

Strategic Planning Board

Agenda

Date: Wednesday, 24th February, 2021
Time: 10.00 am
Venue: Virtual

How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

[Click here to watch the meeting](#)

or dial in via telephone on 141 020 33215200 and enter Conference ID: 713 188 124# when prompted.

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 live 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

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

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 Virtual Meeting** (Pages 5 - 8)

To approve the minutes of the previous virtual meeting held on 27 January 2021 as a correct record.

4. **Public Speaking-Virtual Meetings**

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. **18/2492N-Approval of matters reserved in outline planning application 12/3114N (appearance, landscaping, layout and scale) for residential development comprising 157 dwellings (including 47 affordable homes), public open space and associated works, Land South Of, Newcastle Road, Shavington for Sean McBride, Persimmon Homes (North West) Ltd and Mac** (Pages 9 - 40)

To consider the above application.

6. **19/4578W-Change of use to mixed use for agriculture and as a waste transfer station/skip hire site, including the erection of a skip storage building, landscaping and associated works, Brookbank Farm, Bridge Lane, Goostrey for J Barber** (Pages 41 - 70)

To consider the above application.

7. **20/3382N-Proposed development of 6 no. commercial units providing up to 74,610 sq.m.GIA of mixed B1c, B2 and B8 (unfettered), of which 34,650 sq.m (Units 1, 2 & 6) will be sought under detailed approval including associated infrastructure, parking, access and circulation areas, maintenance and improvement of existing access into the site south of the level crossing and the existing vehicular access north of the level crossing, cycle and pedestrian access to the whole site, relocation of existing clock tower, new internal roads and drainage infrastructure. Units 3, 4 & 5 (total proposed floorspace of 39,960sqm) seek outline approval for access and scale, reserving appearance, landscaping and layout for later approval, Former Bae Site/Radway Green Business Park, Radway Green Road, Crewe for Tilstone Industrial Limited and Corbally Group (Radway) Ltd (Pages 71 - 88)**

To consider the above application.

8. **20/4747M-Hybrid Application comprising of; a) Full application for the Demolition of Kilburn House, Lovelace House and Brooker House to create "Town Square" and landscaped areas and an extension to Furber House to create additional Food & Beverage / support space; facade upgrades to Turing House, Babbage House and Furber House; retrospective application for installation of generators, installation of roof mounted air handling units; creation of a new security lodge; removal of a visitor car park; creation of new public realm; internal highways improvements; landscaping and other associated works; and b) Outline planning permission (including matters of Access, Scale and Layout) for the erection of new office floorspace (Use Class B1a) including employee wellness facilities and associated works, Radbroke Hall, Stocks Lane, Over Peover, Knutsford for Barclays Bank PLC (Pages 89 - 116)**

To consider the above application.

Membership: Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, B Puddicombe, P Redstone, J Weatherill and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Strategic Planning Board**
held on Wednesday, 27th January, 2021

PRESENT

Councillor S Gardiner (Vice Chairman in the Chair)

Councillors A Critchley, S Edgar, A Farrall, P Groves, S Hogben, D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hurdus (Highways Development Manager) Mr R Law (Planning Team Leader), Mr D Malcolm (Head of Planning) and Mr J Owens (Development Planning Manager)

70 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Hunter.

71 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of applications 19/3097M, 19/3098M and 20/2576N, Councillor S Edgar declared he was the Chairman of the Public Rights of Way Committee who had been a consultee on all three of the applications, however had he had not discussed the applications or made any comments on them.

In respect of applications 19/3097M and 19/3098M, Councillor S Hogben declared that he was a non-Executive Director of ANSA who had been consulted on the applications, however he had not discussed the applications or made any comments on them.

In respect of applications 19/3097M and 19/3098M, Councillor S Gardiner declared that he was knew the agent for the applicant speaking on the applications in a professional capacity, however he had not spoken to him for several months.

It was noted that all Members had received email correspondence in respect of applications 19/3097M and 19/3098M.

72 MINUTES OF THE PREVIOUS VIRTUAL MEETING

RESOLVED

That the minutes of the virtual meeting held on 15 January 2021 be approved as a correct record and signed by the Chairman.

73 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

74 19/3097M-RESERVED MATTERS APPLICATION FOR THE ERECTION OF 134NO. DWELLINGS, VEHICULAR ACCESS, ROADS AND FOOTWAYS, HARD AND SOFT LANDSCAPING, DRAINAGE AND OTHER ASSOCIATED WORKS FOLLOWING OUTLINE APPROVAL 17/4277M, LAND BETWEEN CHELFORD ROAD AND WHIRLEY ROAD, HENBURY FOR MR MATTHEW SHIPMAN, BELLWAY HOMES LIMITED (MANCHESTER DIVISION)

Consideration was given to the above application.

(Councillor L Smetham, the Ward Councillor, Councillor J Barber, the Ward Councillor, Councillor N Mannion, the neighbouring Ward Councillor, Parish Councillor Simon Browne, representing Henbury Parish Council, Town Councillor Fiona Wilson, representing Macclesfield Town Council, Richard Slater, an objector and Jon Suckley, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order to review the design of the house-types (particularly the mock Tudor detailing) and housing mix and in order to secure further information regarding peat removal and its impacts on hydrogeology, landscaping and levels.

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

(During consideration of the application, a one minute silence was held just after 11am in memory of all those who died in the holocaust. In addition at 12.40pm the virtual meeting was adjourned for a short break).

75 19/3098M-ERECTION OF 23NO. DWELLINGS, VEHICULAR ACCESS, ROADS AND FOOTWAYS, HARD AND SOFT LANDSCAPING, DRAINAGE AND OTHER ASSOCIATED WORKS, LAND BETWEEN CHELFORD ROAD HENBURY AND WHIRLEY ROAD MACCLESFIELD

CHESHIRE FOR MR MATTHEW SHIPMAN, BELLWAY HOMES LIMITED (MANCHESTER DIVISION)

As a result of the decision on the previous application, the Head of Planning made the decision to withdraw the application from the agenda.

(The virtual meeting was adjourned for a lunch break from 1.48pm until 2.20pm. Prior to consideration of the following application, Councillor A Critchley left the virtual meeting and did not return).

76 20/2576N-SOLAR FARM AND ASSOCIATED DEVELOPMENT, LAND ADJACENT TO DRURY LANE, WARMINGHAM FOR MOSS LANE FARM SOLAR LIMITED

Consideration was given to the above application.

(James Jamieson, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

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

1. Time limit
2. Approved plans
3. Submission and implementation of a Landscaping Management Plan including height and management of hedgerows
4. Tree protection measures
5. Tree retention
6. Protection of breeding/nesting birds
7. Implementation of the reasonable avoidance measures detailed in the submitted Great Crested Newt Report
8. Submission and implementation of a Biodiversity Enhancement Strategy
9. Survey for the presence of hibernating Hedgehogs prior to removal of vegetation between 1st December and 31st March
10. Compliance with the submitted Flood Risk Assessment
11. Submission of a detailed strategy/design, associated management and maintenance for surface water drainage
12. The first 20m of the access to the site from Drury Lane shall be bound hardstanding. This shall be created prior to any other development commencing on site
13. The layby opposite the access to the site access shall be upgraded to current highway specifications and adoptable standards
14. The hours of construction and deliveries at the site shall be restricted to the following:
07:30 to 18:00 hours Monday to Friday
07:30 to 14:00 hours Saturday

No working on Sundays or public holidays

15. Within 40 years following the development being brought into use or within 12 months of cessation of electricity generation, whichever is sooner, all equipment and structures shall be dismantled and removed from the site and the land restored to agricultural use

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

77 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME 2020 - 2022

Consideration was given to the above application.

RESOLVED

That the report be noted and that the Portfolio Holder for Planning be recommended to approve and bring into effect the Local Development Scheme.

The meeting commenced at 10.00 am and concluded at 2.50 pm

Councillor S Gardiner
(Chairman)

Application No: 18/2492N

Location: Land South Of, NEWCASTLE ROAD, SHAVINGTON

Proposal: Approval of matters reserved in outline planning application 12/3114N (appearance, landscaping, layout and scale) for residential development comprising 157 dwellings (including 47 affordable homes), public open space and associated works.

Applicant: Sean McBride, Persimmon Homes (North West) Ltd and Mac

Expiry Date: 01-Nov-2018

SUMMARY

The application site lies within the Wybunbury/Shavington Triangle which is allocated under policy LPS 9 of the CELPS for the delivery of around 400 new homes. The principle of residential development on the site has also been established through outline approval to construct up to 360 dwellings on this site. This application considers the Approval of Reserved Matters, which comprises layout, scale, appearance and landscaping for a development of 152 dwellings constituting the second phase of the scheme. Details of access were determined at outline stage and secured vehicular access to the site from Newcastle Road.

The proposal provides the required amount of affordable housing with an appropriate mix of housing. A series of amendments to design and layout of the proposal have been secured during the course of the application ensuring the proposal achieves an appropriately designed residential development which accords with the overall principles for the development of the Shavington Triangle and the CEC Design Guide. The scheme achieves an acceptable relationship with the both the character of Phase 1 of the scheme and the locality, without material harm to neighbouring residential amenity and also provides sufficient amenity for the new occupants.

Appropriate public open space including a Neighbourhood Equipped Area for Play (NEAP), MUGA and Allotments will be provided in accordance with the requirements of the S106 Agreement accompanying the outline approval. The proposed routing of the PROW through the development and green space is also considered acceptable.

Tree and hedgerow losses have been accepted and would be mitigated in the proposed landscaping scheme for the site. The proposals for phase 2 will not have any significant ecological impact and not result in the loss or deterioration of irreplaceable wildlife habitats. Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor recreation was secured at outline stage as part of the S106 legal agreement.

The LLFA consider the proposed surface water drainage arrangements to be acceptable and which will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, the Wybunbury Combined Parishes Neighbourhood Plan, the Shavington Neighbourhood Development Plan and advice contained within the NPPF.

RECOMMENDATION : APPROVE subject to conditions

DETAILS OF PROPOSAL

This application seeks approval for Reserved Matters relating to the appearance, landscaping, layout and scale of 152 dwellings, and associated open space and infrastructure of the second phase of development within the Shavington/Wybunbury Triangle.

The main access point serving the site via Newcastle Road was approved as part of outline application 12/3114N. Vehicular access to Phase 2 is from connections to three access roads leading from Phase 1.

The proposed 152 dwellings will be made up from 106 market dwellings and 46 affordable units. These will comprise of a mix of detached houses, mews housing, bungalows and apartment units ranging from 1-4 bed units.

The development will provide public open space including amenity green space and recreational and play facilities, incorporating a neighbourhood area of play (NEAP), multi-use games area (MUGA) and allotments in accordance with the S106 Agreement accompanying the outline approval.

Revised plans and additional information have been received during the application process in response to issues raised by the Council. This has been predominantly in relation to design, but also in respect of the provision of open space/recreation facilities, levels, drainage and enhanced planting/landscaping including buffer areas alongside the site boundaries with existing properties of Stock Lane and Dig Lane.

The Application Site

The site is former farmland, covering 5.61 hectares and forms the second phase of the wider Shavington/Wybunbury Triangle allocation under CELPS Policy LPS 9. It is subject to outline planning approval 12/3114N, subsequently varied by 14/1160N, which relates to erection of up to 360 dwellings, a local centre, open space provision, landscaping and associated engineering works within the Shavington/Wybunbury Triangle allocation.

Reserved Matters approval (Ref: 14/3039N) was granted in December 2014 for Phase 1 of development within the Shavington/Wybunbury Triangle site for 200 homes which is now at advanced stage of construction.

This site (phase 2) extends around the western, southern and eastern edges of the wider Shavington Triangle site. It also wraps the adjoining Phase 1 development to the north, east and west which is at an advance stage of construction.

The site is made up of a number of fields of varying size, the majority of which were in arable use. In the south-western corner are two smaller fields of semi-improved grassland used as paddocks.

To the south/south-west and east, the site is bounded by the rear gardens of existing properties along Dig Lane and Stock Lane. The northern boundary of the site is adjoined by a small area of agricultural land beyond which is the small modern residential estate at Huntersfield. The north-eastern boundary adjoins an area of retained agricultural land.

The route of a PROW consisting of Shavington FP11, Wybunbury FP16 and Hough FP21 runs site east/west through the site from Stock Lane to the edge of phase 1, and then turns to follow a north/south route to Newcastle Road.

The site straddles the boundary between Shavington-cum Gresty and Wybunbury Parishes.

RELEVANT HISTORY

18/5851N - Variation of Condition 1 on approved application 16/5516N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N - Approved 22nd July 2020

16/1698N - Changes to section 106 agreement - Affordable housing on application 12/3114N - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works - Modified 11th January 2017

16/5516N - Variation of Condition 1 on approved application 14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N. Approved 17th February 2017

15/4953N - Non-material amendment (changes to highways, footpaths and plot positions) to approved application 14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 24th November 2015

15/3386N - Removal of condition 30 (Number of dwellings) on previous permission 12/3114N; Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to

700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works.
UNDETERMINED

15/3329N - Non material amendment to approved development 14/3039N: realignment of fence to plots 12, 29, 42; minor repositioning of plot 50; plots 28, 32, 57, 121, 178 are to be handed – Approved 10th August 2015

14/3039N - Reserved matters (appearance, landscaping, layout & scale) for residential development comprising 200 dwellings (30% affordable) and creation of public open space, in relation to outline approval 12/3114N – Approved 11th December 2014

14/1161N - Variation or removal of Condition 30 of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Withdrawn 18th August 2014

14/1160N - Variation or removal of Conditions 48 - 51 Inclusive of Planning Permission 12/3114N - Outline application for residential development of up to 400 dwellings, local centre of up to 700 Sq M (with 400 Sq M being a single convenience store), open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works – Approved 11th November 2019

12/3114N - Outline Application for Residential Development of up to 360 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works – Approved 23rd January 2014

POLICIES

Cheshire East Local Plan Strategy (CELPS)

LPS 9 - The Shavington/Wybunbury Triangle

PG 1 - Overall Development Strategy

PG 2 - Settlement Hierarchy

PG 7 - Spatial Distribution of Development

SD 1 - Sustainable Development in Cheshire East

SD 2 - 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 8 - Renewable and Low Carbon Energy

SE 9 - Energy Efficient Development

SE 12 - Pollution, Land contamination and Land instability

SE 13 - Flood Risk and Water Management

CO 1 - Sustainable Travel and Transport
CO 2 - Enabling Business Growth Through Transport Infrastructure
CO 4 - Travel Plans and Transport Assessments
EG 1 - Economic Prosperity
EG 3 - Existing and Allocated Employment Sites
IN 1- Infrastructure
IN 2 - Developer Contributions
SC 1 - Leisure and Recreation
SC 2 - Outdoor Sports Facilities
SC 4 - Residential Mix
SC 5 - Affordable Homes

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

Crewe and Nantwich Replacement Local Plan

BE.1 – Amenity
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.6 – Development on Potentially Contaminated Land
BE.16 – Development and Archaeology
NE.5 – Nature Conservation and Habitats
NE.7 – Sites of National Importance for Nature Conservation
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.11 – River and Canal Corridors
NE.17 – Pollution Control
NE.20 – Flood Prevention
NE.21 – New Development and Landfill Sites
TRAN.3 – Pedestrians
TRAN.5 – Provision for Cyclists
RT.9 – Footpaths and Bridleways

Wybunbury Combined Neighbourhood Plan

Made on the 6th April 2020.

Policy H1: Location of New Houses
Policy H2: Housing Mix
Policy H4: Design
Policy H5: Adapting to Climate Change
Policy E1: Woodland, Trees, Hedgerows and Boundary Fencing
Policy E3: Biodiversity
Policy E5: Landscape Quality, Countryside and Open Views
Policy F1: Public Rights of Way
Policy TI1: Traffic Management
Policy TI2: Parking
Policy TI3: Traffic Generation

Policy TI4: Drainage

Shavington Neighbourhood Development Plan

Regulations 17 and 18 Examination stage. The Shavington NDP examination began on the 11 September 2020 and closed on the 11 December 2020.

HOU1 – New Housing
HOU2 – Housing Mix and Type
HOU3 – Housing for Older People
HOU4 - Local Character and Housing Design
ENV1 – Footpaths and Cycleways
ENV2 – Trees and Hedgerows
ENV3 – Water Management and Drainage
COM3 – The Provision of New Open Space Facilities
TRA1 – Sustainable Transport
TRA2 - Parking

Other Material Considerations

National Planning Policy Framework 2019 (NPPF)
National Planning Policy Guidance (NPPG)

CONSULTATIONS

Strategic Highways Manager: No objection, subject to condition.

Environmental Protection: No objection. Issues relating to contaminated land, air quality, hours of construction, noise mitigation, Piling and Dust Management, external lighting details in respect this phase of development will be addressed under the conditions of the outline approval.

Strategic Housing Officer: No objection.

Leisure Officer: No objection subject to conditions.

United Utilities: No objection

Natural England : No objection

Public Rights of Way Unit (PROW): No objection to amended layout subject to conditions requiring details of the width, surfacing and road crossings of the PROW and requirement for the applicant to undertake a further legal order to regularise route of footpath Hough 21 along access road.

CEC Flood Risk (LLFA): No objection

Environment Agency: No objection

Wybunbury Parish Council: Objects.

Comments received (July 2018) to the originally submitted proposals ;

“1.0 Despite assurances in Phase 1 that a robust SUDS system would be in place, the current phase II site has been waterlogged for much of the past 2-year construction phase. We ask that the SUDS water retention area should be constructed with most urgency BEFORE any development of Phase II is undertaken.

2.0 The SUDS system must meet with CEC Flood & Drainage officer & EA approval when completed.

3.0 The SUDS system should also be approved by Natural England in terms of its environmental impact on wildlife, its proximity to Wybunbury Moss as well as safeguarding existing wildlife on the site.

4.0 Inadequate surface water drainage from phase 1 of the site has created on-going issues throughout construction and created lying water on the phase II fields. This has created water-logging and surface water issues for the residents of Dig Lane which will be exacerbated if the SUDS systems are not adequately addressed. United Utilities have already investigated these issues at 43A Dig Lane (03.04.2018 CAS18-0018-3543). Manholes and drains were working satisfactorily as was the near-by pumping station. The engineer identified the pooling of water at the bottom of the garden was surface water or ground water and that excavation works on the adjacent phase I site was likely to have disturbed the water table.

5.0 The Parish Council notes that the proposed wildlife corridor behind the Dig lane properties (as recommended in condition 50 of application 12/3114N) has been omitted from the phase II plan. We are aware that application 14/1160N sought to have conditions removed but the Strategic Planning Board advised that in relation to the inclusion of a wildlife corridor behind Dig Lane, single storey dwellings behind the bungalow on Stock Lane and the removal of 3-storey dwellings from the design,

“We ask that the Board will scrutinise any reserved matters application very carefully to ensure that an adequate standard of amenity is maintained for existing residents.”

NO mitigation measures have been proposed to defray the loss of this ecology site that adequately compensate the local flora and fauna, Dig Lane residents and the wider area, for the loss of the wildlife corridor.

6.0 The large 2 storey house to be built at the rear of No's 91-97 Dig lane will overpower & dominate the 4 No bungalows, will cause them to lose the pricey & benefits off their rear gardens they have at present & enjoyed over the last 50 years.

7.0 There is no statement or reference from the developer regarding the foul common sewer at the rear of all the properties in Dig lane or the properties in Stock lane No's 96-120.

This sewer will lie under the rear gardens, houses or roads for Phase II of this development. United Utilities have already stated the detailed conditions for building around and access to the public sewer. The developer must provide appropriate assurances regarding how these will be met BEFORE development commences. As this is a reserved matters application, this issue needs to be resolved before planning approval is given. This is essential in order to avoid a repetition of retrospective permissions encountered in phase 1 (18/1932D) where failure to adequately design around the public sewer has resulted in raised land levels (and subsequent raising of the property heights within the development).

