

Strategic Planning Board

Agenda

Date: Wednesday, 26th June, 2019
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are 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 - 10)

To approve the minutes of the meeting held on 24 April 2019 as a correct record.

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

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. **Terms of Reference** (Pages 11 - 12)

For Members' information, the Board's terms of reference, as set out in the Constitution, are attached.

6. **18/6389C-Erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping. Re-submission of application 18/3123N, Land South East of Crewe Road Roundabout, University Way, Crewe for Mr George Brown, Aldi Stores Limited** (Pages 13 - 48)

To consider the above application.

7. **17/6471M-Full planning application for 134 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space, Land off Hazelbadge Road, Poynton, Cheshire for Mr Sean McBride, Persimmon Homes (North West)** (Pages 49 - 86)

To consider the above application.

8. **18/6404M-Erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works. (Re-submission of 17/6486M), Land West of Coppice Way and South of Lower Meadow Way, Handforth for Mr Phillip Jones, Halliwell Jones (Wilmslow) Limited** (Pages 87 - 106)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 24th April, 2019 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors D Brown, B Burkhill, H Davenport, M Deakin (Substitute), S Edgar,
T Fox, P Groves, S Hogben, J Jackson and B Roberts

OFFICERS IN ATTENDANCE

Mr A Crowther (Major Applications-Team Leader), Ms S Dillon (Senior
Lawyer), Mr D Evans (Principal Planning Officer), Mr K Foster (Principal
Planning Officer), Mr D Malcolm (Head of Planning (Regulation)) and Mr N
Jones (Principal Development Officer)

106 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Macrae.

107 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 18/5833C, Councillor
M Deakin declared that whilst he had spoken against the previous
application, this was a new application and after seeking Legal advice he
declared that he had come to the meeting with an open mind and had not
pre determined the application.

In the interest of openness in respect of application 19/0032M, Councillor
S Hogben declared that he was a Director of ANSA who had been a
consultee, however he had not made any comments nor discussed the
application.

In the interest of openness in respect of application 18/5833C, Councillor
S Edgar declared that he was a member of the Cheshire Brine Board who
were a consultee, however he had not made any comments on the
application.

In the interest of openness in respect of application 18/5833C, Councillor
G Merry declared that whilst she was a member of Sandbach Town
Council she was not on the Town Council's Planning Committee and had
not discussed the application.

It was noted that Members of the Board had received correspondence in respect of application 19/0529C.

108 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 27 March 2019 be approved as a correct record and signed by the Chairman.

109 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

110 **18/5833C-PROPOSED TWO-WAY SINGLE CARRIAGEWAY ROAD SCHEME TO BYPASS MIDDLEWICH AND REFERRED TO AS THE 'MIDDLEWICH EASTERN BYPASS', TOGETHER WITH ASSOCIATED HIGHWAY AND LANDSCAPING WORKS, LAND AT, POCHIN WAY, MIDDLEWICH FOR MR CHRIS HINDLE, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

(Councillor B Walmsley, the Ward Councillor, Town Councillor W Walmsley, representing Middlewich Town Council, Parish Councillor Nixon, representing Moston Parish Council and Richard Hibbert, 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 given to the Board, power be delegated to the Head of Planning (Regulation) to approve the application unless further consultation responses raising new issues are received by Monday 29th April 2019 and subject to the following conditions:-

1. 5 year start time
2. Development to proceed in accordance with the approved plans/report recommendations.
3. Landscaping
4. Landscape implementation & maintenance (5 years)
5. Prior to the commencement of development a Tree Protection Scheme is to be submitted and approved
6. Prior to the commencement of development an Arboricultural Method Statement for tree retention is to be submitted and approved

7. Prior to the commencement of development a scheme for arboricultural supervision is required to be submitted and approved
8. Submission of proposals for the safeguarding of LWS quality habitats located adjacent to permanent and temporary works. Updated protected species surveys and mitigation method statements for felling of any trees with bat roost potential lost as a result of the scheme and for otter, badgers and Lesser Silver Diving beetle. Mitigation and compensation proposals to be informed by the proposals included with the ES.
9. Notwithstanding the proposals detailed in section 2.1 of the submitted Appendix K.2: Landscape and Ecology Supporting Information a Habitat Creation method statement is to be submitted for the creation of the species rich grassland and the grassland mitigation areas.
10. Updated Kingfisher survey to be undertaken prior to the implementation of any watercourse crossings.
11. Design of mammal ledges under culverts to be agreed with the Council and EA.
12. Timing of works to Safeguarding Nesting Birds.
13. Method statement for the reinstatement of habitat for Little Ringed plover following the removal of the Temporary Works Compound. Method statement for the creation of species rich grassland
14. Time table for the implementation of habitat creation measures.
15. Grampian condition to secure off site barn owl habitat provision and management.
16. Submission and implementation of an ecological monitoring strategy. If any deficiencies in the agreed ecological mitigation/compensation then revised proposals are to be submitted to the LPA for agreement and then implemented in full.
17. Submission of a 25 year habitat and landscape management plan. To include proposals for the management of woodland planting, species rich grassland ponds, lesser silver diving beetle, non-native invasive plant species, hedgerows and the control of non-native invasive plant species. The management plan should also include a strategy to secure the long term future of the created habitats such as transfer to an appropriate body such as the Land Trust.
18. Prior to the commencement of development a Construction Environment Management Plan is to be submitted and approved – to include dust suppression measures & measures to avoid contamination of the canal.
19. Implementation of great crested newt mitigation.
20. Submission of bat friendly lighting scheme.
21. Submission of a reptile mitigation method statement.
22. Contaminated land remediation strategy to be submitted.
23. Measures to deal with unsuspected contamination.
24. No infiltration of surface water drainage into the ground/ measures to avoid contamination of the canal
25. Verification report for contaminated land.
26. Works to be carried out in accordance with the FRA
27. Detailed strategy/design of surface water runoff to be agreed

28. Scheme to remove suspended solids from surface water drainage.
29. Method statement to be submitted to protect UU assets was required.
30. Agreement on material finishes for the bridge crossings, new towpath access and associated landscaping for the canal bridge crossing.
31. PROW
32. Archaeology

Informatives;

- Public Rights of Way
- Water Course - Land Drainage Act
- Contaminated Land
- Canal & Rivers Trust

In the event of any changes being needed to the wording of the Boards' 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 Development Management 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.

111 **19/0032M-OUTLINE PLANNING APPLICATION WITH MEANS OF ACCESS TO BE DETERMINED (ALL OTHER MATTERS RESERVED FOR SUBSEQUENT APPROVAL) FOR THE ERECTION OF UP TO 60 DWELLINGS (CLASS C3); UP TO 7.5 HECTARE BUSINESS PARK (CLASS B1); LANDSCAPING AND OPEN SPACE; A NEW ROUNDABOUT ON MANCHESTER ROAD, NEW INTERNAL HIGHWAYS, CAR PARKING AND FACILITIES FOR PEDESTRIANS AND CYCLISTS INCORPORATING PUBLIC RIGHT OF WAY (FP2); SUSTAINABLE DRAINAGE MEASURES; AND ALL ANCILLARY ENABLING WORKS, LAND WEST OF, MANCHESTER ROAD, KNUTSFORD FOR MR STEVE MELLIGAN, THE CROWN ESTATE**

Consideration was given to the above application.

(Councillor S Gardiner, the Ward Councillor, Terry Griffiths, representing Knutsford's Nether Ward Community Group and Stephen Hawkins, 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 written and verbal update to the Board the application be approved subject to the completion of a Section 106 Agreement securing the following:-

S106	Amount	Triggers
Affordable	30%	In accordance with phasing

Housing	(65% Affordable Rent / 35% Intermediate)	plan. No more than 80% open market occupied prior to affordable provision in each phase.
Education	£45,500 SEN	50% Prior to first occupation 50% at occupation of 50% of dwellings
Health	£60,480 to additional GP provision in Knutsford. (amount based on occupancy)	50% Prior to first occupation 50% at occupation of 50% of dwellings
Indoor Recreation	£10,400 – Knutsford Leisure Centre	On first occupation
Recreation Open Space	(£1000 per market dwelling and £500 per 1 / 2 bed market apartment). Plus additional contribution depending on the nature of the commercial floorspace brought forward.	The contributions will be paid as follows for the residential and commercial development; 50% Prior to first occupation 50% at occupation of 50% of development
Public Open Space	Management Company for future maintenance. Children's play area with amenity green space to be provided.	On first occupation
Highway Improvements	*£663,000 towards highway improvements to the Adams Hill and Hollow Lane junctions, and towards widening the A50 along King Edward Road to remove the single lane and provide two lanes in each direction. * Power is delegated to the Head of Planning (Regulatory) to review scheme costs and adjust this figure before completion of the Agreement.	£290,000 would be required on occupation of the residential development and £579,000 is required upon occupation of the B1 development.
Travel Plan Monitoring	£5000	On first occupation.
Newt Mitigation	Off-site mitigation to be agreed or a financial contribution to be agreed with Natural England	Mitigation or contribution to be provided before development commences.

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 in accordance with the submitted FRA
8. Submission and implementation of Travel Plan
9. Submit arboricultural impact assessment
10. Levels
11. Submission of design code
12. Construction environment management plan
13. Ecological enhancement strategy
14. Landscape and habitat management plan
15. boundary details
16. Provision of Electric Vehicle Charging Points
17. Noise Impact Assessment
18. Implement landscaping scheme
19. Numbers of dwellings to be built to be a maximum of 60
20. Details of materials
21. Details of play area
22. Retention of hedgerows
23. Broadband
24. Details and implementation of cycle way and footpath
25. Submission of a verification report
26. Details of diversions or protection of the PROW
27. Updated badger survey and mitigation as part of RM application
28. Retention of trees that support roosting bats
29. Updated newt survey and mitigation as part of RM application and implement mitigation
30. Details of replacement ponds
31. Implement the approved access before site is first occupied
32. No tree removal during the bird nesting season
33. Improvements at Canoute Place implement before occupation of 1000m2 of commercial floorspace

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 Development Management 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 was adjourned from 12.20pm until 1.00pm for lunch).

112 **19/0529C-APPLICATION SEEKING OUTLINE PLANNING
PERMISSION FOR UP TO 19,236 SQM OF EMPLOYMENT
FLOORSPACE (USE CLASS B1C/B2/B8) WITH ANCILLARY
(INTEGRAL) OFFICE FLOORSFACE (USE CLASS B1A), ASSOCIATED**

PARKING, LANDSCAPING AND REPROFILING OF SITE. MATTERS OF ACCESS, LAYOUT, LANDSCAPING AND SCALE ARE APPLIED FOR IN DETAIL, WITH APPEARANCE RESERVED FOR FUTURE DETERMINATION, LAND TO THE SOUTH OF, CREWE ROAD, ALSAGER FOR BAE SYSTEMS (PROPERTY INVESTMENTS)

Consideration was given to the above application.

(Councillor D Hough, the Ward Councillor, Councillor R Fletcher, the Ward Councillor, Town Councillor Philip Williams, representing Alsager Town Council, Town Councillor Sue Helliwell, representing Alsager Town Council, Sarah Anderson, an objector, Sylvia Dyke, an objector, Michael Unett, an objector and Chris Argent, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

The Local Planning Authority considers that the proposed development by reason of its layout and massing does not allow sufficient space for landscaping to mitigate the adverse impacts of the development, or ensure a design solution which achieves a sense of place by protecting and enhancing the quality, distinctiveness and character of Alsager. As a result the proposed development is contrary to Policies SE 1 (Design), SE 4 (The Landscape) and LPS 25 (Radway Green North, Alsager) of the Cheshire East Local Plan Strategy and the NPPF.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms:-

S106	Amount	Triggers
Bus Infrastructure/Pedestrian Crossing Connectivity	£120,000	50% prior to commencement and 50% prior to first occupation.

(This decision was contrary to the officer's recommendation of approval).

113 **UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 18/3766N - DUELLING OF THE EXISTING 3.3KM STRETCH OF THE A500 BETWEEN JUNCTION 16 & MEREMOSS ROUNDABOUT)**

Consideration was given to the above report.

RESOLVED

That the mitigation period in condition 18 be revised to 25 years with no changes to the Heads of Terms or remaining planning conditions.

After the 25 year period for ecological/landscaping mitigation, the applicant was advised to make best endeavours for the land to be transferred to a relevant body for the future maintenance of the land to ensure its ecological/landscape function such as the Woodland Trust etc.

Note of thanks

Prior to the close of the meeting, the Chairman thanked Members and Officers for their assistance over the year and wished those Members not standing for re-election the very best.

The meeting commenced at 10.30 am and concluded at 2.30 pm

Councillor G Merry (Chairman)

Strategic Planning Board

Terms of Reference

22 To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level, and to that end:

22.1 to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

22.2 to vary the division of functions and delegations between the Board, the Planning Committees and the Director of Planning and Sustainable Development

22.3 to adopt working protocols and procedures: e.g. protocols governing the direction of applications between the Planning Committees, public speaking rights, Referral procedure and others.

23 To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges. Most of these functions are delegated to the Planning Committees and then onwards to the Director of Planning and Sustainable Development, but the following are reserved to the Board:

23.1 Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes:

23.1.1 residential developments of 200 dwellings or more, or 4 ha or more

23.1.2 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.

23.2 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

24 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

25 However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions:

25.1 Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility

25.2 Applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is minded to approve

25.3 Any other matters which have strategic implications by reason of their scale, nature or location

25.4 Any other matters referred up to it at the discretion of the Director of Planning and Sustainable Development, including major development of less than the thresholds set out in paragraph 23.1 above which have wider strategic implications.

26 To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

27 To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

Application No: 18/6389C

Location: LAND SOUTH EAST OF CREWE ROAD ROUNDABOUT, UNIVERSITY WAY, CREWE

Proposal: Erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping. Re-submission of application 18/3123N

Applicant: Mr George Brown, Aldi Stores Limited

Expiry Date: 28-Jun-2019

SUMMARY

The application site is an employment allocation as part of Policy E.1.1 of the Crewe & Nantwich Local Plan (C&NLP). The site has not been marketed for employment uses and the proposed retail development of this site would be contrary to Policy EG 3 of the Cheshire East Local Plan Strategy (CELPS).

The proposal is an out-of-centre retail development. As it is below 2,500sqm, there is no requirement for an impact assessment. It is considered that the proposed development would not have a significant adverse impact upon the vitality and viability of Crewe Town Centre or Haslington local centre. However, the sequential test has not been passed as insufficient information has been provided by the applicant to demonstrate that the existing Grand Junction Retail Park site (which has consent for an extension as part of application 19/0128N) is unsuitable for the proposed development, and accordingly, that the site does not represent a sequentially preferable alternative and the proposed development is contrary to the NPPF and PG 5 of the CELPS.

The highways implications of the development are considered to be acceptable and the proposed development would comply with the Councils parking standards. The proposed development would comply with Policies BE.3 of the C&NLP and C02 of the CELPS.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with BE.1, BE.6 and NE.16 of the C&NLP and SE 12 of the CELPS.

The design of the proposed development is considered to be acceptable and there are no archaeology implications associated with this development. As a result the development complies with Policy SE 1 of the CELPS; and BE.16 of the C&NLP. However the proposed development would result in less than substantial harm upon

a Grade II listed heritage asset (The Vicarage) and upon the character of an adjacent Conservation Area. In this case the principle of the retail use on this employment allocation is not accepted. As a result the public benefits of the proposal does not outweigh the less than substantial harm.

The landscape implications of the proposed development are considered to comply with SE 4 of the CELPS.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy NE.5 of the C&NLP and Policies SE 3, SE 4 and SE 5 of the CELPS.

The impact upon protected species and habitats is largely acceptable. However as the principle of retail development on the site is not considered to be acceptable, the impact upon Great Crested Newts fails the tests within the Habitat Directive and the development is contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policies CE 13 of the CELPS and NE.20 of the C&NLP.

The development of the site would have some economic benefits and this does attract some weight. However it should be noted that these benefits are likely to be less than those which would be secured if the employment allocation on the site was implemented.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL:

This application is referred to Strategic Planning Board given the history of the site and following a call-in request from Cllr Marren for the following reasons;

'I would like to request the application described above to be reported to Planning Committee. My reasons are as follows :

- a) issues relating to highways, including access/visibility problems,*
- b) the design, scale, character and/or relationship of existing buildings and proposed buildings,*
- c) the effect of the proposal upon the character or amenity of adjoining land and buildings and/or the impact on the surrounding area; and*
- d) there are significant policy or precedent implications.*

In regard to a) The applicant's current site (at Grand Junction Retail Park) has significant highway issues regarding access and egress of the retail park, whereas the application site does not therefore this should be fully considered and debated. This information was confirmed in the local press by the landlord of the retail park after the first application was determined by the Council.

In regard to b) and c) combined, the site is allocated for development and it is imperative that a proposal should be compatible with and not harm the character of the adjoining land and buildings. In this case the proposal is sensitive in its design, scale and relationship with adjoining properties. It is also compatible with the adjoining residential properties which is reflected in the absence of objections to the proposal. This is important for the adjoining residents as a proposal is before the Council which does not harm residential amenity in this otherwise sensitive location. The proposal is also compatible with the surrounding mixed commercial area. These matters are important and should be debated by members of the committee.

In regard to d) the site is allocated employment land and this should be debated properly by the members so that the planning balance is considered fairly. The report on the first application omitted certain pieces of information, specifically, no summary of the petition including number of signatures in support of the application was reported by officers. It would be inappropriate to set a precedent whereby public information submitted to the Council was not shared with members. Considering this application by the committee will avoid setting such a precedent.

The significant concerns or potential significant impact of the development and need for a Planning Committee decision are as follows:

I have significant concerns that Crewe will lose a major retail employer when it vacates its site at Grand Junction Retail Park in March 2020. This application seeks to address that significant concern and overcome the significant impact on the public which would result from the closure of the applicant's existing store without being replaced. Furthermore, procedurally, it has become clear as a result of the recent judicial review that the first application (18/3123N) went awry as a member of the Council understanding that she was being advised not to vote at the Southern Planning Committee meeting of 28 November 18, but is now clear that she could have voted. The vote at the Southern Planning Committee was very close 4-5. In calling in this application 18/6389C, members of the Southern Planning Committee should have an opportunity to make a genuine attempt to resolve the problem that arose regarding the constitution of the committee. There was a clear problem with the procedure at the 28 November Committee meeting. This application ensures that the Order signed in the Court on 26 March 2019 is properly applied; and that the applicant can have the fair hearing it should have had in November. In terms of fairness and consistency, the application should not be delegated, it should be decided by the Southern Planning Committee as was application 18/3123C. The above reasons are significant and a need for a Planning Committee decision is the only procedure that should be followed to consider these significant concerns in a fair and consistent manner.

Finally, the reputation of the Council is at stake. Planning Officers will be viewed by the public as predetermined because they originally refused to register this application on the basis that it was identical to 18/3123N which they recommended against in the committee report and fought tooth and nail against at Southern Planning Committee. As they have argued that this application is identical to 18/3123N it follows that they will conclude the same reasons for turning it down and so to then further argue that the decision should be delegated robs the public of the perception of fair consideration and robs councillors of proper influence. It will look like a conspiracy. It is in the Council's overall interest in having a good reputation for transparency that this application is heard at committee'

PROPOSAL:

This is a full application for the construction of a new foodstore (use class A1) which would have a gross external area of 1,877sqm, a gross internal area of 1,801sqm and a net sales area of 1,315sqm. The store would be operated by Aldi.

The site would be accessed via an existing vehicle access off University Way to the west and would include 132 car parking spaces, 12 bicycle spaces, 4 electric vehicle charging points, a substation, a service area and landscaping.

SITE DESCRIPTION:

The application site is located to the eastern side of University Way and the site is set at an elevated position in relation to that road. To the south of the site, set at a lower level is a tree lined watercourse with an employment development which is currently under construction beyond.

To the north-east the site adjoins the boundary with the Crewe Green Conservation Area which is also located to the north and east of the site. To the east of the site is The Old Vicarage which is a Grade II Listed Building with further Listed Buildings to the heart of the Conservation Area located to the north-east of the site.

The application site is located largely within Flood Zone 1 although the access is located within Flood Zone 2 and the southern boundary along the existing watercourse is located within Flood Zone's 2 and 3.

RELEVANT HISTORY:

18/3123N - Erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping – Refused 30th November 2018 for the following reasons set out below. An appeal has now been lodged against this decision and a Public Local Inquiry listed for September.

- 1. The proposed development is located within an area allocated for employment uses as part of Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The loss of the site for employment purposes would not maintain an adequate and flexible supply of employment land within this part of the Borough and insufficient reasons have been advanced to justify a departure from this policy. As a result the proposed development would be contrary to Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EG3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.*
- 2. The Local Planning Authority considers that insufficient information has been provided by the applicant to demonstrate that the Grand Junction Retail Park site is unsuitable for the proposed development, and accordingly, that the application site does not represent a sequentially preferable alternative. The proposed development is contrary to Policy PG 5 of the CELPS and the NPPF.*
- 3. There is a small population of Great Crested Newts present at a pond a short distance from the application site and this proposed development would result in a Medium Level adverse impact on this species as a result of the loss of terrestrial habitat and the risk of*

any newts present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.

- 4. The proposed development would result in less than substantial harm to the heritage assets which adjoin the site. As the principle of the proposed development on a site allocated for employment uses is not accepted there are not considered to be public benefits which outweigh the harm. The proposed development is contrary to Policy SE 7 of the Cheshire East Local Plan Strategy, BE.7 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*

The refusal of application 18/3123N was the subject of an application for judicial review on grounds contesting the approach taken to personal/prejudicial interests and predetermination by two members of the Committee. These grounds were resisted by the Council. Aldi withdrew their claim on the morning of the High Court Hearing. There are no outstanding allegations of unlawfulness.

10/3689N - Extension to Time Limit on Approved application P07/1431 Outline Application for Proposed Office Development – Approved 16th December 2010

P07/1431 - Outline Application for Proposed Office Development – Approved 14th December 2010

P04/0489 - Outline Application for B1 Development on Area B, for B2/B8 Development on Plots B C F G H and I on Area C, for Car Showroom/Dealership and Related Activities on Area E1 and Open Space/Landscaping on Areas E2 and E3. Full Application for B2/B8 Development (Including Roads, Parking and Landscaping) on Plots A D and E of Area C – Approved 19th October 2004

7/19179 – Outline application for business development (class B1) and a hotel (class C1) – Approved 10th January 1991

7/16315 - Extension to Crewe Business Park – Approved 7th December 1988

7/13981 - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19th March 1987

7/11951 - Development of a high technology site – Approved 2nd August 1985

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 9 – Energy Efficient Development
SE 12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
EG3 - Existing and Allocated Employment Sites
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.11 (River and Canal Corridors)
NE.17 (Pollution Control)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
BE.7 (Conservation Areas)
E.1 (Existing Employment Allocations)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Cycling)

National Policy:

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.

85-90 Ensuring the Vitality of Town Centres

102-107 Promoting Sustainable Transport

124-132 Requiring good design

Neighbourhood Plans

There are no Neighbourhood Plans covering Crewe or Crewe Green.

CONSULTATIONS:

United Utilities: Conditions suggested.

CEC Environmental Health: Conditions suggested in relation to external lighting, electric vehicle infrastructure, travel plan and contaminated land. Informatives suggested in relation to contaminated land and construction hours).

CEC Spatial Planning: No further comments to add to those made as part of application 18/3123N other than a factual update regarding the recent approval at Grand Junction.

