate the number of dwellings proposed without an impact on trees.

In this regard, whilst development stand off measures are indicated, there are potential design issues in terms of accommodating root protection areas (RPA's) and shading/daylight due the proximity of trees to new development to the north and southern boundaries and to the retained woodland block within the centre of the site.

Should this application be approved, and future reserved matters application shall be supported by a detailed Arboricultural Impact Assessment, Method Statement (in respect of the position of the proposed access between the northern and southern sections of the site), and draft Tree Protection Plan in accordance with para 5.4, 5.5 and 6.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations

### **ECOLOGY**

#### Woodland

The small block of woodland in the interior of the site occurs on the national inventory of priority habitat. This woodland is shown as being retained on the submitted parameters plan with an 8m minimum stand off around the woodland. To ensure that this area of woodland is adequately safeguarded it was recommended that this stand off be increased to 15m.

There is also an area of woodland associated with the stream that crosses the site. The submitted ES states that there would be the loss of 0.01ha of this woodland as a result of the proposed bridge crossing over the stream. The impacts of this loss are considered to represent a moderate adverse impact.

No compensation proposals have been submitted to address this loss. It is advised that the loss of this woodland should be avoided. In the event that the loss of this area of woodland is considered to be unavoidable then the application must be supported by compensation proposals to address its loss.

#### Bluebells

This priority species is present within the streamside woodland that would be lost as a result of the proposed stream crossing.

This species is also present within the woodland located in the centre of the site and also occurs under the trees on the road frontage. The woodland in the centre of the site is retained on the submitted parameters plan and the road side trees are retained within a 9m buffer. Therefore provided the proposed development comes forward in accordance with the submitted parameters plan it is likely that this species would be retained in two of its current locations but with some losses of the local population from its third location on site.

#### Marshy Grassland and associated bird species

An area of marshy grassland is present on site. The submitted ES advises that this habitat is of Borough value and states that there would be a loss of 1.4ha of this habitat as a result of the proposed development. The ES also states that this habitat is used by high numbers of snipe. If snipe occur regularly at this habitat (i.e. present three years out of five) then the site would be considered to be of Local Wildlife Site (County) value for birds.

Evidence suggesting that lapwing, a priority bird species, breed within this habitat was also recorded during the submitted phase one habitat survey.

The submitted ES states that the loss of this habitat would result in a major effect at the Borough level. It is advised that this would rise to an effect significant at County level if snipe are present regularly. The creation of small areas of marshy grassland around the SUDS scheme for the site is unlikely to be adequate to compensate for the loss of this habitat.

It is further advised that revised proposals that seek to firstly avoid, then mitigate and compensate for the loss of this habitat should be sought prior to the determination of this application.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Hedgerow 2b has found to be Important under the Hedgerow Regulations. A section of this hedgerow is likely to be removed to facilitate the site entrance.

It is advised that if outline consent is granted development proposals formulated at the reserved matters stage should seek to maximise the retention of existing hedgerows and replacement planting must be provided for any sections of hedgerow unavoidable lost.

### Stream Crossing

The bridge crossing the on site stream could result in fragmentation of the associated habitats if not designed appropriately. It is therefore advised that if planning consent is granted a condition should be attached which requires the proposed bridge to be designed so as to minimise impacts on the stream side habitats. This must include the provision of a wide span bridge

### Great Crested Newts

A small population of great crested newts is known to be present to the north of the site of the proposed development. The ponds are however partly isolated from the development site by a stream and much of the application site offers suboptimal habitat for great crested newts. In the absence of mitigation the proposed development would however result in the loss of some suitable terrestrial habitat for this species and also present the risk of killing or injuring any newts present on site when works were undertaken.

As a requirement of the Habitat Regulations the three tests are outlined below:

#### EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:• A licensing system administered by Natural England which repeats the above tests

- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is 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
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### *Overriding Public Interest*

The provision of mitigation would assist with the continued presence of Great Crested Newts.

### *Alternatives*

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

### *Detriment to the maintenance of the species*

The Council's Nature Conservation Officer has advised that with appropriate mitigation, as proposed in the applicant's great crested newt strategy, there should be no harm to Great Crested Newts.

### Badgers

Two badger setts are present on site. Based on the submitted parameters plan it is likely that one of these setts could be retained, however the second sett is likely be directly affected by the development and so to avoid any risk of badgers being killed or injured it may be necessary to close this sett under the terms of a Natural England license prior to the commencement of the development upon site.

The precise effects of the development of this site would be dependant upon the level of badger activity at the time and the detailed design proposed at the reserved matters stage. It must however be ensured, at the detailed design stage, that connectivity between any retained setts and the surrounding countryside is maintained.

It is recommended that in the event that planning permission is granted a condition should be attached which requires any future reserved matters application to be supported by an updated badger survey and mitigation strategy.

### Bats

Whilst the application site offers limited opportunities for roosting bats, bats do commute and forage around the site. The level of bat activity is broadly as would be expected for a site of this nature. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring details of the lighting scheme to be submitted with any future reserved matters application..

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

### No-Net Loss of biodiversity - Offsetting/Defra metric

It was recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' the level of additional compensation which would be required to 'offset' the impacts of the development to ensure that the development proposals achieve a no net loss of biodiversity.

The applicant has submitted this off setting/Defra metric but the Council's Ecologist disagrees with the calculation of loss of biodiversity and advises that the applicants spreadsheet be amended to reflect his comments and that the outcome of the calculations be used to formulate a revised ecological mitigation and compensation strategy that could be secured by condition/section 106 agreement in the event that planning permission is granted. The applicant's comments on this will be reported in an update report to Members.

## **LANDSCAPE IMPACT**

### School and Shopping Sites

The proposed school site has an average fall east to west of approximately 10 metres (1:20) and in places the fall across the playing field area may be 1:10. The road bounding this area to the south may require substantial longitudinal adjustment of levels to achieve acceptable falls; this could have a knock on effect for the adjacent school site and shopping facility. Further work was requested to confirm the feasibility of constructing a school and associated playing fields/play ground on this site. The applicant has submitted suggested plans of how this area could be developed, and discussions on this matter are on going at the time of writing this report.

It is suggested that the streamside woodland area and a suitable buffer area should be excluded from the school site area and managed in association with the whole woodland within the housing development site.

### Landscape Mitigation

The submission made a calculation about the amount of open space that is being provided by the development, but included areas which did not form part of the development site or should remain inaccessible to the public – such as the central area of woodland which contains important ecological features together with numerous ponds and depressions. As such the applicant was asked to re-calculate the areas provided and these are reflected in the revised submissions.

The stream side “woodland” (eastern boundary) is an important landscape and green infrastructure feature within the site. Much of it is only one tree wide and in winter it will have a greatly reduced screening effect for views from the north-east (Manchester Road, PROW network). It should be substantially reinforced with additional native species tree planting and be extended to have an average width of 20 metres with the minimum width being 15 metres (excluding any SUDs features and provision for footpaths).

The northern boundary of the site runs across an open field at the edge of the proposed Congleton Link Road (CLR). For much of this length the CLR is in a cutting. The proposal for 10 metre wide “woodland planting” is shown within the sketch layout (Spatial Design Code) to consist of tree planting and amenity grass. This is appropriate, but it means that the “woodland” will be little more than one tree wide. It was suggested that the minimum width should be 15 metres and minimum width of tree/shrub planting 10 metres wide.