8.0 The residents of No's 13-17 Dig Lane are concerned that the site drawing showing ownership of the land at the rear of their properties is not accurate & ask that this be verified before any decision on this application is made.

9.0 The properties to the rear of No's 72/70 & 78 Stock Lane are built up to the rear garden fence of these properties which was not originally agreed in the outline planning application

approval & should be bungalows, these properties of whatever type will dominate the rear aspect of these properties & taking away their privacy & benefit of their rear gardens.

10.0 S106 Agreement: The latest S106 agreement for phase 1 of this development was signed 15.02.2016 and section 5.15 (page 21) is clear "...not to allow the occupation of more than 90% of dwellings comprised in the development until the Open Space has been provided on the site in accordance with the schedule".

The development referred to here is Phase 1 (12/3114N) and means that all Open Space requirements must be met before the 180th house (of the 200 proposed) is occupied. In the interest of resident amenity on phase I and in relation to the future residents of phase II, this application (18/2492N) must be conditioned NOT TO COMMENCE until the Open Space commitment has been met and all conditions related to it discharged by CEC. (This will include the MUGA, 12-piece play area, 16 piece outdoor gym, allotments and open space areas).

11.0 The interconnecting water retention pipes and ditches between ponds in Phase II should be put in place at the same time as the site roads for Phase II and the SUDS. This will prevent the problem of standing water and water-logging experienced during construction thus far, due to historic field drainages system being damaged by careless construction excavations and so interfering with the usual drainage mechanisms into the ponds or water courses on the site.

12.0 That these areas also have the stipulated tree planting carried out this autumn to replace the original green environment that has been removed to allow the house building on the site. To date there does not seem to be any hedge planting designated this also could be incorporated into the green corridors across the site.

13.0 We would request that the developer enter into an agreement with the CEC PROW officer to extend the hard-surface to the PROW from phase II to Stock lane along with the appropriate litter bins on the foot paths & green walk corridors. This will improve resident amenity, maintain a semi-rural aspect to the development in keeping with the CELP Design statement."

Significant revisions to the scheme were subject to full re-consultation in August/September 2020. A further objection has been received from the Parish Council (January 2021) ;

- Concerns have been raised in relation to the lack of consultation on amended proposals and also in terms of insufficient liaison with the Parish Council during the consideration of the application.

- "The removal of surface water from the site (both highway & residential) due to the fact of a high water table, which Persimmons drainage engineers admit to. This means that soakaways cannot be used on this site, so it is Persimmons intention to use the proposed pond & interconnecting ditch system to funnel the surface water from the site to the water holding area "SUDDs" which will then allow it to flow in what they say is a controlled way under Dig lane then into the Cheer Brook water course. In periods of heavy rain the Cheer Brook already floods the fields along its length to the Vagrants playing field as well as Haymoor Green Rd where it passes under in a culvert. As the network of ponds & ditches has to wind its way through the estate, to achieve the correct falls from the service roads & properties they are intending to raise the ground levels behind Dig lane & Stock lane to achieve the correct falls from the new properties to the pond & ditch network. This will have the same effect as CEBC are having with the Cherry Tree estate of Newcastle Rd Shavington in that the rear gardens of the properties surrounding this estate flood whenever there is any rain. Already the properties 91 to 113 Dig lane are having problems with their rear gardens

flooding before a property is built behind them due to the drainage network of land drains to ponds & ditches being damaged or cut through.”

- “The residents lower down Dig lane are already having problems with raw sewage & water flooding their gardens in this last month, reportedly due to pipe work being cross connected or damaged at the rear of their properties”
- Request that the application is not determined until these concerns have been satisfactorily addressed

Shavington Parish Council: Comments as follows

- Request that there should be no dormer windows inserted into bungalows.
- Affordable homes should be built first, or close to the start date of the development.

OTHER REPRESENTATIONS

A total of approximately 83 representations have been received raising objections on the following grounds;

- Phase 1 of the development provides 200 dwellings and this phase two applications is for 160 dwellings, taking the total to 360 units, which is the approved maximum for the site. However, these two phases only cover around 70% of the site area, with the north east corner of the site still remaining available for development and therefore these proposals are attempt to cram more dwellings on the site to around a total of 450.
- Cheshire East can demonstrate a housing supply in excess of 5 years and no need to approve an increase in numbers on this site which would be unacceptable in design terms and put further strain on local infrastructure
- Outline approval was granted in spite of over 800 objections and therefore it is time to re-assess this development and impact of this scheme
- Development not needed given number of major housing developments within a 3 mile radius
- Further "affordable housing" is not needed,
- Increased strain on capacity of existing infrastructure and services including schools, doctors, hospitals etc.
- Lack of demand for development as many unsold properties remain within Phase 1
 - The original outline approval (12/3114N) secured the provision of a Convenience store, allotments (20 spaces), a multi-use games area and an outdoor play area. None of these amenities are provided in Phase 1 and the Phase two application still does not provide for the convenience store or all of the allotment plots, despite accounting for the full allocation of 360 dwellings.
- As Phase 1 is nearing completion, open space facilities secured by S106 agreement should now be provided to ensure resident amenity for both the current part of Shavington Park (Phase 1) and the second phase as it is 'built out'. No phase 2 construction (18/2492N) should commence until the S106 conditions are met in full.
- Residents of phase 1 not advised of further development within site
- Residents of phase 1 have been paying for estate maintenance including for areas not built.
- Prior to commencement of Phase 2, Phase 1 should be completely finished
- Density and character of development out of keeping with properties adjoining the site
- Overdevelopment of the site.
- Cramped form of development out of character with locality

- Substantial houses back onto existing bungalows contrary to original planning requirements.
- Development over-bearing and out of scale
- Overlooking and loss of privacy
- Loss of outlook and view from existing properties
- Part of Phase 1 has an artificially high level which is substantially above the natural land level. If phase 2 continues to increase land levels over its entirety, then the detrimental effect on both privacy and drainage will be very severe
- Proposed raised levels will result in loss of privacy, light and security for existing properties on Stock Lane & Dig Lane
- Drainage on Phase 1 not working as planned, with local pooling and water logging. No evidence of suitable drainage for Phase 2 within this application
- Levels of Phase 2 will need to be raised considerably to allow surface water to run into the Storage Basin. Site sections show that the ground levels of new houses will be above the level of the gardens of the properties backing onto the site.
- The increase in height of site will exacerbate existing flooding problems. Ground around Phase 1 has been waterlogged to a degree not seen before and caused extensive flooding of gardens backing onto the site.
- Land drainage is required to run along the back of Dig Lane and Stock Lane to accommodate the water run off from Phase 2
- The Environment Agency stated that the site must "Ensure that the Development will not increase flood risk to Existing Properties".
- Rerouting of main foul sewer re-routing appears to ignore outflow from numbers 110,112, and 114 Stock Lane
 - exacerbate existing traffic/highway safety issues
- Roads within phase 1 are not wide enough to accommodate additional traffic
- Insufficient parking provision within Phase 1 resulting in on road parking problems
- Increasing traffic flow to service these additional properties will be dangerous, noisy and disruptive
- Why is an emergency access road onto Stock Lane necessary if the original road layout was considered acceptable?
- Loss of wildlife habitat and harm to protected species including Great Crested Newts
- Loss of trees and hedgerows
- Site is an ecologically rich area because of the varied habitat of brook, wetlands, scrub and hedgerows and also in close proximity and feeder areas to Wybunbury Moss SSSI. Therefore, as originally required by outline approval a wildlife corridor should be provided to the rear of Dig Lane.
- Wildlife corridor behind Dig Lane has not been provided as required by Condition 50 of the original outline consent.
- Loss of green space potential agricultural land
- Negative visual impact on the landscape and loss of views across the Shavington Triangle. Wybunbury will no longer be a village in its own right and directly join to Crewe
- The 5 metre buffer zone should be increased to at least 10 metres in width order to reduce noise & light pollution for the existing residents.
- More details need to be provided of planting within "buffer zone" and access gates
- Close proximity of development to existing trees along boundary with Dig Lane will result in potential root damage and overshadowing of new properties
- Lack of Boundary fencing alongside properties of Stock Lane and Dig Lane with buffer areas will result in security problems
- Further details required of footpath routes and surfacing

- disregard to the conditions applied to the original outline planning approval 12/3114N
- Doubtful that landscaped areas/wildlife habitat of either the present site or phase 2 will be managed to an acceptable standard
- Measures required to mitigate noise, dust and piling during construction
 - Reduction in quality of life and community spirit
- Increased noise and disturbance
- Increase in crime and anti-social behaviour
- Reduction in property value

The following objection was received from Cllr Janet Clowes;

1. This application is opposed by the CEC PROW Team due to inappropriate design of Hough FP21 which is inadequately separated from the main highway, running along an unadopted shared drive, a space shared by vehicles and with no greenspace.

2. This application is opposed by the CEC Arboricultural Team as no Arboricultural Impact Assessment has been submitted. It should be noted that pre-permission developer activity on this site in June had to be halted by the CEC Arboricultural Team as significant stretches of established hedgerow and mature trees were being stripped out.

3. Despite clear direction from the CEC Design Officer in 2012/13, land and property levels at the boundaries do not reflect existing land levels and the property heights of adjacent established dwellings on Dig Lane. Whilst this revised reserved application offers like land levels and a mix of true bungalows and dormers to the rear of bungalows on Stock Lane, this design requirement has been ignored in relation to bungalows on Dig Lane which it is proposed will be dominated by the massing of three substantial family homes (South-East of site) at the end of their gardens.

4. Land levels remain a concern in relation to existing residents on Dig Lane as it is now proposed that they will need to be higher to allow gravity-flow surface water drainage. This was not part of the original outline plan nor was it referred to in the 2012 Flood Risk and Drainage Strategy.

5. Drainage was an issue on this site prior to development BUT the 2012 Flood Risk and Drainage Strategy was accepted as an acceptable mechanism for controlling surface water drainage through the narrow culvert that runs under Dig Lane into the Cheer Brook. Sadly phase 1 development revealed a rising main that the developer had been unaware of and the high volume road drains, open culverts and holding tank on site have failed to offer an effective holding system thus far. Large areas of the Phase 2 site have remained waterlogged over most of the past 4 years during development, with pond expansion the norm in the SE Corner of the site.

6. The fact that the 'new' drainage report relies extensively on data from the 2012 Strategy offers residents no reassurance – particularly for those residents whose gardens on Dig Lane adjacent to the UU pumping Station, have remained waterlogged and unfit for amenity use since Phase 1 began. If Phase 2 house levels are to be raised to allow gravity drainage, these issues can only get worse.

7. The 2013 Outline Permission identified a 'Green Corridor' along the back of Dig Lane, in part to ameliorate drainage issues but also to provide alternative ecological habitat for the extensive wildlife that was known to be present on the original greenfield area and wet areas.

This has been systematically reduced to a 5m buffer zone to be maintained by a maintenance company. There is no obvious boundary treatment to secure the rear of properties on Dig Lane and there appears to be only a 'knee-railing' marking the boundary between the rear gardens of phase 2 dwellings and the buffer zone. This offers little security or privacy in terms of residents outside garden and amenity space. In short this arrangement:

- fails to offer any 'Biodiversity Net gain' as recommended in the 2019 NPPF and
- fails therefore to comply with Policy H4 (a, k, l) and Policies E1 (Woodland, trees, hedges and boundary fencing), E2 (Wildlife Corridors) and E3 (Biodiversity) of the Wybunbury Combined Parishes Neighbourhood Plan (made 02.2020)

8. I am concerned that the allotments identified in the outline stage have not been explicitly included in these plans. The Developer suggests that these remain as a condition of the outline application thus avoiding the necessity to include them in this phase of the development. This suggests that they may be postponed indefinitely (until phase 3 is brought forward).

This is unacceptable. ALL Amenity spaces must be developed as part of Phase 2 (Outdoor gym, MUGA, Play Area, Allotments etc – as in the outline permission). Phase 1 residents have already been waiting 5 years for these provisions and are already being charged maintenance fees for services that are not yet available to them.

9. Whilst the Environment Agency approve this application in principle, they make it very clear that no development should take place until the developer obtains the correct Environmental Permits that will enable controlled drainage from the site's SUDS into the main river system (The Cheerbrook via the culvert under Dig Lane). This is not yet the case.

10. The developer has not yet explained how significant existing drains, that run around the south of the site behind dwellings serving Dig Lane and Stock Lane residents, will be protected and maintenance access preserved as this development comes forward. Nor have United Utilities submitted comment on this particular issue. The debacle over the rising main in phase 1 highlights the need for early consideration of this matter before houses are under construction. In light of the above material concerns, I ask that this application is **REFUSED** in its current form until these matters have been comprehensively addressed.

APPRAISAL

Key Issues

- Principle of development
- Housing
- Layout & Design
- Amenity
- Landscape
- Flood Risk/Drainage
- Highways

- Ecology
- Trees and hedgerows
- Public Open Space
- Public Right of Way

Principle of Development

The application site lies within the Wybunbury/Shavington triangle which is allocated under policy LPS 9 of the CELPS for the delivery of around 400 new homes. It is considered that the proposals meet the requirements of policy LPS 9 as they relate to this site.

This application relates to the acceptability of the proposed development in context of the reserved matters as the principle of erecting up to 360 dwellings has already been granted under outline planning approval for this allocated site. 200 dwellings were subject to reserved matters approval for 1 and 152 units are proposed by this application to be accommodated within Phase 2.

It is accepted that further development within the north-eastern corner (Phase 3) of the triangle allocation would result in the total number of dwellings exceeding 360 units, and therefore require further planning approval, as this would be outside the terms of the outline permission. However, given the limited developable area remaining within Phase 3, it is considered that the final development of the Shavington/Wybunbury Triangle allocation would accommodate around 400 dwellings as stipulated by policy LPS 9.

Details of the layout, Scale Appearance and Landscaping are the principal matters for consideration in relation to this Reserved Matters application. The relevant issues and details of all relevant technical matters are discussed within the report. It is however considered that following revisions to the design and layout of the scheme ensures that the proposals accord with the Statement of Design principles and master plan for the overall development of the triangle site secured under Condition 29 of the outline approval.

The overall development of the triangle site is bound by the terms of the Section 106 agreement which secured the following:

- Affordable housing provision (30%)
- Education contribution for securing of additional primary school places site
- Highway contributions including bus stops on Newcastle road, provision of evening bus service and strategic transport improvements
- Provision of Neighbourhood Equipped Area of Play (NEAP), Multi-Use Games area (MUGA) and allotments.
- Open Space provision and management
- Off-site ecology contribution for habitat creation within The Meres and Mosses Natural Improvement Area.

This application has been revised to ensure that requirements of the S106 Agreement are met. In particular the site layout now includes a Neighbourhood Equipped Area of Play (NEAP), Multi-Use Games area (MUGA) and allotments. These elements are required to be provided as elements of the second phase of the Shavington triangle development in

accordance with Statement of Design Principles approved under condition 29 of the outline approval.

Significantly, the S106 Agreement also states that these recreational facilities should be provided and available for use before 90% of dwellings (360) of the development are occupied. Consequently, given the timescales specified for the provision of these elements, there is no reasonable basis on which to prevent the development of phase 2 prior to provision of these facilities. In addition, a local centre, including the provision of a convenience store and residential units will form part of the third and final phase of the Shavington triangle development.

It is also important to note that planning approval 14/1160N varied the original outline planning approval 12/3114N relating to development of the triangle site. This variation included the removal of Conditions 48 (no three storey development), 50 (wildlife corridor to the rear of Dig Lane) and 51 (provision for bungalows to back on to existing bungalows of Stock Lane). These conditions were removed on the basis that they did not adhere to the relevant conditions tests stated by the NPPF and were specifically not considered as necessary as these were matters which should be addressed at the Reserved Matters stage. Furthermore, the wildlife corridor referred to under Condition 50 was not required for ecological reasons, but rather to protect the residential amenities of adjoining properties of Dig Lane.

Nevertheless, the amended proposals of this application have largely addressed the original objectives of the conditions which were removed by 14/1160N. Three storey development is not incorporated within the Phase 2 of the scheme, a landscape buffer area is proposed along the site boundary between new dwellings and existing properties of Dig Lane (and also Stock Lane), and the layout also ensures that provision is made for bungalows to back onto existing bungalows of Stock Lane.

The principle of the development is therefore acceptable.

Housing

In accordance within the S106 agreement and CELPS Policy SC5, 30% affordable housing (46 dwellings) is provided within the scheme.

A revised affordable housing statement has been provided which addresses the housing officer's objection to the application. An appropriate mix of property sizes and tenure split is proposed with affordable units being satisfactorily distributed throughout the site. In terms of tenure, 30 units are for rent, and 16 units will be available as Intermediate affordable units. The overall provision includes;

- 25% to be provided as 1 bedroom housing;
- 40% to be provided as 2 bedroom housing;
- 20% to be provided as 3 bedroom housing;
- 15% to be provided as 4 bedroom housing

The proposed mix includes a variety of house types including bungalows , 1 bedroom cottage style apartments, 4 bedroom detached properties, to meet affordable housing requirements

Affordable/Social Rent Dwellings

- 3 - three- Bed Mews Houses (Barton)
- 4 - two- Bed Houses (Alnmouth)
- 12 - two- Bed Bungalow (Maddison)
- 11 – One- Bedroom cottage-style apartments

Intermediate Dwellings

- 5 - three Bed Semi-detached Houses (Barton)
- 4 - two Bed Bungalows (Maddison)
- 4 - two Bed Detached Houses (Hornsea)
- 3 - four Bed Detached Houses. (Kendal)

Policy SC4 of the Cheshire East Local Plan requires developments to provide a reasonable mix of housing types, tenures and sizes to help support the creation of mixed, balanced and inclusive communities. The proposed 152 dwellings will be made up from 106 market dwellings and 46 affordable units. A range of housing units are being proposed ranging from 1-4 bedroom units and include 1-bed apartments offering ground floor single storey entry, bungalows and semi- detached /detached family houses.

This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

Layout / Design

Policies SD2 and SE1 of the CELPS expect 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. BfL12 uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens. The Council's Design Officer has undertaken a BfL12 assessment of the application, which is reflected in the commentary below.

1. Connections – GREEN

The issues addressed by this criterion relate to where the scheme integrates into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site.

The Design Officer advises that satisfactory consideration has been given to the relationship of the site to neighbouring properties with the density and height of development being satisfactorily reduced at the edges of this site

A series of cross-sections have been submitted across the site and at the boundaries of the development with adjoining properties to indicate proposed site levels. In most instances

finished levels increase at various points within the site, but care has been taken to ensure these are maintained at the same level at the site boundary. In several locations along the boundary where the development has a closer relationship with existing properties of Dig Lane, the scheme proposes bungalows in addition to setting development further back into the site from the boundary

Significantly, landscaped buffer areas are also proposed along the western and southern boundaries of the site shared with properties on Dig Lane and Stock Lane to filter views of the site and achieve greater separation between built form and existing properties. As set out in the landscape section below the nature, extent and specification of planting within the buffer is considered acceptable.

The pedestrian connections into and within the development have been enhanced, with the southern gateway entrance of the PROW into the development passing through greenspace and then a block paved street. The PROW forms a spine through the site in the form of an enhanced footpath/cycleway running adjacent to or through greenspace, with connections to the main areas of formal space and different parts of the neighbourhood.

The stronger and more purposeful gateway from the south, multiple connections with phase 1 and a positive approach has been adopted to integrate the new alignment of the PROW, all of which further strengthen the connectivity of the proposal.

2. Facilities and services - GREEN

A range of open space/play space elements are provided which create a centrepiece for the entire development; these areas would be well connected to housing via the enhanced PROW running through the centre of the site and would be well surveyed by adjoining housing.