The comments from application 18/3123N are set out below;

The Local Plan Strategy forms part of the Development Plan for Cheshire East alongside policies within the Crewe and Nantwich Local Plan ‘saved’ for decision making purposes. LPS Policy PG 1 sets the overall development strategy for the borough, which includes a requirement for a minimum of 380 ha of land for business, general industrial and storage and distribution uses over the period 2010 to 2030.

Table A.10 in Appendix A of the LPS shows a planned provision of 386.21 ha employment land over the plan period. The existing employment land supply forms an important component of the overall employment land provision. This supply consists of committed sites, sites under construction and allocated sites from the legacy local plans, such as the Crewe and Nantwich Local Plan.

It is vital that existing employment sites, premises and allocations that are viable for continued employment uses are safeguarded (Paragraph 11.23 of the Local Plan Strategy). The application site forms part an allocation for B1 employment in the Borough of Crewe and Nantwich Local Plan 2011 as E.1.1. Appendix B of the Local Plan Strategy notes that policy E1 (existing employment areas) is a ‘saved’ policy for the purposes of decision making. Allocation E.1.1 (Crewe Business Park / Crewe Green) states that land is allocated for “B1 and (emphasis added) any uses required by and associated with Manchester Metropolitan University (“MMU”). For the avoidance of doubt, such uses include classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities”.

The applicant notes that MMU have announced their intention to leave the Crewe Campus in 2019. However, as emphasised above, the allocation of site E.1.1 allocates land for B1 uses in addition to uses required by and associated with MMU.

Planning permission has recently been granted for 5 units for B2 and B8 uses (17/0341N) immediately south of the site and construction works have started. Beyond this is Orion Park which is another employment led scheme. As such it is considered that this site forms a viable employment allocation and should be protected, in line with the requirements of policy EG3 of the Local Plan Strategy.

The First Draft Site Allocations and Development Policies document, in policy EMP 2 (Employment Allocations), has reviewed and proposed to maintain the allocated employment site in the First Draft Site Allocations and Development Policies Document. Policy EMP2 is supported by an employment allocations review (2018) document which has reviewed the allocation. It is recognised that the Site Allocations document is in first draft, however, it does provide evidence that the Council has reviewed the suitability of the allocation and is proposing to maintain its allocation in the Site Allocations and Development Policies document.

Policy EG 5 of the LPS (promoting a town centre first approach to retail and commerce) notes how for Crewe, there will be a focus for high quality comparison retail, supported by a range of retail, service, leisure, tourism, office and other town centre type retail uses, including residential. Town Centres are promoted as the primary location for main town centre uses. Proposals for main town centre uses should be located within designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge of centre locations must be considered prior to out-of-centre locations. Edge of centre and out of centre proposals will be considered where:-

- There is no significant adverse impact on the vitality and viability of the surrounding areas: and it is demonstrated that the tests outlined in current government guidance can be satisfied.*

Policy SD2 (Sustainable Development Principles) sets out a number of principles that development will be expected to achieve in the borough.

CEC Regeneration: The site forms part of an allocation for B1 use in the Borough of Crewe and Nantwich Local Plan 2011 as E.1.1. Appendix B of the Local Plan Strategy notes that policy E1 (existing employment areas) is a 'saved' policy for the purposes of decision making.

The site is well located in a very prominent position with direct access off University Way (A5020) and is extremely suitable for B1 use as allocated. Other land adjacent to the site has in recent years been developed for B1/B2/B8 uses both at Orion Park and immediately to the south of the applicant's site where 5 industrial units (B2 & B8 use) are currently being constructed. All developed land immediately to the east of University Way has been developed for B1/B2/B8 uses. The delivery of these sites demonstrates the popularity, viability and suitability of this site for B1/B2/B8 uses.

There is strong current demand for land and units with B1/B2/B8 uses in Crewe both from existing expanding businesses and from inward investors. It is anticipated that demand will also be strong in the future. Crewe is an excellent location for business. This view is reflected in 'All Change for Crewe: High Growth City'. The aspiration of All Change for Crewe includes the need to ensure development of accompanying short to medium term employment sites to compliment the strategic sites at Basford and Leighton in Crewe. Delivery of a new Crewe HS2 Hub Station in 2027 could bring structural change to the business offer in the area and further demand for allocated employment sites such as at University Way, including the applicant's site, is anticipated to be high.

Matthew Pochin, Director of Legat Owen, a leading commercial property firm, stated in May 2018 in relation to the Crewe commercial property market,

"These transactions demonstrate the continuing demand for SME units in Cheshire and more specifically Crewe. "Enquiry levels are strong, which is leading to increased rents and capital values. This is good news in many ways, but it also presents us with significant challenges. The reality is there is a chronic shortage of high quality industrial stock in Crewe and throughout Cheshire. So, now more than ever, we need to engage with developers and planning authorities to encourage land release, react quickly to planning applications and encourage the development of more speculative schemes." In December 2016 in relation to the delivery of units at Orion Park, Legat Owen have commented that "All these lettings are further good news for the town and reflect the strength of rental and freehold pricing, but also exacerbate the problem of good quality stock drying up in the market place."

The applicant's site should be protected for employment use as it is a suitable and required use on that site. It is entirely reasonable to believe that the site could be used for the allocated B1 employment use in the future if sufficiently marketed.

Natural England: No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutory protected sites or landscapes. For advice on protected species refer to the Natural England standard advice.

CEC Head of Strategic Infrastructure: The access has previously been approved for an office development and there was no objection to the previous application for retail on this site.

No objection subject to the imposition of conditions and an informative.

CEC Flood Risk Manager: No objection in principle to the development subject to the imposition of conditions.

CEC Skills and Growth Company (SAGC): No further comments to those made as part of application 18/2123N other than the following update from Legat Owen;

The Apollo Park scheme is now fully let. That is 6 lettings all completed prior to practical completion of the scheme which is over 160,000sqft of space. The occupiers are all SME's (5 of the deals are Crewe based businesses who are expanding and creating new jobs and 1 is an expansion from Sandbach). 2 of the occupiers have freed up units that have now been let.

The comments made as part of application 18/3123N are summarised as follows;

The site is in a successful employment area, close to a range of major business parks that have already attracted major businesses requiring office and light industrial premises. It is also in an ideal attractive location on the Crewe Green roundabout and is close to the new Crewe Green Link Road and the M6 motorway. The site is in a prime location with high demand from occupiers. SAGC would support the view that the site should be protected for employment use.

The 2018 Annual Commercial Property Review, details transactions completed in 2017 and indicates a significant demand for high-end industrial units outstripping supply. In terms of industrial transactions, 35 deals were completed in 2017 comprising a total of 56,455sqm with the majority of deals completed in Crewe, totalling 15. The report includes a headline analysis of the supply of vacant commercial assets and indicates a limited supply of high end industrial units. This view is consistent with the principle industrial agent/consultant for Crewe who has been involved in the key sites and schemes over the last 25 years. They also report that industrial land availability for small to medium enterprise (a company with under 250 employees and less than €50m turnover) is all but none existent in the town as proven by the significant interest we are experiencing at Apollo Park. The agency are therefore of the opinion that the site would be better served as an allocated B1, B2 and B8 development.

SAGC engage with over 500 businesses per annum and have good visibility of businesses expanding and relocating to the area. There is over 500,000sqft of industrial demand for Crewe (taking into account requests specifically for Crewe plus those searching for Crewe plus other areas within a wider Cheshire East search). The figures indicate that there is a strong pipeline for demand.

SAGC has not been contacted regarding the marketing of the site.

Following the deferral a letter has been provided from Legat Owen at the request of the Skills and Growth Company which is summarised as follows;

- The overall availability within Crewe for B1, B2 and B8 uses is extremely limited for Small and Medium Size Enterprises (SME's).*
- Occupancy levels are at an all time high and limited to 5 buildings below 50,000sq.ft.*
- Crewe Commercial Park does have a surplus of land but this is earmarked for larger developments of above 50,000sq.ft rather than the SME market.*
- Orion Park is now full after the speculative development of 11 units. The majority of which were let or sold prior to practical completion.*
- Following the success of Orion Park, Apollo Park came to the market and was sold on a competitive basis having gone to best bids. This underpins the strong demand for B1, B2 and B8 employment in Crewe*
- The developer at Apollo Park is hoping to complete the development in January 2019 with 6 speculative units varying from 12,000sq.ft to 44,000sq.ft. Three of the units have been pre-let with strong interest in the remaining three. It is hoped that the site will be fully occupied by spring 2019.*
- There are few towns of a similar scale to Crewe that boast the level of speculative development and take up of accommodation that has been experienced*
- Rental levels are increasing and this is due to the increased demand. This supports the argument for the release of more employment land.*
- In terms of B1 the last remaining plot for office development in Crewe is under offer to a developer who is in the final stages of agreeing a new building to a major employer. This would leave no land immediately available in Crewe for B1 offices.*
- The focus on the Basford East site is on residential development with the ancillary commercial development being a number of years away from release.*
- The last phase of Orion Park (over 100,000sq.ft) was completed in under 2 years and all was let and sold in under 12 months*
- Apollo Park is in excess of 160,000sq.ft with 90,000sq.ft already committed to local business*
- There should be as much focus on job creation as job retention. The majority of the occupiers that took space in the final phase of Orion Park and those taking space at Apollo Park are expanding companies within Cheshire East. Without the ability to take new space they could have left the Borough.*
- Apollo Park will have 100 employees by January 2019 and by the time all units are let it will be employing in the region of 200 employees.*

Environment Agency: No objection. Informative suggested.

VIEWS OF THE TOWN COUNCIL:

Crewe Town Council: Crewe Town Council makes the following observations:

- The additional employment which would be created is welcomed, but
- There is concern that approval would set a precedent for retail development on the edge of the town at the expense of the town centre and the environment
- There is a lack of public transport realistically available to shoppers visiting the site. The acceptable distances for commuting and education referred to in the applicant's transport assessment are not appropriate for retail development, and few of the residential areas within

the store's catchment would be directly served by the existing bus routes. As a consequence, the majority of residents without access to a car would be denied access to low cost shopping at this site.

- The positioning of the building at the rear of the site does not positively contribute to the streetscene.

Crewe Green Parish Council: Aldi Stores Ltd showed proper consideration to the pre and subsequent Application process by actively engaging in a public consultation exercise, approaching the immediate neighbours and presenting their project to the Parish Council.

The Parish Council and immediate neighbours raised concerns with respect to potential operational and traffic noise, light nuisance and impact on existing trees and ecology which the development may cause. These issues appear to have been properly addressed by ensuring full compliance with appropriate Conditions.

It is understood that Aldi Stores Ltd continued to meet with the immediate neighbours to agree appropriate mitigation measures to address these concerns.

From a Planning perspective, this is clearly a departure from the allocated use for this site, but on balance the significant employment benefits must be properly considered for this alternative A1 use. Furthermore the scale and design of the proposed building will certainly have less of an impact on the adjacent Conservation Area than the likely alternative allocated development.

Subject to the above issues being properly considered, the Parish Council continues to fully support the Application.

REPRESENTATIONS:

Letters of support have been received from 5 local households which raise the following points;

- The application should be supported as it creates jobs. This is supported by over 600 members of the public, the local ward councillors and the Parish Council
- The development would be an important asset for the east of the Crewe and Haslington
- The relocation of the store will reduce congestion and air quality issues along Hungerford Road.
- 50 jobs are at stake if this application is refused.
- This new store could support large estates being built in the area and elderly people who would not need to travel as far
- The existing Aldi store has outgrown its current location.
- There is a lot of local support for this development
- The development will save a lot of Haslington residents travelling into Crewe
- If this application is refused then people will still use Aldi but will just have to drive further
- Traffic problems when visiting the retail park at peak times
- An out of centre store will ease the impact upon the infrastructure of Crewe
- There is already a butchers supermarket off University Way and this has set a precedent for retail development in the area
- The proposed store would be convenient for residents on this side of Crewe
- Residents have started shopping at Aldi in Congleton and Sandbach due to access issues associated with the existing Grand Junction Store

A letter of general observation has been received which raises the following points;

- The site is earmarked for employment/industrial use
- The site is on the edge of Crewe and this creates a number of transport issues for the residents of Crewe. You will have to be fit and healthy or have a car to access this store.
- Traffic issues – vehicles turning into and out of the junctions along University Way
- Air quality impact – Aldi should undertake a study of the impact of the proposed store
- Concern over rainwater from the car park discharging into Valley Brook. Valley Brook is liable to flood at Macon Fields.
- The location of the site is highly inappropriate and a more central site should be considered given the state of Crewe Town Centre

Letters of objection have been received from 2 local households, 1 local business, Cordwell Property Group and Triton Property which raise the following points;

- Planning permission was refused for an identical application. No attempt has been made to address the previous reasons for refusal.
- There should be consideration of the suitability and availability of the Royal Arcade site as a sequentially preferable site.
- Cordwell and Peveril Securities have been selected by CEC as the preferred partner to deliver the £48 million Royal Arcade proposal in Crewe Town Centre.
- The application scheme proposes a threat to its ability to successfully implement the Royal Arcade development.
- The Royal Arcade scheme could provide a unit of sufficient size, given that it would be possible to amalgamate several of the proposed units to provide one larger store; in any event the current proposals show a unit of over 2,000sqm which would be of a suitable size
- Cordwell Property Group have provided a plan to demonstrate how an Aldi store could be accommodated within the proposed development (with dual frontage, sufficient servicing, close to the reconfigured bus station and car park).
- In terms of car parking there are other instances where discount foodstores are required to use a shared parking facility. Dismissing the Royal Arcade scheme on the lack of a sole use car park does not demonstrate a degree of flexibility as required by the NPPF.
- It is anticipated that the Royal Arcade will be open for trading within a 'reasonable time period'. The applicant does not state that the option of 'holding over' while waiting for a new unit to be delivered has been fully considered.
- The University Way site fails the sequential test and should be refused.
- There is very limited scope for additional retail floorspace in Crewe at present. The University Way site will be competing with the Royal Arcade scheme where occupier interest at a time when market conditions are not robust and market support is limited.
- No reason to remove the Local Plan employment protection for this site
- There are more appropriate locations for the Aldi store
- The store is designed for car drivers and would not be suitable for pedestrians/cyclists
- People would not walk to the bus stops whilst carrying shopping
- Increase in traffic along Hungerford Road. A large proportion of residents in Crewe would have to travel along Hungerford Road in the opposite direction.
- The site is allocated for employment uses. There is a high demand for employment units in Crewe.
- The development is contrary to the Local Plan
- Leighton West has not been considered as a sequentially preferable site
- The application site is subject to an employment allocation under Policy EG3

- The applicant has only presented very limited evidence to demonstrate that the development of employment uses would be unviable.
- No active marketing of the site for employment uses has taken place in recent years. On this basis it cannot be concluded that the site is no longer suitable or viable for employment uses
- The Skills and Growth Company stated as part of the previous application that there is significant demand for employment premises in this part of the Borough. This is evident following the development of Apollo Park.
- The application has not demonstrated that the application site is not suitable or viable for employment uses.
- The proposed development would harm wider business and employment opportunities by reducing the availability of high quality employment land in Crewe
- The site represents prime employment land and the applicant should robustly address the policy tests that the site is no longer suitable or viable for employment use.
- Planning permission has been granted to extend Unit 11 on the Grand Junction Retail Park (currently occupied by Aldi). Aldi was content to remain at the Grand Junction Retail Park in September 2014 when it applied to extend the existing store. As a result there is a suitable and available sequentially preferable site to the University Way site.
- The impact of the extended Unit 11 on the local highways network was not a reason for refusal when the applications to extend the store were approved in 2014 & 2019.
- It is highly questionable as to whether Aldi would leave their existing unit which is performing well and has planning permission for an extension.

Aldi have also submitted a petition which has collected signatures from within store at Crewe, Nantwich and Sandbach. This has approximately 3,189 signatures in support of the application.

APPRAISAL

Principle of Development

The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre nor in accordance with an up-to-date development plan. The application site is an out-of-centre location.

Policy EG5 of the CELPS states that Town Centre will be promoted as the primary location for main town centre uses. Point 7 of this Policy then states that;

Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of centre locations. Edge-of-centre and out-of-centre proposals will be considered where:

- there is no significant adverse impact on the vitality and viability of the surrounding town centres; and*
- it is demonstrated that the tests outlined in current government guidance can be satisfied.*
- The sequential approach will not be applied to applications for small scale rural offices or other small scale rural development in line with the government guidance.*

Within the town centre the Cheshire Retail Study 2016 identifies that Crewe Town Centre has a higher number of vacant units than the national average but that the majority of the vacant units

are small to medium in scale. However the report also concludes that the town centre is well represented in terms of the convenience (food, drinks, tobacco, newspapers/magazines, cleaning materials, toiletries) and comparison goods provision (all other goods) but is under-represented in terms of its service provision.

The Cheshire Retail Study then goes on to conclude that the health of Crewe Town Centre has declined in recent years and that it is evident that positive steps have already been taken to attracting new investment in Crewe via the production of the Crewe Town Centre Regeneration Delivery framework for Growth in addition to the Council's acquisition of the Royal Arcade site with the intention of delivering a leisure-led mixed use development.

It should be noted that the council has employed a Retail Planning Consultant White Young Green (WYG) to assess the retail planning implications of this development as part of the previous application 18/3123N. WYG have not been reappointed to comment on this application as the agent has confirmed in writing that this application is '*almost identical*' to the previous application.

Impact Assessment

An impact assessment is not required as the proposed development is below the threshold of 2,500sq.m as set out within the NPPF and referred to in the CELPS. However it should be noted that EG 5 of the CELPS requires that proposals for out-of-centre retail development to demonstrate that they will have no significant adverse impact upon the vitality and viability of the surrounding town centres. This issue is discussed later in the report.

Sequential Test

The previous application was refused by Southern Planning Committee with reason for refusal 2 relating to the failure to satisfy the sequential test. This specifically related to the failure to demonstrate that the Grand Junction Retail Park (GJRP) site is unsuitable for the proposed development.

Since the determination of application 18/3123N it is important to note that approval has been given as part of application 19/0128N to extend the Unit 11 at the Grand Junction Retail Park (the existing Aldi unit). 19/0128N gave full planning permission for a 548sqm (GIA) extension to the store resulting in a total of 1,700sqm floorspace (GIA) with minor works also proposed to the configuration of the customer car park and the service yard to the rear. This approval was very similar to approved application 14/3477N where Aldi were the applicants.

The NPPF paragraph 90 advises that where an application fails to satisfy the sequential test then the application should be refused. This is supported by Policy EG5 of the CELPS.

The sequential test is a key element of the NPPF. In support of this the Planning Practice Guidance states that the sequential test should be proportionate and appropriate for the given proposal and should;

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

The PPG then confirms that *'compliance with the sequential and impact tests does not guarantee that permission is granted – local planning authorities will have to consider all material considerations in reaching a decision*'. Other material considerations include the employment allocation on this site which is considered elsewhere in the report.

The area of search for a sequentially preferable site has been identified with the Planning and Retail Statement from JLL (the agents for the applicant) and the approach identified was accepted by WYG as part of the previous application. The proposed store will serve a local catchment of up to 25,000 people within a five minute drive of the application site.

JLL assess seven alternative sites within and outside Crewe town centre. These are the Royal Arcade (Crewe Town Centre), Grand Junction Retail Park (edge of centre), Lockitt Street (out of centre), Rail House (out of centre), former Macon House (out of centre), Q110 (out of centre) and Land off University Way (out of centre)

JLL have identified that Aldi trades from modern food stores with gross areas of between 1,800sqm and 2,400sqm. This application site has been determined that it would accommodate a smaller format 1,800sqm store to serve the local catchment (a site of 0.75 hectares developable area is required). The applicant considers that they have applied flexibility to their site search by considering land between 0.5 hectares and 1 hectare and buildings between 1,600sqm and 2,000sqm.

The applicant has applied an appropriate level of flexibility and it is noted that the lease on the current Aldi store at the Grand Junction Retail Park is due to expire in 2020.

The sites were considered as follows;

- Crewe Town Centre – JLL state that the Royal Arcade site is not available as there is no information or certainty that the proposed foodstore development could be delivered within a reasonable timescale. In addition they consider that the site is unsuitable on the basis that it does not offer any units of an appropriate size which are directly connected to a carpark. As part of the previous application WYG agreed that the Royal Arcade site is not currently available, as any preferable sites would need to be available within a similar time period to the closure of the existing store. WYG did not accept the reasoning put forward by JLL that the Royal Arcade site is unsuitable given the early stage of the development process. WYG concluded that *'Notwithstanding the uncertainties as to whether the Royal Arcade scheme could be made suitable to accommodate the proposed foodstore development, the site is not considered to be available'*

In terms of the Royal Arcade site the comments made by JLL and WYG are noted. However it should be noted that the NPPF paragraph 86 states that *'Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre*

sites be considered'. The NPPF does not contain any definition of a 'reasonable period'. On balance the circumstances of the Royal Arcade (the uncertainty relating to its delivery and whether it could accommodate the proposed store) does mean that it is accepted that this site is not available. However as time moves on and the time frame for the development of the Royal Arcade does become clearer this position could change.

- Grand Junction Retail Park (Edge of Centre) – The only vacant unit (formerly Poundworld) is too small (the unit has consent for a mezzanine floorspace which would provide a total floorspace of 833sqm). It is also necessary to consider whether an extension to the existing Aldi store is sequentially preferable. The existing Aldi store (unit 11) has consent for an extension to create a 1,700sqm store as part of application 19/0128N which was approved on 2nd April 2019.

JLL do not consider that the existing Aldi site at GJRP represents a sequentially preferable site as it is not suitable for an extended foodstore for the following reasons;

- Viability – a scheme would be unviable at this location given the rental levels requested would be 27.7% higher than the maximum level that Aldi can justify.
- Car parking – the car park is at capacity based on the existing Aldi's store size. A larger store would result in a greater demand for car park spaces which are not available.
- Location – the store is located in an out of centre location which turns its back on the town centre and discourages linked trips. It is not sequentially preferable.

Aldi have not disputed that the GJRP site is available for development.

Viability

JLL have provided evidence to demonstrate that discussions have taken place with the landlord within the last two years in relation to the provision of a larger Aldi store on the retail park. Although discussions have taken place WYG concluded as part of the last application that the evidence provided is not substantial enough for the GJRP to be dismissed on this point. It should be noted that no viability assessment or financial evidence has been submitted by the applicant.

Car Parking

The question raised by JLL in terms of the suitability of the site to deliver an extended foodstore is whether adequate parking provision is available within the existing retail park to accommodate the uplift in car parking required to serve an enlarged store.

JLL state that the existing store is not suitable as the current site is compromised by limited parking spaces and that the larger store would result in greater demand for car parking which is not available. JLL have attempted to justify this via a Car Parking Survey undertaken on Friday 19th October, in addition they have also provided queueing traffic on 6th April 2019 and 22nd May 2019 (however no survey has been undertaken and 4 photos have been submitted only). It is not considered that this information robustly demonstrates that there are insufficient parking spaces for the following reasons;

- The survey relates to a single day only

- The survey covers just 156 car parking spaces at the retail park (JLL state that there are 791 spaces at the retail park and Savills state that there are 824 spaces).
- Further explanation is required as to why only 156 spaces were surveyed.
- JLL state when analysing the car park survey that a 10% reserve capacity is required to allow customers to find a space without having to queue, but provide no source for this assertion

In this case the GJRP is sustainably located and the CEC Parking Standards state that for retail parks the standard is an 'individual assessment based against use-classes and location'. JLL have not provided sufficient evidence to demonstrate that there is insufficient car parking provision at the GJRP to make the GJRP unsuitable.