The western boundary runs along Giantswood Lane which has an established hedgerow and mature hedgerow trees. The proposed standoff area is a minimum of 9 metres wide and contains a footpath route. A minimum width to be 10 metres would be preferred, the hedge should be gapped up as necessary and the footpath should not harm the root protection areas (RPA) of retained trees.

The southern boundary faces onto a new hedge and bridleway to be created under planning application 16/3107C. Development in this area should allow sufficient space for the hedgerow and create space for tree planting within the site. It was noted that only one connection is shown (at the western end) between the site and the bridleway and was suggested that at least two more connections are made at appropriate intervals to improve connectivity between the site and the bridleway.

The central woodland is an important feature within the site that helps to break up the scale of the development both internally and externally from viewpoints such as the Cloud to the south and Peak Park Fringe to the east. It should be extended by additional planting of large trees (Oak, Beech, Lime etc) within associated open space radiating out from the woodland. These spaces should be of sufficient size to accommodate large tree species and substantial areas of planting. Given that there is also a footpath/cycleway running through these areas, the minimum width should be 20 metres (dimension C on the Parameter Plan).

The provision of footpath and cycleway access away from the roads is welcomed. The west-east cycleway route terminates at the stream (eastern end) and consideration should be given to how it may connect to the wider network outside the site.

The development standoff along Hulme Wallfield Footpath 3 (dimension K on the Parameter Plan) was insufficient, and was suggested should be increased to 15 metres. The minimum width of 8m for dimension I on the Parameter Plan is insufficient to accommodate a footpath and landscaping and should be increased to 10 metres. The green space associated with the two emergency access roads should be a minimum of 15 metres wide excluding the road width.

### Sustainable Drainage

It is noted that the provision for SUDS is suggested to be a mixture of underground pipes and two dry basins. It is not helpful to the understanding of how the basins fit into the landscape to see these coloured blue on plans and also referenced as “potential attenuation ponds”. It is also stated that the “proposed SuDs will be accommodated within the green space network”, but there is a risk that the SUDS basins may have to occupy all the available open space. It was suggested that minimum open space dimensions should exclude the SUDS. Appropriate, well designed swales, dry basins, permanent water bodies and other features can and should be accommodated within open space, but require space, careful design and should not detract from other functions of open space.

The applicant has revised the parameters plans, and as noted above given an indication of how the school site could be developed. These proposals are being considered in conjunction with the Council’s Landscape Architect who has been heavily involved in discussions on the proposals. Whilst there are no fundamental objections on landscape ground the revised proposals are being carefully appraised and the matter will be addressed in an update report to Members

### **URBAN DESIGN/MASTERPLAN**

This matter has been the subject of extensive discussions with the applicant’s agents as, although the application is in outline with all matters reserved – save access, there was a need to ensure that the parameters set out in the application addressed the various issues on the site, and that the applicant’s had demonstrated that the uses could be accommodated on the site successfully. The parameters plan has been amended during the lifetime of the application.

The application is supported by a design and access statement, a design code which gives testing layouts for the whole site, (albeit in sections) and parameters plan as mentioned above. Whilst the submitted documents only gives an indication of what could be accommodated on site, and the testing layouts would not be approved, it is considered that it does give sufficient comfort that the broad housing numbers, together with the areas of open space, green links etc can broadly be accommodated on the site. Only at the reserved matters stage(s) would the exact numbers be known. The parameters plan however would be approved which will set the basic requirements for the site including set off distances to boundaries, widths of greenways etc.

The application has been appraised against the checklist in The Cheshire East Borough Design Guide, and the 6 criteria set out. Whilst the application is in outline, and as such many of the matters can only be considered at a high level, often based on the Design & Access Statement, there are no 'reds' indicating there is a significant issue identified, and many of the 'ambers' are capable of being addressed at the Reserved Matters stage. Overall it is considered the proposals are well thought out and will form the back bone for a successful scheme.

### **AMENITY**

There are several properties on Giantswood Lane which adjoin the site, in the south west corner and in the case of one dwelling further north on Giantswood Lane. However in both cases the properties are well separated from any potential development by virtue of distance and or topography and as such there are unlikely to be any amenity concerns. In any event this would need to be looked at in more detail at the reserved matters stage. The illustrative layout indicates there will be no issues.

In addition to the existing dwellings, there is now an approved application for development to the south by Bloor Homes, however there is a public footpath separating the two sites, and the approved layout should not present any issues with the proposed development.

Other amenity issues associated with the construction stage of the development and impact more generally in the area is addressed below.

### **NOISE AND VIBRATION**

There are potential noise issues due to;

- Construction phase impacts associated with the development, including the phased occupation of noise sensitive premises whilst the remainder of the site is built out.
- Noise impacts from road traffic (Manchester Road and the committed Congleton Relief Road)
- Noise impacts from fixed plant and equipment associated with the retail and school use.

At this time, the layout of the scheme is not finalised and as such it has to be borne in mind that the assessment of noise is based on principles rather than detailed design at this stage.

The applicant has submitted an acoustic report as part of the Environmental Statement (WYG February 2017) in support of the application. The impact of the noise from the above on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Guidance Document Calculation of Road Traffic Noise. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby properties are not adversely affected by noise. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, conditions are recommended requiring the submission of a detailed acoustic mitigation scheme as part of any reserved matters application, and requiring the submission of a Construction Environmental Management Plan for the demolition and construction phase of development.

### **CONTAMINATED LAND**

Whilst there are no objections on contaminated land grounds, in view of the sensitive end use of the site – residential, Environmental Protection recommend a series of contaminated land conditions to ensure there are no issues related to the site. Despite its former agricultural use, there is still a requirement for a Phase II investigation and remediation strategy, testing soils etc. brought onto site, and outlining measures that will be undertaken if contamination is found on site.

### **AIR QUALITY**

Environmental Protection initially raised an objection to this application due to the negative impact the development was predicted to have on several receptors in and around the Lower Heath air quality management area. The applicant has since commissioned a further air quality impact assessment using the more up to date CURED (Calculator Using Realistic Emissions for Diesels) tool. This tool gives a more robust realistic prediction of how road diesel emissions are expected to decrease over the coming years and as such the predicted impact of the development has changed.

There are no longer any receptors that are predicted to breach the air quality objective with only four receptors now predicted to experience a minor effect, the rest being negligible. Therefore, the overall conclusion in accordance with the methodology is that the impact of the development is not significant. As a result Environmental Protection have now removed its initial objection to the proposed development.

They still however recommend conditions due to the concerns over cumulative impacts of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

Conditions relating to following are recommended:

Timing – No development to commence until CLR is completed

Damage cost assessment – agree mitigations works to off set the pollution impacts

Submission of a travel plan

Installation of electric vehicle infrastructure

Dust control measures during the demolition / construction phases

### **LIGHTING**

Details of any lighting proposed should be agreed by condition to prevent unnecessary light spillage and pollution as part of the development.



## **Environmental Role - Conclusion**

The site is allocated for housing in the recently adopted Local Plan, and the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, confirmed by the work undertaken in support of the allocation in the Local Plan.

The site is considered to provide a range of sustainable links into Congleton so that occupiers will not be totally dependent on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Highways have raised no objections to the proposed development, and the report sets out the importance of the development to the delivery of the Link Road.

Although there are matters in relation to Landscape and ecology which remain outstanding, the other environmental matters are capable of being addressed, largely at the reserved matters stage and through the use of conditions.