In conjunction with the open space elements, there are local facilities in the village which are reasonably accessible and there is the potential of additional facilities being developed on site in time, which have already been approved at outline stage.

3. Public Transport – GREEN

The main cycle/pedestrian way through the site connects Stock Lane and Newcastle Road via the upgraded PROW. The Stock Lane entrance into the site has been enhanced and made more welcoming, whilst connection utilising the PROW has been provided for in the layout. This connects the spine of the site through to the main public transport corridors nearby.

4. Meeting Local Housing requirements – GREEN

A range of house types are proposed including 1- bed apartments, bungalows and family houses. Housing mix and tenure plans have been provided evidencing the distribution and mixing of house and tenure types and the extent of their pepper potting.

The scheme has been amended to ensure satisfactory pepper-potting of affordable housing plots throughout the development including within the north-western part of the site.

5. Character – **Borderline GREEN**

The layout provides a framework that creates a positive structure of streets and spaces and a distinct hierarchy of street type. It also provides an outward looking development overlooking the main public spaces and the countryside and landscaped edges.

The approach to character areas and associated detailing has progressed in a positive manner. There is more distinction between the two proposed character areas which are refined into two groupings identified as The Green (areas fronting POS) And Urban Edge (areas which interface with adjoining established homes or are set within the heart of development blocks). In addition feature areas of the site are further defined by enhanced building detailing and grouping. Therefore the change in character will be more discernible and certain areas of the site made more memorable and distinctive. A variety in materials and finishes is proposed and duo tile types are shown for focal plots

There has been improvement in detailing of range of house types including the use of extensive Cheshire boarding on feature buildings and chimneys have been introduced to help punctuate roofscape. Cheshire boarded semi-dormers are included for specific house types (e.g. the Lockwood) albeit ideally these could be enlarged a little, to improve proportions.

However these improvements are based on standard house types, even within bespoke parts of the site, which limits the degree of architectural quality which can be achieved. However these improvements have enhanced the appearance of house types and ensure they are locally relevant. A condition is recommended to secure appropriate details of facing materials and finishes

A significant improvement within the scheme is the gateway space off Stock Lane accommodating the PROW. Given the proposed landscape treatment, it is considered that this has the potential to become a distinctive and positive part of the site, creating a very attractive pedestrian gateway into the scheme.

In addition landscape enhancement of the rear parking court off the Mews street help to create a space that has the potential to be attractive with and without vehicles, with the potential for informal use as social space too.

The Design Officer considers that overall the changes to the design and layout have enhanced the character of the scheme and make it feel more place led. Although more could have been done in terms of architectural quality, in character terms, the scheme has improved significantly during the course of the application and accords with principles of the CEC Design Guide.

6. Working with the site and its context **AMBER**

This and phase 1 incorporate elements of Green and Blue Infrastructure (GI and BI), ecological features and SUDs features are designed into the layout. This provides the potential for a strong framework for the site.

As set out in the “Connections” criterion above, the Design Officer has advised that satisfactory consideration has been given to site levels and relationship of the site to

neighbouring properties. In particular the amendments to the layout secured during the course of the application ensures that the density and height of development has been reduced around the edges of the development. This has resulted in the numbers of units being reduced from the initial submission, which has loosened the layout at the site edge and within other parts of the site. It is recognised that pocket of higher density pockets within the scheme are inevitable given the requirement to enable a reasonable spread/typology mix of affordable housing across the site.

The external works drawings and accompanying sections indicate the extent of raised ground levels in places, resulting in retaining structures in certain areas of the layout, which are largely to the rear and hidden but where, in the south western part of the site, it relates closely to an existing hedgerow with trees. However, further information is required as regards the extent/location of retention structures, their design and how they will be constructed, especially in proximity to existing trees/hedges.

7. Creating well defined streets and spaces – GREEN

The Design Officer considers the arrangement to be positive, with perimeter blocks and outward facing development, overlooking public space and onto streets. A number of corner turning house types have been included to ensure active frontages to spaces and streets.

The proposed landscape details have provided hedgerow and tree planting to strengthen the street edge throughout the development. Although potential for planting has been required to take account of proximity of some properties to the highway and the requirement for service verges.

The enhancements to the gateway space off Stocks Lane have created a much more positive axis into and through the site providing an enhanced setting for the PROW and a stronger green focus for this part of the scheme.

8. Easy to find your way around – GREEN

The general approach to creating character areas has been strengthened, and the southern gateway into the site has been designed to become a feature space within the scheme. Other focal locations/areas are identified by townscape features or buildings with specific detailing.

The Design Officer has emphasised that there has been a committed effort to elevate the character and quality of the scheme in key locations, which will enhance legibility within the scheme.

An additional trim trail has been added to the area of open space in front of plots 324-325 with additional hedgerow and tree planting to assist in delineating the boundary between public and private space.

9 Streets for All - GREEN

The development has a defined street hierarchy and designed to calm traffic to a 20mph design speed.

The Design Officer advises that the positive approach which the scheme has taken to materiality in terms of following the principles of the design guide should be acknowledged, given phase 1 of this development originates from before the adoption of the CEC Design Guide. However, by following this approach it has given a significant lift to the quality of the streets and their functioning as social spaces where street design and materiality will help to define it as an area with pedestrian priority and encourage lower traffic speeds.

10. Car parking - **borderline GREEN**

The majority of the parking is provided in ways to minimise its impact upon the street scene, employing integral and side of property solutions.

The parking court in the west has been enhanced with the inclusion of pergolas over the central section of parking and for bin stores.

Although frontage parking areas have been enhanced incorporating the use of blockwork and visitor parking, the Design Officer considers that ideally the western section of the mews street should be enhanced by the inclusion of frontage gardens/landscaping to help break up the hard landscape and create definition of the boundary between public and private. This would enable a green to be awarded.

11. Public and private spaces – **AMBER**

The gateway space for the PROW off Stock Lane has been significantly enhanced, providing a dedicated 'green' route for the PROW through the gateway space. These changes have given the area a much stronger focus and place quality, supplemented by the changes to building detailing/character in this area.

The amended scheme includes a NEAP, MUGA and allotments. There are also a number of other incidental spaces alongside the pedestrian routes within the scheme. Although small, an informal space on the western side of the site has been enhanced through the provision of a trim trail. The Design Officer considers that more planting should be included around the play elements (e.g. trees in the hedge and shrub planting) and in the small space south of the private drive, with hedge defining the front and side boundary of plot 323. This criterion is very close to being a green, and with these refinements a green could be awarded.

12. Bin and other Storage – **GREEN**

Bin and external storage information is provided, which identifies the location of bin collection points. There is sufficient space for bins to be stored in rear gardens or flagged paths to the side and rear of homes. Cycle storage is provided in either garden sheds located in rear gardens or in detached/integral garages, and in cycle stores within communal areas to the rear of proposed apartments. The provision of cycle and bin storage will be secured through planning conditions.

Summary

There have been numerous amendments to the proposal which have addressed issues that have been raised with the applicant during the course of the application.

Significant improvements have been made to the layout and design of the scheme, resulting in most criteria achieving green in the assessment.

Phase 1 was conceived prior to the adoption of the CEC Residential Design Guide and therefore did not include street design principles or materiality as set out in the design guide. However Phase 2 actively seeks to transition from Phase 1, so that the principles of the design guide are carried into this phase with a stronger hierarchy influenced by street type and materiality.

Therefore in comparison to the initially submitted scheme and indeed Phase 1 of the development already constructed, a significant enhancement in design quality has been achieved, better reflecting the standards set out in the Design Guide.

As a result the design of the scheme has therefore developed to a point where it is considered to be acceptable, when considered against the requirements of policies SD2 and SE1 of the CELPS, and the CEC Design Guide.

Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance Policy SE1 of the CELPS further states that development should ensure an appropriate level of privacy for new and existing residential properties.

The Crewe and Nantwich Supplementary Planning Document (SPD) relating to new residential development states that to maintain an adequate standard of privacy and amenity between residential properties interface distances should be achieved of 21 metres between principal elevations, and 13.5 metres between a non-principal and principal elevations. However the CEC Design Guide states that 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 street scenes and variety, and so this distance could go down as low as 12m in some cases.

The closest existing neighbouring properties to the application site are those of Dig Lane adjacent to the western and southern boundaries and dwellings of Stock Lane which back onto the eastern/south eastern site boundaries.

Existing properties on Dig Lane and Stock Lane, in the main, have good sized rear gardens, ensuring that the interface distances between existing properties exceeding the 21 metres minimum set out in by the SPD and the Cheshire East Design Guide.

In addition, development on the outer boundary of the site with Dig Lane, has been further reduced during the course of the application in several locations along the boundary where

the development has a closer relationship with existing properties of Dig Lane, the scheme proposes single storey and one and a half storey bungalows. Plots have also been repositioned and garden sizes increased to ensure to maximise interface distances.

The separation distances between new dwellings and existing properties have been further enhanced through the provision of a planted landscape buffer along the site's boundaries with Stock Lane and Dig Lane which includes a 5m depth of planting with an additional 1m service strip. The landscape buffer, in addition to existing mature trees close to the site boundary, will filter views of the site and reduce its overall visual impact.

The proposed levels across the site have been determined by the proposed surface water drainage strategy to ensure that the site can drain via gravity. Whilst levels have increased throughout the site accordingly, care has been taken to ensure that the proposed levels at the site boundaries with adjacent properties tie into existing levels, as demonstrated by the series of site sections which have been submitted. Furthermore, the impact and of raised levels on the amenities of adjacent properties will be satisfactorily mitigated through the provision of the landscape buffer and proposed separation distances achieved between existing and proposed dwellings.

Many of the units proposed back onto existing properties of Stock Lane are single storey bungalows. Whilst two storey houses also back onto the eastern and southern boundaries, interface distances of between 25 – 32m are achieved between rear elevations of new units and existing bungalows. These are well in excess of the recommended distance stances sated by the SPD and CEC Design Guide.

The amenities of the occupiers neighbouring dwellings of Dig Lane and Stock Lane would not be detrimentally impacted in relation to loss of light, privacy or an overbearing impact.

In consideration of amenity for future occupiers of the proposed development, the layout adheres to, or closely adheres with, the recommended separation standards within CEC Design Guide to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of loss of light, or privacy, or an overbearing impact from each other.

The Council's Environmental Protection officers have raised no objections, subject to a number of conditions to ensure the development would not create any issues in relation to contaminated land, noise mitigation and air quality. These matters were safeguarded by conditions at outline planning application stage and these conditions still apply to Phase 2. Condition 40 of the outline approval requires the submission of a Construction Environmental management Plan (CEMP) for this phase of the scheme to include measures to protect the amenities local residents during the construction of the development.

Landscape

The Council's Landscape Officer has advised that the landscaping proposals for the development are acceptable. In particular the revised proposals have ensured that the number of high canopy trees has been increased throughout the scheme including street

trees and planting of public open space, including for the enhanced "gateway space" off Stock Lane which accommodates the PROW and recreational areas.

Revised plans include the provision of a 6m wide (5m buffer planting and 1m maintenance access) landscape buffer areas between the site and existing properties on Stock Lane and Dig Lane to provide visual screening and increased separation between proposed built form and existing dwellings. The landscape buffer will consist of native tree and shrub planting, low maintenance grass seeding and timber post and rail boundary fencing with maintenance access gates.

The applicant has advised that the buffer areas will be retained within the ownership of, and maintained by, a management company to prevent its removal by occupiers of the new dwellings. Rights of access for the management company will be written into plot purchasers deeds to allow for its future maintenance. These arrangements are reflected in the landscape management and maintenance plan.

The Landscape Officer has advised that proposed species and planting density within landscape buffer areas is acceptable, including where surface/foul sewer easements are present, and achieve approximately a 5m depth of buffer planting.

The proposed post and rail fencing between rear gardens of plots and the landscape buffer has been increased in height to 1.2m. The revised layout indicates that boundary fencing between proposed and existing properties will be retained where required new fencing etc. will be provided with agreement with the adjacent landowner.

However the provision of additional information in respect of retention structures, within the buffer areas, especially where these relate closely to existing landscape features, is required. It is understood this is being prepared and will be the subject of an update in advance of the Committee meeting.

The Landscape Management and Maintenance Plan accords with provisions of the S106 Agreement and secures satisfactory future arrangements for the management /maintenance for areas of public open space and landscaped areas within the site.

Drainage and Flood Risk

Representations received from Wybunbury Parish Council and local residents raise concerns in relation to the proposed drainage system which will serve the development and of the need to ensure that surface water-flooding experienced by adjacent properties of Dig Lane, or land elsewhere, is not exacerbated.

Conditions 5 and 11 of the outline approval (14/1160N) requires the submission and approval of full details of the surface water drainage system for this phase of the scheme prior to the commencement of its development. The submitted drainage strategy for the site sets out that surface water system has been designed to serve the Shavington triangle development.

It comprises a piped system (sewers) which feeds surface water into an attenuation basin from open channels prior to discharging via a hydrobrake vortex flow control unit into Cheer

Brook. The vortex flow control unit restricts the surface water discharge rate from the site with the flow being stored within the attenuation basin before releasing slowly into the watercourse at rates not exceeding the Greenfield run-off rate. The piped element of the surface water system within Phase 2 will be offered for adoption as a public sewer by United Utilities.

Significant elements of the drainage system are already in situ and serve Phase 1 of the development including channels and the attenuation basin. The design of drainage system for Phase 1 has been approved by United Utilities.

As shown on the submitted external works drawings, levels will be raised across Phase 2 to allow surface water to drain by gravity into the surface water system. However the external works drawings and series of submitted cross-sections show that levels will tie into existing levels at the site boundary. The amenity and landscape sections of the report set out that the layout and design of the scheme will mitigate the impact of raised levels within the site.

The Council's Flood Risk team acting as Lead Local Flood Authority (LLFA) has undertaken a full assessment of the proposed surface water drainage system for the development which has involved discussion with Persimmon's Drainage Engineer's and the Environment Agency, as well as the assessment of additional technical information and consideration of proposed land drainage alongside the site boundary with properties of Dig Lane.

The LLFA advises that the proposed surface water drainage scheme will adequately manage existing greenfield run-off rates as identified within the original Flood Risk Assessment (RPS, ref. AAC4908 Issue 3 dated 25/06/2012) which supported the outline approval for the development.

Secondly, following the completion of this development, and notwithstanding the concerns raised in respect of increased levels within the site, the Flood Risk Officer considers that development of the site will improve the current situation alongside the boundaries with Dig Lane as all surface water drainage will be directed towards the proposed sewer network. However to reduce any overland flows from the proposed gardens of the new dwellings and landscape buffer areas, a French drain has been proposed along the site boundary to manage any volumes not caught by the public sewer network.

The LLFA is also satisfied that following the completion of development overall maintenance of the attenuation basin will be covered by a management company, with United Utilities (UU) adopting the surface water public sewer network. United Utilities have also raised no objections to the Reserved Matters application or to the proposed drainage system serving the development. The LLFA further advises that matters relating to the operation and performance of UU drainage assets are matters solely for United Utilities. Similarly connections of existing properties to the main sewerage system (Foul & Surface water) are matters which are the responsibility of United Utilities as the relevant Statutory Undertaker.

The Flood Risk Officer also points out that any further alterations to the existing watercourse (Cheer Brook) will be subject to a Land Drainage Consent required from Cheshire East Council as Lead Local Flood Authority. In addition the Environment Agency have raised no objections to the application, subject to an Environmental permit being obtained for works

within 8m of the Cheer Brook as this is a main river and passes through the site in open and culverted sections.

In summary, the Councils Flood Risk Team (LLFA), the Environment Agency and United Utilities have not raised objections to the proposed drainage arrangements for the site, the overall principles of which were determined at the outline stage. It is considered that the drainage system is of a design which will satisfactorily address the development, without resulting in flooding as a result of surface water discharge to Cheer Brook or adjoining properties of Dig Lane.

The application proposals are therefore deemed to adhere with Policy SE13 of the CELPS.

Highways

The impact on the wider highway network arising from the development of this site, including access from Newcastle Road, was addressed during the consideration of the outline application. The S106 agreement requires substantial financial contributions towards the provision of new infrastructure and improvements to the wider highway network to facilitate the development of the site.

This phase of the development is connected internally to the Phase 1 road layout with three points of access being provided to this phase. The Council's Highway Officer has advised that the internal road design is similar to the Phase 1 scheme and is in conformity with design standards and constitutes an acceptable mix of standard residential roads and shared surfaces.

The Highway Officer has advised that acceptable turning facilities are provided at the end of the internal roads and cycle storage is located in the rear gardens. In addition the off-street car parking provision accords with CEC policy requirements for each type of residential units proposed.

The proposed internal road layout design is in compliance with adoption standards is acceptable and is in effect an extension of the approved Phase 1 layout.

It is noted that there is only a single access to serve both Phases 1 and 2 from Newcastle Road and the amount of development is at the limit that can be served from a single access point. Given the potential impact that the construction traffic would have on the existing road system and also existing residents over the build out period of Phase 2, the Highway Engineer has recommended that it would be beneficial if the provision of an alternative construction access could be explored by the applicant. The applicant has subsequently advised that the provision of a separate dedicated construction access off Newcastle Road has been investigated previously, but this would need to cross third party land and permission could not be obtained. It was also originally envisaged that the development of Phase 2 would take place whilst developments was taking place at an earlier stage within Phase 1.

However, to minimise disruption to existing residents and roads within Phase 1 the applicant has stated that mitigation measures will be set out within a Construction Environmental Management Plan as required under condition 40 of the outline approval. This condition

requires the CEMP to be submitted and approved prior to the commencement of development within Phase 2.

In summary, the proposed highway infrastructure has been designed to meet current standards and serve the level of development proposed. As a result no objections are raised to the proposals by the Council's Strategic Infrastructure Manager.

Ecology

There are various ecology matters to consider. These are broken down into the following subsections and assessed accordingly. Additional survey information and clarification in respect of ecological issues has been provided during the course of the application.

Statutory Designated Sites

The application site falls within Natural England's SSSI Impact Risk zones associated with Wybunbury Moss which is a component Site of the West Midlands Mosses Phase 1 Ramsar and the West Midlands Mosses SAC.

A Habitat Regulations Assessment of Likely Significant Effects (ALSE) was undertaken in support of the outline application at this site which did not identify any likely significant effects on the Ramsar and SAC. Natural England has also been consulted on this reserved matter application and raised no concerns in respect of the Ramsar, SAC and SSSI.

An updated Habitat Regulations Assessment of Likely Significant Effects (ALSE) was completed by the Council's Ecologist and this has not identified any significant effects.

Conditions attached to outline approval

A number of conditions were attached to the outline permission (12/3114N).

Condition 7 – 5m buffer adjacent to pond and water courses

To address concerns raised by the Council's Ecologist the proposed layout plan has been amended to ensure that the required buffer zone (5m) adjacent to the on-site ponds and watercourses is secured. A layout plan has been submitted which shows the extent of the buffer in accordance with Condition 7.

In addition the amended Management Plan includes proposals for the erection of Heras fencing to safeguard the 5m buffer during the construction phase as required by this condition. The management plan also includes proposals for the management of the habitats within the 5m buffer.

Condition 8 – Scheme for proposed water course channel

The Environment Agency have been formally consulted and raised no

objection to the proposals relating to the retained section of the existing water channel which passes through the northern part of the site adjacent to the attenuation pond and which then passes westward through a culvert under Dig Lane.

Condition 35 – Retention of Important hedgerows

The Council's ecologist has advised that there are no ecologically important hedgerows within the boundary of this reserved matters application.