It is also noted that there is a current planning permission in place for Unit 11 (which is currently occupied by Aldi). This was approved in April 2019 and as part of this application no objection was raised by the Head of Strategic Infrastructure.

Suitability for a Food Store

In relation to this point it is noted that Aldi have been trading from the GJRP for over a decade and JLL acknowledge that the store is 'significantly overtrading' demonstrating its popularity and successful trading.

It is also noted that there are other food retailers operating at the GJRP (M&S, Home Bargains and Poundstretcher). Whilst it is also noted that there are many examples of Aldi opening and operating stores at retail park locations.

There would be some linked trips between an extended store at the GJRP and Crewe Town Centre which would have some impact upon Crewe Town Centre. The GJRP is closer to Crewe Town Centre than the application site and is more accessible.

- Lockitt Street (Out of Centre) – Is unavailable as retailers are already signed up to accommodate the floorspace proposed and the redevelopment of the site for mixed use (retail units and residential)
- Rail House (Out of Centre) – It is accepted that the office development is not available for redevelopment, as the office space is only available for let. The site is not available or suitable for a foodstore development.
- Q110, Weston Road (Out of Centre) – This industrial/distribution centre is under construction. It has been discounted as it is being constructed for this specific use and its size (over 10,000sqm) would exceed the proposed requirements. It is accepted that the site does not constitute a sequentially superior site.
- Macon Way (Out of Centre) – The site has been discounted on the basis of its irregular shape which cannot deliver a store, sufficient car parking provision, access point and servicing requirements. This site is owned by CEC and is therefore available. It is accepted that the site cannot suitably accommodate the development proposal. WYG previously stated that it is *'evident that JLL have explored a number of options at the site, but none of the options could*

accommodate the required level of car parking (minimum of 100 spaces) to serve the store. In addition, each of the options would have further constraints in terms of access, servicing and site safety. On this basis, we agree with JLL's conclusions that although the Macon Way site is available, it could not suitably accommodate the proposed development and therefore does not provide a sequentially preferable site'. Furthermore the site falls within Policy LPS 1 of the CELPS and the development of the site should include offices or other commercial uses (not retail).

In conclusion in terms of the sequential test insufficient information has been provided by the applicant to demonstrate that the existing GJRP site is unsuitable for the proposed development, and accordingly, that the site does not represent a sequentially preferable alternative. This leads to the same conclusion as the previous application that sufficient evidence has not been provided to demonstrate that the sequential test has been passed'. As a result paragraph 90 of the NPPF makes it clear that where an application fails to satisfy the sequential test it should be refused.

The Impact of the Proposal on the Vitality and Viability of Surrounding Centres

As the proposal relates to the relocation of the existing Grand Junction Store the majority of the trade will be diverted from Grand Junction Retail Park rather than from Crewe Town Centre. The Cheshire Retail Study (2016) demonstrates that the existing store is trading well with a turnover being well in excess of its benchmark turnover. It is accepted that the closure of the Grand Junction Store without the provision of a replacement store would result in a gap in provision for customers located to the east of Crewe.

The existing Aldi store is located at the southern end of the retail park approximately 600m from the primary shopping area. Given the location of the existing store it is considered that linked trips brought by the closure of the existing Aldi store would not have a significant impact upon Crewe town centre. However it should be noted that this proposed development would not result in any linked trips with Crewe Town Centre.

The provision of a larger replacement store will deliver qualitative benefits of a better customer shopping experience. This is due to the existing store overtrading. The proposed foodstore will not have a significant adverse impact on the vitality and viability of Crewe town centre.

There is a concern that the vacated Aldi unit could be occupied by another retailer possibly leaving the town centre. Any future occupier of the existing unit would not be restricted by the planning permission for the retail park (as there is no bulky goods condition) and there could be a cumulative impact on the town centre and other designated shopping centres. In relation to this issue WYG previously stated that *'Unfortunately, there is of course the potential for the proposal to result in a retailer relocating from a town centre unit to the retail park and I can understand why that would be a concern to the Council and other town centre stakeholders, particularly given current vacancy rates and other town centre healthcheck indicators'.*

It has to be acknowledged that this situation could happen at any time should a retailer choose to vacate a premises from the retail park leaving a unit available. Without control over the use of the floorspace or the imposition of a 'no poaching' condition on the retail park, this could continue to take place.

However, in this case, Aldi could vacate the unit regardless of the proposed development, and an alternative retailer could occupy the unit without any further involvement from the Council (perhaps except elevational changes etc). In short, given that the application only relates to the application site and the current site is out of control of the applicant and retailer. There is no method by which the Council can control the current floorspace and restrict it from being occupied by another town centre operator unless a subsequent application was to be submitted on the existing unit for other material works.

In terms of the potential implications to the town centre should a retailer choose to relocate, the impact will be negative but a retailer's relocation would cause a significant adverse impact on the town centre as a whole. In any event, as stated above, this is unfortunately uncontrollable by the Council given that this unfortunate (and far from ideal) circumstance could happen at any point without the Council's involvement. There is no way to force Aldi to stay at the retail park, and no way given the current controls to force a retailer to remain in the town centre.

Consideration of the impact upon smaller retailers

An objection has been received from the Co-op which operates a site on Beswick Drive and there are other small retailers in Crewe and Haslington. Within the NPPF and Policy EG 5 of the CELPS the issue of impact is limited to existing centres and not individual retailers. The only centres within the catchment area of the proposed store are Crewe Town Centre and Haslington Local Centre. The units within Haslington Local Centre act to serve local people who want to 'pop out' to purchase goods rather than make a specific trip to a larger supermarket. This is backed up by the Cheshire Retail Study. The proposed foodstore would not have a significant adverse impact upon the vitality and viability of Haslington Local Centre as residents will continue to make day to day purchases due to the convenience of doing so.

Meat-sale business to the south of the site

This issue is referred to within one of the representations received. Kingswood Poultry is located at Orion Park in Crewe and specialises in the de-boning of fresh poultry products supplying a range of customers from catering to wholesalers. This unit was granted planning permission as part of application 14/1492N which gave approval for 6 industrial units in use classes B1, B2 and B8. It appears that there used to be small scale trade counter with low level of informal public sales operating ancillary to the main warehouse/employment use. No planning permission has been granted for retail use at this site and this provides no justification for this proposed development.

Other Economic Benefits

The applicant has stated that the proposed development will protect the 28 existing jobs and create a further 20 jobs at the new store (elsewhere in the submitted report it states that a total of 50 jobs would be provided). The supporting planning statement states that the development will create a range of jobs of varying skills including managers, graduates and apprenticeship roles. The supporting planning statement also states that Aldi pays above average wages within the retail sector and that additional employment opportunities will be created for local people during the construction phase of the development.

Employment Allocation

Paragraph 80 of the NPPF (July 2018) notes that planning decisions should help create the conditions where businesses can invest, expand or adapt. Significant weight should be placed on the need to support economic growth and productivity.

The site is identified under allocation E.1.1 (Crewe Business Park and Crewe Green) for *'B1 and any uses required by and associated with Manchester Metropolitan University. For the avoidance of doubt, such uses include classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities'*. The applicant notes that MMU have announced their intention to leave the Crewe Campus in 2019. However, the allocation of site E.1.1 allocates land for B1 uses in addition to uses required by and associated with MMU.

However Policy EG3 (Existing and Allocated Employment Sites) of the CELPS states that existing employment sites will be protected for employment uses unless;

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
 - a. There is no potential for modernisation or alternate employment uses; and*
 - b. No other occupiers can be found*

And that;

'Subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs'

The justification to Policy EG3 states that *'In order to provide a range of employment sites, particularly for inward investment and limit the need for development on greenfield land, it is vital that existing employment sites, premises and allocations that are viable for continued employment use are safeguarded'*.

The footnote to the Policy clarifies that *'To demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received'*.

The First Draft Site Allocations and Development Policies document, in policy EMP 2 (Employment Allocations), has reviewed and proposed to maintain the allocated employment site in the First Draft Site Allocations and Development Policies Document. Policy EMP2 is supported by an employment allocations review document (2018).

In this case the proposed retail store would be contrary to the employment allocation on this site under Policy E.1.1 and Policy EG3.

In their supporting statement the applicants agent states that the proposed development will not harm business or employment opportunities and that the proposal will protect the 28 existing jobs

and create a further 20 jobs at the new store. It is then stated that the site is highly unlikely to come forward or be supported for B1 uses for the following reasons;

- The proposal will not harm business or employment opportunities
- The application site will form just 0.47% of the earmarked employment land supply
- The previous B1 permission has expired and a lack of interest in the site for office development confirms that the site is not attractive to the office market
- The Employment Land Review for the CELPS noted that the development as an office park may be unrealistic with the concentration of offices on Electra Way.

The supporting statement then states that B2 and B8 uses are not compatible with the nearby residential properties which back onto the site at Crewe Road and Narrow Lane to the north and east of the site. The submitted report acknowledges the success of the development at Orion Park which it states range from 7.5m to 12m in height and that a large scale development would not be compatible due to the massing of the sheds and the 24/7 operations which are likely.

The report then states that the site lies adjacent to the Crewe Green Conservation Area and the massing of sheds for B2 and B8 uses are likely to be greater than the proposed development and impact upon the setting of the Conservation Area.

The Skills and Growth Company (SAGC) have stated that *'The site is in a successful employment area, close to a range of major business parks that have already attracted major businesses requiring office and light industrial premises. It is also in an ideal attractive location on the Crewe Green roundabout and is close to the new Crewe Green Link Road and the M6 motorway'*.

The 2018 Annual Commercial Property Review details transactions completed in 2017 and identifies a significant demand for high-end industrial units outstripping the supply with 35 deals completed in 2017 comprising a total of 56,445sqm (the majority – 15 of these deals were in Crewe). The report indicates a limited supply of high end industrial units and that industrial land availability for Small and Medium Enterprises is all but non existent in Crewe as proven by the significant interest experienced at Apollo Park.

The SAGC liaise with over 500 businesses per annum and following discussions with businesses which are intending on expanding and relocating to the area and there is demand for over 30,000sqm of industrial demand in Crewe. This indicates that there is a strong pipeline for demand.

The supporting statement makes reference to office uses only within B1 and no reference is made to research and development of products and processes, light industry appropriate in a residential area which also fall within use class B1. No marketing of this site has been undertaken and the Councils only research information indicates that there is a strong demand for employment land in Crewe.

The applicant's assertions that alternative employment uses would harm residential amenity and the setting of the Conservation Area are not accepted and it is considered that a scheme could be designed and controlled through the use of planning conditions to protect residential amenity and the setting of the Conservation Area. It should also be noted that part of the allocation E.1.1 is currently under construction for alternative employment development to the south of the site and that the development of Apollo Park was also designed in relation to a sensitive heritage asset (it adjoins the Historic Park and Garden at Crewe Hall).

As a result the proposed development is contrary to Policy E.1.1 of the Crewe and Nantwich Replacement Local Plan 2011 and Policy EG3 (Existing and Allocated Employment Sites) of the CELPS.

Information on the take-up of the site to the south of the application site

A supporting letter from Legat Owen at the request of the Skills and Growth Company received as part of application 18/3123N identifies that overall land availability within Crewe for B1, B2 and B8 uses is 'extremely limited' for SME's. Occupancy levels are 'at an all-time high' with limited levels of availability. Legat Owen have confirmed that Orion Park is now full after the speculative development of 11 units and that the majority were sold or let prior to their practical completion (all were let or sold within 12 months).

An email from the Skills and Growth Company following discussions with Legat Owen states that Apollo Park to the south of the site is now fully let and the 6 lettings were all completed prior to the practical completion of the scheme. In relation to Apollo Park the agent for Aldi states that they have visited six units at Apollo Park and three are fully operational, one is being fitted for a business and two have not been let. Clarification has been sought from Legat Owen who have confirmed that *'Four units are legally committed and two are in the final throws of the leases being agreed. We hope to have the last two leases completed by the end of next week at the latest.'*

The comments made by JLL that the site benefitted from a previous planning permission which expires in 2012 are noted. However this coincides with the economic downturn, and no evidence of marketing has been submitted as part of this application as required by the Development Plan.

The information received in relation to Apollo Park and Orion Park demonstrates that there is strong demand for B1, B2 and B8 employment land in Crewe.

It is also worth noting that the site is rolled over as an employment allocation within Policy EMP 2 (Employment Allocations) as site EMP 2.3 of the First Draft Site Allocations and Development Plan Policies Document (FDSADP). The site would form part of EMP 2.3 which identifies 7.85 hectares for B1/B2/B8 uses (given its early stage the FDSADP can only be given limited weight).

Information regarding job generation on the adjacent site to the south of the application site

The letter from Legat Owen received as part of application 18/3123N states that Apollo Park will result in job creation and job retention and around 100 people will be working at the site by January 2019 and when all of the units are let there will be in the region of 200 people employed on the site.

In relation to this issue JLL have stated that they have carried out a questionnaire to 41 businesses along University Way. JLL state that this survey shows that Aldi would provide 1 job per 37.5sqm where it would rank 11th out of the 41 businesses surveyed. Specifically at Orion Park the densities within the JLL survey range from Unit 15 at 1 job per 27.5sqm to Unit 16 at 1 job per 225.7sqm.

JLL have undertaken a further survey at Apollo Park and have stated that the job density at Apollo Park varies from 36.4sq/m per 1 job (unit 3A) to 156.2sq/m per 1 job (unit 4).

From the above in terms of job creation the proposed Aldi store is comparable to the adjacent businesses along University Way.

Highways Implications

A B1 office development of over 6,000sqm, together with over 200 car parking spaces, received planning approval in 2007 and again in 2010. Both approvals have now expired.

The site is located approximately 2km east of the centre of Crewe, 1.5km west of Haslington, and 150m south of Crewe Green roundabout which has recently been extended and includes improved pedestrian crossings. University Way has a 40mph speed limit. There is an existing pedestrian and vehicle access into the site in the form of a ghost island junction.

Sustainable Access

University Way has standard footway on the eastern side and a 3m wide shared footway/cycleway on the western side. The site is approximately 400m from the bus stop on Crewe Road and approximately 450m from the bus stop on Crewe Green Road. These services provide a regular bus service to the wider Crewe and Cheshire East area.

The option of walking, cycling, or using public transport would be available to customers or employees. However it is likely that most visitors would visit the site via private motor vehicle especially when considered to the existing store at GJRP.

Safe and suitable access

The access is already in place and visibility splays of at least 80m in each direction are available and acceptable. The parking provision is to CEC standards including that for disabled parking and for parent/infant parking. The proposed cycle parking provision also accords with CEC requirements.

As part of the Crewe Green roundabout improvements, there will be a new signalised Toucan crossing provided on University Way, replacing the two existing crossings. A pedestrian/cyclist refuge island has also been proposed just north of the access which would provide a safe crossing point within the desire line for pedestrians/cyclists approaching from Beswick Drive direction. The proposed and existing pedestrian and cycling infrastructure from the site to the surrounding area are sufficient.

The existing ghost island junction providing vehicle access into the site is acceptable. In this case 16.5m articulated delivery vehicles would utilise the access. Sufficient turning area will be provided within the site to allow these vehicles to enter and exit in a forward gear.

Network Capacity

The Crewe Green and the Weston Road roundabouts have been modelled using standard traffic modelling software. The Crewe Green roundabout has recently been redeveloped and the traffic

impact on this junction is acceptable. The modelling of the Weston Road/University Way roundabout has underestimated the existing junction capacity constraints and the traffic impact of the development. Nevertheless, the impact of the development will not be severe in accordance with national policy and is therefore accepted.

Highways Conclusion

The access has previously been approved for an office development and is also acceptable for this proposal, as is the wider traffic impact. The Head of Strategic Infrastructure has confirmed that there are no objections to this application subject to the imposition of planning conditions.

Amenity

The nearest dwelling to the proposed store would be Stable House to the east of the site with a separation distance of approximately 50m. Given this separation distance it is considered that the proposed development would have minimal impact upon residential amenity in terms of over-bearing impact, loss of light or loss of privacy.

Noise

The applicant has submitted an acoustic report in support of the application. The impact of the noise from the proposed development on existing residential properties has been assessed in accordance with BS4142:2014 methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The report indicates that mitigation measures will not be required. A condition could be attached in relation to a construction management plan to mitigate the impacts during the construction phase of the development.

Within the report there is no specific reference to delivery hours and the applicant's agent has stated that it is intended that deliveries should be unrestricted. The Council's Environmental Health Officer has stated that if noise complaints are received regarding deliveries then these will be investigated under the provisions of the Environmental Protection Act 1990.

Air Quality

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

Air quality impacts 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 uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1: 2016 Verification and Base Year
- Scenario 2: 2021 'Do-minimum'

- Scenario 3: 2021 'Do-something'

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

In the conclusion presented by the report, all of the receptors impacts are considered negligible. However, the consultant also conducted a sensitivity analysis of the impacts, i.e. using the scenario where background levels of nitrogen dioxide do not drop over the coming years as predicted which is considered a worst case scenario. Under this scenario, three of the receptors are predicted to experience a moderate adverse impact. Also 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.

Crewe has three Air Quality Management Areas and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Whilst the worst case scenario could be a cause for concern, the Environmental Health Officer considers that with appropriate mitigation the impacts of the development could be minimised. The imposition of conditions in relation to electric vehicle infrastructure and a travel plan would mitigate the impact from this development.

Contaminated Land

The geo-environmental report submitted in support of this application identifies that an area of historical development and a former potentially infilled pond were identified on the north west of the site. These areas were investigated during the ground investigation and the results and assessment demonstrated a low potential risk to identified receptors. Gas monitoring has been undertaken at the site, and four rounds of monitoring were done over the course of just over a month. The consultant's assessment identified a Characteristic Situation of 2 for the development, meaning some gas protection measures are required as part of the development. Subject to the imposition of planning conditions the Councils Environmental Health Officer has raised no objection to the development from a contaminated land point of view.

Design

As part of the previous application amendments were made to the materiality on the front and rear elevations to introduce timber cladding rain screen. It is unfortunate that the green roof (suggested by the Councils Urban Design Officer) is not an option. However the changes to materials on the rear elevation and changes to the landscape scheme to the rear (a mix of deciduous and evergreen) would reduce the impact of the proposal in the context of the relationship to the heritage assets. This will be further improved by setting back the close boarded timber fencing behind the landscaping area. It will be important to secure this area of planting as early as possible and at a level of maturity that establishes the landscape screen as effectively and quickly as possible.

There are still concerns over the impact of the proposed boundary treatment but such issues could be controlled through the imposition of planning conditions.

The detailed design would not appear out of character in this location and the detailed design complies with the NPPF and Policy SE1.

Built Heritage

The site adjoins part of the Crewe Green Conservation Area with the north eastern corner of the site abutting the boundary of the Conservation Area. A character appraisal for the Conservation Area was prepared in 2008. It states at 4.30 that *“Outward views from within the Conservation Area are restricted by relatively high hedging close to the roadside edge and overhanging mature trees. In spite of the relatively wide carriageway of Crewe Road, this planting helps to contain this part of the Conservation Area from adjoining open land. This reinforces the impression that whilst Crewe Green lies within a relatively narrow gap between two built-up areas, it still has the sense of being a separate hamlet located within a rural area.”*

The Vicarage (grade II listed) is approximately 30-40 metres from the site boundary but there are intervening buildings and only modest vegetation. Views to The Vicarage are quite open from within the site.

The (Planning (Listed Buildings and Conservation Areas) Act 1990 s66 provides that, in considering whether to grant planning permission for development which affects a Listed Building or its setting, a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting.

To an extent the sense of being a separated hamlet has already been weakened by the expansion of the Crewe Business Park and development on the eastern side of University Way but this site is the employment allocation with the closest relationship with the heritage assets at Crewe Green.

This proposal would bring new development closer to the Conservation Area and would impact upon its setting. It would also bring urban development closer to the listed vicarage and its immediate environs, which is presently characterised by an open rural setting (albeit modestly impinged upon by the development of the Crewe Business Park and the employment units further along University Way). This site has a much more direct relationship with the Listed Building and the Crewe Green Conservation Area. Although substantial landscaping is proposed along the eastern boundary which has the most direct relationship to the assets, it will take considerable time to negate the visual impacts of the development. Therefore in the short to medium term at least the character of the Conservation Area and the Listed Building will be harmed by the proposal due to the impact upon their respective settings. This would represent less than substantial harm (para 193 of the NPPF).

The changes to the materials on the rear elevation of the proposed development and changing the landscaping to the rear to a mix of deciduous and evergreen are, would in principle reduce the impact of the proposal in the context of the relationship to the heritage assets. This will be further improved by setting back the close boarded timber fencing behind the landscaping area. It will be important to secure this area of planting as early as possible and at a level of maturity that establishes the landscape screen as effectively and quickly as possible.

Where there is less than substantial harm to a heritage asset the NPPF paragraph 196 states that *‘Where a development proposal will lead to less than substantial harm to the significance of a*

designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

In this case the principle of the retail use on this employment allocation is not accepted. As a result the public benefits of the proposal does not outweigh the less than substantial harm.

Archaeology

As part of the previous application the Councils Archaeologist stated that he does not consider that there is sufficient information to justify a recommendation for further archaeology work.

Landscape

The application site covers an area of approximately 1.86 hectares. The application site is located to the east by University Way; there are a number of commercial units located along the length of University Way. There is existing green infrastructure around the application site, including trees and hedgerows. To the south of the application site is Valley Brook and its associated boundary vegetation.

The proposals, as shown on the submitted Landscape Plan indicate that the existing boundary vegetation will be enhanced and that additional planting will take place between Valley Brook and the store, as well as more ornamental planting at the entrance area and within the site.

The Councils Landscape Architect has raised no objection to this proposed development.

Trees

There is tree cover around the periphery of the site and on adjacent land. The trees are not subject of TPO protection although some off site vegetation to the north east of the site, overhanging the site boundary lies within the Crewe Green Conservation Area. The woodland associated with the Valley Brook Corridor to the south of the site is a priority habitat.

The submission is supported by an Arboricultural Report. The report identifies 5 individual trees, four tree groups and a hedgerow. The report identifies that the development would result in the loss of one Grade C tree group of self set Goat Willow, Cypress and Hawthorn with a backdrop of large Laurel shrubs (located at the north west corner of the site).

The development is considered to be acceptable in terms of its impact upon the trees on and adjoining the site. This is subject to the imposition of planning conditions relating to tree protection measures, the submission of an Arboricultural Method Statement and a management plan for the Valley Brook woodland edge.

The proposed boundary fencing style has been revised for some sections which is welcomed. The 1.5 close boarded fence has been retained to the south of the access to the service area. The Councils Tree Officer is of the view that a more open style fence (perhaps an open mesh metal) would allow views to the Valley Brook woodland edge. This matter could be controlled by the imposition of a planning condition should the application be approved.

Ecology

Statutory Designated Sites

The application site falls into Natural England's SSSI impact risk zones for non-residential developments of over 1ha. In this case Natural England have been consulted and have raised no objection to the proposed development.

Valley Brook Wooded Corridor

The woodland located adjacent to Valley Brook supports a number of indicator species of established woodlands and is considered a Priority Habitat. Habitats of this type are a material consideration for planning.

To avoid a significant loss of biodiversity it must be ensured that the woodland is retained as part of the proposed development.

Great Crested Newts

A small population of Great Crested Newts is present at a pond a short distance from the application site. In the absence of mitigation the proposed development would result in a Medium Level adverse impact on this species as a result of the loss of terrestrial habitat and the risk of any newts present on site being killed or injured during the construction process.