## **ECONOMIC SUSTAINABILITY**

### **JODRELL BANK**

Jodrell Bank have objected to the application, on the grounds of a severe impact on the observatory's operations. This however needs to be considered against the fact the site is allocated alongside others in North Congleton to help meet the Council's identified housing need and will have been a factor considered as part of the Local Plan allocation process, in the planning balance.

## **Economic Role - Conclusion**

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The proposed development will help to maintain a flexible and responsive supply of land for housing, provide a new school and retail facility as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

## **SOCIAL SUSTAINABILITY**

### **AFFORDABLE HOUSING**

The Councils Interim Planning Statement: Affordable Housing (IPS) states that in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 500 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 150 dwellings to be provided as affordable dwellings. 98 units should be provided as Affordable rent and 52 units as Intermediate tenure.

The Heads of Terms proposed by the applicant indicates that they intend to provide 17.5% affordable housing on this site and for this reason Housing object. This is much less than the amount required by policy and the reason given for this approach is because of a contribution to be made towards the Congleton Link Road. However, if this is the case then housing feel this should be proven by way of a viability appraisal that the correct amount of affordable housing cannot be provided on the site and this appraisal should then be independently verified. This point is addressed in the Highways section of the report.

The applicant also proposes that 100% of the affordable housing on the site should be Intermediate/discounted sale housing with no rented housing proposed. This does not meet with policy and should the viability argument be independently verified then whatever amount of affordable housing can be provided on site should still carry the 65/35 tenure split. Strategic Housing would encourage early discussion with the applicant on this point.

The SHMA 2013 evidenced a requirement for 58 new affordable dwellings per annum. Broken down the SHMA identified a need for 27 x 1 bed, 10 x 3 bed, 46 x 4 bed and 37 x 1 bed older person dwellings – with an evidenced oversupply of both 2 bed general needs and older person dwellings.

There are 594 households on the Cheshire Homechoice housing register who have selected Congleton as their first choice area for rehousing. They require 243 x 1 bed, 219 x 2 bed, 114 x 3 bed and 18 x 4 bed dwellings.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Housings preference is that the affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

## EDUCATION

The Cheshire East Local Plan Strategy 2010 – 2030 has identified that LPS 29 Giantswood Lane to Manchester Road, Congleton should provide a new primary school.

Therefore a developer contribution of £3,200,000 is required along with a levelled and fully serviced site to allow the construction of this new facility.

Without a secured contribution of £3,200,000 and appropriate site, Children's Services raise an objection to this application. The objection would not be raised if the financial mitigation measure is agreed.

These revised comments have been provided following an enquiry from the applicant about taking the value of the land into consideration in lieu of the financial obligation. Education also sought from the Council's legal services department about whether this should be considered

and the School Organisation and Capital Strategy Team were advised of the Local Plan policy requirement for the site. The Cheshire East Local Plan has been formally adopted after the initial consultation advice was provided.

### **PUBLIC OPEN SPACE/PLAY PROVISION**

In accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on “POS Provision for New Residential Development” 2008, an assessment has been made as to what POS would be needed to serve the outline proposals for up to 500 mixed dwellings shown on the originally submitted Parameter Plan, which shows there would be a quantity deficiency of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP)

Although the application site spans the former Macclesfield BC and Congleton BC the majority of the site excluding the proposed location for the school and retail is located in Congleton and therefore this policy has been generally applied.

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children’s play provision, other land typologies such as woodland, buffers, green corridors, wildlife/semi natural areas or incidental space/verges are not a standard requirement therefore these areas go beyond policy requirements. National Planning Policy, Congleton Masterplan, BFL12 and the new Local Plan however requires working with the natural environment, looking at opportunities for conserving and enhancement the landscape. Both local and national policy has been considered.

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it 500 new homes (1200 persons) will generate a need for 12,000sq m (1.2ha) new AGS based on 2.4 persons per dwelling. The applicant is providing on site a central open space incorporating an established woodland, buffers with the potential to accommodate footpaths and SUDS however further formal AGS is required for informal games such as tag or kick about. The applicant has been asked to quantify the different areas of AGS within the informal open space. There is further open space being provided within the allocated area for the school which is not acceptable. To give 24 hour access at all times the open space must be provided within the residential allocation of the development. In addition to the AGS further space is required to accommodate the new large NEAP/destination play facility.

ANSA set out the requirements of the site as follows:

- Children’s formal play provision – NEAP/destination play facility as indicated on the parameter plan to provide focus for the new community. This should enjoy a well drained site and be inline with Fields in Trust standards containing at least 12 items of play, a third of which should be DDA inclusive and should complement existing local facilities taking note of buffer zones.
- Green gym a minimum of 5 items
- 4 LAPS minimum to be provided through the site located away from water bodies , final numbers, contents and locations to be agreed at submission of RM ensuring formal play is easily accessible and within FIT guidelines.
- Areas for social play and informal recreation - AGS

- Accessible hard surfaced routes across the site with consideration to lighting key routes
- Opportunities for GI infrastructure connectivity as provided on parameters plan
- Seating and activity/event areas
- Consideration for Public Art
- Interpretation/information boards
- Future management and maintenance opportunities
- Reflect adopted Green Space Strategy and national best practice on POS provision.

With regard to the maintenance and possible transfer to CEC, further discussion is required whether it is transferred to the council or other mechanism such as management company, the council needs to understand the arrangements and be assured maintenance will be of the appropriate quality and in perpetuity. The method for establishing the maintenance commuted sums would be to identify and cost a schedule over the 25 year period.

Clearly the above requirements for play and open space can be required through a Section 106 Agreement, but in any event the applicant has amended the parameters play to reflect what they feel ANSA are looking for on the site. Comments on these revised proposals are awaited.

### **COUNTRYSIDE ACCESS**

As noted above, the development would affect Public Footpath No. 3 in the Parish of Hulme Walfield, and conditions/informatives would be required to ensure its incorporation into the site is done in an appropriate manner. Of particular note however is the importance of this site to allow for and improve links across this part of North Congleton.

1) The East-West Greenway route for pedestrians and cyclists promoted in the Congleton North Masterplan needs to be provided from within this site to offer and encourage active travel. It should consist of greenways segregated from traffic, set within green infrastructure corridors which link residential areas with the retail and education facilities of the site and the wider greenway routes off-site. Continuity needs to be provided for users of the greenway to cross the roads at either edge of the site, Giantswood Lane to the west and Manchester Road into consented site 14/4451C to the east. This is required to provide onward connection and permeability for a number of reasons. As acknowledged in the Transport Assessment, the National Cycle Route 55 is located directly south west of the site on Giantswood Lane, as is a Public Bridleway which offers an off-road route parallel to Giantswood Lane for a distance of 550m, and onward footpath connections.

2) The application documents note that bus stops are located on Manchester Road. It should be noted that footway provision on Manchester Road is not available on the western side of the road. Provision for pedestrians to cross this road to reach bus stop facilities would therefore be required.