Condition 38 Replacement hedgerows

Hedgerows are a priority habitat and hence a material consideration. Whilst the proposed layout would result in a significant loss of hedgerow, the Council's Ecologist advises that sufficient compensatory hedgerow planting has been proposed to address its loss.

Condition 45 – Future reserved matters application to be supported by updated protected species survey

A satisfactory updated survey report has been submitted in accordance with this condition.

Condition 50 – Provision of wildlife corridor connecting two new ponds and creating two new ponds and coppice at the rear of Dig Lane.

The approved variation (14/1160N) to the original outline approval has removed this condition. In any event, the stated reason for imposing this condition referred to the need to protect the amenity for existing residential properties of Dig lane, rather than on the basis of nature conservation. The Council's Ecologist has advised that the original requirement for this condition could not be justified on ecological grounds.

Landscape and Habitat Management plan

The Council's ecologist advises that the submitted Landscape Management and Maintenance Plan is acceptable (version 8). A condition is recommended requiring the implementation of the management plan.

Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition is recommended requiring that details of the lighting scheme be submitted with regard to *Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK)* and to be agreed with the LPA.

Biodiversity

A condition is recommended requiring the approval of strategy to secure the incorporation of features to enhance the biodiversity value of the proposed development including proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs and brash/deadwood piles.

In summary, following assessment of the proposals by the Councils Ecologist, including an updated Habitat Regulations Assessment of Likely Significant Effects (ALSE), it has been determined that the proposals will not have any significant ecological impact. It is considered that the proposals will not result in the loss or deterioration of irreplaceable habitats nor require the provision of a wildlife corridor alongside the notary of Dig Lane to increase biodiversity or mitigate the ecological impact of the development. Importantly an off-site ecology contribution for habitat creation within The Meres and Mosses Natural Improvement Area was secured by the S106 Agreement at the outline stage. Furthermore a condition is also recommended requiring the approval of strategy to secure the incorporation of features to enhance the biodiversity value of the proposed development.

It is therefore considered that these proposals accord with the provisions of CELPS Policy SE 3 and also Policies E1, E2, E3 and H4(k) of the Wybunbury Neighbourhood Plan.

Trees and hedgerows

An updated Arboricultural Impact Assessment (AIA) has been submitted in support of this Reserved Matters application.

The Council's Tree officer has assessed the submitted AIA which identifies 5 individual trees, part of 1 tree group and parts of 5 hedges (a total of 110 linear metres) that would require removal to accommodate the proposed development. Two of the trees, a mature Oak (T12) and a mature multi-stemmed Ash (T32) have been assessed as Moderate (B) category specimens. The remainder are categorised as low (C) category.

Trees within the site are not protected by a Tree Preservation Order or lie within a designated Conservation Area. Two trees have been categorised as (U) unsuitable for retention and would need to be removed irrespective of any development proposal.

The Tree Officer concludes that the proposed tree and hedgerow loss will not have a significant adverse impact on the wider amenity of the area and can be adequately mitigated/replaced elsewhere on site as part of an approved landscape scheme.

Furthermore it is considered that the layout design allows for the long term retention of trees taking into account above and below ground constraints recommended in *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*. However, the Assessment does identify some encroachment into the Root Protection Area (RPA) of retained trees (T15-T20) for a footpath. An appropriate method statement has been suggested in the Assessment using special mitigation construction which is broadly acceptable.

Conditions are recommended requiring the development is carried out in strict accordance with the Arboricultural Impact Assessment and a detailed Construction Specification/ Method Statement be submitted for those areas identified for special mitigation construction.

Public Open Space

In accordance with the S106 Agreement of the outline approval, the approved Statement of Design Principles and master plan for the wider development, the proposals for phase 2 include the provision of formal and informal recreation areas, green space (village green)), a Neighbourhood Equipped Play Area (NEAP) and Multi-Use Games Area (MUGA) an outdoor gym and allotments.

A management plan and the provision of a local resident's management company to maintain all on site open space was also secured in the S106.

The Council's Leisure Officer has confirmed that the overall public open space and play provision is acceptable. However conditions are recommended in terms of the details of the detailed design and specification of equipment within the play area and the MUGA.

The Leisure Officers original concerns in respect of the layout of the allotments and their location have been addressed during the course of the application. The revised proposals include at least 20 allotments plots comprising a mix of traditionally secured private plots and smaller raised beds, as well as securing the provision of vehicular access and dedicated area. However given the limited details provided, a condition is recommended requiring full details to be provided of the layout and design of allotment provision.

Overall, the proposed development is sited within a robust network of green open spaces ensuring easy access for residents. Play areas, MUGA and Allotments have been provided within the open space and strategically located along the key pedestrian/cycle links and also accessible from informal footpaths passing through green spaces.

The submitted landscape proposals indicate that a total of over 1.29 ha of amenity green space and play space will be provided which will to serve both Phase 1 and Phases 2 of the scheme, which exceeds the minimum requirement of the S106 Agreement of 35 sq. m (play space and public space) to be provided per dwelling of development of 360 units

The proposals are therefore considered to comply with the open space requirements of the outline planning approval, S106 agreement and policy LPS 9 of the CELPS.

Public Right of Way

The route of a PROW consisting of Shavington FP11, Wybunbury FP16 and Hough FP21 runs site east/west through the site from Stock Lane to the edge of Phase 1, and then turns to follow a north/south route to Newcastle Road.

Concerns raised by the Councils Public Rights of Way team relating to the proposed routing of footpath Hough FP21 through the development from Stock Lane have been satisfactorily addressed and its objection withdrawn. The layout has been amended to ensure that

footpath 21 the passes through greenspace at the gateway to the site, with a short length (20m) running alongside a block paved street. A legal order is necessary to enable the defined route of FP21 to be slightly adjusted so that runs along the footway.

The construction of Sundew Road at the western edge of Phase 1 is set at least 1m about original ground level due to the presence of a rising main (foul sewer). This road this will extend into Phase 2 at this level. As a result the height and gradient of the adjacent PROW (Wybunbury FP19) running northwards through public open space located between existing dwellings of phase 1 and proposed properties of Phase 2 to the east, will need to be adjusted to meet the level of this Road .

A submitted sectional drawing demonstrates how this will be mitigated with the footpath being increased height and re-graded to meet road level. The applicant has confirmed that the amended gradient of the footpath will be 1:25, which is less steep than the compliant gradient of 1:20.

Associated with the alterations to the footpath, the adjoining area of open space which has already been implemented will require some limited and modest re-profiling, although this work will have very little appreciable visual impact.

The Public Rights of Way Officer recommends a condition requiring the submission of details of the width, surfacing and road crossings for the PROW, along with the requirement for the applicant to undertake a further legal order to regularise the route with the footway

Other Matters Raised by Representation

Whilst concerns have been raised regarding the impact on the local highway network and local infrastructure including schools and local GP surgeries, these matters have already been considered and with mitigation, deemed acceptable under the outline approval - as has the principle of developing this site.

Concerns have also been raised that aspects of Phase 1 of the scheme such as road surfacing, street lighting provision and maintenance work should be fully completed before the development of Phase 2 commences. However, it is only relatively recently that construction of dwellings has ceased with Phase 1, and it is typically the case that final surfacing of roads and provision of street lighting occurs afterwards for adoption by the Council. Although it is accepted that works need to be finished within Phase 1, this is not however a reasonable basis on which either to withhold planning approval or prevent the commencement of development of Phase 2.

Matters relating to property values and compensation are not a material consideration.

Conclusion

The principle of residential development on the site has been established through the grant of outline planning permission and allocation in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 9.

The proposed development seeks to provide a residential development of 152 dwellings and represents the second phase of the Shavington triangle development. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and secured vehicular access to the site from Newcastle Road.

The proposal provides the required amount of affordable housing with an appropriate mix of housing. The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the Shavington Triangle and the CEC Design Guide. It achieves an acceptable relationship with the both the character of Phase 1 of scheme and the locality, without material harm to neighbouring residential amenity, and would provide sufficient amenity for the new occupants.

Appropriate public open space including a Neighbourhood Equipped Area for Play (NEAP), MUGA and Allotments will be provided in accordance with the requirements of the S106 Agreement accompanying the outline approval. The proposed routing of PROW through the development and green space is also considered acceptable.

Tree and hedgerow losses have been accepted and would be mitigated in the proposed landscaping of the site. The proposals for phase 2 will not have any significant ecological impact, and not result in the loss or deterioration of irreplaceable wildlife habitats.

Mitigation for the impact of the proposal on local infrastructure including education, highways and outdoor recreation was secured at outline stage as part of the S106 legal agreement.

It is acknowledged that the site and adjoining properties currently experience surface water flooding. However, the Council's Flood Risk Officer considers that the proposed drainage system will satisfactorily serve the development, without resulting in flooding as a result of surface water discharge to Cheer Brook or adjoining properties of Dig Lane.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, the Wybunbury Combined Parishes Neighbourhood Plan, the Shavington Neighbourhood Development Plan and advice contained within the NPPF.

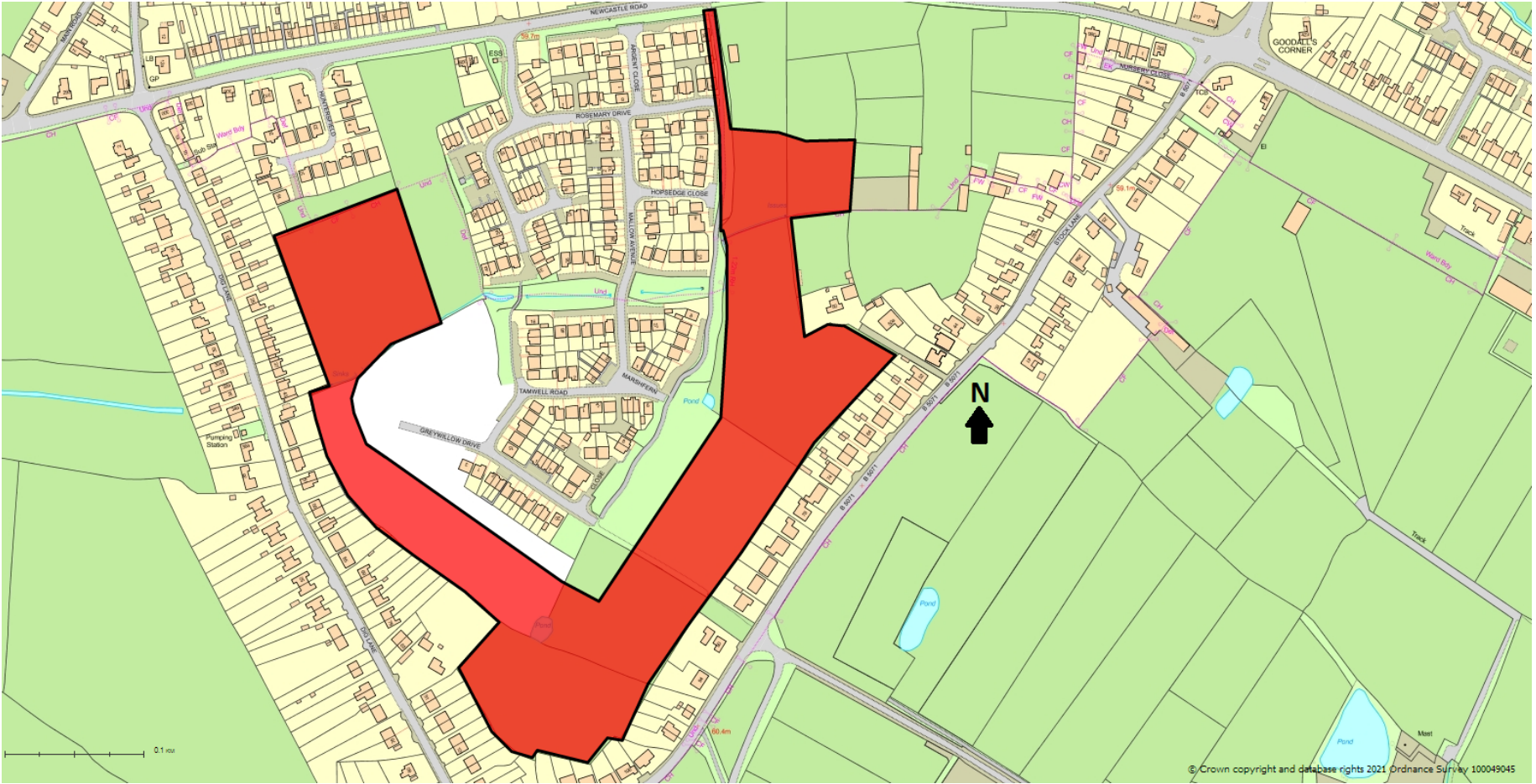
RECOMMENDATION

APPROVE, subject to the following conditions;

1. In accordance with outline permission
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials
4. Implementation of highway surfacing treatment
5. Implementation of landscaping scheme

6. Implementation of Landscape Management Plan (version 8)
 7. Details of lighting – minimise impact on bats
 8. Submission of strategy to *secure* features to enhance biodiversity
 9. Adherence to submitted Arboricultural Impact Assessment
 10. Submission of a detailed Construction Specification/ Method Statement to mitigate impact on trees
 11. Details of layout and specification of allotments
 12. Design detail, specification and implementation of MUGA, NEAP and play area/features
 13. Details of cycle storage details
 14. Details of bin storage
 15. Details of specification, width and surfacing of PROW
 16. Removal of permitted development rights (Part 1 Classes A-E)

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



Application No: 19/4578W

Location: BROOKBANK FARM, BRIDGE LANE, GOOSTREY, CW4 8BX

Proposal: Change of use to mixed use for agriculture and as a waste transfer station/skip hire site, including the erection of a skip storage building, landscaping and associated works.

Applicant: J Barber

SUMMARY

The application site is located in the Open Countryside, to which CELPS Policy PG6 applies and the proposal satisfies the second criterion of Policy PG6 specifically in relation to the proposed re-use of the agricultural buildings however the arguments put forward by the applicant in respect of a rural location for a waste facility being more suited and preferable to an urban location are not accepted.

The alternative site search presents no evidence to demonstrate consideration of other suitable sites more sustainably located within urban areas. It is therefore not possible to establish if the proposal is genuinely essential for the redevelopment of the existing business as per the exclusion in the fifth criterion of CELPS Policy PG6, and '*cannot be accommodated within existing settlements*' as per the supporting justification to that policy. It is also not possible to establish that the site cannot reasonably be located within a designated centre and if this is the most accessible and sustainable location, as per the provisions of CELPS Policy SD1, CO1, EG1 and EG2.

The proposal includes a new large visually dominant building situated in closer proximity than the current agricultural buildings, which would appear prominent and discordant with the listed asset, and would encroach upon the setting of the farmhouse, diminishing its significance and causing harm. It is considered that, whilst the degree of impact on the significance of the heritage assets would be less than substantial harm, nevertheless there would still be an appreciable loss of significance and impact upon setting. No evidence is provided in respect of alternative locations considered for the building. The proposal therefore fails to comply with policies SE1 and SE7 of the CELPS, BE2 of the MLBP and Section 16 of the NPPF in particular paragraphs 190-197.

In respect of the public benefits of the proposal, it would enable the growth and expansion of a business in a rural area; re-use existing buildings, and it would support a network of waste management facilities serving the local community. It would also provide opportunities for employment through the provision of 8 full-time positions and 4 part-time positions. This is in line with the provisions of the NPPF, CELPS policy SD1 and EG2. Whilst the proposal is not on a Preferred Site identified in the CRWLP, sufficient information has been submitted in order to demonstrate there are no other Preferred Sites which are available or more suitable which satisfies CRWLP Policy 5.

With respect to waste management considerations, there is no predicted shortfall in waste management capacity throughout the Plan period; as such the extent that this facility would contribute to overall waste management capacity in the Borough can only be given limited weight in the assessment of this application. The proposal would however provide a waste transfer facility which would enable 95% of the mixed waste received at the site to be stored and sorted into relevant waste streams for onward transfer to appropriate facilities for recycling, re-use or recovery. This would assist in diverting waste from landfill and drive waste up the waste hierarchy which accords with the approach of NPPW, CRWLP and CELPS policy SE11, along with the approach of CRWLP in contributing to a network of waste management facilities.

The environmental impacts arising from the proposal particularly in relation to pollution control, highway safety and capacity, landscape and visual, ecology, forestry, water resources, and impact on Jodrell Bank are considered to be acceptable and can be adequately controlled and mitigated.

When taking all considerations carefully into account, it is considered that on balance, the benefits presented by this proposal are not sufficient to outweigh the harm to the setting of the listed building and do not outweigh the other policy objections. As such it is considered that the development should therefore be refused.

SUMMARY RECOMMENDATION

Refuse

DESCRIPTION OF SITE AND CONTEXT

The application site is at Brookbank Farm which lies in a rural location approximately 1km north east of Goostrey and is accessed off Bridge Lane which connects to the A535. The application site is approximately 0.85ha in size and forms part of a complex of buildings and yard areas which are used for a mixture of agriculture, waste processing and storage including skips. The waste and storage uses on the site are unauthorised. The yard area to the southwest of the existing buildings contains the site office (a static caravan) and a number of touring caravans which are also unauthorised.

The site is bounded by a mixture of mature trees, hedgerows, fencing and open countryside. To the south of the application site are a series of ponds and a watercourse. The site is located at the northern edge of an east-west valley associated with Redlion Brook. The site lies at approximately 73m AOD (Above Ordnance Datum) with ground falling to the south to

the brook at 65mAOD. The surrounding ground to the west, north and east is roughly level lying broadly at the same elevation as the site.

A residential property in the ownership of the applicant (Brookbank Farmhouse) adjoins the northern site boundary and is a Grade II listed building. Further residential properties lie to the east (approximately 130m away), to the west (approximately 80m away) and to the south (approximately 150m away). Aside from Brookbank Farmhouse, the closest residential receptor lies approximately 80m to the west at Yew Tree Farm and is separated from the site by mature trees and vegetation, and a field.

The site has been operating unlawfully as a waste storage and transfer site and skip hire business which is the subject of an on-going enforcement investigation. The Environment Agency have recently successfully prosecuted the company for operating the site without an Environmental Permit and failing to provide duty of care notes.

DETAILS OF PROPOSAL

The application seeks retrospective planning permission for a change of use to mixed use for agriculture and as a waste transfer station and skip hire business. The proposal also includes for the erection of a skip storage building, landscaping and associated works.

The applicant advises that their skip hire business has been operating from a site in Holmes Chapel for a number of years however restrictions at the site in terms of space and the proximity of adjacent sensitive land uses has meant it is necessary to secure alternative premises.

Approximately 16,000 tonnes per annum of wastes would be managed at the site, comprising a mixture of construction, demolition and excavation wastes, along with commercial, industrial and municipal wastes; all of which would be sourced from the applicants skip hire business.

The proposed waste management operations would be contained within the existing complex of buildings and yard areas at the site. The waste would be imported by skips and initially stored in a new skip storage building. Some of the waste would be sorted manually by hand into the different waste types within an existing agricultural building and then transferred into another building for storage by waste type until there are sufficient volumes to export from the site.

Inert construction wastes would be stored and sorted externally in an area of the site to the southwest of the original farm complex; whilst cardboard waste would be baled and stored within the proposed skip storage building before being exported. Any garden wastes received would be shredded onsite for composting.

A new open fronted mono-pitched building is proposed on the northern site boundary within the existing yard area to the south west of Brookbank Farmhouse. It would be 30.5m by 6.1m with a height of up to 6m.

The existing site office is housed within a static caravan in the yard area to the south of the proposed external storage area. The application seeks permission for the retention of the office in its current location.

New tree planting and landscaping would be undertaken along the site boundary to supplement the existing hedge. The skip hire business would utilise the existing highway access to the north west of Brookbank Farmhouse, with farm vehicles primarily accessing the site via the eastern access.