To compensate for the loss of terrestrial habitat the applicant is proposing to enhance the remaining habitats on site and the creation of a new wildlife pond. The risk of amphibians being killed or injured during the construction process would be mitigated through the erection of one way fence which allows animals to leave but not re-enter the footprint of the proposed development. This would be controlled through the imposition of a planning condition.

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation of Habitats and Species Regulations 2017 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 of the C&NLP states that development will not be permitted which would have an adverse impact upon protected species or their habitats. Policy SE 3 of the CELPS states

that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development.

The NPPF advises LPAs to protect and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In terms of the Habitat Directive tests;

- The proposed development is not in the interests of public health or public safety. The site is allocated for employment uses (as explained above) and on this basis there are no imperative reasons of overriding public interest.
- There is satisfactory alternative and that would involve the redevelopment of the site for employment purposes in accordance with the policies contained within the Development Plan together with the required mitigation.
- The submitted mitigation means that there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range.

As the first two tests have not been met it is considered that the proposed development would be contrary to Policies NE.9 of the C&NLP and Policy SE 3 of the CELPS.

Common Toad

This priority species is also present on site. The formulation of a satisfactory Great Crested Newt mitigation and compensation strategy would also address potential impacts upon this species.

Other Protected Species

Evidence of other protected species activity was recorded around the site but no setts are present. The layout of the proposed development will maintain much of the existing habitat linkages for other protected species but will result in a localised loss of foraging habitat, which may have a minor impact.

In this case it should be noted that the submitted report is slightly out of date. If planning consent is granted an updated survey and any necessary mitigation measures can be controlled through the imposition of a planning condition.

Barn Owl

A Barn Owl survey has been undertaken. No evidence of roosting or nesting Barn Owls was recorded on site. This species is not reasonable likely to be present or affected by the proposed development.

Trees with bat roost potential

A number of trees have been identified as offering potential to support roosting bats. These are identified as Target Notes: TN4, TN5 and TN6 on the submitted Phase One Habitat Plan. The tree at Target Note TN6 is off-site and so would not be affected by the proposed development. Tree TN5 is a large Oak tree which is shown as being retained.

The dead tree at TN4 is not shown for retention on the submitted plans. To avoid any impacts on roosting bats the Councils Ecologist advises that the submitted plans should be amended to clearly show the retention of this tree. This could be controlled by the imposition of a planning condition.

A notable number of bat species was recorded on site during the bat activity surveys but the level of activity was however only moderate. The areas of highest bat activity will be retained as part of the proposed development. However to avoid any adverse impacts on bats resulting from any lighting associated with the development a condition could be attached requiring any additional lighting to be submitted and agreed.

Provided the above condition is attached and the eastern and southern hedgerows and associated vegetation are retained. The proposed development is not likely to have a significant adverse impact on foraging bats.

Hedgehog

Hedgehogs are a priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so this species may occur on the site of the proposed development. Provided the Valley Brook woodland is retained together with a corridor of semi-natural habitat around the boundary of the site the potential impacts of the proposed development on this species are likely to be low. A condition could be imposed to require the provision of brash/wood piles as Hedgehog habitat.

Reptile survey

No evidence of reptiles has been recorded on site and this species group is unlikely to be present or affected by the proposed development.

Loss of Biodiversity

The grassland habitats present on site, whilst not of Local Wildlife Site quality, do support a number of species which are indicative of higher quality habitats. Whilst not a significant constraint on development the loss of these habitats would result in a loss of biodiversity. Local Plan policy SE3 requires all developments to deliver an overall gain for biodiversity. The loss of the grassland habitats could be compensated for through the creation of the pond suggested above.

Habitat Creation and Management Plan

If planning consent is granted a condition is required to ensure that a detailed habitat creation management plan is submitted prior to the commencement of development.

Flood Risk/Drainage

The application site is located largely within Flood Zone 1 (low probability of flooding) although the access is located within Flood Zone 2 (medium probability of flooding) and the southern boundary along the existing watercourse is located within Flood Zone's 2 and 3 (high probability of flooding). The built form of the proposed development (the supermarket, service yard and carpark) would all be located within Flood Zone 1.

In this case the Councils Flood Risk Manager, the Environment Agency and United utilities have all been consulted as part of this application and have raised no objection to the proposed development subject to the imposition on planning conditions. As a result the development is considered to be acceptable in terms of its drainage and flood risk implications.

Energy Efficient Development

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

“non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.”

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

Other issues

Aldi have referred to the mixed use application at Mill Street/Lockitt Street, Crewe which includes a Lidl store. In this case the site was subject to a mixed use allocation and each application is determined on its own merits.

The call-in request from Cllr Marren refers to the highway issues associated with the existing store at GJRP and are discussed above.

Point's 'b' and 'c' of the call-in request are considered above also. In short the site is allocated for employment uses within the Crewe & Nantwich Local Plan. Clearly any application for employment uses would need to be considered in terms of its design, scale and impact upon the surrounding buildings and the area. It is not reasonable to accept the loss of an employment allocation due to perceived impacts.

Point 'd' of the call-in request refers to the previous application and the reporting of the petition to Members of Southern Planning Committee. The petition was handed to officers immediately before the meeting commenced and there was no opportunity to count the number of signatures before the meeting commenced. The petition was brought to the attention of Members and although it was not initially stated that this was in support of the application, this was clarified before the debate started and Members were aware it was in support of the application when they made their decision on application 18/3123N.

Cllr Marren refers to the loss of the employment if the existing Aldi store was to close. As stated elsewhere in this report JLL acknowledge that the store is 'significantly overtrading' demonstrating its popularity and successful trading. Any decision to close the store is purely a decision taken by Aldi and they have the option of remaining at the current GJRP site which would protect the existing jobs.

Cllr Marren's call-in refers to the application for judicial review to the High Court. As stated in the planning history section of this report the refusal of application 18/3123N was the subject of an application for judicial review to the High Court on grounds contesting the approach taken by two committee members to their declaration of personal/prejudicial interests and predetermination. These grounds were resisted by the Council. Aldi withdrew its claim on the morning of the Hearing. There are no outstanding allegations of unlawfulness.

CONCLUSION

The application site is an employment allocation as part of Policy E.1.1 of the C&NLP. The site has not been marketed for employment uses and the proposed retail development of this site would be contrary to Policy EG 3 of the CELPS.

The proposal is an out-of-centre retail development. There is no requirement for an impact assessment. It is considered that the proposed development would not have a significant adverse impact upon the vitality and viability of Crewe Town Centre or Haslington local centre. However, the sequential test has not been passed as insufficient information has been provided by the applicant to demonstrate that the existing GJRP site (which has consent for an extension as part of application 19/0128N) is unsuitable for the proposed development, and accordingly, that the site does not represent a sequentially preferable alternative and the proposed development is contrary to the NPPF and PG 5 of the CELPS.

The highways implications of the development are considered to be acceptable and the proposed development would comply with the Councils parking standards. The proposed development would comply with Policies BE.3 of the C&NLP and C02 of the CELPS.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with BE.1, BE.6 and NE.16 of the C&NLP and SE 12 of the CELPS.

The design of the proposed development is considered to be acceptable and there are no archaeology implications associated with this development. As a result the development complies with Policy SE 1 of the CELPS; and BE.16 of the C&NLP. However the proposed development would result in less than substantial harm upon the heritage assets. In this case the principle of the retail use on this employment allocation is not accepted. As a result the public benefits of the proposal does not outweigh the less than substantial harm.

The landscape implications of the proposed development are considered to comply with SE 4 of the CELPS.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy NE.5 of the C&NLP and Policies SE 3, SE 4 and SE 5 of the CELPS.

The impact upon protected species and habitats is largely acceptable. However as the principle of retail development on the site is not considered to be acceptable, the impact upon Great Crested Newts fails the tests within the Habitat Directive and the development is contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policies CE 13 of the CELPS and NE.20 of the C&NLP.

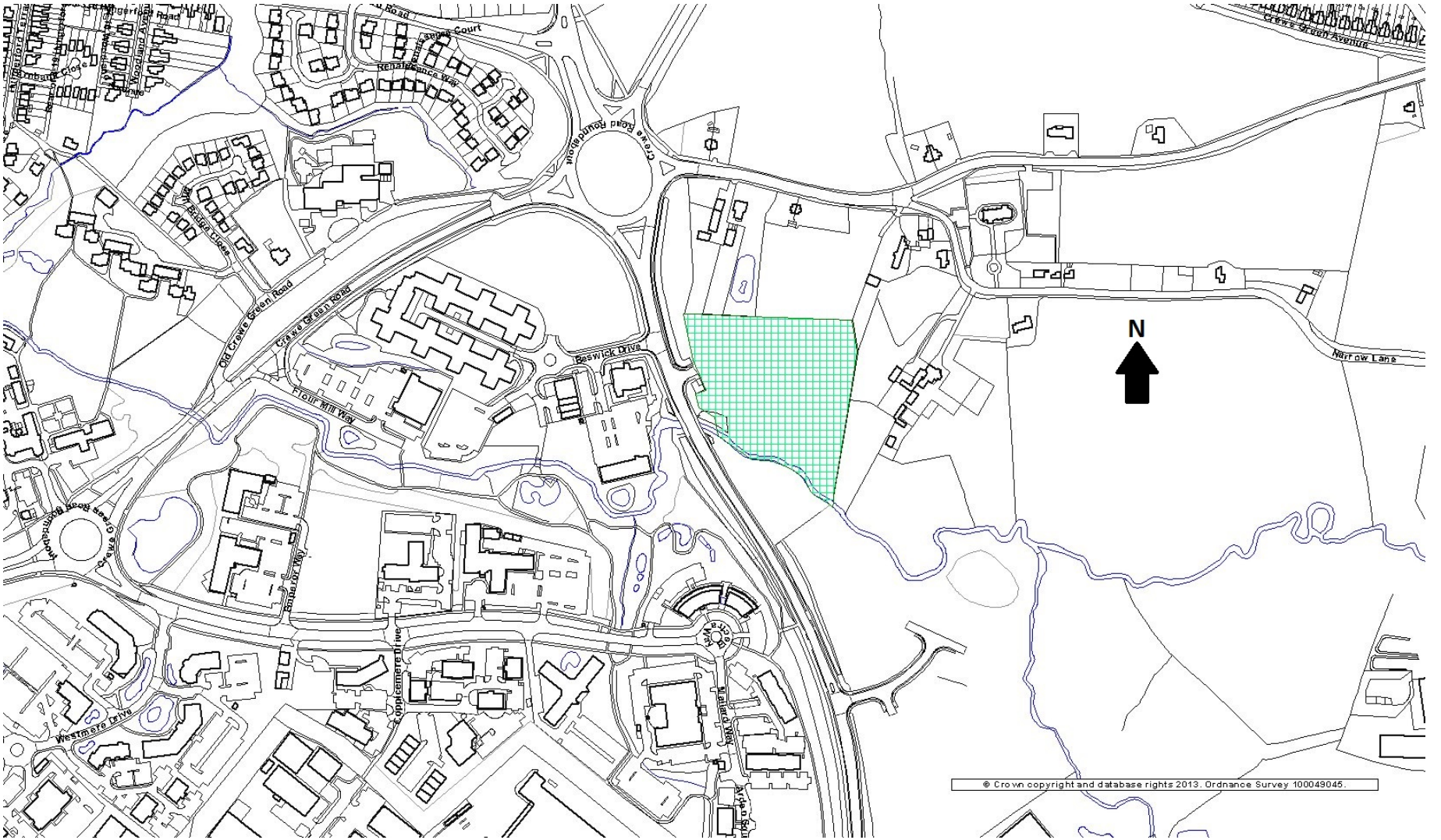
Finally the development of the site would have some economic benefits as identified above and this does attract some weight. However it should be noted that these benefits are likely to be less than those which would be secured if the employment allocation on the site was implemented.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. The proposed development is located within an area allocated for employment uses as part of Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The loss of the site for employment purposes would not maintain an adequate and flexible supply of employment land within this part of the Borough and insufficient reasons have been advanced to justify a departure from this policy. As a result the proposed development would be contrary to Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EG3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 2. The Local Planning Authority considers that insufficient information has been provided by the applicant to demonstrate that the Grand Junction Retail Park site is unsuitable for the proposed development, and accordingly, that the application site does not represent a sequentially preferable alternative. The proposed development is contrary to Policy PG 5 of the CELPS and the NPPF.**
- 3. There is a small population of Great Crested Newts present at a pond a short distance from the application site and this proposed development would result in a Medium Level adverse impact on this species as a result of the loss of terrestrial habitat and the risk of any newts present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 4. The proposed development would result in less than substantial harm to the heritage assets which adjoin the site. As the principle of the proposed development on a site allocated for employment uses is not accepted there are not considered to be public benefits which outweigh the harm. The proposed development is contrary to Policy SE 7 of the Cheshire East Local Plan Strategy, BE.7 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice



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Application No: 17/6471M

Location: Land off Hazelbadge Road, Poynton, Cheshire

Proposal: Full planning application for 134 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space

Applicant: Mr Sean McBride, Persimmon Homes (North West)

Expiry Date: 28-Feb-2019

SUMMARY

The proposal seeks to provide 134 dwellings on a site allocated within the CELPS for around 150 dwellings. Some conflict with the site specific principles of development listed under LPS 48 of the CELPS in terms of the bus service contribution, the railway car park contribution and the retention of habitats on the site has been identified. However, whilst the contributions towards the bus service to the town centre and the railway car park are not being secured, significant contributions are being made towards the Council's strategic project of the Poynton Relief Road to mitigate for the impact of the development. Similarly, whilst LPS 48 requires the retention of habitats, again for the reasons stated this cannot be achieved if the primary policy objective of delivering housing is to be realised on the site. Adequate off site mitigation is being provided.

The comments received in representation are acknowledged, and whilst some limited conflict with LPS 48 has been identified, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the proposals should therefore be approved without delay.

RECOMMENDATION

Approve subject to s106 agreement and conditions

DESCRIPTION OF SITE AND CONTEXT

The site is an 8.28 hectare greenfield site lying to the west Poynton. The site is located at the northern end of Hazelbadge Road, which is a residential cul-de-sac. Lower Park Primary School and its playing field is currently located at the end of Hazelbadge Road, and the application site borders the east, west and northern boundaries of the school. Hazelbadge Road runs between the school's eastern boundary and the application site. Poynton Brook runs along the eastern boundary of the site and the railway line runs along the western boundary beyond existing woodland on the western side of the site. The woodland is formally

protected by Tree Preservation Order and there is also a linear group of protected trees in the centre of the site. A number of public rights of way also cross the site. The site is allocated for housing development under policy LPS 48 in the CELPS, which allows for the delivery of around 150 new homes.

DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of 134 dwellings with associated access improvements, landscaping and public open space.

RELEVANT HISTORY

10438P - RESIDENTIAL (OUTLINE) – Withdrawn 30.08.1977

10309P - RESIDENTIAL DEVELOPMENT (OUTLINE) – Withdrawn 1.09.1977

35818P – HOUSING – Refused 13.01.1984

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

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 Heritage Assets

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 48 Land adjacent to Hazelbadge Road, Poynton

Macclesfield Borough Local Plan saved policies (MBLP)

NE9 Protection of River Corridors

NE11 Nature conservation

NE16 Nature Conservation priority areas

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 (PNP)

Poynton Neighbourhood Plan – Regulation 17 stage reached (Examination of the plan), therefore whilst the plan is at a relatively advanced stage only limited weight can be attached to these policies.

Relevant draft policies include:

EGB 6 Surface Water Management

EGB 8 Natural and Historic Environment

EGB 9 Access to the countryside

EGB 10 Improving access to the countryside

EGB 11 Landscape Protection and Enhancement

EGB 12 Landscape Enhancement

EGB 13 Woodland Retention and Enhancement

EGB 14 Protection of Rural Landscapes

EGB 15 Protect landscape and other key views within Poynton

EGB 16 Nature Conservation

EGB 17 Wildlife Corridor

EGB 19 Development of Additional Facilities

EGB 20 Additional Allotments

EGB 24 Heritage Assets

HOU 2 Amount of Housing Development

HOU 6 Infrastructure for Strategic Housing Sites

HOU 7 CECLP July 2017 Strategic Sites
HOU 9 Land at Hazelbadge Road
HOU 15 Housing Mix
HOU 16 Density of Development
HOU17 Environmental Considerations
HOU 18 Density and Site Coverage
HOU 19 Affordable Housing
HOU 21 Design
TAC 1 Walking
TAC 2 Cycling
TAC 3 Cycle Parking
TAC 8 Traffic Volumes
HEWL 1 Encouraging a Healthy Lifestyle
HEWL 2 Getting About within Poynton and its Environs
HEWL 4 Sports and Social Activities for All
HEWL 5 Growing Up in Poynton

CONSULTATIONS (External to Planning)

There have been two rounds of consultation on the application, one in January 2018 and one in February 2019. The responses below are the most up to date from each consultee.

Environment Agency – No objection subject to conditions relating to groundwater and contaminated land

United Utilities – No objection subject to drainage conditions

Network Rail – Provide comments on the following: S106 funds should be sought for improvements to Poynton Railway Station; requirements for open space; risk assessment for works close to railway; safety of railway; scaffolding; vibro-compaction machinery / piling machinery; drainage; excavation and earthworks; gaps to railway boundary; noise mitigation; trees; roads / hardstanding

Housing Strategy & Needs Manager – No objection

Flood Risk Manager – No objection subject to conditions relating to FRA and surface water drainage

Environmental Health – No objection subject to conditions relating to noise mitigation, electric vehicle infrastructure, ultra low emission boilers, anti-idling signage and contaminated land

Education – No objection subject to a financial contribution towards local primary and secondary schools

Public Rights of Way – Initially objected due to obstruction of 2 rights of way. Revised plan showing diversion is a welcome amendment.

Head of Strategic Infrastructure – No objections subject to conditions relating to a revised travel plan, a construction management plan, and implementation of highway improvements, and financial contributions towards the Poynton Relief Road, Traffic Regulation Order along Hazelbadge Road, provision of a new bus stop opposite Hilton Grove and bus service improvements to be secured through a s106 agreement.

ANSA – No objections subject to confirmation of play space equipment

CEC Leisure – No objection subject to a financial contribution of £22,500 for health & fitness equipment at Poynton Leisure Centre

Cheshire Archaeology Planning Advisory Service – No objection

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

Poynton Town Council –

January 2018

Recommend refusal on the following grounds:

- Overdevelopment and over intensification of use causing harm to character and appearance of area
- Adverse impact on Green Belt
- Unsustainable - fails to address key matters of infrastructure, impact on local and site amenities and flood risk and mitigation
- Unacceptable increase in traffic at the junction of Hazelbadge Road and Chester Road and creates highway safety risk
- A6MARR and PRR should be completed prior to the site being considered for development
- Access along Hazelbadge Road will have detrimental impact on adjacent properties
- Contrary to sustainable environment policies SE3, SE4 and SE5 concerning matters of biodiversity and geodiversity, landscape and trees, hedgerows and woodland
- Application submission makes no attempt to assess social and community infrastructure needs to be generated from this development
- Risk of surface water run-off from the site which would drain towards Poynton Brook which has suffered serious flooding in recent years.
- Fails to comply with the Borough Council's Statement of Community Involvement
- Adverse impact on the Poynton Brook wildlife corridor
- Insufficient and contradictory information to allow a full and informed assessment of the development now being proposed
- Public Footpaths, Poynton with Worth numbers 43 and 46, will be obstructed by the proposed development
- Inadequate visibility at the point of access onto Chester Road
- Contrary to the interests of highway safety due to the fact that a number of turning movements into and out of the site
- Contrary to the interests of highway safety as it would result in additional traffic using Hazelbadge Road and Chester Road which are already used at unacceptable levels.
- The development would adversely affect the free flow of traffic on Chester Road.

- By reason of its design, in particular the 3 storey mews and apartment blocks, would adversely affect the character and appearance of the area which it is located
- The apartments and to some extent the mews houses, the scale and form of these are totally out of keeping with the surrounding buildings
- Identified by Cheshire Wildlife Trust as having medium and high values on the habitat distinctiveness score as well as a wildlife corridor. The mitigation plan only focuses on Great Crested Newts and not the other variety of wildlife such as badgers and bats
- Contamination of site in area of former gas works and brick works
- Proposals do not adequately address the impact the construction works will have on the school, in terms of noise and dust

February 2019

- Overdevelopment and over intensification of use causing harm to character and appearance of area
- Adverse impact on Green Belt
- Unsustainable - fails to address key matters of infrastructure, impact on local and site amenities and flood risk and mitigation
- Do not adequately address the adverse impact that the construction works will have on the school, in terms of noise, dust or the danger from construction traffic
- Unacceptable increase in traffic at the junction of Hazelbadge Road and Chester Road into the proposed new estate and would create highway safety risk
- A6MARR and PRR should be completed prior to the site being considered for development
- The application is unneighbourly in that the access road will have a serious detrimental impact on adjacent properties.
- The proposed development is contrary to sustainable environment policies SE3, SE4 and SE5 concerning matters of biodiversity and geodiversity, landscape and trees, hedgerows and woodland.
- The application submission makes no attempt to assess social and community infrastructure needs to be generated from this development
- There is some risk about run-off of surface water from the site which would drain towards Poynton Brook which has suffered serious flooding in recent years.
- The application fails to comply with the Borough Council's Statement of Community Involvement
- The development would have an adverse impact on the Poynton Brook wildlife corridor as identified by the Cheshire Wildlife Trust in the submitted Poynton Neighbourhood Plan
- The planning application provides both insufficient and contradictory information to allow a full and informed assessment of the development now being proposed

March 2019

- Support concern raised by parents of children attending the primary school about the highway and personal safety
- Support the assessment of the Council's Design Officer
- Cheshire East Public Right of Way team continues to object to the development as the applicants have to date failed to commence the process for the diversion of appropriate footpaths

- The Borough Council is requested to ensure that site investigative works to enable this development to progress are undertaken by the developer and their advisors and prior to the grant of any planning permission
- Highway authority approach is very limited and fails to assess the impact of the development on the local community as national planning policy requires
- The Town Council endorses the concerns expressed by the Headteacher in the published letter and would request that if planning permission is granted for the development being proposed, the council should seek to meet the Headteacher's requests through an appropriate planning agreement or condition.

OTHER REPRESENTATIONS

Letters have been received from local residents, the neighbouring school, interested parties and the local MP.