3) A route for non-motorised users (NMUs) is proposed under the Congleton Link Road scheme along Moss Lane, across Manchester Road and under the Link Road. It is then proposed that this route links to other routes being discussed further north. In order to provide linkages between the site, adjacent sites and the Congleton Link Road, provision

should be made for an NMU facility, segregated from traffic, alongside Manchester Road along the full length of the site boundary. Alternatively facilities should be provided from the estate access road northwards to Congleton Link Road and from this point through the site to the estate road of the Bloor development site 16/3107C to the southeast. Note that it is proposed that Public Footpath No. 2 is upgraded to bridleway status under proposals for the application site 16/3107C, and therefore usable by pedestrians, cyclists and horse riders

4) Additional sustainable active travel routes should be provided linking the east-west greenway to the shared use pedestrian/cyclist facility to be provided along the southern side of the Congleton Link Road.

5) The Parameter Plan refers to pedestrian access and footpaths: these proposed routes can be anticipated to also be desire lines for cyclists. The surfaced usable width of the paths and greenways should be designed to best practice standards with a 3m minimum to accommodate shared pedestrian/cyclist use.

6) The Design and Access Statement states that two further access points from Giantswood Lane will provide pedestrian, cycle and emergency vehicle access only to the western part of the site. Consideration of the onward journey of users of these routes should be given, as there is not currently footway provision on Giantswood Lane.

7) The legal status, maintenance and specification of the proposed greenways and paths in the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site. The surfaces of any improved Public Rights of Way shall be maintained under arrangements for the management of the site.

8) Pedestrian and cyclist routes should be designed and constructed to best practice in terms of shared use or segregated infrastructure, accessibility and natural surveillance, set within green infrastructure corridors to create a sense of Quality of Place. Design specifications should be provided and agreed with the Highway Authority at the Reserved Matters stage. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists and pedestrians.

Whilst the application is in outline, the supporting documents, including the various amendments made, show that the substantive improvements sought can be readily achieved on the site, but conditions are recommended to ensure they are brought forward at the reserved matters stage.

### **Social Role - Conclusion**

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 500 new family homes, including an amount of affordable homes, site public open space, improvements to countryside access and green infrastructure, the site for a new school and a financial contribution towards education provision.

In summary there are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through

sustainable design, and assisting economic growth and development, which this proposal will help to do.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. The site is now allocated in the adopted Local Plan and this clearly represents an opportunity for planned development and growth. The development of the site is therefore considered to be acceptable in principle.

### VIABILITY

As set out in the Highways section of the report, the reduction in affordable housing to 17.5% is an agreed approach in North Congleton, based on viability work undertaken by independent consultants on behalf of the Council to enable developments to contribute towards the Congleton Link Road. This is the approach taken across all the major sites that are contributing to the Link Road in North Congleton.

### **Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. This matter will need to be subject to a Section 106. Similarly the affordable housing is a policy requirement.

The highways contributions are necessary to improve the sustainability of the site and to mitigate any impacts. The education contribution is necessary to mitigate the impacts of the scheme. On this basis the highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

### **Planning Balance and Conclusion**

The development is in accordance with the site specific newly adopted CE Local Plan Strategy and would deliver 500 houses, a primary school, a retail facility together with areas of open space and green infrastructure and significant contributions to the Congleton Link Road.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. As with other key sites in North Congleton, the site is making a significant contribution towards the Link Road, but with an agreed reduction in affordable housing to 17.5%, together with contributions to other highway/sustainable transport works and

education. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents.

The development would provide for a one form entry primary school, and addresses issues of drainage, highways, trees, residential amenity, noise, air quality and contaminated land.

At the time of writing the report there are outstanding matters in relation to Landscape impact, with particular reference to the proposed school site, and ecological offsetting mitigation and these matters will need to be reported to Members in an update report.

Jodrell Bank have objected to the application and this does represent a factor against the proposals.

On the assumption the outstanding matters can be addressed, the scheme represents a sustainable form of development which the NPPF states should be “approved without delay”, and the planning balance weighs in favour of supporting the development in accordance with the development plan subject to a 106 legal agreement and conditions.

Recommendation: Approve subject to a Section 106 Agreement and conditions.

### **RECOMMENDATION**

#### **APPROVE subject to a Section 106 Legal Agreement to Secure:**

- 17.5% of the dwellings to be affordable at 80% discounted market sale. Affordable Homes should be pepper-potted (in clusters is acceptable)
- Provision of POS consisting of 12,000sq m (1.2ha) new AGS based on 2.4 persons per dwelling and a NEAP(1000sqm) /destination play facility as indicated on the parameter plan, a Green gym with a minimum of 5 items & 4 LAPS minimum.
- A commuted sum of £3,200,000 towards Education provision along with a levelled and fully serviced site to allow the construction of a new primary school.
- S106 contribution of £150,000 for the making of any Traffic Regulation Orders and to install traffic management measures to Giantswood Lane, Mill Lane and Smithy Lane – this contribution has a trigger event of a new highway link between Local Plan site CS45 and Giantswood Lane receiving planning approval and the commencement of development of said access
- A S106 contribution of £100,000 towards the delivery of a Puffin crossing of the A34 prior to the occupation of the 80th dwelling.
- A S106 contribution of £50,000 towards upgrade of the footway adjacent to the A34 from the Northern boundary of the site to the new underpass of the A34. The trigger event is the occupation of the 50th dwelling.
- A S106 contribution £15,000 per dwelling to the Congleton Link Road in lieu of the full Affordable housing provision (To be provided at 17.5%) as provided for in the submitted Local Plan Strategy (in accordance with Policy 5.235a). £600,000 of this will be paid prior to occupation of the 30th dwelling. An additional £1.5M will be paid on the occupation of the 125th dwelling, an additional £1.3M will be paid on the occupation of the 200th dwelling. The Balance of monies (calculated as the total number of dwellings approved at reserved matters stage, minus the cumulative contributions paid) will be



paid on occupation of 70% of the dwellings approved at the reserved matters application