The proposed hours of operation are 0700 hours to 1800 hours Monday to Friday and 0700 hours to 1300 hours Saturday.

RELEVANT HISTORY

24932/3	Livestock building - Approved 26.01.1993
26880/3	Implement sheds – Approved 27.01.1995
27114/3	Potato store – Approved 24.04.1995
28075/3	Produce store – Approved 26.04.1996
30703/3	Caravan storage – Approved 14.06.1999 (never implemented)

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP), the Cheshire East Local Plan Strategy, the Congleton Borough Local Plan First Review and the Goostrey Neighbourhood Plan.

The relevant development policies are:

Cheshire Replacement Waste Local Plan (2007) (CRWLP)

Policy 1:	Sustainable Waste Management
Policy 2:	The Need for Waste Management Facilities
Policy 5:	Other Sites for Waste Management Facilities
Policy 12:	Impact of Development Proposals
Policy 14:	Landscape
Policy 15:	Green Belt
Policy 17:	Natural Environment
Policy 18:	Water Resource Protection and Flood Risk
Policy 22:	Aircraft Safety
Policy 23:	Noise
Policy 24:	Air Pollution; Air Emissions Including Dust
Policy 25:	Litter
Policy 26:	Odour
Policy 27:	Sustainable Transportation of waste
Policy 28:	Highways
Policy 29:	Hours of Operation
Policy 32:	Reclamation
Policy 36:	Design

Cheshire East Local Plan Strategy (CELPS)

SD1: Sustainable Development in Cheshire East

SD2: Sustainable Development Principles

SE1: Design

SE2: Efficient Use of Land

SE11: Sustainable Management of Waste

SE12: Pollution, Land Contamination and Land Instability

SE14: Jodrell Bank

PG1: Overall Development Strategy

PG3: Open Countryside

EG1: Economic Prosperity

EG2: Rural Economy

EG3: Existing and Allocated Employment Sites

CO1: Sustainable Travel and Transport

Congleton Borough Local Plan First Review (2005) (CBLP)

PS8: Open Countryside

PS10: Jodrell Bank

GR6 & GR7: Amenity and Health

GR9: Accessibility, Servicing and Parking Provision

GR18: Traffic Generation

NR2, NR3, NR4 & NR5: Nature Conservation

Goostrey Neighbourhood Plan (GNP)

SC2: Impairment of Operations at JBO

OCEH1: Biodiversity

OCEH3: Heritage

TTT1: Sustainable Transport

TTT5: Lighting

CF3: Infrastructure

EB1: Employment Development

EB2: Employment Environment

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Policy for Waste (NPPW)

Other Material Considerations

Waste Management Plan for England 2013

Cheshire East Waste Needs Assessment Refresh 2019

CONSULTATIONS (External to Planning)

Highways:

No objection. The proposed access provides an acceptable level of visibility given the recorded vehicle speeds.

Consideration is given to the HGV traffic generated by the former use of the site and the length of time it has been operational. Current flows using Bridge Lane are low, and although

the lane is narrow there are places for vehicles to pass each other and no evidence of road safety issues. The proposed levels of traffic generation are not high and as such, it would be difficult to defend a refusal based upon a severe impact on traffic and safety. Whilst current levels of traffic may be acceptable, further expansion on the site would not be acceptable. Conditions can be imposed to restrict the number of HGV movements and annual waste throughput.

Environmental Protection:

Environmental Protection originally recommended refusal due to insufficient information relating to noise, dust and odour. Following receipt of further information, consider that the impacts from noise, dust and odour would be acceptable subject to conditions requiring the yard to be a consolidated surface capable of being cleaned, revisions to the hours of operation, and implementation of the identified mitigation. Also recommend that there should be no planning permission granted without an Environmental Permit in place.

Flood Risk:

No objection, advice provided in respect of selecting an appropriate drainage strategy.

Strategic Planning:

The main considerations from a policy perspective relate to the suitability of the location, the wider impacts of the proposal on the amenity of occupiers of neighbouring properties, the highway network and landscape, as well as the need for the development from a waste management perspective.

Note that the most recent Cheshire East Waste Needs Assessment identifies that there is sufficient existing consented capacity to meet recycling and organic waste treatment management requirements; therefore meeting an identified waste management capacity need should not be given much weight.

With reference to the location of the site in the open countryside and relevant CELPS policy PG6, the suggestion in the applicant's planning statement that waste management facilities are more appropriate to a rural rather than urban location is not accepted. Detailed evidence of site search in settlement boundaries has not been provided. LPS Policy EG2 provides further guidance on the type of development suitable to support economic growth developments in the rural area. This includes the need to encourage existing businesses through farm diversification. It is not clear whether the proposal represents a farm diversification proposal. Suitable weight should be provided to the locational considerations in LPS Policies PG6 and EG2, as well as to meeting the wider sustainable development principles identified in policies SD1 and SD2.

The wider impacts of the development, particularly in terms of residential amenity, the highway and the landscape, are important considerations that should weigh heavily in determining this application. If the scheme is approved conditions should control the size and scale of the facility so that it continues to be appropriate for its rural location.

The Environment Agency:

No objection subject to a condition for foul and surface water disposal. Advise that the applicant has submitted an application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016 which is in the process of being assessed.

Natural England:

No objection.

Goostrey Parish Council:

Goostrey Parish Council has submitted a comprehensive objection to the application relating to the following issues:

- Local roads have a weight limit and are unsuitable for HGV traffic. They are also a low priority for maintenance, repairs and gritting. Blackden Lane and Bridge Lane are very narrow in places and cannot accommodate two-way movement of large vehicles; the roads currently get blocked by HGVs and the proposal will worsen the situation. The transport assessment was carried out during school holidays when traffic is lower.
- Significant noise impacts from the operations are already experienced at nearby receptors.
- Proposal will degrade setting of the listed building.
- Site is too small to manage the proposed waste throughput. There are inconsistencies in the submission with respect to waste throughput and there is concern the site will in the future significantly expand in size and scale of operation.
- Lack of details on waste sorting, screening and treatment and where it will be stored on site.
- Lack of a weighbridge will affect ability to monitor volume of waste throughput and HGV weights.
- Concern over potential implications of accepting food waste in relation to bio-security; and potential for increased risk of disease in an agricultural area.
- Unsustainable transportation of waste over long distances for processing. Despite claims that 95% of waste will be recycled or reused, concern that some waste is identified to be managed at an energy from waste facility which is less sustainable than other recycling/reuse facilities.
- Drainage information is lacking detail, the proposals are insufficient and there are concerns over potential for contamination from run-off. Further contamination investigations are necessary.
- Adverse impact on Jodrell Bank Observatory.
- Irrelevant policies relied up on in their statement and there is no justification for the proposal.
- Alternative site assessment does not take into account all available sites and is insufficient in only considering Preferred Sites in the Waste Local Plan. There is also insufficient justification in relation to need for the facility given the availability of other skip hire and waste transfer businesses in the area.
- Complaints regarding operating out of hours, question whether the operator will comply with planning conditions
- Highlight the operators recent investigations and convictions against the operator and question their technical competency and fitness to operate this facility.
- Inconsistencies in the supporting information submitted

This can be viewed in full on the Council website and these issues will be addressed in the relevant sections of the main body of this report.

OTHER REPRESENTATIONS

At the time of report writing 19 representations have been received, two in support of the proposal. The objections express the following concerns:

- Too many vehicle movements; narrow winding rural roads are weight restricted and unsuitable for this type of vehicles, cannot accommodate two way passing of vehicles and present highway safety concerns
- Risk of damage to bridges and roads/road verges
- Traffic survey did not record all accidents and was carried out in summer when traffic was lighter
- Risk to vulnerable road users
- Mud and debris on road from existing agricultural traffic and potential flooding makes highway safety worse, and this facility could add to this problem
- Inadequate environmental assessments of the risks posed by the scheme, particularly in respect of air quality, noise and highways.
- Health impacts from dust emissions, a dust management plan is required
- Emissions from vehicles are a risk, there should be controls over idling vehicles and compliance with euro standard
- Visual impacts on rail passengers
- Air pollution from waste facilities on receptors
- Noise and disruption in a tranquil area
- Noise assessment doesn't assess the receptor most impacted, is inadequate in its assessment and does not reflect the actual noise background at the site at present, the facility already creates significant noise impacts due to activities on the west of the site being in close proximity to one of the nearest receptors impacting on use of garden space and also the noise is audible inside the property; noise impacts include impact noise such as banging, scraping, loud machine noise, the noise impacts will not be mitigated
- Potential for pollution to water courses and concern over handling of hazardous or toxic wastes, concern over potential for fire risk from flammable materials and associated pollution
- Potential for litter from passing vehicles which is already a problem
- Good quality farmland should not be contaminated with waste, waste facility is incongruous in a rural agricultural location
- There are industrial/brownfield sites available for this type of facility
- Current activities are much noisier than previously
- Impact on a listed building
- Impact of the Jodrell Bank UNESCO World Heritage Site
- Impact on the Blackden Trust

The supporting letters note that the

- HGVs transporting waste on the rural lanes would be less harmful than the existing agricultural traffic which is more frequent and causes regular obstructions and large family cars use the roads as a cut through to access local schools causing highway safety issues due to their speed.
- The proposal offers a community service and manages the local communities waste.
- Other HGVs are already using the local rural roads at speed.

OFFICER APPRAISAL

Principle of Development

The application is for a retrospective change of use to a mixed use of agriculture and waste transfer station/skip hire site, including the erection of a skip storage building, landscaping and associated works.

The applicant makes the case that the site comprises previously developed land as it was previously in mixed agriculture and B2/B8 (processing and distribution of fertiliser). The appropriate way to establish this however would be through the submission of a Certificate of Lawful Existing Use along with the submission of relevant evidence to support this. As such this argument is given no weight in the determination of this application.

Development on Unallocated Site

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Cheshire Replacement Waste Local Plan (2007) and the Congleton Borough Local Plan First Review (2005). Material considerations include national policy and guidance contained within the National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG). It is noted that the applicant's planning and heritage statement relies on policies from the Macclesfield Local Plan. The site lies within the confines of the former Congleton Borough and as such no weight is given to these policies in the assessment of this proposal.

Preferred Sites – Policy 5

The Cheshire Replacement Waste Local Plan (CRWLP) identifies a range of 'Preferred Sites' throughout Cheshire where applications for specified waste management facilities would be supported subject to compliance with other policies of the Plan (Policy 4). The application site is not located on a Preferred Site in CRWLP. Provision is however given under Policy 5 for waste management development on other sites in order to provide flexibility for technological and legislative changes; subject to the applicant demonstrating that:

- i. the preferred sites are either no longer available or are less suitable than the site proposed; or
- ii. would meet a requirement not provided for by the preferred sites; and
- iii. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy

Criteria iii of policy 5 also requires that a sequential approach is followed:

- First using existing buildings (including conversions) within settlements, and previously developed land within settlements;
- Second, using other suitable infill opportunities within settlements where compatible with other RSS policies;
- Third, the development of other land where this is well located in relation to housing, jobs, other services and infrastructure. This will normally be on the fringes of settlements.

An assessment of the Preferred Sites identified in the CRWLP has been submitted. The assessment identifies that all Preferred Sites highlighted in the Plan as being suitable for a relevant waste management type are either unavailable, lack sufficient size, constrained by residential receptors or form part of CELPS allocation; and therefore there are no Preferred Sites which offer a suitable alternative.

The submitted assessment does not consider any suitable employment sites within urban areas in accordance with the sequential approach. Policy 5 (iii) of the CRWLP however refers to the Regional Spatial Strategy which was revoked in 2013 and has no legal status; therefore it cannot be given any weight in the assessment of this application. As such, the conclusions drawn regarding the CRWLP Preferred Sites are accepted and it is considered that the proposal accords with the broad approach of CRWLP Policy 5.

Open Countryside and the Rural Economy

The NPPF (paragraph 83) states that planning decisions should enable (amongst others) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. CELPS Policy SD1 states that development should (amongst others) wherever possible:

- Contribute to creating a strong, responsive and competitive economy
- Provide appropriate infrastructure to meet local community needs;
- Provide access to local jobs, services and facilities, reflecting the communities needs; and
- Encourage the reuse of existing buildings, and make the efficient use of land.

Proposals for employment development are supported in principle within the Principle Towns, Key Service Centres and Local Service Centres in CELPS Policy EG1. This policy goes on to state that employment development on non-allocated employment sites will be supported where it is in the right location and supports the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.

CELPS Policy EG2 relates to the rural economy and supports development that (amongst others) provides opportunities for local rural employment which supports the vitality of rural settlements; and encourages the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification. This is subject to the development meeting a number of criteria which include

- Meeting the sustainable development objectives in CELPS policies MP1, SD1 and SA2;
- The development supports the rural economy, and could not reasonably be expected to locate within a designated centre (because the majority of products sold by the development are produced on site);
- Does not conflict with other environmental considerations and policies in the plan.

The proposal would enable the growth and expansion of a business in a rural area; re-use existing buildings and it would support a network of waste management facilities serving the local community. It would also provide opportunities for employment through the provision of

8 full-time positions and 4 part-time positions. This is in line with the provisions of the NPPF, GNP policy EB1, and elements of CELPS policy SD1 and EG2.

The site however lies outside of a settlement boundary and is located in the Open Countryside. CELPS policy SD1 states that development wherever possible should prioritise investment and growth within the Principal Towns and Key Service Centres, and development should prioritise the most accessible and sustainable locations. Equally policy CO1 guides development to sustainable and accessible locations.

In the Open Countryside, only development that is essential for a limited range of uses is permitted (CELPS policy PG6). The policy allows for exceptions to be made which includes:

- ii) *For the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; and*
- v) *where the development is essential for the expansion or redevelopment of an existing business.*

The supporting justification clarifies that *'Development in the open countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements.'*

CBLP Policy PS8 similarly only supports development for a limited number of exceptions which include

- vi) development for employment purposes (in accordance with policy E5)
- vii) the re-use of existing rural buildings in accordance with policy BH15.

It must be noted that CBLP policy E5 is not a saved policy, as such reliance is placed on the provisions of CELPS policy PG6 in the assessment of the application. CBLP Policy BH15 supports the conversion re-use or adaption of rural buildings to an alternative use subject to a range of criteria all being met, those points of relevance are addressed below.

The proposal satisfies the second criterion of Policy PG6 with regards to the proposed re-use of the agricultural buildings, as there would be no structural alterations to the buildings and any changes would be limited to the creation of internal bays for waste segregation.

With regards to the fifth criterion of policy PG6, the applicant makes the following points:

- The business is most suited to a rural location which is separate but not remote from local centres of population; and requires buildings of a suitable scale and sufficient outdoor space to enable access by large vehicles
- A rural location is preferable over an urban location as there are less receptors which could be subject to adverse amenity impacts;
- The current site has operational difficulties due to space restrictions and proximity of receptors which prevents expansion to create a commercially viable enterprise;

In respect of the points made by the applicant, it is considered that the operation of a waste transfer station is an activity which can be undertaken successfully within urban areas, usually on larger employment sites; and there are numerous examples of this within the Borough.

Indeed the NPPW, in respect of identifying suitable locations for new waste management facilities in Local Plans, advises that there should be consideration of a broad range of locations including industrial sites with priority given to the re-use of previously developed land and sites identified for employment uses, along with redundant agricultural and forestry buildings. There is therefore policy support for the principle of locating waste management facilities within urban locations on industrial sites and employment allocations. As such the suggestion by the applicant that waste transfer facilities are more appropriate to a rural rather than urban location is not accepted.

The NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and the applicant refers to the fact that they have had difficulties identifying a location within existing urban areas, and states that there are no suitable sites within existing settlements. No evidence however has been presented to substantiate this claim.

Whilst an assessment of alternative sites has been submitted with the application, the assessment only considers the Preferred Sites that are identified in the CRWLP. No regard is given to any other sites within urban settlements such as other employment allocations or sites with complimentary uses including B2/B8. A thorough and robust assessment of alternative sites has therefore not been provided; and in the absence of this evidence it is not possible to evaluate the veracity of the applicants claim and establish if the proposal is genuinely essential for the redevelopment of the existing business and *'cannot be accommodated within existing settlements'* as per the supporting justification to CELPS Policy PG6.

Equally it is not possible to establish that the site cannot reasonably be located within a designated centre; located on a previously developed site or if this is the most accessible and sustainable location, as per the provisions of CELPS Policies SD1, CO1, EG1 and EG2, CRWLP Policy 1 and GNP policy TTT1

It is also noted that no information has been provided to explain the relationship between the current agricultural business and the proposed waste facility, and how far this proposal would contribute to the retention or expansion of the existing business in order to accord with the provisions of CELPS Policy EG2.

Sustainable Waste Management Principles

CRWLP Policy 1 states that applicants should demonstrate how the development contributes to an integrated network of waste management facilities; enables waste to be disposed of in one of the nearest installations; maximise opportunities for transporting waste by sustainable means; protect environmental, economic, social and community assets; and optimise the use of previously developed or used land or buildings. The NPPW also states that potential new waste management sites should be assessed against criteria which include:

- the extent to which the site or area will support the other policies set out in the NPPW;
- physical and environmental constraints on development, including existing and proposed neighbouring land uses;
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

Waste hierarchy

CELPS Policy SE11 expects proposals for waste management development to maximise opportunities for waste to be managed in accordance with the principles of the waste hierarchy whereby priority will be given, in order, to waste prevention, preparation for re-use, recycling, other recovery and finally disposal. This is reiterated in Policy 1 of CRWLP and the NPPW.

The waste to be received at the site includes 'general waste' which is proposed to be sent to an energy from waste facility. This is classified as 'recovery' on the waste hierarchy and is the least sustainable management option after landfilling. No information has been submitted to quantify what percentage would be sent for recovery as opposed to being recycled or re-used, and it is therefore difficult to assess how sustainable the proposed management approach is.

Overall however, it is noted that the proposal would provide a waste transfer facility which would enable 95% of the mixed waste received at the site to be stored and sorted into relevant waste streams for onward transfer to appropriate facilities for recycling, re-use or recovery. This would assist in diverting waste from landfill and drive waste up the waste hierarchy to be managed in a more sustainable manner which accords with the broad approach of NPPW, CRWLP and CELPS policy SE11.

Proximity principle

Planning should provide a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle whereby waste is managed close to its place of production (NPPW).

Concern has been raised by objectors regarding the distance waste would be transported. 75% of the proposed skip deliveries would be to locations within a 10 mile radius of the site which is considered acceptable and in line with the proximity principle. Once sorted, the applicants submission identifies that some waste would be exported to facilities in the local area; whilst some would be transferred to facilities in Newcastle-under-Lyme (approximately 20 miles away), Market Drayton (approximately 40 miles away), Doncaster (approximately 78 miles) and one of unknown location. The submission does not detail the proportions of waste destined for each facility; however the NPPW and accompanying planning practice guidance makes it clear that planning policy does not require waste to be managed using the absolute closest facility to the exclusion of all other considerations. New facilities need to serve catchment areas large enough to secure the economic viability of the facility; and the ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.

Additionally the Cheshire East Waste Needs Assessment recognises that, given the need for growing reliance on waste management facilities outside of Cheshire East administrative area to manage some of the waste generated within the authority, provision of accessible/proximate transfer capacity to receive loads that do not move directly to their end destination is of growing importance. As such it is considered that the proposal would accord with the

approach of NPPW and CELPS policy SE11, along with the approach of CRWLP and would contribute to a network of waste management facilities.

Need for waste management facility

Policy SE11 of the Local Plan Strategy (LPS) requires the sustainable management of waste. This includes the provision of sufficient opportunities for waste management facilities in appropriate locations to meet predicted needs. The NPPW states that applicants should demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. CRWLP Policy 2 also states that the Waste Planning Authority will consider the planning objections and planning benefits of all applications for waste management facilities. Where the material planning objections outweigh the benefits need will be considered and if there is no overriding need for the development the planning application will not be permitted.