January 2018

99 letters of representation were received objecting to the proposal on the following grounds:

- Impact on local school
- Exacerbate existing issues on Hazelbadge Road
- Impact on other local services, doctors etc.
- Impact on highway safety
- No additional infrastructure planned
- Inadequate infrastructure in Poynton
- Increased congestion
- Allocation in local plan does not validate proposal to build 147 houses
- Hazelbadge Road too narrow to accommodate additional vehicles
- Safe and suitable access cannot be provided
- Service vehicle access is impossible and will not be improved by increased traffic flows
- Plans show road up to boundary with GB - contract to site specific principles of development
- No land for railway station parking and no contribution towards public transport links
- Measures need to be put in place to ensure site is built out
- Risk of injury to school pupils
- Loss of open space
- Impact on wildlife
- Effects on drainage of the area
- Disruption to residents during construction
- Existing school traffic blocks access to properties
- Little consideration given to pedestrians and cyclists
- Increased flood risk
- Allotments planned on contaminated land
- Impact on protected trees
- Visibility at Chester Road inadequate
- Double yellow lines will be ignored by parents
- Second access via Glastonbury Drive should be considered
- Loss of grassland habitats and wildlife
- Station traffic already parks on Hazelbadge Road
- 22/01/18 between 8 & 9am 84 cars delivered children to school

- 24/01/18 between 8 & 9am 109 cars delivered children
- Car park promised by Persimmon on the school playing field not provided
- Mini roundabout inadequate for coaches to turn around
- Improvements to public footpaths should be made
- Contamination to western part of site
- Loss of biodiversity
- Who will be responsible for cost of management of open spaces
- Parking will be displaced to other nearby roads
- How will yellow lines be policed
- Increased noise and pollution
- Plans do not account for public rights of way
- Riverside walk and community orchard should be provided
- Traffic survey carried out at the end of term - false results
- Negative impact on character of Poynton
- No need for site to be released from GB as other sites can meet housing targets for Poynton
- No bungalows and starter homes provided
- Inadequate traffic modelling
- Cul-de-sac exceeds guideline maximum distance of 350m
- Height of some of the dwellings is out of keeping
- Impact of dust and noise on school children
- Access to train station should be provided
- A6 MARR and PRR will not reduce traffic to this site
- Roadwork should be done during the night
- Loss of pavement opposite school - should be reinstated to maintain safe walking route
- Housing mix incorrect - 5 bed houses not required, smaller 2 & 3 bed houses needed
- 3 storey apartments are an overbearing form of building in an area of predominantly 2 storey housing contrary to design guide
- Over development
- D&A indicates density to parcels 1, 2, 3, 5 & 6 will be between 33 & 60 units per hectare - 30 units per hectare proposed in neighbourhood plan
- Garages do not appear wide enough to accommodate a car
- Biodiversity is more extensive than applicants reports suggest
- Unacceptable impact on Poynton Brook Wildlife Corridor as identified in PNP
- Access along Hazelbadge Road will have detrimental impact on adjacent properties
- Contribution required to support local infrastructure, improve pedestrian and cycle access to station, secure cycle parking
- Derelict bridge over brook should be reinstated
- Construction management plan required to protect school
- Vehicles exceed 30mph along Chester Road mean visibility should be greater
- Nearby Woodford development traffic excluded from TA
- Inadequate parking for staff on school site
- Waiting restriction will prevent availability problem of parking for staff. The school needs a car park
- Lower Park Primary will not benefit from SC06 money - should be used to address specific issues of the school. e.g. new windows of cost f £80,000, boundary fencing for privacy
- Piled foundations will cause disturbance

- Main access should be re-routed along old railway embankment route away from school
- Inadequate air quality data (start from 7/2)
- Health Impact of building phase
- Traffic modelling software struggles to reproduce current peak hour conductors and is inadequate
- Land is on a flood plain
- Impact on GB
- Over development is over intensification
- 4 years of construction will have an impact children's education
- Site plan does not include highways works
- No construction management plan submitted
- No energy statements submitted
- Highways works not clear
- No swept path analysis for larger vehicles at Hazelbadge Road / Chester Road junction
- Safety audit should be carried out
- Any fence needs to be agreed with school
- Noise assessment incorrect and impact on school not considered
- Air quality assessment does not identify school as sensitive receptor
- Details of construction process should be considered prior to determination in consultation with school
- Play area should be moved away from existing residences
- Retirement accommodation is needed
- Many other housing developments taking place to address Poynton's housing needs
- Site previously refused PP due to access

February 2019

159 letters of representation were received objecting to the proposal reiterating the points above and on the following grounds:

- Any site visit should be done during term time at peak hours
- Site specific principles of development in LPS should be adhered to
- Impact on Poynton Brook
- Risk to health of pupils and homeowners
- Impact on highway safety
- All previous comments should be considered
- Road no wide enough to cope with additional traffic
- Bee bricks and bat boxes should be incorporated into buildings
- No public access recreation provision
- Double yellow lines should only be implemented following discussion with residents
- Yellow lines must not be considered
- Land is Green Belt
- Hazelbadge / Chester Road junction is dangerous
- Does not mitigate school traffic
- Still no car park provided on playing fields
- Old bridge should be replaced
- Impact on wildlife
- Loss of greenspace

- Homes not needed
- Details of improvement works should be available for review
- Increased noise and air pollution
- Bin lorries and fire engines cannot access properties
- Impact of construction traffic
- Inadequate parking
- Impact on village infrastructure
- Increased flood risk
- Enhancement works at Kerridge Hill do not mitigate for impact of development in Poynton
- Impact on infrastructure
- Poynton Relief Road must be completed before this site should be considered for development
- Loss of trees, hedgerows and woodland
- Damage to Poynton Brook Wildlife Corridor
- Does not respond to comments of the local community
- Impact of three-storey buildings on Green Belt
- Conclusions within LVIA are worthless
- No provision of housing for the elderly or bungalows
- Discrepancies in numbers of dwellings proposed in application documents
- Concur with all 13 points raised by Town Council
- Lack of thought shown to the school and protection of its pupils
- Land should not have been removed from the Green Belt
- Yellow lines will displace parking to other roads
- Road spur to north is unnecessary and suggests boundary will not endure
- Little provision for cyclists or pedestrians
- Brownfield sites should be used
- Concern over safety and welfare of children
- School will not directly benefit from the proposal
- Additional zig-zag lines should be put into place between the two existing zig-zag lines to help prevent cars from double parking at this most critical and busiest section of Hazelbadge Road.
- Impact of construction traffic / process
- Poynton has limited employment opportunities so more people will travel out of Poynton to work, which means more traffic
- A residents survey of the traffic on Chester Road on Monday 11th February 2019 between 08.00 am and 09.00am produced the following information:
 - 841 Vehicles traveling westwards away from Poynton centre, including 24 lorries, 5 buses and 7 bikes
 - 693 vehicles traveling eastwards towards Poynton centre including 23 lorries and 15 bikes
 - 202 vehicles emerging from Clifford Road to travel west.
 - 66 uses of the Pedestrian Crossing
- These figures exceed those in a previous survey taken before the opening of the bypass and it is clear that traffic has increased along Chester Road rather than decreased as residents were promised.
- Revised submission is technically deficient

- No Construction Environment Management Plan submitted
- Increased congestion
- Unneighbourly
- Might contaminate the water supply to Poynton
- Community should be fully involved
- Housing type
- Application documents refer to width of road as 5.5m wide, when it is 6.1m wide
- Fencing off contaminated land is inappropriate

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 48 states that the development of Land adjacent to Hazelbadge Road 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. The creation of links with footpaths to the north and east; 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. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.

The proposal for 134 dwellings is considered to meet the definition of "around 150 new homes" and is therefore considered to be acceptable in principle. The delivery of the site for residential development will contribute towards the Council's housing land supply and assist in meeting the development requirements of Poynton and the wider Borough. The further requirements of policy LPS 48 are considered further below.

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 a full application for 134 dwellings, in order to meet the Council's Policy on Affordable Housing there is a requirement for 40 dwellings to be provided as affordable units. 26 units should be provided as Affordable rent and 14 units as Intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Poynton as their first choice is 114. This can be broken down to 58x 1 bedroom, 36x 2 bedroom, 15x 3 bedroom and 5 x 4+ bedroom dwellings. The majority of the need in this area is therefore for smaller dwellings.

The applicant's Affordable Housing Statement explains that they are providing the full policy requirement in Affordable housing. The proposal will provide:

Intermediate tenure

3 x 1 bed three-storey "F4" apartments
3 x 2 bed three-storey "F4" apartments
8 x 3 bed two-storey semi-detached "Hanbury" dwellings

Rent

4 x 1 bed two-storey "Beadnell" apartments
3 x 3 bed two and a half storey "Moseley" mews dwellings
7 x 2 bed two-storey "Alnwick" terraced dwellings
6 x 1 bed three-storey "F4" apartments
6 x 2 bed three-storey "F4" apartments

The Housing Strategy and Needs Manager is satisfied that the submitted Affordable Housing Statement and the Affordable Housing Plan are meeting the identified housing need. The units are adequately pepper potted across the site, and as such the proposal is in accordance with policy SC5 of the Local Plan. A query was raised by the Housing Strategy & Needs Manager seeking confirmation that Registered Providers will take the apartments with the extra communal service charges that can be associated with them. Confirmation has been received from a Registered Provider (MSV Housing) that they are willing to take the affordable housing as proposed, which satisfies this query. The affordable housing provision should be secured as part of the s106 agreement.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

This is reflected in draft policies HOU 9 and HOU 15 of the Draft PNP. HOU 9 states that given the size and location of the Hazelbadge Road site, a mixture of 2, 3, and 4 bedroom properties should be achievable.

The proposed development comprises:

16 x 5 bed units
32 x 4 bed units
22 x 3 bed units
9 x 2 bed units
15 x 1 bed units

Taken together with the affordable provision outlined above, the proposed residential mix is considered to meet the requirements of policy SC4 of the CELPS, and the draft policies of the PNP.

OPEN SPACE

The local plan allocation (LPS 48) states that the development of this site should include "*an appropriate level of amenity open space and children's play space*" and "*Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities*

to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.”

Public Open Space

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 proposal for 134 dwellings triggers a requirement for 2,680sqm of formal and informal play provision in line with policy SE6 of the CELPS. A play area is now proposed on the northern boundary, which meets the size requirement for the children's play space provision. The formal play area, which will include 8 items of equipment in a combined LAP and LEAP, is now located alongside an area of free-play amenity grass, to provide a comprehensive opportunity for formal and informal, imaginative and social play and activity. A gate will need to be provided between the fenced play area and amenity space, which can be dealt with as part of recommended landscape conditions.

2680sqm of amenity greenspace is also required, and the site plan indicates that over 6,000sqm of amenity greenspace will be provided, including over 3,000sqm around the protected trees in the centre of the site.

The same amount (2680sqm) is required for green infrastructure, and again provision of this type of open space exceeds the amount required by policy SE6, with over 9,000sqm being provided across the site.

In terms of allotments, the requirement is 5sqm per family dwelling. It was initially proposed to include allotments to the west of the site close to the woodland, however, due to the contamination issues associated with this part of the site (explained further below), a financial contribution for offsite provision will be required. The contribution is calculated on the basis of £562.50 per family home and £281.25 per apartment and will be used to expand, enhance and improve allotment and community garden provision in Poynton, on existing sites and new opportunities in line with policy EGB 20 of the draft Poynton Neighbourhood Plan.

There are 46 apartments and 88 family dwellings which results in a required allotment and community garden contribution of £61,937.50 (£49,500 for the family dwellings and £12,937.50 for the apartments).

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

Outdoor sports facilities

In terms of outdoor sports facilities, the proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family [2+bed] dwelling and £500 per 2+ bed apartment. There are 88 family dwellings and 18 2 bed apartments within the proposed development. This results in a required contribution of £97,000 (£88,000 for the dwellings and £9,000 for the apartments). The funds would be required on commencement of development and would be used in line with the Council's adopted Playing Pitch Strategy and the FA's Local Football Facilities Plan at Deva Close Playing Fields Poynton.

Indoor sports facilities

The Indoor Built Facility Strategy has identified that any existing shortfalls for Poynton should look to focus on improvement of provision 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 fully addressing 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 Poynton Leisure Centre to accommodate localised demand for indoor physical activity.

A contribution of £22,500 is therefore sought to address this increased demand. This has been calculated as follows:

134 dwellings at 1.61 people per residence = a population increase of 216

- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East = 92 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:

x 3 running machines (£6,500 per treadmill), x 1 resistance / weight pieces (£3,000 per piece). Total £22,500

For the above reasons the proposal is considered to comply with the open space and sport and recreation requirements of LPS 48 and policies SC2 and SE6 of the CELPS.

EDUCATION

One of the site specific principles of LPS 48 in the CELPS is "contributions to education and health infrastructure".

In the case of the current proposal for 134 dwellings, this is expected to generate:

25 primary children (134 x 0.19) – 1 SEN

20 secondary children (134 x 0.15) – 1 SEN

2 SEN children (134 x 0.51 x 0.023%)

The development is expected to impact on 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 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. It is acknowledged that this is an existing concern, however the 2 children expected from the proposed 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.

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

$24 \times £11,919 \times 0.91 = £260,311$ (primary)

$19 \times £17,959 \times 0.91 = £310,511$ (secondary)

$2 \times £50,000 \times 0.91 = £91,000.00$ (SEN)

Total education contribution: £661,822

Without a secured contribution of £661,822 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, 24 primary children, 19 secondary children and 2 SEN children would not have a school place in Poynton, and the proposal would not comply with LPS 48 in the CELPS.

HEALTHCARE

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application noting that Poynton is serviced by two GP practices with a combined patient population of 17,551. As a Key Service Area (identified in the CELPS), there are a number of sites identified for housing development within Poynton and surrounding geographical areas. Additional growth in patient numbers will add pressures to the GP practices, with an increase in clinical and non-clinical staff required in order to meet these future patient needs.

The two GP practices in Poynton - Priorsleigh Medical Centre and McIlvride Medical Centre - had 17,551 registered patients in January 2018. The predicted number of patients in 2028 (based on annual 1% growth plus known planned housing developments) is 20,390.

Priorsleigh Medical Centre operates from a purpose built, GP owned premises, which opened in 1995 and is situated in the centre of Poynton. Increases in the local ageing population, along with a vision to transform the way in which Primary Care is delivered has given rise for further development and expansion of the Medical Centre going forward. Expansion of the building has been supported by the CCG via the NHS England Estates & Technology Transformation Fund (ETTF), however it is acknowledged that this NHS funding source will not be sufficient to cover 100% of any planned expansion costs.

McIlvride Medical Practice operates from GP owned premises in the centre of Poynton. The GP practice consists of a single building which is now at capacity. Due to the location of the building, expansion options are limited. Development to restructure the internal layout of the GP practice would be supported by the CCG in order to optimise existing space.

Additional growth in patient numbers will add further pressures to the two GP practices, with an increase in clinical and non-clinical staffing numbers will require expansion or redevelopment of the Priorsleigh site and internal structural changes at the McIlvride sites. Both Priorsleigh Medical Centre and McIlvride Medical Centre are open to further development of their sites for the benefit of the local patient population, and there is an expectation that further development will be needed in order to meet the projected increase in local population over the next 5-10 years. Both GP practices are therefore actively engaged with the CCG in investigating potential primary care estates development opportunities. Both GP practices have identified estates development work which, if funding can be sourced, would allow for further expansion and greater utilisation of the buildings.

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.

Size of Unit	Occupancy Based on Size of Unit	Assumptions	Health Requested per unit	Need/Sum
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	

The proposed development comprises:

16 x 5 bed units
32 x 4 bed units
33 x 3 bed units
25 x 2 bed units
28 x 1 bed units

As such the CCG requests a contribution to health infrastructure via Section 106 of £133,344 based on the proposed 134 dwellings, and the occupancy stated above. This would comply with policy LPS 57 of the CELPS.

LIVING CONDITIONS

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.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity

and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located along the eastern spur of Hazelbadge Road and a separation distance of over 30 metres is achieved between these existing dwellings and the proposed development. Properties to the east on Kirkstall Close, Furness Close, Whitby Close and Easby Close are over 50 metres from the nearest of the proposed dwellings on the opposite side of the vegetated Brook corridor. These relationships with the nearest existing dwellings are considered to result in acceptable standards of amenity for existing and proposed residents having regard to the distance guidelines set out above.

Similarly the layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants. The development is therefore considered to be in accordance with policies DC3 and DC38 of the MBLP.

NOISE

Policy SE12 of the CELPS seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise, and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

Policy DC14 of the MBLP states that development may be permitted provided that the effects of noise can be mitigated by soundproofing measures.

The applicant has submitted an acoustic report which considers the impact of the noise from the nearby road, rail and school on the proposed development in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings Department of Transports (1988) Calculation of Road Traffic Noise (CRTN). This is an agreed methodology for assessing noise of this nature.

The noise report identifies that railway noise is sufficiently low, and no mitigation measures are necessary in respect of railway noise. However, acoustic fencing is recommended for the gardens of houses that will be nearest to the school and its playing field. The assessment of noise impact from the use of Hazelbadge Road to access the development concluded that traffic generated by the proposed development would not result in any significant noise impact upon existing dwellings on Hazelbadge Road. Environmental Health advises that the conclusions of the report and methodology used are acceptable. The proposed mitigation can be secured by condition.

A number of the letters of representation raise concern about the impact of the development upon the adjacent school particularly during the construction phase in terms of noise, as well as vibration, dust etc. Impacts during the construction phase are a temporary manifestation of the development process, and as such will be temporary in nature. A residential development itself does not raise any significant concerns in this regard and it is considered

that a construction environmental management plan (CEMP) can ensure that any such impacts upon existing development are minimised. The submission and implementation of a CEMP can be secured by condition.

Subject to the conditions referred to above, the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP.

AIR QUALITY

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

When assessing the impact of a development on local air quality, it is necessary to have regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2017).

Air quality impacts 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 uses ADMS Roads to model Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1 (S1): '2016 Baseline' representing the 'existing' air quality situation in 2016
- Scenario 2 (S2): '2022 Without Development' (without the proposed development in place, but with the A6 Manchester Airport Relief Road (A6MARR) and the Poynton Relief Road (PRR) in place);
- Scenario 3 (S3): '2022 With Development' (with the proposed development, the A6MARR and the PRR in place

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to NO₂, PM₁₀ and PM_{2.5} concentrations, with none of the receptors experiencing greater than a 1% increase.

However, it is necessary to consider the cumulative impact of a large number of developments in a particular area. Particularly, the impact of transport related emissions on Local Air Quality. Taking account of 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.

A travel plan will be implemented for this site, which will help to promote alternatives to the private car, in the interests of air quality. However, further mitigation measures are recommended to reduce the impact on sensitive receptors in the area. Therefore, conditions are recommended relating to the provision of electric vehicle infrastructure across the site, and the provision of anti-idling signage in order to prevent accumulations of poor air quality in the area around the school, particularly where the designated short stay parking bays will be. Subject to these conditions, the proposal will comply with the air quality aspects policy SE12 of the CELPS.

Environmental Health also recommended a condition relating to the provision of ultra low emission boilers; however such a condition is not considered to be necessary or reasonable.

PUBLIC RIGHTS OF WAY

There are three public rights of way within the site, and the original layout showed that Public Footpaths Poynton with Worth nos. 43 & 46 (which head north east and north west respectively) will be obstructed by the proposed development. As there was no mention of the legal alignments requiring a diversion order under s. 257 of the TCPA 1990 or being appropriately accommodated (not along the principal streets) within the site layout the Public Rights Way team objected to the proposal.

The application documents originally showed the Public Right of Way running along the estate roads. It should be noted that national guidance on Rights Of ways states that any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

Revised plans have been received that now divert footpaths 43 and 46 through the green infrastructure to the east of the site, away from estate roads. The Rights of Way team have confirmed that the revised plans achieve the requirement to seek off road diversion routes for the public footpaths affected by development, and are therefore a welcome amendment. They also note that there would be a number of details to iron out when an application to divert under s.257 TCPA is made.

The other public right of way Footpaths Poynton with Worth no. 88 is unaffected by the proposal.

ACCESSIBILITY

Pedestrian and cycle access will be provided from the same location as the vehicular access off Hazelbadge Road. Foot and cycle access will be available to nearby facilities, namely the primary school, railway station and shops/local services in Poynton centre, which is less than 700m from the application site. The development will also provide a footpath link from the north of the site onto the existing public right of way network north of the site boundary.

Poynton railway station, which provides frequent rail services to Stockport/Manchester and Macclesfield is less than 400m from the application site and is within walking distance along existing footways.

Bus services are accessed via nearby bus stops which have services to Macclesfield and Poynton/Stockport. Further details on this service are discussed in the Highways section below.

The local plan allocation for this site (LPS 48) requires *“the creation of links with footpaths to the north and east; and 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.”*

In this regard, the Public Rights of Way team originally requested that the applicant delivers improvements such as:

- a) Provide a fenced surfaced path for Poynton Footpath No. 43 which runs northwards from the site along the edge of an agricultural field to Lower Park Road for pedestrians and potentially cyclists.
- b) Widen Poynton Footpath No. 88 to a minimum 3m usable width, including the bridge structure, as a shared use pedestrian/cyclist route.
- c) The improvement of the permissive path within Cheshire East land on the east side of the brook – complaints are received from the public about the condition of this path: under the development proposals the footfall would increase and therefore worsen the condition.

The development as proposed provides links with footpaths to the north and east. As such, a fenced 3m wide surfaced path for FP No. 43 running from the north of the site is not considered to be necessary to make the development acceptable in planning terms. This would also require encroachment into the Green Belt and require land that is outside of the control of the applicant or the Council. Footpath 88 leads eastwards from the site over the Brook, but opportunities for widening are restricted between two residential properties on Kirkstall Close, which prevents the widening of its full length from the site to Kirkstall Close. The PROW team have since confirmed that due to the constraints of the path width at its eastern end, and the limitations of the trajectory into the housing estate, rather than the town centre, it is recognised that the quality and width of the bridge structure is considered to be adequate for present and future footfall.

As noted above, pedestrian and cycle access will be provided from the same location as the vehicular access off Hazelbadge Road, which will provide suitable links to those facilities specified in LPS 48. With regard to the permissive path, it appears that there is an existing issue with the surface of this path, and it is considered to be unreasonable to expect the developer to address a pre-existing issue. In addition to this the development includes diverted public rights of way routes through the green infrastructure within the site, which connect into the wider PROW network.

There are existing cycle lanes along Chester Road which start to the east of the pedestrian crossing on Chester Road and lead to the shared surface in the town centre. These lanes have faded over time and do require re-painting. Given that this will be the main route to the town centre for cyclists, and having regard to the requirements for cycle lane provision in policy LPS 48, it is considered that in order to promote cycling as a viable option for travel to and from the site, the developer should fund the painting of these lanes, which can be secured as part of the s106.

Subject to this improvement scheme, in terms of the accessibility of the site for pedestrians and cyclists, the proposal is considered to comply with the relevant requirements of LPS 48.

HIGHWAYS

Hazelbadge Road runs in a north-south direction and provides access to the existing primary school as well as other small residential roads. Along the length of Hazelbadge Road, the carriageway measures 6.1m in width with footways between 1.8m and 2m wide on either side of the carriageway. There is a kerbed build-out in the vicinity of the school which acts as traffic calming and provides a shorter pedestrian crossing point. The carriageway width in this location is effectively narrowed as on-street parking takes place in this location.

Access to Hazelbadge Road is currently achieved through a simple priority controlled T junction with the A5149 Chester Road forming the major arm. The nearby A6 extension to Manchester Airport, also known as the A6 MARR, is now operational having opened in October 2018.

To the east of the junction of Hazelbadge Road and Chester Road there is a signalised pedestrian crossing. To the east of this crossing there is a cycle lane between the footway and carriageway on both the north and south sides of the road. This runs towards Poynton town centre and terminates immediately prior to the shared surface arrangement at the A5149 Chester Road / A523 London Road / Park Lane double mini roundabout.

Along Chester Road there are bus stops as well as an eastbound bus stop with shelter and timetable information to the west of the railway line

Public Transport

Pedestrian and cycle matters have been considered above. In terms of public transport LPS 48 requires *“Contributions to existing and the provision of new, public transport links to the town centre or contributions towards or the provision of land for additional car parking for Poynton Railway Station”*. CEC Highways have requested a financial contribution of £100,000 towards bus service improvements.