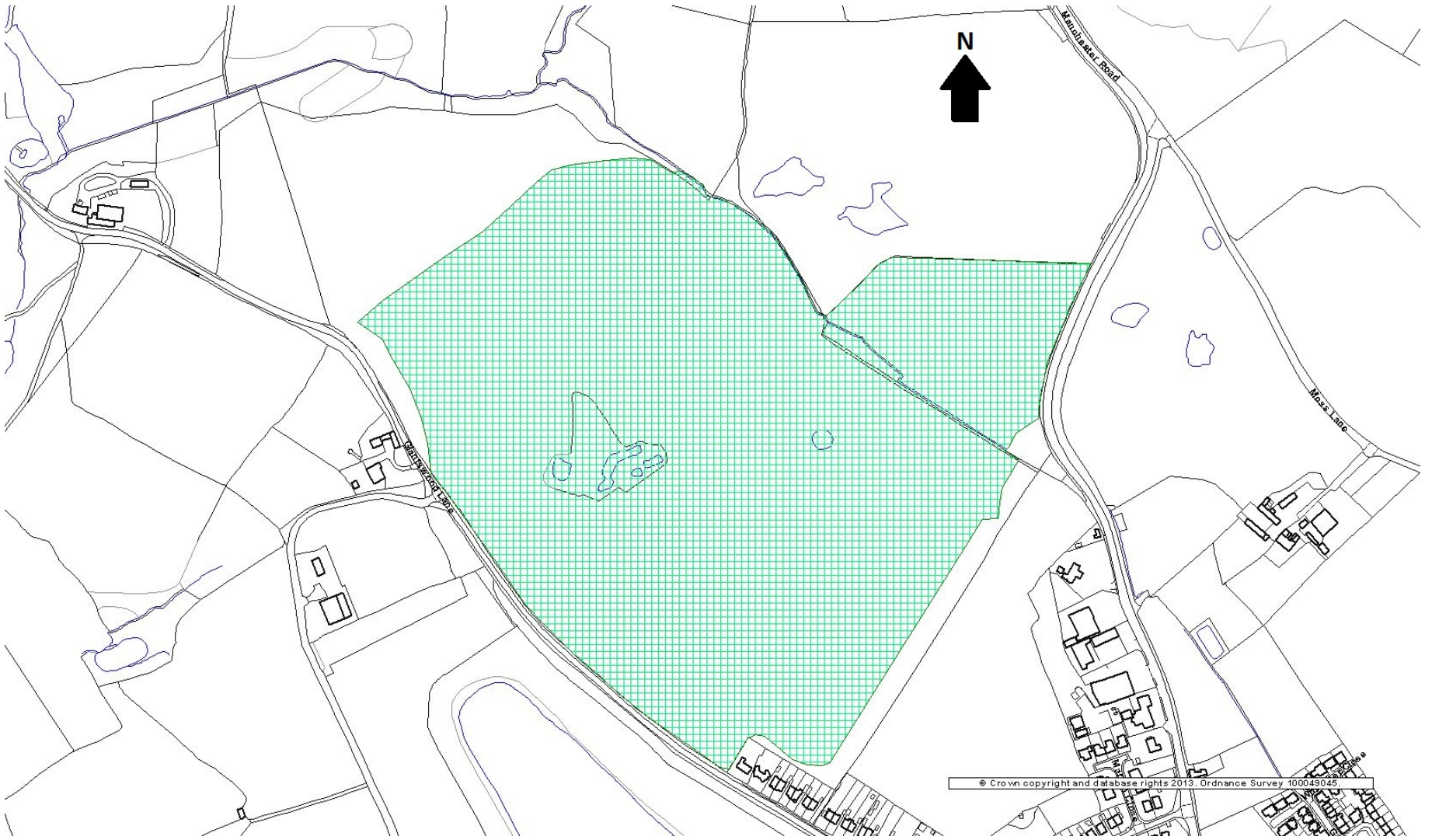
- A contribution of £300,000 towards the provision of a new bus service linking this site to the town centre on the occupation of the 100th dwelling
- A maximum of 40 houses can be occupied until the Council has entered into a construction contract for the full construction of the Congleton Link Road

And the following conditions

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. Reserved matters to be approved
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree/Hedgerow Protection Measures
8. Construction Management Plan to be submitted prior to commencement.
9. Travel Plan to be submitted prior to occupation of the first dwelling.
10. The main spine road for the new site will need to be designed to accommodate bus services and a minimum width of 6.5m is required.
11. Approval of a Public Rights of Way Management Scheme
12. Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection Scheme
13. Submission of a management plan for the Woodland
14. Submission of an updated Badger Survey as part of and reserved matters application.
15. Bridge design to minimise habitat losses over water course.
16. Approval of lighting to avoid impacts on bats
17. Air pollution damage cost calculation and associated mitigation works.
18. Electric Vehicle Charging points.
19. Submission of an acoustic mitigation scheme as part of any reserved matters
20. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
21. Control of soils brought onto site.
22. Measures to address contamination should it be expectantly be found during works.
23. Jodrell Bank mitigation measures.
24. Approval of levels.
25. Development to accord with the recommendations of the submitted flood risk assessment
26. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
27. Foul and surface water drained on separate systems.
28. Cycle storage and bin provision

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Planning (Regulation), in consultation

with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.



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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date:** 25<sup>th</sup> October 2017  
**Report of:** David Malcolm: Head of Planning (Regulation)  
**Title:** Planning Appeals Report

#### **1.0 Purpose of Report**

- 1.1 To summarise the outcome of Planning Appeals that have been decided between 1<sup>st</sup> April 2017 and 30<sup>th</sup> September 2017. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

#### **2.0 Decision Required**

- 2.1 That the report be noted.

#### **3.0 Background**

- 3.1 All of the Council's decisions made on planning applications are subject to the right of appeal under section 78 of the Town and Country Planning Act 1990. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on an appeal rather than it being made by a Planning Inspector – this is referred to as a 'recovered appeal'.
- 3.2 Appeals can be dealt with through several difference procedures: written representations; Informal Hearing; or Public Inquiry. There is also a fast-track procedure for householder and small scale commercial developments.
- 3.3 All of the Appeal Decisions referred to in this report can be viewed in full online on the planning application file using the relevant planning reference number.
- 3.4 This report relates to planning appeals and does not include appeals against Enforcement Notices or Listed Building Notices.

#### **4.0 Commentary on Appeal Statistics**

- 4.1 The statistics on planning appeals for the first quarter (Q1) and second quarter (Q2) of the year are set out in Appendix 1. A list of the appeals is set out in Appendix 2 and 3.

- 4.2 The statistics in Appendix 1 are set into different components to enable key trends to be identified:
- Overall performance;
  - Performance by type of appeal procedure;
  - Performance on delegated decisions;
  - Performance on committee decisions;
  - Overall numbers of appeals lodged;
  - Benchmarking nationally.
- 4.3 The overall number of appeals lodged has fallen by 39% when compared to the same period in 2016. Between 1st April 2016 and 30th September 2016 69 Appeals were lodged. 42 Appeals were lodged between 1st April 2017 and 30th September 2017. It is also noticeable that the number of appeals lodged has fallen in the 2nd quarter this year, from 29 in Q1 to 13 in Q2. The number of planning applications determined has remained constant at a high level, so the reduction in appeals is not a result of fewer planning decisions made. The reduction in appeals lodged therefore appears to be an indication of improvements in the overall quality of decision making. This may be reflective of improved negotiation with applicants in reaching solutions to issues, and the adoption of the Local Plan reducing the number of speculative appeals.
- 4.4 In terms of the outcomes of the appeals decided, more have been allowed than would be expected against a national average (with the exception of householder appeals). Overall, in the year to date, 47% of appeals have been allowed against a national average of 31%.
- 4.5 The vast majority of appeals were determined by written representation, 47 out of 62. Of those 47 decisions, 51% were allowed against a national average of 29%. The sample of decisions by Public Inquiry and Informal Hearing is too low to provide meaningful trends, although it is notable that both Inquiries determined in this period were allowed.
- 4.6 In respect of Householder Appeals, only 20% were allowed which is better than the national average of 36%.
- 4.7 31% of appeals against delegated decisions were allowed, which is exactly in line with the national average.
- 4.8 Appeals against committee decisions have been less favourable. Overall 69% of appeals made against committee decisions have been allowed. In the second quarter this figure rose to 75%. This outcome is not solely a result of Members overturning a planning officer recommendation. Appendix 2 and 3 illustrate that 7 refusals of planning permission against officer recommendation were successfully defended by the Council. However, the overwhelming majority of decisions where officer recommendations were overturned have resulted in the appeal being allowed. This was the case for 67% of those decisions. These figures

emphasise that a decision contrary to officer recommendation based on good planning grounds may be defended, but too often decisions are made contrary to officer advice without good reason and with insufficient evidence. The total of 21 appeals over the period against decisions made contrary to officer advice should be considered too many in itself.

- 4.9 It should be noted that, due to the timescales of the appeals process, any improvements in committee decision making made in the last 3 months will not yet have filtered through.