The application is proposing a facility that would process mixed waste streams for re-use and recycling of some 16,000 tonnes per annum (tpa), comprising 10,000tpa Construction, demolition and excavation waste (CDEW), 3000tpa Commercial and Industrial waste (C&I) and 3,000tpa municipal waste. The Cheshire East Waste Needs Assessment Refresh 2019 identifies that as of 2017, there was capacity for managing over 1.375 million tonnes of waste per annum (tpa) in the existing waste management facilities within Cheshire East. The assessment identifies a requirement for recycling 313,350 tpa of non-inert waste in 2020 (rising to 361,198 tpa by 2030), 73,508 tpa of organic treatment in 2020 (rising to 78,742 tpa by 2030) and 374,290tpa of inert waste management in 2020 (rising to 418,197tpa by 2030).

When compared against the total assessed management capacity, there is no shortfall in existing consented capacity in the Borough predicted throughout the duration of the Plan period and no shortfall for the waste streams provided by this application. As such, the extent that this facility would contribute to overall waste management capacity in the Borough can only be given limited weight in the assessment of this application.

Heritage

The site is immediately adjacent to the Grade II listed Brookbank Farmhouse. The listed building is set back from Bridge Lane, behind a hedge and garden. To the rear is an area of hard-landscaped terrace with open field beyond (which also runs around to the west of the house), separated from the application site by an established hedge. A garage was approved in 2011 to the immediate south of the farmhouse, to be built in a traditional design, the foundations of which have been laid. Access to the yard/site is via a lane to the west of the farmhouse and loops around to its rear. Large agricultural sheds forming part of the application site are set away from the listed building. Earlier historic barns originally belonging to the farm complex, although now altered, lie towards the north of the application site. The proposed skip storage building would run in parallel to the southern boundary of the listed farmhouse/rear field.

In considering whether to grant planning permission for any works, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. NPPF states that when considering the impact of a proposal on the significance of a heritage asset, great weight

should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to the significance of a heritage asset should require clear and convincing justification. Where a development 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 securing its optimum viable use.

The extent and importance of setting should be considered in reference not only to the visual relationship between the asset and the proposed development and views of or from an asset, but also other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity. When assessing any application which may affect the setting of a heritage asset, local planning authorities may also need to consider the implications of cumulative change (NPPG).

CBLP policy BH4 also states that planning permission for proposals affecting the setting of a listed building will only be granted where:

- The proposal is in keeping with the character of the listed building as regards scale, style, appearance, materials and architectural detail;
- the proposal would not result in a loss of identity of the original listed building;
- the listed building's architectural features and historic interest are preserved;
- the proposal would not adversely affect the setting of the listed building;
- the overall proposal is generally consistent with other policies of the local plan

Similarly CRWLP policy 16 also states that waste management facilities will not be permitted where it would have an unacceptable impact on the setting of a listed building. In assessing applications to develop waste management facilities which have the potential to impact on historic environment resources, consideration should be given to:

- The site or feature's contribution to the wider historic landscape;
- The site or feature's contribution to local character;
- The positive contribution the development would make to the conservation and management of the area's historic environment.

The applicant makes a number of points in respect of the impact on the setting of the listed building and potential intensification of use;

- The significance of the listed building primarily concerns its architecture and construction.
- The listed farmhouse was part of a group of outbuildings covering the northern section of what is now the existing farm complex. These outbuildings were arranged in a courtyard which was separate from the farmhouse, and the farmhouse was orientated away from the buildings. Whilst there is a functional connection between the two with respect to use of the land; the development of the farm over time, the contrasting character of modern buildings to the house and the separate accesses mean that the farm complex does not play a critical role in contributing to the setting of the listed building or its significance.

- The fabric of the building will not be altered and there will be no operational development within its curtilage, therefore the asset and its architectural significance will remain unaffected.
- The proposed new building would sit behind the approved (not yet constructed) garage and would not be visible in views of the heritage asset. If the proposed building is constructed prior to the garage being completed, it would sit significantly below the level of farm buildings at the front of the site and the effect on the setting of the heritage asset would be negligible. Additionally, the new building and planting would screen agricultural and waste activities in any views from the farmhouse, offering an improvement over the current situation and providing a more attractive setting for the heritage asset.
- The site was already in mixed use with longstanding industrial/business use taking place since 1999. This includes external storage of materials, use of skips, HGVs, plant and equipment, as such the extent to which the use of the site has been intensified is questionable. The unrestricted B2/B8 and agricultural use would effectively be the fallback position if this application is refused.

The applicants submission does accept that the farmhouse and other farm buildings were historically connected as a farmstead, and that the proximity of the proposal requires an assessment of the impact on the setting of the listed building.

In response to the applicants submission, the Heritage Officer notes that there is a visual and historical connection between the farmhouse and application site and considers that the site does play a role in terms of setting. The existing large agricultural sheds are set away from the listed building across a yard and, whilst not attractive, do not dominate in wider views of the house. The proposed new 6.1m high x 30.5m long skip storage shed would be built in much closer proximity to the farmhouse, running in alignment with the southern gable and hedge to the rear. At much closer proximity than the existing sheds, the structure would be highly visible in views from the listed asset and its gardens, and in longer views from Bridge Lane when approached from the west.

There is a degree of openness currently to the rear of the house, looking across a green field, with the existing agricultural sheds set away across an access yard. The addition of a further building of this large scale in closer proximity to the building would encroach upon the setting of the farmhouse, diminishing its significance and causing harm. The approved garage which is yet to be constructed would provide screening of the building from one view, however there are a number of other viewpoints both within and outside of the site which are affected. The Heritage Officer does not agree that the proposed additional landscaping measures to the boundary would help to mitigate the impact of the structure.

The Heritage Officer considered that the addition of a large, visually dominant, functional building would appear prominent and discordant with the listed asset, and the setting and significance of the building would be compromised. In its current form it is not considered that the scheme offers any form of enhancement, and the Heritage Officer does not agree that views out onto a large metal shed from within the listed house would improve the existing view. This proposed additional change does not enhance the significance of the asset but further detracts from its significance and setting, therefore failing to accord with NPPF policy considerations.

The views of the Heritage Officer are accepted and it is considered that, whilst the degree of impact on the significance of the heritage assets would be less than substantial harm, nevertheless there would still be an appreciable loss of significance and impact upon setting. No evidence has been provided in respect of design alternatives explored which could potentially reduce or remove the harm to the setting of the listed building, and equally as per the conclusions drawn in relation to CELPS policy PG6, it has not been demonstrated that all other potentially alternative available sites have been assessed. As such it is not considered that clear and convincing justification for the harm to the setting of the listed building has been presented. The proposal therefore fails to comply with policies SE1 and SE7 of the CELPS, CBLP policy BH4, CRWLP policy 16, Section 16 of the NPPF in particular paragraphs 190-197, and GNP policy OCEH3.

The NPPF requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal and this is considered further below in the conclusions of this assessment.

Jodrell Bank

The site is located within the consultation zone of the Jodrell Bank Observatory (JBO) which is a UNESCO World Heritage Site. CELPS Policy SE14 state that within the Jodrell Bank Radio Telescope Consultation Zone, development will not be permitted where it:

- i. impairs the efficiency of the telescopes; or
- ii. has an adverse impact on the historic environment and visual landscape setting of the telescope.

It also states that proposals should consider their impact on those elements that contribute to the potential outstanding universal value of Jodrell Bank. CBLP policy PS10 also requires similar protection for the telescope.

The Heritage Officer considers that the proposal would constitute inappropriate development within the Jodrell Bank Radio exclusion zone. It must be noted that there is no designated 'exclusion zone' where development is automatically considered inappropriate; there are however consultation zones around the telescope within which Jodrell Bank are required to be consulted, so as to allow consideration of whether developments could impair the efficiency of the radio telescope. The proposal is not anticipated to have any adverse impact on the function of the telescope as there would no increase in the use of electronic equipment in comparison to previous uses on the site and therefore there would be no increase in potential interference with the radio telescope. Jodrell Bank has been consulted on the application and have verbally confirmed there are no concerns and note that the facility has been operating for some time without causing any adverse impacts on the telescope.

The Heritage Officer has not identified that there would be any effect on the visual landscape setting of the telescope; it's universal value; or its significance; although representations from members of the public highlight potential views of the site and Jodrell Bank. The applicant notes that there are no locations from which the proposed development would be apparent in key views of the telescope. The upper sections of some of the existing farm buildings are visible in a restricted number of views, but are not prominent, particularly as the application site and the telescope are on opposite sides of the railway and the site is largely surrounded by trees and hedgerows. Given the intervening landscape features between the site and

Jodrell Bank, it is not considered that the development would have any adverse impact on its setting. As such the proposal accords with GNP SC2, CELPS policy SE14 and CBLP policy PS10.

Highway Impacts

The suitability of sites for waste facilities should be assessed against the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (NPPW). Consideration should also be given to the suitability of the road network, and the extent to which access would require reliance on local roads. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. (NPPF paragraph 109). These provisions are reiterated in the approach of Congleton Local Plan.

Similarly Policy 28 of CRWLP requires new waste management facilities to ensure that:

- the level and type of traffic generated will not exceed the capacity of the local road network and will not have an unacceptable impact on amenity or road safety;
- access arrangements are adequate for the nature, volume and movement of traffic generated by the proposal and there is adequate provision for on-site vehicle manoeuvring, parking and loading/unloading areas;
- any unacceptable impacts can be satisfactorily mitigated by routeing controls or other highway improvements;

The site is located off Bridge Lane which is a single carriageway rural lane and subject to a 7.5t weight restriction. Bridge Lane (east of the site) passes under a height restricted railway bridge to connect with the A535, whilst to the west it connects with Bomish Lane and Blackden Lane. Blackden Lane/Bomish Lane provides access towards Goostrey village and north west towards Jodrell Bank and A535.

Access

The proposal would utilise the existing western access point off Bridge Lane which is of sufficient size to accommodate the two way movement of HGVs. The Highways Officer advises that there is an acceptable level of visibility given the recorded vehicle speeds. Separate access points are available for the farmhouse and farm vehicles.

Impact on highway capacity and safety

The proposal would result in daily requirement for 24 skip vehicle movements (12 in and 12 out), 2 bulk HGV movements (1 in and 1 out) and up to 30 car movements (15 in and 15 out).

The skip vehicles would primarily access the site from A535 via the eastern section of Bridge Lane, with only local trips to Goostrey and Knutsford areas travelling west along Bridge Lane. Bulk HGVs would be directed west out of the site along Bridge Lane, utilising Bomish Lane and linking to A535 via Jodrell Bank in order to avoid the low railway bridge to the east and to avoid Bomish Lane via Goostrey to minimise traffic in the village. As a result, there would be 20 daily skip vehicle movements and 20 staff vehicles utilising Bridge Lane to the east of the site; with 2 bulk HGV movements, 4 skip vehicle movements and 10 staff vehicle movements utilising Bridge Lane west of the site (which would result in 2 bulk HGV movements on Bomish Lane (via Jodrell), and 4 skip vehicle movements and 10 staff movements on Bomish Lane (via Goostrey).

The Transport Statement notes that whilst Bridge Lane (east of the site) is single track, the route incorporates unofficial passing places, does not experience high traffic volumes and waste management traffic already makes up 15% of the existing traffic movements with no evidence of operational safety issues along the route. With respect to Bridge Lane (west of the site) and Bomish Lane (via Jodrell Bank), there are pinch points where conflicts with opposing vehicles could arise, however given the low number of bulk HGVs proposed, the low baseline traffic demand and good safety record of Bomish Lane, the Transport Statement does not consider these to represent a significant highway safety or operational concern and the low predicted level of bulk HGV movements are identified as consistent with that generated by typical agricultural land uses in that area. As such the Transport Statement concludes that due to the nature of skip transport vehicles and low baseline traffic on surrounding local roads, there is little evidence that the proposal would give rise to severe highway related impacts that would justify an objection on highway grounds.

Objectors raise concerns over the scope and adequacy of the transport surveys undertaken and their findings. The highways officer has assessed the submitted information and makes no comment in respect of these issues.

With respect to the proposed development, the Highways Officer advises that an application for an industrial use which is accessed via narrow rural lanes would not normally be supported. Regard is however given to the fact that:

- weekday background flows in 2019 of approximately 300 trips over the course of a day indicates that the existing flows using Bridge Lane are low and do already include the skip hire trips generated by this proposal;
- this is an existing commercial site with HGV traffic which has been in operation since 2014;
- the levels of proposed traffic generation are not high; and
- Whilst Bridge Lane is narrow, there are places for vehicles to pass each other and there is no evidence of a road safety issue.

As such, the Highways Officer considers that it would be difficult to defend a refusal based upon a severe impact on traffic and safety, and therefore raises no objection subject to conditions being imposed to control vehicle numbers and waste volume throughput.

With respect to the Highways Officers comments, the alleged former use cannot be given weight in the determination of this application, as this needs to be established under a certificate of lawful use. The overall conclusions are however accepted, and given the level of vehicle movements proposed, the current level of existing traffic and road safety record on Bridge Lane, it is considered that a refusal on highway safety grounds could not be sustained. As such, subject to the conditions being imposed, the proposal would satisfy CRWLP policy 28, and the approach of NPPW, NPPF and provisions of CBLPFR.

Control of pollution

New development should be located and designed to ensure there are no harmful or cumulative impacts upon air quality, noise and dust and developers will be expected to minimise and mitigate the effects of pollution. Where adequate mitigation cannot be provided, the development will not normally be permitted (CELPs policy SE12). Policy GR6 of CBLP

does not permit development adjoining or near to residential properties or sensitive uses where there would be unduly detrimental effects on their amenity due to environmental disturbance or pollution; whilst Policy GR7 states that development will not be permitted which would be likely to lead or contribute to (amongst others):

- significantly increased air, land, water, light or noise pollution;
- involve significantly greater risk to the lives and health of members of the public
- expose more members of the public to unacceptable risk; and
- be a significant source of statutory nuisance, apprehension or danger or loss of amenity to people living or working in the immediate area.

CRWLP Policies 24 and 26 contain similar provisions.

Air Quality, Dust and Odour

Relevant guidance recommends air quality assessments for developments involving HGV movements in excess of 25 per day where within, or close to, an air quality management area (AQMA), and in excess of 100 HGV movements where the proposal is distance from an AQMA. The application site is not located close to any AQMAs and the proposed 24 HGV movements per day is well below this threshold, therefore an assessment of potential impacts on vehicle exhaust emissions is not necessary. The Environmental Health Officer has also not raised any concerns regarding potential air quality impacts associated with vehicle emissions.

Dust

The handling and storage of inert construction and demolition materials can potentially give rise to fugitive dust emissions. Crushing and screening of inert materials on the site is likely to be on an infrequent basis and as such the main dust sources are likely to be from the tipping, loading and internal haulage of wastes. Given the location of the receptors, the dust assessment identifies that the risk of dust deposit and risk to human health at the nearest receptors is negligible. With regards to track out of dust from the site, relevant guidance suggests that this occurs up to 50m from the site and both nearest residential receptors are beyond that distance, as such these risks are negligible.

A dust management plan has been submitted which identifies a range of good practice management and control measures to be employed at the site to minimise any dust impacts along with procedures for routine inspections, monitoring and investigating complaints.

Typical monitoring and mitigation to be implemented on site includes:

- damping down of the site and access road in dry weather;
- regular site sweeping;
- minimisation of drop heights during tipping;
- maintenance of smooth running surface along the access road;
- Controlling vehicle speeds;
- Sheeting of vehicles exiting the site;
- Regular inspections of the site, recording of site conditions and actions taken to address any issue.

The dust assessment concludes that subject to effective management techniques being applied, the risk of adverse effects from dust are negligible at all receptors. The Environmental Health Officer raises no concerns with respect to the conclusions of this report or the identified mitigation. Subject to the implementation of these measures being secured by planning condition, it is considered that the proposal would not present any significant adverse impact on amenity and would accord with CELPS Policy SE12, CRWLP policy 24, CBLP policies GR6 and GR7.

Odour

Putrescible wastes would not be specifically collected and stored at the site, however there is potential for small quantities of organic waste such as food and green waste to be present within the general skip wastes received which could give rise to odours through the breakdown of organic matter. The degree of odour generated depends on factors such as the quantity of organic materials present in the wastes, the age of organic material and extent of degradation. The greatest potential for odour generation is during handling and loading operations and any long-term storage.

The odour assessment submitted considers that the odour potential would be small given the nature of wastes and low waste throughput proposed in the facility. The principal sources of odour would be any external skip storage of substantial quantities of waste, the initial sorting area and the internal recyclable materials handling and storage area. Based on the frequency of wind blowing towards the nearest sensitive receptor, the odour assessment identifies that the likely odour effect is slight for that property, and negligible for the other close receptors. On this basis, provided effective management is carried out on site, the risks of adverse effects of odour are estimated to be negligible at all sensitive receptors.

An odour management plan has been submitted which identifies a range of good practice management and control measures to be employed at the site to minimise any odour impacts along with procedures for routine inspections, monitoring and investigating complaints. This includes:

- minimising the time that biodegradable waste is stored on site;
- well maintained surfaces to minimise collection of leachates;
- effective regular site cleaning;
- rejection of large quantities of bio-degradable wastes;
- sealing food wastes within containers on site and disposing off site as soon as possible;
- minimising the length of time green waste is stored on site;
- bulking, transfer and storage of all non-inert waste materials inside the building;
- Regular site inspections and recording of conditions;
- Recording of any complaints, implementation of mitigation and programme of odour monitoring following receipt of the complaint.

Subject to these measures being implemented, the assessment considers that the proposal would not present significant adverse impacts at nearby properties. The implementation of the measures identified in the odour management plan could be secured by planning condition. The Environmental Health Officer raises no concerns with the conclusions of the assessment and the overall impacts of odour from the scheme.

Objectors have raised concerns over the potential for significant pollution impacts at receptors. In addition to the provisions above, the facility would require an Environmental Permit which would be regulated by the Environment Agency. This would include controls on the site activities to ensure that all appropriate preventative measures are taken through the application of best available techniques to ensure no significant pollution is caused. This would include limits on the nature and quantities of waste permitted at the site, controls over the operations carried out, compliance with an environmental management plan and controls over dust and odour emissions. It is noted that

NPPW and Environment Agency makes it clear, in determining planning applications, that planning authorities should focus on whether the development is an acceptable use of land and not concern themselves with the control of processes which are a matter for the pollution control authorities, and planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

The Environmental Health Officer raises no objections but suggests a restriction on the grant of planning permission should an Environmental Permit not be secured. The Environment Agency advise that they are in receipt of an application for an Environmental Permit and are in the processing of assessing that application but are not yet in the position of being able to make a determination. The proposed waste management facility would not be able to operate without having first secured an Environmental Permit. As such, there is no requirement to secure this measure through the grant of planning permission.

On the basis of securing the above planning conditions, it is considered that the development would accord with CELPS Policy SE12, CRWLP policy 26, and CBLP policies GR6 and GR7.

Noise impacts

With respect to noise impacts, the NPPW identifies that *'the operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved'*.

Policy 23 of CRWLP states that a waste management proposal will not be permitted where it will give rise to unacceptable levels of noise pollution. Similarly CBLP states that development near to residential properties or sensitive uses will only be permitted where they will not have an unduly detrimental effect on their amenity due to (amongst others) environmental disturbance or pollution (Policy GR6); whilst policy GR7 states that development will not be permitted which would be likely to (amongst others) *'lead or contribute to significantly increased noise pollution to environmentally unacceptable levels; or be a significant source of statutory nuisance..... or loss of amenity to people living or working in the immediate area'*.