The policy refers to public transport links to the town centre. The town centre is less than 700m from the application site, and is approximately 300m from the nearest bus stop at Hilton Grove. Contributions are usually sought to mitigate for the impact of a development. Having regard to the distances involved, it is considered to be very unlikely that new residents from the application site would walk to the bus stop and then get on a bus for the last 300m (approximately) of the journey to the town centre. Whilst this might happen, it would not be at a level that would place additional pressure on bus services to justify a financial contribution. This does mean that there would be some conflict with LPS 48, however given the circumstances outlined above and other contributions the applicant is making towards strategic highways projects of the Council (the Poynton Relief Road), this conflict is considered to be acceptable.

CEC Highways have also requested £5,000 to facilitate the provision of a bus stop opposite Hilton Grove, incorporating a flag pole, timetable information and appropriate kerbing. This is considered to be justified as it does help to increase the sustainability of the site by providing a bus stop for services to wider areas outside of Poynton.

With regard to the railway station car park, it is understood that since the station has started to charge to park here, it is underused, with vehicles being displaced to surrounding residential streets including, as many of the representations note, Hazelbadge Road. The case officer has visited the railway station on 3 separate occasions and every time spaces have been available. In addition given the proximity of the application site to the station, it is unlikely that residents would drive to the station. Once again a contribution or additional land for car parking is not considered to be necessary to make the development acceptable in planning terms, and again for the same reasons as the bus service contribution, this conflict with LPS 48 is considered to be acceptable.

Network Rail has provided extensive comments on the application, which include a request for financial contributions towards:

- *Level access to the ticket office area – Currently access is via the gate adjacent to the station building, this would require mods to the door & potentially ramps - £15k*
- *Cycle hoops adding to both sides of the station – £10k*
- *Resurfacing of the road leading up to the station building with additional car parking & traffic management - £30k*
- *Improve platform surfaces - £30k*
- *Store room to be converted for community use - £10k*
- *Overall cosmetic investment in the station facilities (painting, glazing in windows, new fencing etc) - £25k*

These appear to be existing issues that are not necessary to make the development acceptable in planning terms; not directly related to the development; and not fairly and reasonably related in scale and kind to the development. Accordingly they cannot be sought from the applicant. The other comments raised by network rail can be addressed by an informative / note on the decision notice to make the applicant aware of their obligations towards the railway.

Safe and suitable access and parking provision

Vehicular access to the development will be provided from Hazelbadge Road through the continuation of the existing carriageway into the site. The access road within the site will provide a standard 5.5m wide carriageway and 2m wide footways on both sides of the access road.

Immediately north of the current adopted highway boundary a mini-roundabout will provide access to the eastern and western sides of the site. This mini-roundabout will also assist with turning movements associated with the nearby school.

To assist the movement of vehicular traffic the widening of Hazelbadge Road on the eastern side of the carriageway to provide on-street parking lay-bys is proposed by the applicant. This will consist of a row of short-stay parking bays and will be located adjacent to the existing primary school. As part of the development it is proposed to introduce waiting restrictions to assist the free-flow of traffic, particularly at busy school drop off / pick up times. It is also proposed that Hazelbadge Road and the entirety of the site are subject to a 20mph speed limit. A contribution to fund the required traffic regulation order will be secured as part of the s106 agreement.

In addition to the above, the priority T junction of Hazelbadge Road / A5149 Chester Road will be widened to create a 'one lane plus flare' exit onto A5149 Chester Road. This will enable left and right-turning traffic to queue at the junction simultaneously, thereby assisting capacity. The improvements at this junction utilise land currently forming part of the residential gardens of 80 and 82 Chester Road, which is within the developer's control as demonstrated in the submitted documentation. The widening also allows an increase in the radii at the junction and widens the footway from 1.8m to 2.0m on the eastern side of Hazelbadge Road. The effect of this is that visibility splays of 2.4m x 43m are achievable in both directions along the A5149 Chester Road, which are in accordance with the current posted speed limit of 30mph.

The internal road network has been assessed and the principle of the design is acceptable subject to: service strips of 2.0m being provided on both sides of roads to become part of the adopted highway; the carriageway serving plots 123 to 132 shall be a minimum width of 4.5m, and; the proposed block material must comply the pallet of materials detailed within the Cheshire East Design Guide (May 2017). Amendments to the plans have been made to address these issues.

The movements of service vehicles including a refuse vehicle have been undertaken by means of a swept path analysis demonstrating a large refuse vehicle can be satisfactorily accommodated.

Parking within the site is compliant with current Cheshire East parking standards which state that for a principal town or key service centre, the following apply:

- 1 parking space per 1 bedroom dwelling
- 2 parking spaces per 2/3/more bedroom dwelling

Network Capacity

The capacity of the Hazelbadge Road junction with Chester Road has been tested using junction modelling for various traffic flow scenarios in both the morning and evening peak hours. The traffic flows utilised in these models have been informed by agreed (between Highway Authority and the applicant) traffic generation figures resulting from the proposed development.

The assessments have been carried out to include base traffic flows as predicted with the A6MARR (opened in 2018) and the Poynton Relief Road due to open in 2022.

These results demonstrate that the traffic capacity and associated queueing will remain broadly the same as the scenario with no improvements and no development traffic. This illustrates that the proposed improvements to the junction mitigate the impact of the proposed development traffic and are therefore acceptable.

This analysis does highlight some queuing and delay which is demonstrated by the highest demand showing to be on Hazelbadge Road during the early afternoon, which is the peak hour for the school. Delays of up to 22 seconds are experienced on average for cars leaving Hazelbadge Road at this time.

The effect of the opening of the A6MARR on Chester Road has resulted in a slight increase in traffic flows which have a small negative effect on capacity on the Hazelbadge Road junction. However the opening of the Poynton Relief Road (PRR) scheme will reduce traffic flow along

Chester Road hence creating an improvement in the operation of the Hazelbadge Road/Chester Road junction. For this reason a financial contribution of £5,500 per dwelling towards the implementation of the PRR scheme is requested by CEC Highways.

The proposal therefore raises no significant highway safety or traffic generation issues, in accordance with policy DC6 of the MBLP. Conditions relating to the implementation of the highway improvement works, provision of an amended travel plan and a construction management plan are recommended.

TREES / LANDSCAPE

Trees

The majority of the mature trees associated with the site are protected as part of the MBC (Poynton – Lower Park Road) Tree Preservation Order 1974. Accordingly the application is supported by an Arboricultural Impact Assessment (AIA) which identifies that in order to facilitate development the removal of 13 individual trees (5 Cat B, 4 Cat C, 4 Cat U) and 12 Groups including 4 parts of groups (9 Cat B, 3 Cat C). Parts of 2 woodland areas (cat B) would also be removed to preserve the species mix and allow better specimens to develop. The majority of these trees are small early mature Oaks which are not formally protected; these trees can be replaced and accommodated as part of any proposed landscape scheme. The felling and removal of those trees which form part of the on site 1974 TPO is not contested, the reasons provided are justified; replacement planting will be required and this can broadly be accommodated within the specific group designation.

The original layout raised a number of concerns in terms of construction implementation and social proximity. However the revised plans adequately addressed all of these issues. The remaining development configuration is considered to be acceptable with adequate space available to ensure that any problems associated with shading and seasonal nuisance does not result in future pressure to allow inappropriate pruning or felling of the protected trees, and are considered defensible.

The Arboricultural officer raises no objections to the proposal subject to conditions. The proposal is considered to comply with policy DC9 of the MBLP and SE5 of the CELPS.

Landscape

The site currently forms an attractive transition between the more urban areas to the south and east and the wider rural landscape to the north and west. The green infrastructure network identified on the site plan indicates the intention of retaining areas of woodland to the west and south, a green buffer along the eastern boundary and an existing line of mature trees towards the central part of the site. The Design and Access Statement also identifies opportunities for additional tree planting within rear gardens and within the corridor of open space along the eastern boundary.

The Design and Access Statement identifies a landscape strategy for the site, namely that existing elements that make up the site's green infrastructure should be retained, the retention of existing trees and hedges along Hazelbadge Road and recognition of the wider landscape setting and views into and out of the site. LPS 48 identifies one of the site specific principles of development as *"Appropriate boundary treatments should be implemented to provide a clearly defined Green Belt boundary that is likely to endure"*. The original layout

showed a number of properties, along the northern edge of the site, as having gable ends hard up against the northern boundary, facing the open countryside to the north and a number of other properties that would have the proposed native hedgerow along the northern boundary as both a site and domestic garden boundary. The close proximity of some of the proposed dwellings to this proposed hedgerow boundary would have influenced its long term viability and success.

The revised plans significantly reduce the number of buildings along this boundary to create a much less dense boundary to the Green Belt, and provide a 5 metre wide landscape buffer to the boundary. This buffer is considered to satisfy the requirement for appropriate treatment of the Green Belt boundary, in accordance with LPS 48. However, this has resulted in an increase in the scale of 3 buildings that now sit close to the Green Belt boundary, but this is considered to be an acceptable compromise. No significant landscape impacts are now identified, and subject to standard landscape conditions the proposal is considered to comply with policy SE4 of the CELPS.

ECOLOGY

An updated ecological assessment has been submitted with the application, and the following matters are relevant to the proposal. It should also be noted that whilst the application has been with the Council for some time, the nature conservation officer has advised that the ecological reports that have been submitted can still be relied upon.

Priority Habitats

LPS 48 of the CELPS requires *“any woodland, priority habitats or habitats of Local Wildlife Site quality on the site should be retained and buffered by areas of open space/habitat creation”*.

Approximately 4.73ha of the semi-improved grassland,(which meets the criteria to be designated as a Local Wildlife Site) will be lost from the site in order to facilitate the proposed development. In addition to this, a small area of the semi-natural broad-leaved woodland in the west of the site will be lost, along with ephemeral pond P17. Furthermore all of the tall ruderal and bare ground habitats will be lost as a result of the development proposals. These areas cover approximately 5 hectares, which is virtually the whole of the developable area of the site. If all of these habitats were retained, the site could not be developed. Clearly this would be contrary to the overriding objectives of the policy, to provide housing.

On other sites within the Borough the Council has accepted a financial contribution to offset the loss of habitats, in order to fund the provision or enhancement of other sites for nature conservation purposes. However, in this case, due to the extent of habitat loss, the applicant was requested to find a site that could be used to directly mitigate for the impact.

This process was carried out in consultation with the Council's nature conservation officer, and was focused within the Cheshire East area, in order to provide compensatory habitat as close to the Hazelbadge Road site as possible. The benefits of the offsetting site location being within the Cheshire East area represent a best practice approach, in order to replace habitats close to where they have been lost.

The Cheshire Wildlife Trust (CWT) has recently acquired a 7ha nature reserve on the eastern side of Kerridge Hill, Macclesfield, approximately 8km south east of Hazelbadge Road. The site comprises a mix of scrub, semi-natural grassland and plantation woodland. CWT is now seeking funding for the restoration of the site to improve its value for wildlife and a scheme for provision of this funding as offsetting for the Hazelbadge Road development has been agreed between the applicant, the CWT and the Council's nature conservation officer. The scheme includes grassland restoration, woodland restoration and grassland management, and the total cost for this will be £46,137.

The nature conservation officer has confirmed that the proposed offsetting compensation package will adequately address the compensation requirement for this application. The financial contribution will be secured as part of the s106 agreement.

Poynton Brook

Site plans include the retention of the trees along the brook margin. The submitted *Ecological Assessment* (TEP, January, 2018) recommends the production of a Construction Management Plan to set out how any indirect adverse impact on Poynton Brook will be avoided. This should include the fencing off of a buffer zone during the construction phase, and an appropriate condition is recommended to secure this plan.

Great Crested Newts

Great Crested Newts (GCN) have been recorded within the application site. The usage of the site by GCN is likely to be limited to a small population. The loss of aquatic/terrestrial habitat on this site in the absence of mitigation is likely to have a medium impact on GCN at the local level and a low impact upon the conservation status of the species as a whole.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Alternatives

The site was identified as a development site following an extensive local plan process, which included removing land from the Green Belt. As such there are no known alternatives.

Overriding public interest

The proposed development will meet an identified social need for housing within Poynton and within the wider Cheshire East area, which is considered to be of overriding public interest.

Mitigation

The submitted report recommends the creation of two new ponds, the enhancement of two existing ponds, and the creation of a native species connective hedgerow along the northern site boundary, as a means of compensating for the loss of habitat and also recommends the timing and supervision of the works to reduce the risk posed to any GCN that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable. However to ensure that the favourable conservation status of GCN is maintained it is recommended that the 5m buffer zone along the northern site boundary in addition to, and inclusive of, the native species hedgerow is included as part of the mitigation strategy. The buffer zone should remain undeveloped and not contain any features such as gardens, car parking, etc.

Bats

The tree known as T31 in the *Ecological Assessment* (TEP, January 2018) was classed as offering low potential to roosting bats due to a potential roost feature. The tree is proposed for removal under the current plans. However, the potential risks posed to bats by the removal of the tree will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within section 6.8 of the Ecological Assessment report. Accordingly a condition is recommended to secure the implementation of the report's recommendations.

Badgers

Badger activity has been recorded on site. An updated badger survey was carried out on 13 May 2019, which confirmed that the badger situation on site had not significantly changed since the last survey in June 2017. One sett is proposed to be closed after monitoring. The applicant's Badger Mitigation Strategy is acceptable, and a condition is recommended to ensure the development is carried out in accordance with the submitted badger mitigation strategy (TEP, January 2018).

Breeding Birds

If planning consent were to be granted a condition requiring a nesting bird survey is recommended.

Reptiles

There is a considered low risk that the proposed development may have an adverse impact upon reptile species which may occur in the surrounding habitat. The nature conservation officer is satisfied that the risks will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within the Reptile Reasonable Avoidance Measures report (TEP, 04/01/2018), which can be secured by condition.

Wildlife sensitive lighting

Prior to the installation of any lighting, details should be submitted for approval to ensure that lighting does not have any adverse impacts upon wildlife. The scheme should include dark areas and avoid light spill upon boundary hedgerows and trees. The scheme should also

include details of: number and location of proposed luminaires; luminaire light distribution type; lamp type, lamp wattage and spectral distribution; mounting height; orientation direction; beam angle; type of control gear; proposed lighting regime; and projected light distribution maps of each lamp. An appropriate condition is therefore recommended.

Schedule 9 Species

The applicant should be aware that Himalayan Balsam, Japanese Knotweed and Cotoneaster species are present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause these species to grow in the wild.

Conclusion on ecological matters

Whilst the proposal does not strictly comply with the ecological criteria set out under LPS 48 due to the loss of priority habitats, adequate mitigation is provided on an alternate site. As noted, it would be virtually impossible for any meaningful development of the site to comply with these criteria. In addition to this, whilst policy SE3 of the CELPS seeks to resist development which has a significant adverse impact upon sites comprising priority habitats (amongst other designations), it does allow it where the reasons for, or the benefits of, the proposed development outweigh the impact of the development. The benefits of providing much needed housing within the local area are considered to outweigh the impact of the development in this case. The proposal will ultimately positively contribute to the conservation and enhancement of biodiversity in accordance with policy SE3 of the CELPS. No further ecological issues are raised, and it is therefore considered that the ecological aspects of the proposal comply with the development plan as a whole.

LAYOUT / DESIGN

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections

The site is a greenfield site located on the north western edge of the Poynton settlement, positioned between Poynton Brook and the railway line. The site is accessed from a single point of access from Hazelbadge Road. Footpaths 43 and 46 cross the site and provide access to the north, and are now proposed to be diverted through the green infrastructure at the eastern side of the site. The diverted footpaths will also link in with footpath 88 which

crosses the Brook ensuring connectivity to the surrounding area. To reach the nearest shops / facilities in Poynton centre, access is likely to be along Hazelbadge Road and Chester Road.

Facilities and services

Poynton centre and all its facilities and services is approximately 700m from the application site, and within walking distance. The site is therefore well served by existing facilities.

Public transport

There is a bus stop approximately 300m from the site which provides services to Middlewood and Hazel Grove. Other services to Macclesfield and Stockport are available from the town centre. In addition the railway station is less than a 5 minute walk from the application site and has regular services north to Manchester and south to Stoke-on-Trent. There is a cycle path along Chester road to the east of the pedestrian crossing, which leads to and from the shared space within the town centre.

Meeting local housing requirements

Draft policy HOU 9 of the PNP states that *“given the size and location of the Hazelbadge Road site, a mixture of 2, 3, and 4 bedroom properties should be achievable”*. The evidence base for this is not clear, however the aspiration of the policy is noted, and the majority (90) of the 134 dwellings proposed are 2, 3 or 4 bedroom properties. Provision of 1 (x28) and 5 (x16) bedroom properties increases the mix of units available. The 1 bedroom properties also meet an identified affordable housing need.

Character

A basic study of local vernacular, character and materials is included within the Design & Access Statement. The proposed houses are generally a standard product, although additional detailing and materials for some units has been requested to respond to the context of the site. For example, the elevations to the apartment blocks have been amended to give more acknowledgement to their rural edge location with the inclusion of agricultural references such as black weatherboard cladding, which also gives the buildings a more recessive appearance in the landscape, simpler window designs, exposed eaves and lower ridge heights. Corner plots turn corners well with dual aspect elevations. The density of the developable area of the site is 31 dwellings per hectare, or of the entire site it is 16 dwellings per hectare. The requirement for 30 dwellings per hectare within draft policy HOU 16 of the PNP is acknowledged, however the proposed density is considered to be acceptable given that the development is providing fewer dwellings than the site is allocated for.

A variety of building heights are proposed, up to 11.2m for the tallest of the three-storey apartments, and some properties have chimneys which help to create an interesting and varied roofscape and skyline. The apartments are located close to the northern boundary where the site interfaces with the Green Belt. Some concern has been raised within the representations about the appropriateness of the apartments in this location. The density of the development along its northern edge has been reduced and only the three apartment buildings are proposed along this 380m long boundary. The compromise to this being that the height of the buildings has increased. As noted above, amendments to the materials and detailing of the apartments have been received to ensure the relationship between the development and rural fringe is successful. Added to this a proposed 5m wide landscape buffer is proposed along the northern boundary and, when viewed from the north, the apartments will be seen against the backdrop of the protected trees within the central belt,

which are taller than the apartments with most being between 13m and 16m in height. It should also be noted that three-storey structures are not alien features to Poynton. Three-storey properties are present on Chester Road, opposite the entrance to Hazelbadge Road. For these reasons the character of the development is considered to be acceptable.

Working with the site and its context

The existing features within the site are predominantly the tree cover to the east alongside the Brook, the woodland to the west, and the central belt of protected trees. The Green Belt boundary is also a positive aspect of the site. The interface with the Green Belt has been discussed above, and all of these positive features of the site are retained as part of the development and have informed the layout and form of the development. The proposal is outward facing and provides a green buffer to the edges, softening the appearance from the long views over the adjacent landscape.

Some concern has been raised regarding the proposed road spur to the north of the site. One of the questions in the Urban Design Checklist within the design guide is whether *“the layout does allow for connections out into the surrounding area, even if they cannot be delivered at the present time”*. In addition to the public rights of way connections this spur achieves this, but does not suggest in anyway the acceptability of further development on the land to the north of the site, which is Green Belt.

Creating well defined streets and spaces

There is a defined street hierarchy with streets, lanes and shared drives identified, and areas of public space are well defined. The woodland to the west will be fenced off with railings in the interests of public safety due to the contamination issues associated with this area; however, the ecological value of the woodland will be retained, and will provide an attractive green buffer to the railway line beyond.

Easy to find your way around

The site is easily legible with feature buildings at key nodes. The street hierarchy is reflected in the surface materials, which will need to comply with the requirements of the CEC Design Guide; however, the street hierarchy could also be strengthened further, particularly in relation to the specification of the boundary treatments to the front of plots. This can be picked up as part of landscaping conditions.

Streets for all

Materials, road widths, deflections in the carriageway are all used to reduce vehicle speeds. A 20mph limit is proposed along Hazelbadge Road and the application site in the interests of highway safety. This will help the streets to truly function as shared spaces.

Car parking

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles. There is a mix of different parking solutions across the site, however the Design Officer has suggested that there is a concentration of similar solutions in places, particularly where the proposal positions the parking spaces to the front of the units within the curtilage. Whilst these comments are noted, areas where parking is shown to the front of units is broken up by landscaping, which will serve to reduce the dominance of these vehicles on the street scene. The parking proposals are therefore considered to be in compliance with the design guide.

Public and private spaces

Additional windows have been added to some of the plots to the east of the site to encourage natural surveillance of the Brook area, and the diverted rights of way. The formal and informal play areas also benefit from surveillance from the outward facing properties opposite.

External storage and amenity

Features that encourage sustainable forms of transport, such as secure cycle provision has been provided for those properties that do not have garages, including the apartments.

Design conclusion

For the reasons outlined above it is considered that the proposal will comply with policies SE1 and SD2 of the CELPS and the Cheshire East Design Guide.

ARCHAEOLOGY

The application is supported by an Archaeological Desk-Based Assessment which outlines potential areas of archaeological interest within the application site. The heritage assessment highlights two areas of potential archaeological interest in the western part of the site, which includes brick works and brick kilns and to the south west a gas works. Cheshire Archaeology Planning Advisory Service has consulted relevant mapping and carefully considered the proposed development area, and note that these areas of archaeological potential sit within the area proposed for landscaping (within the woodland to the west of the site). As such, the level of impact on these areas of archaeological potential are minimal and they advise that no further archaeological mitigation is required for the brickworks, brick kiln or gas works. Accordingly, the proposal is considered to comply with the archaeological aspects of policy SE7 and LPS 48 of the CELPS.

FLOODING

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.

The majority of the site is located within flood zone 1 with some areas adjacent to Poynton Brook lying in flood zone 2. The site was allocated for residential development following an extensive local plan process, and the sequential test has been applied in line with national planning policy. Policy PG 6 of the CELPS identifies that an additional 650 dwellings should be provided at Poynton. In the absence of alternative, reasonably available sites within or immediately adjacent to Poynton for housing development with a lower probability of flooding, the allocation of Land Adjacent to Hazelbadge Road satisfies the Sequential Test.

A site specific Flood Risk Assessment (FRA) carried out to inform the planning application should demonstrate that the proposed development would be safe from fluvial flooding, and would not increase the risk of flooding elsewhere. The Lead Local Flood Authority (LLFA) initially raised some concerns regarding the details within the FRA, and discussions have taken place on site with the applicant.

The LLFA has now confirmed that following a site walkover with the applicant and the submission of additional flood risk information, they have no objections to the proposal. There are however, a couple of points which need further consideration relating to an existing overgrown ditch line, and any possible connections to it. In addition further investigation should be carried out to identify whether a cut-off drain along the northern site boundary is required to manage potential overland flow due to the topography in this area. Accordingly, conditions are recommended which require the development to be carried out in accordance with the submitted FRA, and the submission of a surface water drainage strategy. Subject to these conditions, the proposal will comply with the requirements of policy SE13 of the CELPS.

The Environment Agency also raises no objections to the proposal subject to conditions relating to groundwater and contaminated land.

CONTAMINATED LAND

A number of reports have been submitted in support of the application. Works carried out to date in the proposed residential area have identified a low risk, with the top soil chemically suitable for residential use, in all but one location where a piece of asbestos containing cement was identified. This is to be removed and the surrounding soils tested to ensure there are no residual fibres.

On the western side of the site, within the area of the former Poynton Brick Works and Poynton Gas works, which appears to have undergone no demolition or remedial works since closure, contamination has been identified.