## **5.0 Commentary on Appeal Decisions**

- 5.1 This section summaries several appeal decisions that have implications for the Council. All of the decisions have importance for different reasons but due to the volume of decisions only a few are selected for comment in this report.
- 5.2 The Council is now beginning to receive appeal decisions since the adoption of the Cheshire East Local Plan Strategy. Application ref. 17/0197C is an example of decisions being made in accordance with the adopted Development Plan. The proposal was for a small housing development in the Open Countryside at Betchton. The appeal was dismissed. The Inspector noted that:

*The Council is now able to demonstrate a five year supply of housing land. The development plan is not absent or silent and relevant policies for the supply of housing are not out-of-date. Consequently, the appeal proposal must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with Section 38(6) Planning and Compulsory Purchase Act.*

- 5.3 This is an important guiding principle of the plan-led system. The appeal was subsequently dismissed as the Inspector agreed with the Council that the proposal ran contrary to policies of the Development Plan and there were no material considerations sufficient to outweigh a decision in accordance with it.
- 5.4 The decision also emphasises the importance of maintaining a five year supply of housing land.
- 5.5 An appeal decision for an 'out of centre' retail development in Macclesfield exemplifies the challenging decisions that are required to be made at Planning Committee. Application ref. 15/5676M, for the development of the Barracks Mill site, was refused by the Council due to the concern that there would be significant impact on the vitality and viability of Macclesfield Town Centre.
- 5.6 In allowing the appeal for 12,800 square metres of out-of-centre retail floorspace, the Inspector found that the proposal would divert trade from

Macclesfield Town Centre and would therefore impact on its vitality and viability. The Inspector considered that the cumulative comparison impact on the town centre would be in the region of 9.6%. However, he found that such an impact on vitality and viability and on local consumer choice and trade would not be 'significantly adverse', which is the test of the National Planning Policy Framework and the newly adopted Local Plan Strategy (Policy EG 5 refers). These conclusions were drawn subject to the imposition of detailed conditions restricting the amount and type of retail goods that can be sold from the site.

- 5.7 The retail conditions imposed by the Inspector would limit the amount of 'bulky' items such as carpets, floor coverings, furniture, home furnishings, electrical goods, domestic appliances, DIY goods and materials and gardening tools and equipment that could be sold. More importantly, the conditions would limit overlap with clothes retailers in the town centre by restricting the sale of such goods to 10% of the total net floorspace. This makes the conditions more restrictive than originally proposed in the committee report and certainly more restrictive than the appellant argued for. By restricting the ratio of clothing for sale, the conditions will also preclude other clothing retailers from relocating their clothing, beauty and fashion sales to the Barracks Mill site. A minimum unit size has also been imposed to ensure that the scheme does not create smaller shops with similar occupiers to the town centre.
- 5.8 In terms of qualitative impact, the Inspector noted that presently, shoppers are choosing to travel to other 'out-of-centre' retail parks to destinations such as Lyme Green, Handforth Dean, Stanley Green, Stockport, Manchester City Centre and the Trafford Centre. To this end, the Inspector considered that the appeal proposal would provide a realistic alternative to competing retail parks further afield and therefore would improve local consumer choice and reduce present leakage from Macclesfield by bringing "different types of retailers to Macclesfield who would otherwise struggle to find suitable premises in the town". In doing so, the Inspector concluded that "this would represent a significant benefit, as would the regeneration and redevelopment of a vacant brownfield site in a prominent location close to the town centre". The appeal was therefore allowed.
- 5.9 In the majority of appeals, both parties bear their own costs of the process. This was the case with the Barracks Mill appeal, for example. However, a costs award may be made by the Inspector where they consider that unreasonable behaviour has occurred. The Appellant is required to evidence why the appeal should be made, but of equal importance the Council must be able to properly evidence its decision based on planning grounds alone. Applications ref. 16/3569M and 16/4087M are examples of costs being awarded against the Council because it was unable to substantiate the reason for refusal. In this case planning permission existed for 2No. Apartments on the site. The applicant wished to further subdivide the building into either 3 or 4No. Apartments. The subdivision involved a small extension to the building,



of circa 16 sq. m. Both applications were refused due to “over development and over intensification of use causing harm to the character and appearance of the Conservation Area”. The Inspector allowed the appeals and concluded that the Council had failed to substantiate the reasons for refusal, in the face of advice from its officers that the proposals were acceptable. He concluded that the appellant should not have needed to deal with these reasons for refusal and had incurred unnecessary expense in doing so.

- 5.10 This was an example of a clear cut decision that should not have gone to appeal. However, as mentioned at paragraph 4.8 of this report, committee decisions contrary to officer recommendation can be a healthy part of the process when it is based on evidence, policy and good planning grounds. A good example of this is ref. 16/3610M. The proposal was for 3No. Apartments, redeveloping a site that had previously been granted permission for an office development. Planning permission was refused, contrary to officer advice, due to the substandard level of amenity for future occupiers. The Inspector agreed with the Council’s decision and dismissed the appeal. On this occasion officers were able to substantiate the reason for refusal during the appeal because it could be evidenced that the proposal breached policies of the Development Plan.

## **6.0 Recommendation**

- 6.1 That Members note the contents of the report.

## **7.0 Risk Assessment and Financial Implications**

- 7.1 As no decision is required there are no risks or financial implications.

## **8.0 Consultations**

- 8.1 None.

## **9.0 Reasons for Recommendation**

- 9.1 To learn from outcomes and to continue to improve the Council’s quality of decision making on planning applications.

### ***For further information:***

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*Officer: Peter Hooley – Planning & Enforcement Manager*

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Quarterly Planning Appeals Report

**Appendix 1. Planning Appeal Statistics**

<b>All s.78 Planning Appeals decided</b>			
<b>Q1 (1<sup>st</sup> April 2017 to 30 June 2017)</b>			
<b>Q2 (1<sup>st</sup> July 2017 to 30<sup>th</sup> Sept 2017)</b>			
	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Number of Planning Appeals determined	32	30	62
Total Allowed	17	12	29
Total Dismissed (%)	15	18	33
<b>Percentage allowed</b>	<b>53%</b>	<b>40%</b>	<b>47%</b>
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>			

<b>Public Inquiries</b>	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Number of appeals determined	1	1	2
Total Allowed	1	1	2
Total Dismissed	0	0	0
<b>Percentage allowed</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<b>Hearings</b>	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Number of appeals determined	2	1	3
Total Allowed	1	0	1
Total Dismissed	1	1	2
<b>Percentage allowed</b>	<b>50%</b>	<b>0%</b>	<b>33%</b>

<b>Written representations</b>	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Number of appeals determined	22	25	47
Total Allowed	13	11	24
Total Dismissed	9	14	23
<b>Percentage allowed</b>	<b>59%</b>	<b>44%</b>	<b>51%</b>

<b>Householder Appeal Service</b>	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Number of appeals determined	7	3	10
Total Allowed	2	0	2
Total Dismissed	5	3	8
<b>Percentage allowed</b>	<b>29%</b>	<b>0%</b>	<b>20%</b>

Quarterly Planning Appeals Report

**Appeals against Delegated Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Number of appeals determined	18	18	36
Total Allowed	8	3	11
Total Dismissed	10	15	25
<b>Percentage allowed</b>	<b>44%</b>	<b>17%</b>	<b>31%</b>

**Appeals against Planning Committee Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Number of appeals determined	14	12	26
Total Allowed	9	9	18
Total Dismissed	5	3	8
<b>Percentage allowed</b>	<b>64%</b>	<b>75%</b>	<b>69%</b>