The delivery, handling and processing of waste material and skips has the potential to generate significant noise impacts. The dwellings most exposed to potential noise from site activities are Blackden Villa Farm which is situated approximately 130m to the east of the site on Bridge Lane, and those to the west of the site, the closest of which is approximately 90m away. The lowest background noise level at Blackden Villa Farm is 33dB on a weekday and 30dB on Saturday mornings. The noise assessment identifies that the receptor would benefit from some screening provided by the intervening farm buildings. Noise from the proposal at

this receptor would not exceed existing background noise levels on a weekday however on Saturday mornings the sound level from skip lorry movements would be 2 dB above existing background noise levels.

With respect to nearest property to the west, the lowest background noise level at this receptor is 37dB on a weekday and 34dB on Saturday mornings, and the noise assessment identifies that noise from the proposed development would be 5dB below background noise levels on weekdays and 2dB below at weekends.

The noise assessment makes a number of recommendations as additional mitigation in order to protect nearby receptors. This includes:

- all unloading and loading of skips and vehicle parking is carried out only within the western portion of the site;
- a 2m high acoustic fence is provided on the western boundary adjacent to the skip storage area;
- no skip storage or material sorting to be carried out on the eastern section of the site adjacent to Bridge Lane and the residential receptor;
- no use of a crusher on Saturdays;
- use of broadband reverse alarms;
- engines turned off upon arrival and during unloading;
- repair of the service yard area where necessary to smooth the surface and minimise rattle of chains and skip noise during HGV movement.

Subject to the implementation of this mitigation which could be secured by planning condition, the noise assessment concludes that the proposed development would not result in any unacceptable harm to residential amenity from noise impacts.

The Environmental Health Officer considers that the conclusions of the noise assessment are generally acceptable but advises that the service yard should be repaired to a consolidated surface and all vehicles are fitted with broadband reverse alarms. This could be secured by planning condition. In addition, it is recommended that the proposed hours of operation are reduced in weekday mornings from a start time of 0700 hours to 0730 hours, and from 0800 on Saturdays.

Policy 29 of the CWRLP sets out that the normally permitted hours of operation for waste management facilities are 0730 to 1800 hours Monday to Friday; and 0730 to 1300 hours Saturdays. The policy allows for these hours to be revised where there is considered to be an unacceptable impact on neighbouring land uses and the Environmental Health Officer advises that the later start time on Saturday mornings would be necessary to provide some respite to residents at the weekend. This is accepted and this could be secured by planning condition. Subject to the planning conditions being secured, it is considered that the proposal accords with CELPS policy SE12, CRWLP policy 23, CBLP policies GR6 and GR7, and the approach of the NPPW.

Water resources, Land and Water Contamination

CELPS Policy SE13 requires new development to reduce flood risk and avoid adverse impacts on water quality and quantity by directing new development to the lowest risk of flooding and requiring new development to seek improvements to the current surface water

drainage network and be designed to manage surface water sustainably. CBLP Policy GR20 reiterates these requirements whilst CRWLP policy 18 states that applications will not be permitted where:

- there would be an unacceptable impact on groundwater quality, resources or supply and/or surface water quality or flow which cannot be overcome by mitigation measures
- it would result in the unacceptable culverting of an existing watercourse or have an unacceptable detrimental impact on the ecological value of a water feature; or
- there would be an unacceptable risk from flooding affecting the site of the development; or
- the proposal would create an unacceptable risk of flooding elsewhere, particularly where the development involves the raising of ground levels, unless appropriate measures to mitigate the flood risk and safely manage any residual risks are provided

There are four waterbodies located around the site and a watercourse is located to the south, approximately 40m from the application site boundary. The application site is not located within flood zone 1 and the yard area sits at approximately 1.5m above the bank top of the brook and has no known historical flooding. The applicant notes that should any unexpected flooding occur, the impact would be minor as several fields would be underwater before any storage or operational areas on the site would be affected. As a further mitigation measure, the unsorted waste would remain in sealed skips and sorted material would be stored on the highest part of the site.

Drainage and water quality

All existing access tracks and yard areas drain to soakaway. Roof water would be uncontaminated, having not come into contact with waste in the building and the roof water from the new building would drain to the existing land via a French drain. This would ensure that unattenuated runoff from the new roof area does not occur.

The Council's Flood Risk Manager raises no objection to the proposal and provides advice in respect of securing an appropriate sustainable drainage strategy. No concerns are raised by the Environmental Health Officer, Contaminated Land Officer or Environment Agency with respect to potential impacts from water or land contamination. The site operational practices identified in respect of dust and odour control, along with controls in place on the Environmental Permit would also assist in ensuring that the potential for contamination to ground or water resources is controlled and mitigated effectively. Additionally land quality would be checked as part of the environmental permitting process and filled skips and stored waste would be stored under cover.

As such, subject to the imposition of this planning condition, the application is considered to accord with CELPS policy SE12, SE13, CRWLP policy 18 and CBLP policy GR20.

Landscape, Visual Impact and Design

Policies 12 and 14 of CRWLP do not permit development which would have an unacceptable impact on the landscape and/or townscape and visual impact. The impacts of visual intrusion from the proposal should not have an unduly detrimental effect on the amenity of nearby residential properties (policy GR6). In addition landscaping proposals should be an integral part of the scheme and should provide a satisfactory balance open space and built form, and screening of adjacent users. Other considerations include maximising opportunities for

wildlife, respecting features of heritage value within the site and incorporation of energy conservation and efficiency (Policy GR2).

Whilst it is considered that the proposal would have an unacceptable impact on the setting of Brookbank Farm as a designated heritage asset, in terms of the impact on the surrounding landscape, no adverse impacts are anticipated. The proposed new building would be simple in form and reflect the scale and nature of existing built development on the site. It would provide a degree of screening for the waste activities from views in the surrounding area. Screening of additional native tree and shrub planting is also proposed which could be secured by planning condition.

With respect to impacts on visual amenity, views of the proposed new building and external waste operations from the residential receptors east of the site on Bridge Lane would largely be restricted by the existing farm buildings. Brookbank farmhouse, which is in the ownership of the applicant, is located directly adjacent to the application site and is in use as holiday accommodation. This building would have upper floor views over the site, however the proposed skip storage building and proposed landscaping would provide some degree of screening of the external yard activities. The residential properties west of the site would have limited partial distant views due to the extent of vegetation and mature trees which align the access road however the impacts are not anticipated to be significant. Views from passing trains on the railway line would be brief and not significant. In respect to any amenity impacts associated with lighting, it is noted that the external areas of the site have historically been in use for agricultural activities, and no significant amendments to existing lighting is anticipated. A planning condition could be imposed to control any new lighting proposed as part of this development.

On this basis, subject to conditions to secure a landscape planting scheme and lighting scheme, it is considered that the proposal would accord with policies 12 and 14 of CRWLP, CELPS policy SE1, CBLP policies GR6 and GR7, and GNP policy TTTN.

Ecology

The application site is located immediately to the north west of a waterbody and brook. In the immediate vicinity of the site are grassland, trees, hedgerows and areas of woodland. The site lies approximately 3km north of River Dane SSSI and 3.8km north of Gleads Mioss SSSI. Natural England advise that the proposal would not have any significant adverse impacts on the two SSSI designated sites.

An ecological assessment has been submitted which identifies that the habitats within the site have very low ecological value and limited potential to support protected or notable species. Habitats within the site would not be impacted by the development and more suitable habitat is available in the wider area and these can be safeguarded through the implementation of good practice for runoff control and pollution prevention which could be secured by planning condition.

There are records of protected and priority bird species within 2km of the site. The existing buildings on site have the potential to support breeding birds and these would remain unaffected by the proposal, although the extent of disturbance from site activities would limit their breeding suitability. The natural habitats around the site would not be directly affected, and the proposed supplemental planting along the northern boundary would provide suitable

foraging and nesting habitat. The Nature Conservation Officer also recommends a condition to protect breeding birds.

The barn and warehouse buildings have the potential to support barn owl, however no evidence of this species was found. There are records of roosting bats within 1.1km of the site and the boundary hedgerows and scrub around the site provide suitable habitat for bats, however suitable habitats within the site are limited and there are no trees with roosting potential. A number of buildings within or adjacent to the site boundary are considered to have low to medium bat roosting potential; however none would be affected by the development and the area is already subject to a high level of disturbance therefore the proposal would be unlikely to disturb any bat species. Recommendations are made in respect of undertaking further surveys if any structural works to buildings are proposed, and lighting to be directed away from buildings which can be secured by planning condition. The proposals would also not affect habitats for foraging and commuting bats, and there would be no net loss or fragmentation or commuting corridors. The additional planting would enhance the existing linear corridors for commuting and foraging.

There is also limited suitable habitats within the site for badgers and given the more optimal habitats present in the wider area, they are unlikely to use the habitats on the site therefore no adverse impacts are predicted. Recommendations are made in respect of encountering any suspected badger setts on site and securing mitigation before further works are carried out, which can be secured by planning condition.

There was no evidence of otters at the site and their presence within the site is considered highly unlikely. An area of manmade standing water lies adjacent to the site but has very little ecological value as it is surrounded by bare ground with no connectivity to other habitats. It has negligible potential to support water vole and is unlikely to be used by otters as there is no connectivity to the more suitable habitat in the wider area. A ditch is also present beyond the site which would potentially provide aquatic habitat. The ditch and associated woodland habitat would not be impacted by the proposal. The proposal is located over 5m from the bank and as such no impacts on water voles are anticipated.

The majority of waterbodies surrounding the site boundary have some habitat connectivity to the site however no signs of reptiles or amphibians have been identified and none would be affected by the proposed development. There is no suitable aquatic habitat within the site to support amphibians, and any terrestrial habitat is limited, and the level of site activity makes these locations less attractive than habitat off site. Equally the level of operational activity and built development around the wood and rubble makes them of limited suitability for reptiles, and the concrete storage tank on site is considered to have minimal ecological value and low suitability to support great crested newts.

Peripheral areas around the site and surrounding area may potentially support hedgehogs; however hedgehogs are unlikely to use habitats within the application site given the presence of more optimal habitats in the wider area and planning conditions can be imposed requiring checks for hedgehogs before removing any wood piles on site.

The Nature Conservation Officer raises no objection to the proposal and advises that whilst there are both man-made and semi-natural features that offer some potential for wildlife, the nature of the proposal is such that there are no potential nature conservation conflicts. As

such, subject to securing the identified mitigation by planning condition, the proposals would accord with CELPS policy SE3 in that the proposals would not negatively affect nature conservation interests and may present some positive benefit. It would also accord with CBLP policies NR2, NR3 and NR4, CRWLP policy 17 and GNP policy OCEH1; along with the approach of the NPPF and NPPW.

Other matters

The Forestry Officer notes that there are trees and lengths of hedgerow in the vicinity of the application site. An area of trees around a pond west of the access road is subject to TPO protection. The proposals would not have any direct implications for trees or hedgerows within the application site. The Forestry Officer notes that waste has been deposited in the vicinity of trees and hedges on land outside of the application boundary which is identified as a significant concern. This does not form part of this application and is a matter which should be addressed separately through planning enforcement.

Concerns have been raised that the close proximity of the proposal could have a detrimental effect on the continuation of Blackden Trust which offers educational tours and information to the public and educational establishments. The representation does not however specify what potential impacts are considered to present detrimental effects on the Trust and their work. The impacts of the proposal in relation to amenity impacts including noise and disruption and impacts on visual amenity are addressed above in this report. Additionally no concerns over impacts on the proposal on the grade II building at Toad Hall are raised by the Heritage Officer.

Concern has also been raised in respect of the risk of hazardous and toxic waste being managed at the site, and the potential for vermin/pests, litter fire risk. The measures outlined above in respect to waste receipt, handling and storage procedures would be likely to control these issues and the Environmental Permit would control the type of waste received at the site and require necessary controls to ensure there is no significant risk of fire, litter or pests/vermin at the site.

Conclusions

The application site is located in the Open Countryside, to which CELPS Policy PG6 applies. Whilst the proposal would satisfy the second criterion of Policy PG6 specifically in relation to the proposed re-use of the agricultural buildings; the arguments put forward by the applicant in respect of a rural location for a waste facility being more suited and preferable to an urban location are not accepted.

The applicant also maintains that there are no other suitable sites more sustainably located within urban areas however no evidence has been presented to substantiate this claim. In the absence of a thorough and robust assessment of all alternative sites in urban settlements including employment allocations and site with complimentary B2/B8 uses, it is not possible to establish if the proposal is genuinely essential for the redevelopment of the existing business as per the exclusion in the fifth criterion of CELPS Policy PG6, and '*cannot be accommodated within existing settlements*' as per the supporting justification to that policy.

Equally it is not possible to establish that the site cannot reasonably be located within a designated centre, located on a previously developed site or if this is the most accessible and

sustainable location, as per the provisions of CELPS Policy SD1, CO1, EG1 and EG2 and CRWLP policy 1.

With respect to impacts on heritage assets, it is considered that the addition of a further large visually dominant building situated in closer proximity than the current agricultural buildings, would appear prominent and discordant with the listed asset, and would encroach upon the setting of the farmhouse, diminishing its significance and causing harm. It would also be highly visible in views from the listed asset and its gardens, and in longer views from Bridge Lane when approached from the west.

The proposal does not enhance the significance of the asset but further detracts from its significance and setting, therefore failing to accord with NPPF policy considerations. It is considered that, whilst the degree of impact on the significance of the heritage assets would be less than substantial harm, nevertheless there would still be an appreciable loss of significance and impact upon setting.

No evidence has been provided in respect of design alternatives explored which could potentially reduce or remove the harm to the setting of the listed building, and it has not been demonstrated that all other potentially alternative available sites have been assessed. As such is not considered that clear and convincing justification for the harm to the setting of the listed building has been presented. The proposal therefore fails to comply with policies SE1 and SE7 of the CELPS, CBLP policy BH4, CRWLP policy 16, section 16 of the NPPF in particular paragraphs 190-197 and GNP policy OCEH3.

In accordance with CELPS policy SE7 and NPPF, the harm to the listed designated asset should be weighed against the public benefits of the proposal.

In this respect it is noted that the proposal would accord with some elements of CELPS policies SD1 and EG2, and the approach of the NPPF insofar as it would enable the growth and expansion of a business in a rural area; re-use existing buildings, and it would support a network of waste management facilities serving the local community. It would also provide opportunities for employment through the provision of 8 full-time positions and 4 part-time positions. This is in line with the provisions of the NPPF, CELPS policy SD1 and EG2.

The proposed facility is not located on a Preferred Site identified in the CRWLP however sufficient information has been submitted in order to demonstrate there are no other Preferred Sites which are available or more suitable which satisfies CRWLP Policy 5.

With respect to waste management considerations, there is no predicted shortfall in waste management capacity throughout the Plan period; as such the extent that this facility would contribute to overall waste management capacity in the Borough can only be given limited weight in the assessment of this application. The proposal would however provide a waste transfer facility which would enable 95% of the mixed waste received at the site to be stored and sorted into relevant waste streams for onward transfer to appropriate facilities for recycling, re-use or recovery. This would assist in diverting waste from landfill and drive waste up the waste hierarchy which accords with the approach of NPPW, CRWLP and CELPS policy SE11, along with the approach of CRWLP in contributing to a network of waste management facilities.

The environmental impacts arising from the proposal particularly in relation to pollution control, highway safety and capacity, landscape and visual, ecology, forestry, water resources, and impact on Jodrell Bank are considered to be acceptable and can be adequately controlled and mitigated.

When taking all considerations carefully into account, it is considered that on balance, the benefits presented by this proposal are not sufficient to outweigh the harm to the setting of the listed building and do not outweigh the other policy objections. As such it is considered that the development should therefore be refused.

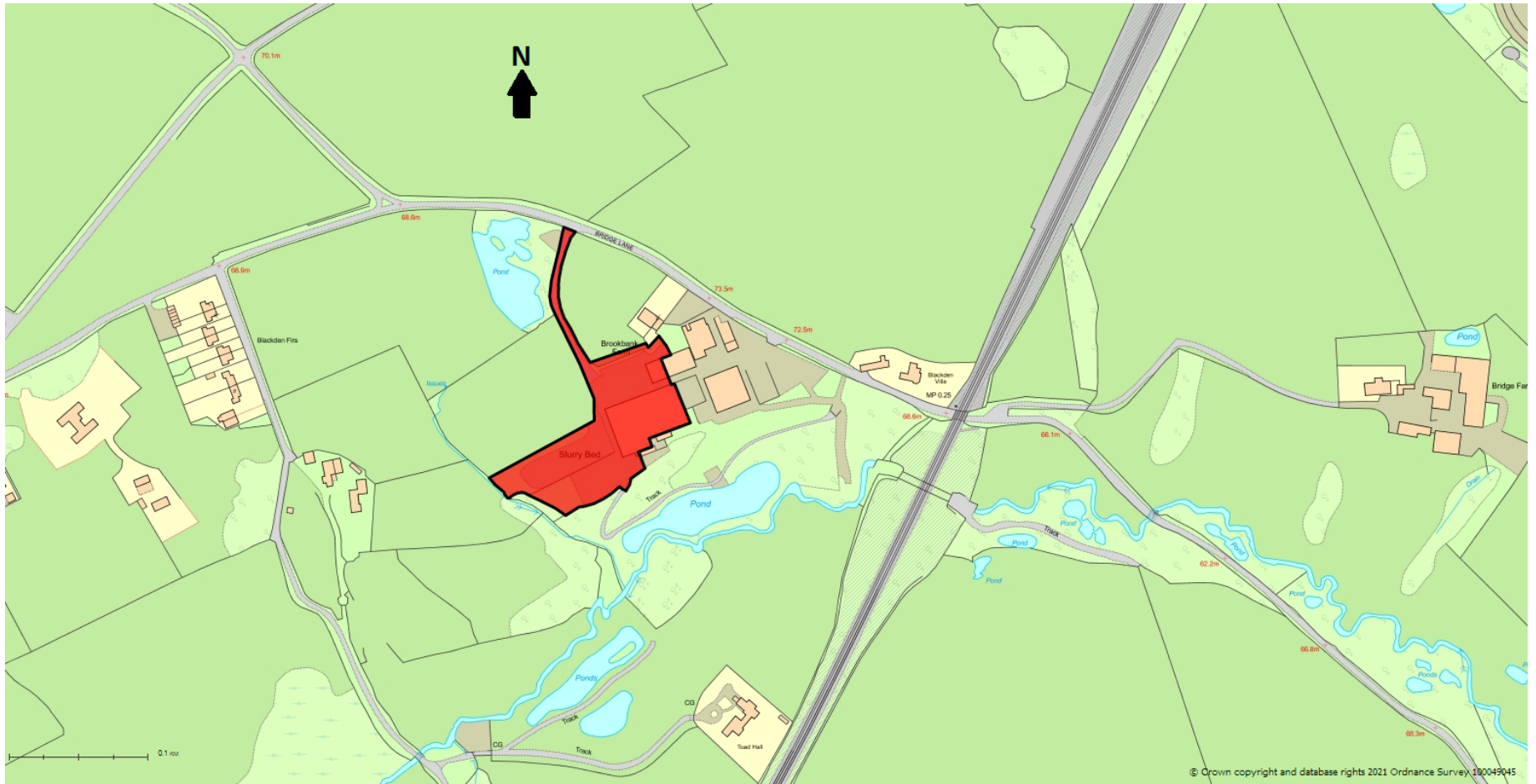
RECOMMENDATION

That the application be REFUSED for the following reasons:

- 1. It has not been demonstrated that the proposal is essential in order to expand or redevelop the business and cannot reasonably be located on a site within an existing settlement as per the requirements of CELPS policy EG1, EG2, CO1 and SD1; and as such it has not been demonstrated that the proposal falls within any of the exceptions set out in Policy PG 6 of the Cheshire East Local Plan Strategy and Policy PS8 of the Congleton Borough Local Plan First Review, for development in the Open Countryside.**
- 2. The development would have an unacceptable impact on the setting of a designated heritage asset, namely Brookbank farm by virtue of the erection of the building immediately adjacent to its boundary and the storage of skips on the site which is not sufficiently justified. The proposal is therefore contrary to policies SE1 and SE7 of the CELPS, Policy 16 (Historic Environment) of the Cheshire Replacement Waste Local Plan, Policy BH4 (Effect of Proposals) of the Congleton Borough Local Plan First Review, policy OCEH3 of the Goostrey Neighbourhood Plan and Section 16 of the National Planning Policy Framework in particular paragraphs 190-197.**

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

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



Application No: 20/3382N

Location: Former Bae Site/Radway Green Business Park, Radway Green Road, Crewe CW2 5PJ

Proposal: Proposed development of 6 no. commercial units providing up to 74,610 sq.m.GIA of mixed B1c, B2 and B8 (unfettered), of which 34,650 sq.m (Units 1, 2 & 6) will be sought under detailed approval including associated infrastructure, parking, access and circulation areas, maintenance and improvement of existing access into the site south of the level crossing and the existing vehicular access north of the level crossing, cycle and pedestrian access to the whole site, relocation of existing clock tower, new internal roads and drainage infrastructure. Units 3, 4 & 5 (total proposed floorspace of 39,960sqm) seek outline approval for access and scale, reserving appearance, landscaping and layout for later approval

Applicant: Tilstone Industrial Limited and Corbally Group (Radway) Ltd

Expiry Date: 29-Oct-2020

SUMMARY

This proposal would bring economic benefits through the delivery of new jobs on a brownfield site where the land is also partly allocated in LPS 23 for such uses. The proposal is compatible with the surrounding development.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network.