The proposed layout originally showed this area as public open space comprising existing woodland, ponds and allotments. Since then, further ground investigations have been carried out, and have identified contamination to be present in surface soils which is not suitable for public open space areas near residential housing. Remedial recommendations were made but these were likely to have a significantly detrimental affect on the existing habitat and protected woodland. The habitat enhancements proposed as part of the on site ecological works include woodland management which will be *“implemented to protect and retain amphibian habitat as well as habitat for other protected species. Native structure planting will provide additional screening for the badger sett in the south of the western woodland while also enhancing the quality of the woodland itself”*.

As a result it is considered that the most appropriate solution is to fence off this entire area to the west of the site and prevent public access to the woodland. Confirmed details of this will need to be provided within a Remediation Strategy and the presence and effectiveness of such fencing will need to be demonstrated within a Verification Report. This area is currently utilised informally, such as by dog walkers, however this is private land and not an area of public open space. Given the remains of the previous structures that formerly existed here, there are physical hazards to anyone using this land. Consequently, fencing this area off will improve public safety and will not remove any identified open space, despite the existing informal use. In addition the nature conservation officer has confirmed that the woodland, which is protected by Tree Preservation Order, contains several important ecological features including great crested newt breeding ponds and a badger sett and would benefit from public access being restricted to reduce the possible disturbance and contamination of the features.

The Contaminated Land Officer has raised no objections to the proposal subject to conditions relating to a remediation strategy, a verification report, the testing of imported soil, and a condition relating to any unforeseen contamination.

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.

OTHER MATTERS

The issues raised in representation that are material planning considerations have been considered by the relevant specialist officers of the Council, and in the preceding text. Many of the representations relate to the impact of the development upon the adjacent primary school and the fact that the school does not benefit from the proposal. There are no planning policies that seek to secure improvements to a school (such as replacement windows) because a development is taking place next door. As noted above, impacts upon the school and local environment generally, during the construction process can be minimised through the implementation of a construction environment management plan. There are also logistical matters relating to construction that can be addressed through a construction management plan, as recommended by CEC Highways, but this will be a matter to be agreed between the applicant the Local Planning Authority and the Highway Authority.

S106 HEADS OF TERMS

Further to the comments above, a s106 agreement will be required to secure:

- 30% affordable housing
- Off site ecological mitigation contribution of £46,137
- Open space provision and management
- Education contributions of:
 - £260,311 (primary)
 - £310,511 (secondary)
 - £91,000 (SEN)
- Indoor sports contribution of £22,500
- Recreation and outdoor sport contribution of £97,000
- Allotments and community gardens contribution of £61,937.50
- Healthcare contribution of £133,344
- Contribution to Poynton Relief Road of £737,000
- £7,000 to fund TRO
- £5,000 to fund bus stop opposite Hilton Grove
- Contribution towards cycle lane improvement - TBC

CIL regulations

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

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

The provision of affordable housing, off site ecological mitigation, indoor and outdoor sport (financial) mitigation, Highways (financial) mitigation, the cycle lane contribution and healthcare (financial) mitigation are all necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

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

PLANNING BALANCE & CONCLUSIONS

The proposal seeks to provide 134 dwellings on a site allocated within the CELPS for around 150 dwellings. Some conflict with the site specific principles of development listed under LPS 48 of the CELPS in terms of the bus service contribution, the railway car park contribution and the retention of habitats on the site has been identified above. However, whilst the contributions towards the bus service to the town centre and the railway car park are not being secured for the reasons set out above, significant contributions are being made towards the Council's strategic project of the Poynton Relief Road to mitigate for the impact of the development. Similarly, whilst LPS 48 requires the retention of habitats, again for the reasons stated above this cannot be achieved if the primary policy objective of delivering housing is to be realised on the site. Adequate off site mitigation is being provided.

The comments received in representation have been given due consideration in the preceding text, and whilst some limited conflict with LPS 48 has been identified, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, 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 to secure the following:**

	Requirement	Triggers
Affordable	30% (40 units) of total	No more than 80% open

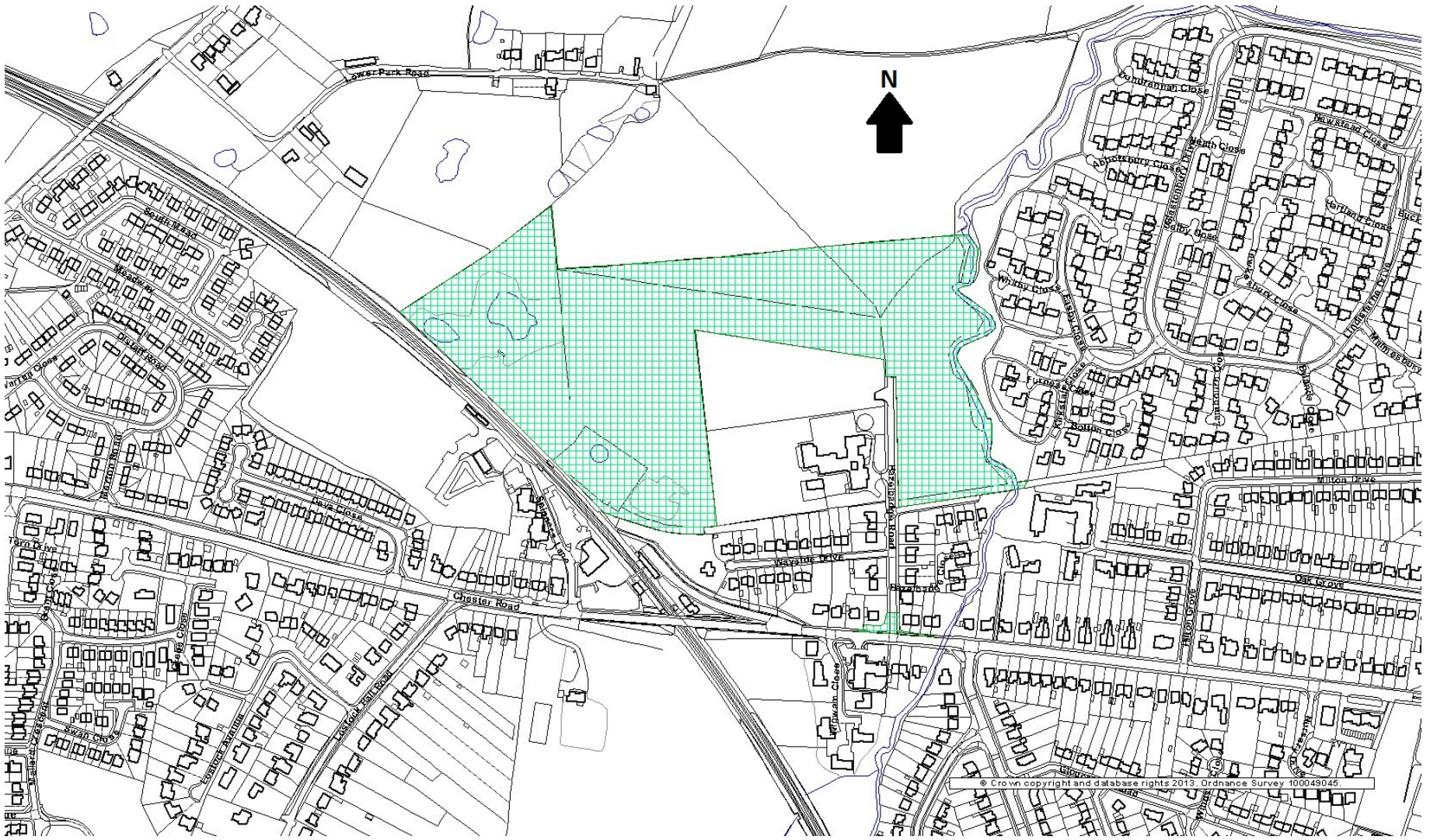
Housing	dwelling to be provided (65% (26 units) Affordable Rent / 35% (14 units) Intermediate)	market occupied prior to affordable provision within each phase
Off site Ecological Mitigation	£46,137 towards Kerridge Hill Nature Reserve	Prior to commencement
Open Space	a) Open space scheme to be submitted b) Management scheme to be submitted	Prior to commencement Prior to occupation
Indoor Sports Contribution	£22,500 towards Poynton Leisure Centre	Prior to occupation
Recreation & Outdoor Sports Contribution	£97,000 towards Deva Close Playing Fields, Poynton	Prior to commencement
Allotments & Community Gardens Contribution	£61,937.50 towards existing facilities and new opportunities in Poynton	Prior to commencement
Education	Primary £260,311 Secondary £310,511 SEN £91,000	50% Prior to first occupation 50% at occupation of 67 th dwelling
Healthcare	£133,344 towards development of Priorsleigh Medical Centre and McIlvride Medical Centre	50% Prior to first occupation 50% at occupation of 67 th dwelling
Poynton Relief Road Contribution	£737,000 towards Poynton Relief Road	50% Prior to first occupation 50% at occupation of 67 th dwelling
Traffic regulation Order Contribution	£7,000 to fund the required traffic regulation order for works on Hazelbadge Road	Prior to occupation
Bus Stop Contribution	£5,000 to facilitate the provision of a bus stop opposite Hilton Grove	Prior to occupation
Cycle Lane Contribution	TBC	Prior to occupation

Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of details of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Tree retention
7. Tree protection
8. Construction specification/method statement for access road serving Plots 1-4 and for footpath adjacent to trees T24- T46
9. Arboricultural method statement
10. Levels details to be submitted which provides for the retention of trees on the site
11. Service / drainage layout which provides for the long term retention of the trees to be submitted
12. Implementation of noise mitigation measures
13. Electric vehicle infrastructure to be provided
14. Anti idling signage to be provided
15. Remediation Strategy to be submitted
16. Verification report to be submitted
17. Testing of any imported soil
18. Reporting of any unforeseen contamination
19. Implementation of Highway improvements
20. Construction management plan to be submitted
21. Amended travel plan to be submitted
22. No infiltration of surface water drainage into the ground is permitted
23. Development to be carried out with GCN mitigation strategy (to include 5m buffer zone to north of site)
24. Implementation of the reasonable avoidance measures detailed within section 6.8 of the Ecological Assessment Report (bats)

25. Development to be carried out in accordance with the submitted badger mitigation strategy (TEP, January 2018).
26. Nesting birds survey to be submitted
27. Implementation of Reptile Reasonable Avoidance Measures (TEP, 04/01/2018)
28. Details of proposed external lighting scheme to be submitted
29. Foul and surface water shall be drained on separate systems.
30. Surface water drainage scheme to be submitted
31. Obscure glazing to be provided
32. Construction Environmental Management Plan to be submitted
33. Details of railings to western boundary of site to be submitted. Railings to be retained in perpetuity.
34. Construction Management Plan to demonstrate out how any indirect adverse impact on Poynton Brook will be avoided to be submitted



Application No: 18/6404M

Location: Land West of Coppice Way and South of Lower Meadow Way, Handforth

Proposal: Erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works. (Re-submission of 17/6486M)

Applicant: Mr Phillip Jones, Halliwell Jones (Wilmslow) Limited

Expiry Date: 22-Mar-2019

SUMMARY

The previous application was refused for 6 reasons. In summary these were:

1. Loss of employment land.
2. Loss of open space.
3. Out of character with site context
4. Harm to the setting of listed building
5. Insufficient arboricultural information
6. Ecological impacts

The majority of these reasons have been addressed within this resubmission. Adequate open space is now provided within the site to mitigate for the loss of the rather historic proposed open space allocation within the MBLP along the southern boundary. The proposed building has been amended to better reflect the characteristics of the site and will now positively contribute to the character of the area. Whilst some woodland will be lost as part of the proposal, the development will secure long term management of the woodland to maintain its integrity into the future. Finally, subject to the satisfactory receipt of mitigation proposals for specific ecological impacts, the ecological impact of the development will be acceptable.

However, the principle of a car showroom (a sui generis use) on a site allocated for employment uses (B1, B2 and B8 uses) remains in conflict with policy EG3 of the CELPS. In addition, there is still “less than substantial” harm to the setting of the listed building.

Accordingly there is clear conflict with policies within the development plan. Section 38(6) of the Planning and Compulsory Purchase Act requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of other material considerations, the applicant has outlined the following economic benefits as part of the proposal:

- Retention of an existing employer in the local area;
- Securing 127 existing jobs worth around £3.7million per annum through wage generation;
- Creation of approximately 45 new permanent jobs worth around £1.3million per annum through wage generation;

- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.9m;
- Generation of new business rates;
- Freeing up of existing Halliwell Jones sites to be brought into an active employment use following the relocation resulting in the creation of between 93 and 163 new full-time equivalent jobs; worth between £2.28million and £4.38million per annum;
- Support for existing and new businesses and associated employment as a result of the increased income in the local area;
- Increased demand within the supply chain created by the proposed development and new businesses reoccupying the existing Halliwell Jones sites;
- Employment opportunities created as a result of the local authority reinvesting the business rates generated by the proposed development in the local area.

The reasoning behind the proposal is to allow the existing, and clearly successful, local business to expand and adapt to the requirements of the car manufacturing brands that they represent. The proposed development will replace the existing BMW and Mini garages in Wilmslow and the existing Halliwell Jones Bodyshop at Brooke Park in Handforth, combining these facilities into a single site. It is understood that Halliwell Jones have been looking to relocate these facilities for over 3 years as the current sites are constrained by their locations and the adjacent uses, which impacts upon their operation and potential for expansion.

Any financial benefits from business rates will simply be transferred from the applicant's existing sites, which will not necessarily be redeveloped for business use. Similar benefits could be achieved from a conforming employment use on the site. Limited weight can only be attached to these benefits.

The proposed use is a sui generis use, and land is not allocated for such uses within the local plan, given the range of uses this particular use class could include. The applicant therefore suggests that it is appropriate to consider the nature of the proposals, which in this case comprise workshop, bodyshop, office facilities and car storage, which are all included within B1, B2 and B8 uses classes. Only the car showroom element is the non-conforming use on this employment site. Within this range of uses there is a wide variety of job roles, the majority of which would fall into the 'B use' classes. This is considered to be a reasonable approach given the requirement at paragraph 81 of the Framework (February 2019) which states that planning policies should... *"be flexible enough to accommodate needs not anticipated in the plan"*. In these terms, the constituent uses of the proposed car dealership are considered to attract significant weight in the planning balance.

The retention of an existing employer and the associated jobs is undoubtedly a clear benefit of the proposal. Whilst no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development, there are no other known sites that could be suitable for the development, outside of other employment sites. Therefore significant weight can also be attached to this.

Overall, given the absence of any other harm, the proposed benefits and considerations in favour of the development are considered to outweigh the policy presumption against the development on employment land grounds and the less than substantial harm to the setting of the listed building. Accordingly a recommendation of approval is made.

RECOMMENDATION

Approve subject to conditions and satisfactory receipt of ecological mitigation proposals

PROPOSAL

The application seeks full planning permission for the erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works.

The proposed facility comprises 15,302sqm of floorspace and will replace the existing BMW and Mini Showrooms in Wilmslow and the existing Halliwell Jones Bodyshop at Brooke Park, Handforth (to the west of the application site). Existing staff at these locations will be transferred to the application site, and the supporting information with the application states that new employment opportunities will be generated.

The main building will front onto Kiln Croft Lane. The lower ground floor level will house the bodyshop, workshop, valet area and the parts department, as well as some office space, staff facilities, reception area and an area of parking for the servicing department. The ground floor will house the main showroom for both BMW and Mini along with office space for administration staff and the sales team, meeting rooms and staff facilities including changing rooms, toilets and canteen. A customer café will be provided on the main showroom floor. The first floor includes a showroom which will be used for BMW used car sales and an area deck parking (133 spaces) and a display area for used BMW cars. The roof level will provide a further 190 parking spaces. Externally, customer parking will be provided at the front of the site, fronting onto Coppice Way along with external car display areas for both BMW and Mini. At the corner of the site at the junction of Coppice Way and Lower Meadow Way there will be an area of hardstanding to be used for used car displays, and to the south and west of the site there will be further areas of car parking/car storage. New accesses are proposed from Kiln Croft Lane and Lower Meadow Road.

The application is a resubmission of application 17/6486M which was refused for the following reasons:

- 1. The proposal seeks to provide a car showroom on an employment site, which is protected for B1, B2 and B8 uses. It has not been demonstrated that the premises are causing significant nuisance or environmental problems and it has not been demonstrated that the site is no longer suitable or viable for employment use. The proposal is therefore contrary to policy E1 of the Macclesfield Borough Local Plan and policy EG3 of Cheshire East Local Plan Strategy.*
- 2. The proposal results in the loss of open space. No assessment to show the open space to be surplus to requirements has been submitted, and the loss is not replaced by equivalent or better provision. The proposal is therefore contrary to policies RT1 and RT6 of the Macclesfield Borough Local Plan.*
- 3. The site has a verdant character which has value in visual, ecological and arboricultural terms, and the proposed development does not adequately reflect this*

established character, and in this context does not make a positive contribution to the immediate surroundings. The proposal is therefore contrary to policies SE1 and SD2 of the Cheshire East Local Plan Strategy and policies H8 and H11 of the Handforth Neighbourhood Plan.

4. *The proposal results in less than substantial harm to the setting of a grade II* listed building, which is not sufficiently justified. The proposal is therefore contrary to policy SE7 of the Cheshire East Local Plan Strategy.*
5. *No arboricultural impact information has been submitted with the application. However, it is anticipated that there will be a significant net loss of woodland cover on the site. The design provides no scope for compensation or mitigation to offset this loss. The proposal is therefore contrary to policy SE5 of the Cheshire East Local Plan Strategy, DC9 of the Macclesfield Borough Local Plan and H9 of the Handforth Neighbourhood Plan.*
6. *a) The proposal results in the loss of habitats of sufficient value to be designated as a Local Wildlife Site, and the compensation proposals are inadequate to address the loss of this habitat.
b) The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. This is considered to be a Priority Habitat Type. Policy SE3 of the CELPS states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. The benefits of the proposal do not outweigh the impact of the development in this case.
c) The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and no survey has been carried out to determine the presence /absence of roosting bats. Therefore there is insufficient information to fully assess the impact upon this protected species.
d) The submitted ecological assessment has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. There is insufficient information to assess the impact upon this protected species.
The proposal is therefore contrary to policy SE3 of the Cheshire East Local Plan Strategy, policy NE11 of the Macclesfield Borough Local Plan and policy H8 of the Handforth Neighbourhood Plan.*

SITE DESCRIPTION

The application site comprises a 2.43ha undeveloped area of grassland with some woodland planting to the west of the site adjacent to Handforth Brook. The majority of the site is located within an Existing Employment Area as identified in the MBLP. However there is also a small section to the south of the site that is allocated as Proposed Open Space in the MBLP. The area to the west of the site is located within Flood Zones 2 and 3.

The site is bound to the east by a Marks and Spencer store and associated car park at Handforth Dean Retail Park, across Coppice Way. St. Benedict's Catholic Primary School and grounds are located to the south of the site, adjacent to which lies Handforth Hall, a Grade II*

listed building. To the west is Brooke Park, an office and industrial warehouse park comprising several business uses, including an existing Halliwell Jones body shop. To the north of the site, beyond Lower Meadow Road, is an undeveloped area of open grassland with industrial units beyond.

RELEVANT HISTORY

17/6486M - Erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works – Refused 02.08.2018

13/0158M – Extension of time limit on planning permission 09/3413M - Outline application for B1(Business) units, renewal of application 06/0278P – Not determined to date (s106 not signed)

09/3413M – Outline application for B1 (use class) units; Renewal of 06/0278P – Approved 15.01.2010

06/0278P - Erection of B1 (use class) units (outline) – Approved 26.10.2006

POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan (saved policies)

NE9 (River corridors)
NE11 (Nature conservation interests)
RT1 (Protection of open spaces)
RT6 (Allocated open space)
E1 (Employment land)
E3 (Employment land – business)
E4 (Employment land – industry)
DC3 (Protection of the amenities of nearby residential properties)
DC5 (Natural surveillance)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC63 (Contaminated land)

Handforth Neighbourhood Plan – made 12 July 2018

H3 Protecting Local Green Spaces
H8 Landscape and Biodiversity
H9 Trees and Hedgerows
H11 Encouraging High Quality Design
H12 Surface water management
H13 Supporting the Local Economy
H16 Congestion and Highway Safety
H18 Promoting sustainable transport
H19 Improving access to the countryside in Handforth and the surrounding area.

Other Material Considerations

National Planning Practice Guidance
National Planning Policy Framework

CONSULTATIONS

United Utilities – No objections subject to conditions relating to drainage

Environment Agency – No objections subject to mitigation measures detailed in FRA

Environmental Health – No objections subject to conditions relating to contaminated land.

Head of Strategic Infrastructure – No objections subject to parking and access being provided in accordance with plans

Flood Risk Manager – No comments received – (No objections to previous submission subject to conditions relating to drainage)

Public Rights of Way – No objection subject to advice note on developer's obligations regarding public right of way.

Handforth Parish Council – No objection - concerns raised with previous application 17/6486M have been addressed. It is noted that efforts have been made by the applicant to comply with policies H8, H9 and H11 of the Handforth Neighbourhood Plan and the Parish Council are satisfied that the applicant has achieved this and that the development would not have a detrimental impact on the visual character of the site, wildlife habitat or affect in any way the nearby Grade II listed building.

REPRESENTATIONS

8 letters of representation (either in support or making general observations) have been received from interested parties, employees of Halliwell Jones, and the Handforth Neighbourhood Plan Steering Group noting that the proposal will:

- Will allow company to expand
- Create new jobs and safeguard current jobs
- Have negative impact on employees if application fails
- Add to profile, character and appearance of the area
- Resolves previous concerns
- Proposed use comprises employment uses
- Council has supported loss of employment land on other land at Earl Road
- Additional land allocated for employment in Garden Village
- Frontage footpath should be widened to provide shared cycle/footpath to provide better links from Garden Village to Handforth centre
- Applicants existing sites can be improved
- Should include provision for the installation of a pelican crossing on Coppice Way
- Should include provision for the completion of the ponds and some tree planting in the Local Green Space behind Handforth Hall.
- a barrier (i.e. trees/hedgerow) be provided between the proposed car dealership and the Local Green Space immediately to the north of Handforth Hall.

1 letter has also been received on behalf of Eskmuir (owner of the Grosvenor Shopping Centre in Macclesfield) which suggests that a condition should be imposed to restrict the use of the site to a car dealership (with ancillary operations) and for no other purpose.

APPRAISAL

LOSS OF EMPLOYMENT LAND

The application site forms part of the Council's existing employment land supply in Handforth as set out in Appendix A (Proposed Employment Land Distribution) of the Local Plan Strategy July 2017. Policy EG3 of the CELPS states that

"1. Existing employment sites will be protected for employment use unless:

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*

- a. There is no potential for modernisation or alternate employment uses; and*
- b. No other occupiers can be found⁴³.*

2. Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD1 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.

3. Subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs.”

Footnote 43 states:

“To demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The Council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received”.

The glossary to the CELPS states that employment land is land identified for B1, B2 and B8 uses. The proposed car showroom does comprise these uses. For example, the lower ground floor comprises service area, workshop and bodyshop (a B2 use), the ground floor, including the external area to the south, and the roof space comprises some storage parking (a B8 use), and the first floor comprises offices (a B1 use). Sales / display areas are also included to the ground and first floors and externally. The presence of the sales areas places the car dealership, as a whole, outside of a strictly defined employment use. Instead a car showroom is a *sui generis* use, and therefore not an employment use for the purposes of relevant planning policy.