**Appeals Lodged this year**

	<b>Q1</b>	<b>Q2</b>	<b>Year to date</b>
Public Inquiries	0	3	3
Hearing	3	1	4
Written Rep	20	5	25
Household fast-track	6	4	10
<b>Total</b>	<b>29</b>	<b>13</b>	<b>42</b>

**Benchmarking**

**National figures for s78 Planning Appeals**

<b>First Quarter Apr – Jun 2017</b>				
	<b>Public Inquiry</b>	<b>Hearings</b>	<b>Written Representations</b>	<b>All</b>
Number of appeals determined	66	138	2340	2544
<b>Percentage allowed</b>	<b>50%</b>	<b>41%</b>	<b>29%</b>	<b>31%</b>

**National figures for Householder Appeal Service**

<b>First Quarter Apr – Jun 2017</b>	
	<b>Householder</b>
Number of appeals determined	1137
<b>Percentage allowed</b>	<b>36%</b>

**Appendix 2.** Appeals determined 1<sup>st</sup> April 2017 to 30<sup>th</sup> June 2017

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
14/0365N	Land north of Moorfields, Willaston	Development of up to 170 no dwellings with associated infrastructure	Strategic Planning	Public Inquiry	Allowed	N/A
16/2643C	Land off MACCLESFIELD ROAD, CONGLETON	Proposal for construction of 202 dwellings off Macclesfield Road Congleton	Southern Planning	Informal Hearing	Withdrawn	N/A
15/5166N	Smithy Lodge, NANTWICH ROAD, WRENBURY, CW5 8EW	Proposed Development of 10No. residential dwellings.	Southern Planning	Written Representations	Dismissed	Y
16/2010N	LAND OFF OAK GARDENS, BUNBURY	Outline application for proposed residential development for 15 dwellings	Southern Planning	Written Representations	Allowed	Y
16/3924C	WATERWORKS HOUSE, DINGLE LANE, SANDBACH, CW11 1FY	Demolition of existing two-storey dwelling, removal of water treatment storage	Southern Planning	Written Representations	Allowed	Y
16/4792N	Land to the west of CLOSE LANE, ALSAGER	Outline planning application for residential development and access	Southern Planning	Written Representations	Allowed	N
15/2274M	Land off SCHOOL LANE, MARTON	Outline application for up to 27 dwellings with details of access.	Northern Planning	Informal Hearing	Dismissed	Y
16/3514C	Land to east of MANOR LANE, HOLMES CHAPEL	Outline permission for New residential development to create up to 114 dwelling	Northern Planning	Public Inquiry	Withdrawn	N/A
15/4515M	WARFORD HALL, WARFORD HALL DRIVE, GREAT WARFORD, SK9 7TP	Change of use from dwelling and ancillary offices to dwelling with conference /	Northern Planning	Written Representations	Dismissed	Y
16/0834M	1, BUTLEY LANES, PRESTBURY, SK10 4HU	Demolition of Existing Dwelling and erection of 2 new houses	Northern Planning	Written Representations	Allowed	Y
16/2622M	109, WHIRLEY ROAD, MACCLESFIELD, SK10 3JW	Development of a new house within the existing site boundary	Northern Planning	Written Representations	Dismissed	Y
16/3569M	Coppers, 10, CONGLETON ROAD, ALDERLEY EDGE, SK9 7AA	Proposed 3no. apartments to replace former single detached dwelling.	Northern Planning	Written Representations	Allowed	Y
16/4087M	Coppers, 10 Congleton Road, Alderley Edge, SK9 7AA	Proposed 4no. apartments to replace former single dwelling detached dwelling.	Northern Planning	Written Representations	Allowed	Y

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/4527M	1, ORME CLOSE, PRESTBURY, SK10 4JE	Demolition of the existing house to be replaced with two new build detached dwellings	Northern Planning	Written Representations	Allowed	Y
16/4826M	2, LANCASTER ROAD, WILMSLOW, SK9 2HF	Proposed two storey 3 bedroom detached dwelling	Northern Planning	Written Representations	Dismissed	Y
16/5788C	Grove Inn, MANCHESTER ROAD, CONGLETON, CW12 1NP	Proposed conversion of public house and extensions & additions to form retail	Northern Planning	Written Representations	Allowed	Y
16/4300M	Glengarry, Middlewich Road, Lower Peover, WA16 9PN	Erection of two storey rear extension, single storey side extensions with amended	Delegation	Householder Appeal Service	Dismissed	
16/5337M	The Old School, MAIN ROAD, LANGLEY, SK11 0BU	Renovations, Alteration and Side/Front Extension, with Associated Landscaping	Delegation	Householder Appeal Service	Dismissed	
16/5500M	142, BUXTON ROAD, DISLEY, SK12 2HG	Side extension to first floor above existing garage.	Delegation	Householder Appeal Service	Allowed	
16/5886M	THE FIRS, CARTER LANE, CHELFORD, CHESHIRE, SK11 9BD	Erection of a single storey extension to the rear of an existing barn conversion	Delegation	Householder Appeal Service	Allowed	
16/5973N	THE HAYBARN, EATON ROAD, WETTENHALL, CW7 4HJ	Proposed Single Storey Extension	Delegation	Householder Appeal Service	Dismissed	
16/6174C	116, WEST ROAD, CONGLETON, CW12 4EU	Drop kerb for vehicle access	Delegation	Householder Appeal Service	Dismissed	
17/0404C	123, CREWE ROAD, SANDBACH, CW11 4PA	Two storey extension to rear of property.	Delegation	Householder Appeal Service	Dismissed	
16/0198C	LAND OPPOSITE FIVE ACRES FARM, CLEDFORD LANE, MIDDLEWICH	Variation of condition 4 of 10/0015C	Delegation	Informal Hearing	Allowed	
16/2327C	Land off NEWCASTLE ROAD, ARCLID	12 new dwellings and a new access	Delegation	Public Inquiry	Withdrawn	
16/1892N	GRESTY LODGE BARN, 347, CREWE ROAD, SHAVINGTON, CW2 5AD	Retrospective Application for Erection of High Wall to Highway and Associated Gates	Delegation	Written Representations	Allowed	

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/2016N	Woodlands House, London Road, Stapeley, CW5 7JL	Single dwelling	Delegation	Written Representations	Allowed	
16/2085C	55, WEST STREET, CONGLETON	Demolition of existing building and construction of new building	Delegation	Written Representations	Deemed Invalid by DoE	
16/3040N	Birds Nest, AUDLEM ROAD, AUDLEM, CW3 0HF	Proposed Housing Development on Land adjacent Birds Nest for 20 dwellings	Delegation	Written Representations	Dismissed	
16/3108M	HIBBERTBROW FARM, BROOKLEDGE LANE, ADLINGTON, SK10 4JX	Garage, store and tractor shed.	Delegation	Written Representations	Dismissed	
16/3547M	TYTHERINGTON OLD HALL, DORCHESTER WAY, MACCLESFIELD, SK10 2LQ	Listed building consent for alterations to convert from current office accommodation	Delegation	Written Representations	Withdrawn	
16/3612N	Honeysuckle Cottage, HEATLEY LANE, BROOMHALL, CW5 8BA	Proposed retention of agricultural building incorporating half mezzanine floor	Delegation	Written Representations	Allowed	
16/3735C	37, BRAMBLE CLOSE, MIDDLEWICH, CW10 9FZ	Change of use of vacant land to form extended garden	Delegation	Written Representations	Dismissed	
16/3951C	Holly Bank, BYLEY LANE, CRANAGE, CW10 9LP	3 No. 3 bedroom single storey cottage	Delegation	Written Representations	Dismissed	
16/4597N	138, Main Road, Shavington, CW2 5DP	Construction of 3 detached 3 bedroom dwellings	Delegation	Written Representations	Dismissed	
16/4646M	Half Acre, BEECHFIELD ROAD, ALDERLEY EDGE, SK9 7AU	Erection of one detached dwelling	Delegation	Written Representations	Allowed	
16/5055N	LAND ADJACENT 206, FORD LANE, CREWE, CW1 3TN	Detached dwelling	Delegation	Written Representations	Allowed	

**Appendix 3.** Appeals determined 1<sup>st</sup> July to 30<sup>th</sup> Sept 2017

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
15/5676M	BARRACKS MILL, BLACK LANE, MACCLESFIELD	Outline planning application with all matters reserved except for access	Strategic Planning	Public Inquiry	Allowed	Y
16/2433N	Land south of NANTWICH ROAD, WRENBURY	Outline application for residential development to include details of access	Strategic Planning	Written Representations	Dismissed	N
14/5834C	DUNKIRK FARM PADDOCK, OFF LONDON ROAD, BRERETON, CW4 8AX	Construction of 10 dwellings (resubmission of planning application reference 14/	Southern Planning	Written Representations	Allowed	N/A
16/0646N	6 & Land rear of no.6 BUNBURY LANE, BUNBURY, CW6 9QZ	Outline planning application for the demolition of 1no. bungalow and the erection of 15No. dwellings	Southern Planning	Written Representations	Allowed	Y
16/3433N	Grand Junction Way, Crewe	Demolition of an existing building, part demolition of the former pet hire building	Southern Planning	Written Representations	Withdrawn	N/A
16/3664N	THE WHITE LION, AUDLEM ROAD, HANKELOW, CW3 0JA	Demolition of public house and erection of 5no. four-bedroom detached dwellings	Southern Planning	Written Representations	Allowed	Y
16/3974N	Land East of WHITCHURCH ROAD, ASTON	Development of up to 24 dwellings with all matters reserved except access	Southern Planning	Written Representations	Dismissed	Y
16/5562C	Rectory Farm, OLD KNUTSFORD ROAD, CHURCH LAWTON, ST7 3EQ	Outline application for the erection of up to 5 residential dwellings	Southern Planning	Written Representations	Allowed	Y
16/6202N	Land off MILL LANE, BULKELEY	Outline application for 13 dwellings with access off Mill Lane	Southern Planning	Written Representations	Allowed	N
17/0388N	Land adjacent 11 Walthall Street, Crewe, CW2 7JZ	Variation of Condition 2 on approved planning application 16/4784N	Southern Planning	Written Representations	Allowed	Y
16/3539M	Land to the rear of the Water Street Centre, WATER STREET, BOLLINGTON	Proposed erection of two detached houses on former playground, construction of new road bridge	Northern Planning	Written Representations	Allowed	Y
16/3610M	LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE	Proposed demolition of existing building to the rear of No's 14-18 London Road,	Northern Planning	Written Representations	Dismissed	Y



## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
17/0181M	Brundred Farm, 45, CASTLE HILL, PRESTBURY, SK10 4AS	Erection of 1no. detached dwelling	Northern Planning	Written Representations	Allowed	Y
15/0950M	TOP CROFT, RIDGE HILL, SUTTON, SK11 0LU	Proposed agricultural building	Delegation	Written Representations	Allowed	
15/5808M	Maple Farm, STRAWBERRY LANE, WILMSLOW, SK9 6AH	Application for a Lawful Development Certificate for an Existing Use	Delegation	Written Representations	Dismissed	
16/0798C	NORTEK (M H E) LTD, Vale Mill, PRIESTY FIELDS, CONGLETON, CW12 4AQ	Outline application for residential development comprising up to 10No dwellings	Delegation	Written Representations	Dismissed	
16/2615M	LAND ADJACENT TO SANDICOT, WOOD LANE SOUTH, ADLINGTON	Vehicular access. (Retrospective)	Delegation	Written Representations	Dismissed	
16/2980M	92A, KING STREET, KNUTSFORD, WA16 6ED	Advertisement Consent for 1 Fascia Sign	Delegation	Written Representations	Dismissed	
16/3025N	52A, STALBRIDGE ROAD, CREWE, CW2 7LP	Change of use of office building to form one dwelling	Delegation	Written Representations	Dismissed	
16/3687M	HEATHFIELD HOUSE, BOLLINGTON LANE, NETHER ALDERLEY, SK10 4TB	Removal of conditions 7 & 8 on approval 82411P for conversion of disused MOD building	Delegation	Written Representations	Allowed	
16/4653M	17, FLETSAND ROAD, WILMSLOW, SK9 2AD	Variation of condition 9 (Obscure Glazing Requirement) of 15/2861M	Delegation	Written Representations	Withdrawn	
16/5305M	The Old Rectory, Church Lane, MOBBERLEY, WA16 7RD	Listed building consent for internal and external alterations to an outbuilding	Delegation	Written Representations	Dismissed	
16/5759C	Yeowood Farm, Elton Road, Sandbach, CW11 3NE	Prior notification of agricultural or forestry development - proposed road	Delegation	Written Representations	Allowed	
16/5910M	22, DAVEHALL AVENUE, WILMSLOW, SK9 5NE	Two story side extension with loft conversion. Three bedrooms, one with en-suite	Delegation	Householder Appeal Service	Dismissed	
16/6034C	SPRING BANK FARM, CONGLETON ROAD, ARCLID, CW11 2UD	New 2 storey 3 Bed House and change of use of agricultural building to B1 uses	Delegation	Informal Hearing	Dismissed	
16/6053M	2 & 4, CROFT LANE, KNUTSFORD, WA16 8QH	Demolition, Extension and alterations to existing dwellings	Delegation	Written Representations	Dismissed	

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/6056M	5, BLAKELOW GARDENS, MACCLESFIELD, SK11 7EE	Change of use from allotment garden to domestic garden	Delegation	Written Representations	Dismissed	
16/6075M	Oak Lodge, MARTON LANE, GAWSWORTH, SK11 9EZ	Proposed two storey rear extension	Delegation	Householder Appeal Service	Dismissed	
17/0197C	Land adjacent Betchton Heath Cottages, REYNOLDS LANE, BETCHTON	Outline application with some matters reserved for up to 2no. dwellings	Delegation	Written Representations	Dismissed	
17/0658C	123, Crewe Road, Sandbach, CW11 4PA	Certificate of Lawful Proposed Use for a single storey side extension.	Delegation	Written Representations	Withdrawn	
17/0797C	Premier Motors, THE HILL, SANDBACH, CW11 1JJ	Advertisement Consent for digital advertising screen	Delegation	Written Representations	Dismissed	
17/1122N	THE CROFT, FISHERS LANE, BURLAND, CW5 8LZ	Outline application for detached dwelling	Delegation	Written Representations	Dismissed	
17/1232N	21, MYTTON DRIVE, NANTWICH, CW5 5UF	Extension of boundary wall	Delegation	Householder Appeal Service	Dismissed	