In terms of the site, there is nothing to suggest that the premises are causing significant nuisance or environmental problems and no evidence has been provided to demonstrate that the site is no longer suitable or viable for employment use. Whilst there has been an unimplemented outline planning permission for offices renewed at various stages over the past 12 years, this does not demonstrate that the site is no longer suitable or viable for employment use. Conflict with policy EG3 of the CELPS can therefore be identified.

LOSS OF OPEN SPACE

Policy RT6 of the MBLP allocates a swathe of land to the south of the site for amenity open space. Policy RT1 of the MBLP states that areas of recreational land and open space will be protected from development. This protection is reflected in paragraph 97 of the Framework, which requires any loss to be justified by an assessment to show the open space to be surplus to requirements or, the loss is replaced by equivalent or better provision. An open space assessment has been submitted by the applicant to address this issue.

The open space allocation within the site extends northwards from the southern boundary by approximately 30 metres, and includes an area of approximately 0.35ha. The proposed development retains a strip of open space of approximately 16 metres along the southern

boundary. There will therefore be some loss of the Proposed Open Space (as allocated in the MBLP) to the south of the site.

The applicant's open space assessment suggests that the MBLP allocation of Proposed Open Space is no longer sufficiently up-to-date or NPPF compliant to be given weight in planning decisions, a view which is reinforced by the fact that the HNP is now adopted. The assessment also notes that the proposal includes provision for additional open space along the western boundary, bordering Handforth Brook.

Amenity open space is not defined in the CELPS or the MBLP; however the glossary to the CELPS defines Amenity as *"a positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity."*

Whilst public access to the land is not currently possible due to its private ownership, the area does have value in visual amenity terms due to its open nature, and continuation of the retained linear area of open space to the north of the new care village at Coppice Way, and its linkages with the woodland along the banks of Handforth Brook. The open space allocation also provides a strong buffer to the setting of Handforth Hall, a grade II* listed building.

It is acknowledged that whilst the allocated open space area to the south is reduced by approximately half by the current proposal, it does still retain a reasonable landscaped buffer to the south. In addition to this the proposal retains wooded land to the west of the site alongside the Brook, which will also contribute positively to the overall character of the area. The woodland and the area to the south result in the provision of approximately 0.54ha of open space. This is significantly more than that lost and the loss is therefore considered to be replaced by equivalent or better provision in terms of quantity and quality in a suitable location in accordance with paragraph 97 of the Framework.

It should be noted that the land allocated as a Local Green Space to the rear of Handforth Hall under policy H3 of the Handforth Neighbourhood Plan lies outside of the application site and is unaffected by the proposal.

DESIGN, CHARACTER AND APPEARANCE

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Similar requirements are also identified in policy H11 of the HNP.

Whilst the site is located on the edge of an Employment Area which is characterised by buildings built more for function than form, the specific location has an established green infrastructure both on and off site, which contributes positively to the character of the area. The proposed building is a substantial contemporary building that will use glazing, white render, black and grey panels, and silver aluminium and timber cladding on its external elevations. This would depart from the utilitarian appearance of other buildings on the industrial estate, and the red brick of the Handforth Dean Retail Park opposite. However, there are a wide variety of materials used on buildings across the area including brick, render and cladding, some of which are combined to give these utilitarian buildings a modern appearance. A contemporary design is therefore not entirely alien to the area.

The proposal has developed through the design process in order to align with BMW brand standards. However, following the refusal of the previous application (17/6486M) the design has undergone elevational changes, a reduction in height and reconfiguration of floor areas. Greater acknowledgement to the green infrastructure on the south and west boundaries has also been provided within the design and positioning of the buildings.

Sections have been provided to illustrate the relationship with buildings on adjacent sites and Handforth Brook. The main front elevation faces Coppice Way and includes large areas of glazing, as this will be the primary frontage to the sales areas. During the course of the application the 2.4m high timber security fencing along the front and northern side of the building has been omitted and replaced with a glass balustrade on top of low retaining walls which will significantly improve the proposed streetscene. The height of the building is almost 1m lower than the ridge of Marks & Spencer on the opposite side of Coppice Way, but is higher than the buildings to the west on Lower Meadow Way, reflecting the existing land form, which slopes down from Coppice Way towards Handforth Brook on the western boundary of the site. The building then takes advantage of these land levels to provide an additional storey at lower ground level. Overall the sections show that the height of the proposal is appropriate to the immediate context.

Whilst the building is unequivocally modern and utilises modern materials, timber cladding is incorporated extensively along the rear elevation, and climbing plants are proposed to the elevations of the car park building to provide a more sympathetic interface with the woodland beyond. The use of the different materials also helps to break down the massing of the building, as does the much lower car park structure to the rear.

Policy SE9 of the CELPS states that non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources. An appropriate condition is recommended to secure this.

The amendments made to the scheme since the previous refusal of planning permission result in a building that will contribute positively to the area's character. The proposed used car sales building to the north of the site follows a similar contemporary theme with mono pitched roof, white cladding and glazing, and is equally in keeping with the character of the area. Overall, the proposal is considered to comply with the requirements of policies SE1, SD2 and SE9 of the CELPS, and policy H11 of the HNP.

HERITAGE ASSETS

The application is supported by a Heritage Impact Assessment, which identifies that the proposal will have less than substantial harm to the setting of the Grade II* listed Handforth Hall, which lies to the south of the application site and the Grade II Brook House Farm, which lies to the north west of the application site.

The conservation officer agrees with this assessment, noting that the harm is likely to be towards to the lower end, but is not insignificant. Policy SE7 of the CELPS outlines how all new development should seek to avoid harm to designated heritage assets.

The justification section of the Heritage Impact Assessment explains that the site is allocated as employment land, the design is high quality and the rear of Handforth Hall is screened by its own bank of trees. Compared to the previous proposal that was refused, a wider landscaped buffer is now provided at the southern end of the site, which will further help to minimise any impact upon Handforth Hall. Brook House Farm is in the unusual position of already being virtually surrounded by the modern buildings of the industrial estate, and the addition of the application building, which would be further away than its existing commercial neighbours will not have a significant impact on its setting.

The identified harm to the setting of the listed building is considered further in the planning balance section below.

AMENITY

There are no residential properties within close proximity of the application site (Handforth Hall is the closest, which is approximately 100 metres to the south of the site). As such, having regard to the nature of the proposed development, no significant amenity issues are raised.

Environmental Health originally objected to the proposal due to the absence of a noise impact assessment to consider the impact of noise sources from the proposed vehicle workshop, external service valet bays and tyre fitting bays, having regard to noise sensitive receptors to the south / south east of the site.

A noise impact assessment was subsequently provided, which identified a low impact at these receptors. The methodology (BS4142:2014 Methods for rating and assessing industrial and commercial sound), and the conclusions of the report are accepted by Environmental Health. No significant noise impacts are therefore anticipated.

HIGHWAYS

The site fronts Kiln Croft Lane / Coppice Way and Lower Meadow Road which are adopted highways, and form part of the access road network serving Handford Dean Retail Park and Stanley Green Retail Park together with employment uses in between. To the east of the site Kiln Croft Lane becomes Coppice Way and provides the main access route from the A34 Wilmslow to Handforth Bypass at a large four arm priority roundabout. To the north of the site Lower Meadow Road becomes Epsom Avenue and Earl Road before joining the B5094 Stanley Road at a traffic signal junction.

Sustainable access

In terms of pedestrian infrastructure, within the vicinity of the site all roads have wide lit footways on both sides. Dropped kerbs and tactile paving are provided at minor crossings and accesses and at the refuge islands at crossings on the roundabouts adjacent to the site.

Bus stops are located on Epsom Avenue and within the Handforth Dean Retail Park within approximately 350m and 400m respectively of the proposed site access.

The nearest railway station to the site is Handforth Train Station which is located approximately 650m walking distance to the west of the site.

A Travel Plan has been submitted as part of the planning application submission. The Travel Plan sets out measures designed to minimise car trips from the development and to maximise sustainable travel alternatives.

Safe and suitable access and parking provision

A new access is proposed from Coppice way / Kiln Croft Lane for customer parking and to access the lower ground floor service parking, motorcycle parking and cycle parking.

Two new accesses are proposed from Lower Meadow Road. The western access will be for service deliveries by car transporter and refuse collection and also to access the rear parking area for staff. The eastern access will be for the customer parking for the used car sales area.

Vehicle tracking for service vehicles using the proposed Lower Meadow Road site access has been undertaken; this tracking exercise demonstrates that service vehicles can access and egress the site in forward gear. The proposed site access junctions can accommodate the required junction visibility of 43m in both directions at a minor road set back of 2.4m.

There will be 26 customer parking spaces (including 2 mobility spaces and 1 parent & child space) at the front of the building accessed from Kiln Croft Lane / Coppice Way and associated with the BMW and Mini showrooms. There will be 36 spaces for service vehicles on the lower ground floor accessed from Kiln Croft Lane. There will be 12 customer parking spaces associated with the premium used car sales and accessed from Lower Meadow Road. A further 136 spaces for staff will be provided in the multi storey parking area accessed from Lower Meadow Road. The total car parking provision on site will be 210 spaces, which is sufficient for the proposed use. A further 218 vehicle storage spaces are allocated at the rear of the building, which will also be accessed from Lower Meadow Road.

Network Capacity (trip rates/distribution/jn modelling etc)

A third of development traffic has been assigned to/from the north using Earl Road to the Stanley Road junction. Two thirds of development traffic has been assigned to/from the A34 east of the site. At peripheral junctions traffic has been distributed between route destinations. Vehicle trip rates for the car showroom development have been estimated using the TRICS database.

The assessment of the likely traffic generated from the scheme proposal on the A34 junction, utilising the above inputs, demonstrates that the whilst there will be an impact it could not be

considered 'severe' in traffic terms hence considered acceptable in the context of national policy guidance contained within the Framework.

Furthermore the traffic generation associated with this proposal needs to be seen in the context of the previous employment scheme where an associated level of traffic generation was deemed to be acceptable.

Highways conclusion

As detailed above, the estimated transport impact from the proposal on the Cheshire East Council highway network is considered to be acceptable from a network operation, access and sustainability perspective subject to the parking and access details being provided in accordance with the approved plans. The proposal is therefore considered to comply with relevant highways policies in the local and neighbourhood plans.

ECOLOGY

Grassland Habitats

The submitted National Vegetation Classification (NVC) survey identified only relatively limited botanical interest in the grassland habitats on site. The submitted survey was however undertaken slightly early in the survey season and the list of species recorded was restricted to those species present in the NVC samples.

The Council's nature conservation officer has visited the site and recorded a number of species which are considered to be 'indicators' of Local Wildlife Site quality habitat. Based on the species recorded during the submitted NVC survey and those recorded during his site visit, the nature conservation officer advises that the grassland habitats on site are of sufficient value to be designated as a Local Wildlife Site. Habitats of this type receive protection through Local Plan Policy SE3 (paragraph 6). This policy requires the submission of mitigation and compensation proposals to address any impacts on habitats of this type. Discussions are ongoing regarding the proposed mitigation, and further details will be provided as an update.

Woodland Habitats

The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. The nature conservation officer states that this vegetation community is considered to be a Priority Habitat Type. Habitats of this type receive protection through Local Plan Policy SE3 paragraph 4. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. A considerable amount of the section of woodland within the application site boundary will be removed, or be subject to coppicing or thinning. Given its identification as a priority habitat type, as with the grasslands above, mitigation and compensation proposals to address any impacts on habitats of this type will be required. Discussions are ongoing regarding the proposed mitigation, and further details will be provided as an update.

Bats

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. It appears likely that these trees would be

retained as part of the proposed development, and therefore roosting bats are unlikely to be affected by the proposed development.

Great Crested Newts

A small Great Crested Newt population was previously recorded at two ponds located at Handforth Hall. Two great crested newt mitigation ponds have also been created to the north of Handforth Hall to mitigate for the effects on this species of other developments located on Coppice Way.

In the absence of mitigation the proposed development would result in a medium level adverse impact on great crested newts as a result of the loss of suitable intermediate terrestrial habitat and the risk of any animals being killed or injured during the construction phase.

To mitigate the risk of newts being killed or injured during the construction phase the applicant proposes to remove and exclude newts from the footprint of the proposed development using standard best practice methods under the terms of a Natural England license.

The proposed development will result in the loss of 1.23ha of suitable great crested newt terrestrial habitat. The applicant proposes to compensate for the loss of this terrestrial habitat through the provision of two hibernacula, which is considered to be inadequate for the loss of this area of suitable habitat.

As an alternative approach to addressing the impacts of this proposed development upon this species it has been recommended to the applicant that they consider entering the development into Natural England's District Level Licencing Scheme for this species. This scheme involves the delivery of strategic off-site habitat creation as a means for compensating for habitat unavoidably lost to development. The applicant needs to have confirmation from Natural England that they have been accepted onto the Scheme before the impacts on GCN can be fully considered. Further details will be provided as an update.

Water voles

No evidence of this species was recorded during the submitted surveys and as such this species does not present a constraint on the proposed development.

Nesting Birds

In the event that planning permission is granted standard conditions would be required to safeguard nesting birds.

Ecology conclusions

Further details are awaited regarding the proposed mitigation for the loss of grassland and woodland habitats, and the loss of GCN terrestrial habitat. Subject to the satisfactory receipt of detailed mitigation proposals, the application will comply with policy SE3 of the CELPS, policy NE11 of the Macclesfield Borough Local Plan and policy H8 of the Handforth Neighbourhood Plan.

TREES AND LANDSCAPE

This application is supported by an Arboricultural Impact Assessment and Method Statement which assesses the area of woodland to the west and south of the site, and groups of trees along the frontage of Coppice Way and Lower Meadow Road. Tree cover within and immediately adjacent to the site is not statutorily protected by a Tree Preservation Order and does not lie within a designated Conservation Area. As noted above, the woodland to the west adjacent to the Brook is considered to be a Priority Habitat Type.

The woodland tree cover does provide significant public visual amenity within the area and comprises of mixed deciduous species including scattered mature Oak, Beech and Ash. A significant proportion of the woodland contains Crack Willow, Goat Willow and Silver Birch with natural regeneration of Ash, Sycamore and some Hawthorn. There is evidence of historic problems including fallen trees, branch failures and fly tipping. The submitted Arboricultural Statement assesses the area of this woodland (W6) as Category C (low quality).

The statement indicates that in order to accommodate the proposal two category B Norway Maple trees within G1 located on the highway verge will require removal to provide access into the site. In respect of the woodland (W6) to the west, 2522sqm out of a total of 3912sqm will require removal and with regard to W3 to the south east 560sqm out of a total of 1120sqm will need to be removed to accommodate the proposed development. Several low category groups of trees identified in the submitted assessment are also proposed to be removed to accommodate the proposal. Woodland that provides a significant contribution to the amenity of the area and a Priority Habitat is protected through policies SE3 and SE5 of the CELPS.

Most of the trees within the affected area of woodland are of low value, being predominantly poor quality Crack/Goat Willow and Silver Birch. Many have been partially uprooted or have failed limbs, however in combination with the backdrop of the remaining offsite woodland cover the woodland collectively contributes to the amenity of the area.

The proposal includes provision for enhancement of the remaining woodland which includes coppicing of between 30 and 50% of the Willow and selectively thinning out 20% of the remaining Willow. The aim of this is to allow more light into the woodland and stimulate growth. Additional planting with 0.39ha of native species trees is also proposed within the woodland area which will comprise mainly of small transplants within the coppiced areas.

The extent of coppicing will remove a large amount of tree cover along the western boundary of the site adjacent to the Brook, potentially opening up views into the site. The retention and future management of the woodland is essential to integrate a development of this scale in this location. Consequently, a condition requiring a Woodland Management Plan to be submitted is recommended, including long term objectives, plan of operations and maintenance schedules. The Management plan should be for a minimum 10 year period and include for a phased coppicing / selective thinning regime to ensure the integrity of the woodland is maintained. Subject to this condition and a condition to protect retained trees, the proposal is considered to comply with policy SE5 of the CELPS, DC9 of the MBLP and H9 of the HNP.

It should also be noted that the existing woodland extends westwards from the application site to the commercial buildings on Lower Meadow Road, and this area of woodland, outside of the application site, will be unaffected by the proposed development. This will also help to

minimise the opening up of views of the proposed development, and retain the green infrastructure setting of the site.

In terms of landscaping the retention of green buffers to the south and west are positive aspects of the proposal compared to the previous refusal. Landscaping conditions are recommended to ensure the most appropriate planting is provided. For example, the proposed planting plan shows evergreen Oak trees along the Coppice Way and Lower Meadow Road frontages, but a more appropriate species with more seasonal interest should be provided. The landscape officer also recommends that the proposed gabion walls should be faced with coursed stone to look like stone walls. However, full hard and soft landscape and boundary treatment details can be secured by condition, and to ensure compliance with policy SE4 of the CELPS. These conditions can also look to address the point raised in representation regarding a potential barrier (i.e. trees/hedgerow) being provided between the proposed car dealership and the Local Green Space immediately to the north of Handforth Hall, as necessary.

FLOOD RISK

The submitted Flood Risk Assessment (FRA) outlines that the NPPG classifies the proposed commercial use of the site as being “Less Vulnerable”. A “Less Vulnerable” use located in Flood Zone 1, 2 and 3 (as in the case here) is an appropriate development in terms of flood risk. The FRA notes that suitable mitigation measures are proposed within the FRA and the site is located within an already well established commercial / industrial area.

The submitted FRA demonstrates that a relatively small part of the site, at the south-western corner, is affected by Flood Zone 3. However, this assessment is based on the modelled 1 in 100 year plus climate change flood level (71.45m AOD), at a point just upstream of the site. The relevant flood level at the south-western corner of the site would be lower than this level and so there would, in reality, be a smaller area affected by flood risk. It is unlikely that development as submitted adjacent to the affected flood risk area would have any significant effect on nearby fluvial flood levels.

All design works need to be in line with the submitted Flood Risk Assessment and mitigation measures as noted by the Environment Agency (EA): provision of compensatory flood storage and ensuring minimum finished floor level (FFL) of development should be set no lower than 72.05m (AOD) (in line with EA requirements of FFL being set 600mm above 1 in 100 year + 30% climate change flood level). However, the submission of a drainage strategy / design will be required, which can be secured by condition.

CONTAMINATED LAND

The Phase II contaminated land report submitted in support of the application has identified a ground gas risk at the site and recommends that a Gas Protection Measures Design and Verification Plan is submitted to the local planning authority for approval. The Contaminated Land team has no objection to the proposal subject to conditions relating to these gas protection measures, the submission of a verification report, the testing of any imported soil and requirements in the event of any unidentified contamination being found.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and SE12 of the CELPS.

PLANNING BALANCE

The previous application was refused for 6 reasons. In summary these were:

1. Loss of employment land.
2. Loss of open space.
3. Out of character with site context
4. Harm to the setting of listed building
5. Insufficient arboricultural information
6. Ecological impacts

The majority of these reasons have been addressed within this resubmission. Adequate open space is now provided within the site to mitigate for the loss of the rather historic proposed open space allocation within the MBLP along the southern boundary. The proposed building has been amended to better reflect the characteristics of the site and will now positively contribute to the character of the area. Whilst some woodland will be lost as part of the proposal, the development will secure long term management of the woodland to maintain its integrity into the future. Finally, subject to the satisfactory receipt of mitigation proposals for specific ecological impacts, the ecological impact of the development will be acceptable.

However, the principle of a car showroom (a *sui generis* use) on a site allocated for employment uses (B1, B2 and B8 uses) remains in conflict with policy EG3 of the CELPS. In addition, there is still “less than substantial” harm to the setting of the listed building.

Accordingly there is clear conflict with policies within the development plan. Section 38(6) of the Planning and Compulsory Purchase Act requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of other material considerations, the applicant has outlined the following economic benefits as part of the proposal:

- Retention of an existing employer in the local area;
- Securing 127 existing jobs worth around £3.7million per annum through wage generation;
- Creation of approximately 45 new permanent jobs worth around £1.3million per annum through wage generation;
- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.9m;
- Generation of new business rates;
- Freeing up of existing Halliwell Jones sites to be brought into an active employment use following the relocation resulting in the creation of between 93 and 163 new full-time equivalent jobs; worth between £2.28million and £4.38million per annum;
- Support for existing and new businesses and associated employment as a result of the increased income in the local area;
- Increased demand within the supply chain created by the proposed development and new businesses reoccupying the existing Halliwell Jones sites;
- Employment opportunities created as a result of the local authority reinvesting the business rates generated by the proposed development in the local area.

The reasoning behind the proposal is to allow the existing, and clearly successful, local business to expand and adapt to the requirements of the car manufacturing brands that they represent. The proposed development will replace the existing BMW and Mini garages in Wilmslow and the existing Halliwell Jones Bodyshop at Brooke Park in Handforth, combining these facilities into a single site. It is understood that Halliwell Jones have been looking to relocate these facilities for over 3 years as the current sites are constrained by their locations and the adjacent uses, which impacts upon their operation and potential for expansion.

Any financial benefits from business rates will simply be transferred from the applicant's existing sites, which will not necessarily be redeveloped for business use. Similar benefits could be achieved from a conforming employment use on the site. Limited weight can only be attached to these benefits.

The proposed use is a *sui generis* use, and land is not allocated for such uses within the local plan, given the range of uses this particular use class could include. The applicant therefore suggests that it is appropriate to consider the nature of the proposals, which in this case comprise workshop, bodyshop, office facilities and car storage, which are all included within B1, B2 and B8 uses classes. Only the car showroom element is the non-conforming use on this employment site. Within this range of uses there is a wide variety of job roles, the majority of which would fall into the B use classes. This is considered to be a reasonable approach given the requirement at paragraph 81 of the Framework (February 2019) which states that planning policies should... *"be flexible enough to accommodate needs not anticipated in the plan"*. In these terms, the constituent uses of the proposed car dealership are considered to attract significant weight in the planning balance.

The retention of an existing employer and the associated jobs is undoubtedly a clear benefit of the proposal. Whilst no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development, there are no other known sites that could be suitable for the development, outside of other employment sites. Therefore significant weight can also be attached to this.

Overall, given the absence of any other harm, the proposed benefits and considerations in favour of the development are considered to outweigh the policy presumption against the development on employment land grounds and the less than substantial harm to the setting of the listed building. Accordingly a recommendation of approval is made.

RESPONSE TO REPRESENTATIONS

The comments received in representation have largely been considered in the preceding text. Other matters raised include suggestions for the provision of a pelican crossing on Coppice Way and pond works and tree planting within the Local Green Space behind Handforth Hall. Off site improvement works can only be secured to mitigate for the impact of the development, and the impact is not sufficient to justify works or contributions along these lines. A condition was also suggested to limit the use of the site to a car dealership. Given its *sui generis* use, any alternative uses would require planning permission, and as such a condition is not considered to be necessary.

RECOMMENDATION

It is recommended that the application is approved subject to conditions, and subject to the receipt of satisfactory ecological mitigation proposals.

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 Development Management 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.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Tree protection
5. Submission of landscaping scheme
6. Landscaping (implementation)
7. 10 year woodland management plan to be submitted
8. Nesting bird survey to be submitted
9. Gas Protection Measures Design and Verification Plan to be submitted
10. Verification Report prepared in accordance with the approved Gas Protection Measures Design and Verification Plan to be submitted
11. Unidentified contamination
12. Imported soil to be tested for contamination
13. Development to be carried out in accordance with mitigation measures detailed in FRA
14. Parking and access to be provided prior to occupation
15. Foul and surface water shall be drained on separate systems
16. Surface water drainage scheme to be submitted
17. Scheme to provide 10% of predicted energy requirements from decentralised and renewable or low carbon sources to be submitted