An access into LPS 24, for future use is provided as part of the proposals.

Any ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

Safety of the buildings in terms of proximity to the neighbouring BAE Systems site can be controlled by condition.

The proposal is therefore found to be economically, socially and environmentally sustainable.

RECOMMENDATION: Approve subject to conditions.

PROPOSAL

This is a hybrid planning application for uses falling within use classes B1c, B2 and B8, part full planning permission and part outline consent.

- Full planning application for three buildings (units 1, 2 and 6) creating 34,650sqm of floorspace and associated parking, access and circulation areas, improvement of the access to the south of the level crossing, improvement of the access to the north of the level crossing to facilitate pedestrian and cycle access, relocation of the clock tower and new internal roads and drainage infrastructure.
- Outline application for three additional buildings (units 3, 4 and 5), with total proposed floorspace of 39,960sqm, including approval of access and scale at this outline stage. Appearance, landscaping and layout are reserved matters for determination at a later date.

It should be noted that as of 1st September 2020, Class B1 (Business) of the Use Classes Order is revoked and replaced with Class E(g) (Commercial Business and Service). This application was submitted prior to this being brought in and therefore the use classes in effect prior to 1st September 2020 are the ones that should be used until the end of July 2021.

SITE DESCRIPTION:

The application site is situated to the southeast of Radway Green Road and part of it formerly housed 2 large industrial buildings belonging to BAE Systems, these have now been demolished and all that now remains is the gatehouse at the head of the access road. In addition the site includes the Radway Green Business Centre to the south of the demolished buildings and west of the BAE systems facility. The main access to be used for the whole site is the existing access to the south of the level crossing. The site is approximately 18.65 hectares in size.

The site is designated as being within Open Countryside in the adopted local plan which also includes land identified as LPS 23 (Radway Green Brownfield, Alsager). To the south west of the site is LPS 24 (Radway Green Extension, Alsager).

RELEVANT HISTORY:

18/3348N - Outline application for proposed commercial development (B1c, B2 & B8 use, including ancillary B1 offices) comprising circa 32,980sqm floor space , vehicular access, service yards, car and cycle parking, drainage, external lighting, landscaping and associated works. – Approved 22nd January 2019

The above application just relates to land wholly within LPS23 and established the principle of development on this part of the site.

15/5412N - Demolition of redundant boiler house, F magazine, gauge test centre, effluent plant and indoor range area – Approved 18th December 2015

17/2421N – Notification of demolition of D Block – Approved 24th May 2017

There are several other historic applications relating to development for operations at BAE Systems, none are relevant to this application.

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

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

The Development Plan for this area comprises the recently adopted Cheshire East Local Plan Strategy (CELPS), and the saved policies from the Crewe and Nantwich Replacement Local Plan (CNRLP) and the Congleton Borough Local Plan First Review (CBLPFR).

It should be noted that only a very small area of the site (northwest corner), falls within the former Congleton Borough Council area.

The site is within the Parish of Barthomley but is included in the Alsager Neighbourhood Plan (ANP).

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

The following are considered relevant material considerations:

PG1 – Overall Development Strategy
PG6 - Open Countryside
PG7 – Spatial Distribution of Development
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
EG3 – Existing and Allocated Employment Sites
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows, Woodland
SE12 – Pollution, Land Stability and Land Contamination
SE13 – Flood Risk and Water Management
IN2 – Developer Contributions
Site LPS 23 – Radway Green Brownfield, Alsager

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

Crewe and Nantwich Replacement Local Plan (CNRLP)

NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Protection
BE.1 – Amenity
BE.4 – Drainage, Utilities and Resources
BE.6 – Development on Potentially Contaminated Land
BE.16 – Development and Archaeology
E.4 – Development on Existing Employment Areas
TRAN3 – Pedestrians
TRAN4 – Access for the Disabled
TRAN5 – Provision for Cyclists

Congleton Borough Local Plan First Review (CBLPFR)

GR6 – Amenity and Health
GR7 – Amenity and Health
GR9 – Accessibility, Servicing and Parking Provision
GR10 - Accessibility, Servicing and Parking Provision
GR13 – Public Transport Measures
GR14 – Cycling Measures
GR15 – Pedestrian Measure
GR16 – Footpath, Bridleway and Cycleway Networks
GR17 – Car Parking
GR18 – Traffic Generation
GR20 – Public Utilities
NR3 – Habitats
NR5 – Non-Statutory Sites
NR6 – Reclamation of Land
E12 Distribution and Storage Facilities

Alsager Neighbourhood Plan (ANP)

EE1 – New Businesses
EE4 – Scale, Design and Amenity of New Employment Development
NBE4 – Woodlands, Trees and Hedgerows
NBE6 – Development Affecting Heritage Assets and their Setting
CW3 – Safe and Accessible Routes
TTS1 – Promoting Sustainable Transport
TTS2 – Congestion and Highway Safety
TTS3 – Car Parking and Electric Vehicle Charging Points
TTS4 – Accessibility
TTS6 – Infrastructure
TTS8 – Improving Air Quality
TTS10 – Surface Water

CONSULTATIONS:

Highways:

No objection subject to conditions relating to the provision of a 'ghost' right turn lane, parking provision available to first occupation and provision of pedestrian/cycle route.

Highways England:

No objection.

Flood Risk Management:

No objection subject to conditions relating to surface water run-off and compliance with the submitted Flood Risk Assessment.

Environmental Health:

No objection subject to conditions/informatives relating to land contamination, noise, hours of construction/operation, pile foundations, dust management, floor floating and electric vehicle infrastructure.

Environment Agency:

No objection subject to conditions relating to a remediation strategy and verification plan for contaminated land, surface water and foundation design.

Health and Safety Executive (Explosives):

Have not responded at the time of report writing. Their response on the previous application set out the criteria for a 'Vulnerable Building' and stated that they have no comment unless the development meets the criteria.

Cadent:

Require an informative relating to easements or wayleaves.

United Utilities:

No objection subject to conditions relating to foul and surface water drainage.

Natural England:

No objection.

Network Rail:

Have concerns about traffic congestion and difficulty with larger vehicles exiting the site. This is addressed by the revised plans.

Alsager Town Council:

Object to the proposal on the grounds of highway safety, impact on the railway, land contamination, loss of ponds, loss of trees and flood risk.

Barthomley Parish Council:

Express concerns that the application only takes into account the existing site.

REPRESENTATIONS:

At the time of report writing one representation has been received from a tenant on Radway Green Business Centre. This offers no objection to the principle of the proposal but expresses concerns about the safety of the existing access.

APPRAISAL:

Principle of Development

The application in hybrid form and seeks outline consent for units 3, 4 and 5 with details of access and scale to be determined at this stage and full planning permission for units 1, 2 and 6.

Policy EG1 of the CELPS states that proposals for employment development (use classes B1, B2, B8) will be supported in principle within key service centres as well as on employment land allocations in the Development Plan.

Policy EE1 of the ANP supports development on Radway Green Brownfield (LPS23) subject to several criteria including providing local employment, impact on the character of the area, parking and traffic.

At a national level the NPPF (para 80) also requires Local Planning Authorities to: *“create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

The Radway Green Business Centre part of the site is within open countryside and is outside the boundary of LPS23. It is however a brownfield site with old buildings no longer of a standard that would be allowed today.

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

Design and Height of Buildings

Policy SE1 of the CELPS advises that proposals should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, liveability/workability and safety.

The application is in hybrid form with only units 1, 2 and 6 being determined for full planning permission. Units 3, 4 and 5 are to be determined in outline form with only the access and scale to be considered at this point.

Units 1, 2 and 6 would be constructed from profiled wall cladding of three different colours (Silver, Basalt Grey and Anthracite), with metal profiled roof cladding. In the context of an employment development such as this, it is considered that the appearance of the buildings would be appropriate and acceptable.

Unit 1 would have a ridge height of 18.3m and would have a small area of glazing on the south elevation and glazing on approximately half of the east elevation.

Unit 2 would have a ridge height of 15.5m and would have a small area of glazing on the west elevation and glazing on half of the south elevation.

Unit 6 would have a ridge height of 10.4m and would have 3 small areas of glazing at the entrances to the individual units.

The glazing would be to the offices, circulation areas and toilet and kitchen facilities.

The application only seeks outline approval for units 3, 4 and 5, therefore details of scale and appearance do not form part of the proposals.

Proximity to a Licensed Explosive Facility

The proposed development falls within the vulnerable building consultation zone of the nearby licensed explosives facility (BAE Systems). It is advised by the Health and Safety Executive (HSE), that the term 'Vulnerable Building' means a building or structure of vulnerable construction as set out below:

- a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5sqm and extending over more than 50% or 120sqm of the surface of any elevation;
- b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5sqm and extending over at least 50% of any elevation;
- c) a building of more than 400sqm plan area with continuous or individual glazing panes larger than 1.5sqm extending over at least 50% or 120sqm of the plan area; or
- d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

The BAE Radway Green site is licensed by the HSE to store and process a specific quantity of material. This quantity is assessed and reviewed by the HSE to ensure that the site remains safe and that the risk to the surrounding population/area is acceptable under the worst case accidental explosion condition. Where new developments occur in close proximity to the site, HSE have a duty to review the impact and ensure that the risk remains acceptable.

The applicants engaged a specialist blast engineering consultancy (Patrick Mann & Associates). They have visited BAE to discuss the license conditions, the blast hazard, how it varies across the site and operational requirements. This information was used within their preliminary assessment, which is summarised in the "Radway Green Development, Crewe, Blast Design Summary". The review concluded that the peak blast demand to the buildings would be 11kPa and that current design concepts had the potential to resist this magnitude of load. (kPa is a unit of pressure measurements that replaces psi (pounds per square inch))

It must be recognised that the license conditions require BAE to maintain a strict safety culture such that the potential for an explosion is remote. However, as accidental explosions cannot be discounted, the design must consider the maximum credible worst case explosion on the site. Hence, the blast hazard that we are dealing with has a return frequency in excess of 1 in 10,000 years, which is very low in comparison with the 1 in 50 years return frequency that normal design standards adopt for wind, snow, etc. For these very low return frequencies events, the structures would at worst experience the hazard only once. Consequently, normal design practice is to allow controlled levels of damage as long as risk to the building occupants remains low.

As stated in the Ref. "Radway Green Development, Crewe, Blast Design Summary", all design works will be undertaken to be compliant with international best practice and the standard by which explosives licensed sites must be designed.

As part of the design process, ongoing engagement with BAE and the HSE will take place in order to ensure that the safety goals are achieved. However, to ensure that this is secured, conditions should be imposed requiring detailed design features, designed to resist the peak accidental explosion hazard to the building without exceeding a Minimal Hazard response condition. The discharge of these conditions would be subject to consultation with the HSE.

Amenity

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located 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.

The nearest residential properties to the site are on Radway Green Road north of the level crossing. The main access to the site will be to the south of the level crossing and it is anticipated that the majority of vehicles would turn left onto the B5078 towards Junction 16 of the M6 motorway and the A500. As such it is considered that there would be very limited impact on the amenity of these properties in terms of increased vehicle movements passing them.

Given the distance between the development site and the residential properties on Radway Green Road, which is in excess of 150m it is not considered that there would be any adverse impact in terms of light or outlook.

The applicant has submitted an acoustic report undertaken in support of the application. The impact of the noise from the proposed development 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 recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the proposed development. These measures include the use of low noise plant, sound insulation and directing ducting of airflows to and

from generators via attenuators, within enclosures. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, a condition should be imposed requiring the implementation of the mitigation measures recommended in the report.

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, PM₁₀ and PM_{2.5} impacts from additional traffic associated with this development and the cumulative impact of committed development within the area. ADMS is software for road traffic pollution modelling.

The assessment concludes that the impact of the future development on the chosen receptors will be not significant with regards to NO₂, PM₁₀ and PM_{2.5} concentrations. A sensitivity analysis has also been undertaken which makes the assumption that real world driving emissions will not reduce as much as predicted over the coming years. This can be taken as a “worst case scenario” assessment and the results of this also show that the impacts on the receptors are predicted to be not significant with two of the receptors predicted to see a slight impact and one, R14, a moderate. R14 is predicted to be above the annual mean objective for both scenario 2 and 3 although this has been attributed to the model overestimating the concentrations due to the proximity to the M6 and not taking into account the recent smart motorway alterations which will reduce these concentrations at the receptor.

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

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The report also states that the developer should implement an adequate construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal.

A condition should therefore be imposed requiring the provision of electric vehicle charging points.

In terms of contaminated land, conditions are required to ensure that the proposed remediation measures are carried out and verified.

Highways

Pedestrian and Cycle Access

A 3.0m wide shared pedestrian/cycleway to link the site to footpath network is proposed this would use the BAE northern access that connects with Radway Green Road. In addition, a 1.2m advisory cycle lane on both sides of the BAE access to the site will be provided.

Parking

In regards to the level of parking provided across the whole site a B2 standard has been used to assess demand although it is highly likely that the units would be used as B8 uses which has a lower standard. In total there are 1,233 parking spaces provided for the 6 separate units, this level of parking provision is considered sufficient to cater for the likely parking demand. There would be 186 cycle spaces in total, the spaces being allocated according to the size of the units.

Development Traffic

In response to concerns expressed by the Highways officer, the applicant has submitted a technical note to assess the traffic impact of the proposed development in comparison with the extant planning consent 18/3348N at the level railway crossing.

This assessment has now included a facility to reduce the amount of light traffic that would need to use the level crossing, the trips generated from Units 1 and 2 would be able to use the site internal roads and enter/exit via the northern access and thereby not impact on the crossing. The provision of this internal link is beneficial in reducing the development impact on the crossing by providing an alternative means of access, the assessments indicate that there would be slightly less movements than the already consented application. There is an increase in car traffic in the PM peak but this is not a material increase in flow that would lead to significantly longer PM northbound queues.

Development Traffic (Extant Permission vs Proposed Development) - Cars/hr

	Extant Permission		Proposed Development		Difference	
	Southbound	Northbound	Southbound	Northbound	Southbound	Northbound
AM	8	60	55	9	+47	-51
PM	35	4	5	45	-30	+41

Development Traffic (Extant Permission vs Proposed Development) - HGVs/hr

	Extant Permission		Proposed Development		Difference	
	Southbound	Northbound	Southbound	Northbound	Southbound	Northbound
AM	4	4	2	3	-2	-1
PM	0	0	1	0	+1	0

All Peak Hour movements (Extant Permission vs Proposed Development) - PCUs/hr

	2025 Base + Committed + Extant Permission + Sensitivity Test		2025 Base + Committed + Development + Sensitivity Test		Difference	
	Southbound	Northbound	Southbound	Northbound	Southbound	Northbound
AM	644	365	641	306	-3	-59
PM	340	455	298	488	-42	+33

As the existing southern access point will be used by the majority of traffic going to and from this development it is important that this access point is improved to provide a safer arrangement for vehicles especially for HGV's waiting to turn into the site.

A ghost right turn lane improvement has been submitted and this incorporates improved kerb radii for HGV vehicles.

Highways Summary

Originally, one of the main points of concern was the impact this application would have upon the length of queues at the railway level crossing. The ability to use the existing bridge over the railway and the northern access for some of the proposed units is considered to be beneficial and allows the additional development without increasing the number of vehicles having to use the level crossing above that already consented.

With these measures in place including the improved access arrangements this application would not impact upon the existing queue lengths at the level crossing and is considered to be acceptable subject to conditions.

LPS23 refers to on site provision, or where appropriate, relevant contributions towards transport and highways.

The outline approval required a contribution to signage directing vehicles towards junction 16 of the M6. The primary access to the site would now be to the south of the level crossing and this is therefore no longer considered to be necessary.

In terms of the impact on junction 16 of the M6, there are no issues in terms of capacity and improvements have already been carried out here. In addition there are no existing schemes that any contribution could be put towards.

Conditions should be imposed requiring provision of the ghost right turn line, the car park links to units 1 and 2 to the northern access road and the internal pedestrian/cycle route prior to first occupation

Ecology

Statutory Designated Sites

The proposed development is located within 1km of Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar.

Natural England have advised that the proposed development is not likely to have an adverse impact upon European designated sites.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and concludes that the proposed development is not likely to have a significant impact upon the features for which the RAMSAR site was designated. Consequently, a more detailed Appropriate Assessment is not required.

The site specific Habitat Regulations Screening report produced in respect of The Radway Green Brownfield Site to inform the examination in public of the Cheshire East Local Plan concludes that no significant effects are anticipated from the development of this site.

Pond

The proposed development will result in the loss of a pond. Little information is provided about this pond in the submitted preliminary ecological appraisal due to a lack of access, but it appears to have formed in concrete lined settling tanks, but supports some unmanaged vegetation.

The revised site layout plan now shows a replacement pond to the west of unit 6 as requested by the Council's Nature Conservation Officer.

Bats

No trees on site were identified as being suitable for roosting bats. A single group of buildings were identified as having potential to support roosting bats and were consequently subject to a bat activity survey. No evidence of roosting bats was recorded. It is therefore considered that roosting bats are not reasonably likely to be directly affected by the proposed development.

Lighting

A lighting scheme has been submitted in support of the planning application. In terms of ecological interests the area of the site most sensitive to light pollution are the mature trees to the south and the block of woodland adjacent to the railway line to the north.

It is considered that the lighting as proposed would have very minor impact upon foraging and commuting bats. The level of impact resulting from the lighting is highly unlikely to result in an offence under the Habitat Regulations.

If the application is approved, a condition would be required to ensure that the lighting on site is implemented in accordance with the submitted strategy lighting strategy.

Great Crested Newt

An eDNA survey was undertaken of the on-site pond to determine the presence of Great Crested Newts. This survey yielded a negative result. It is therefore considered that Great Crested Newts are not reasonably likely to be affected by the proposed development.

Non-native Invasive Plant Species

Non-native plant species are present on site. If planning consent is granted it is recommended that a condition be attached to secure the submission of a method statement for their control.

Nesting Birds

If planning consent is granted the following Condition is required to safeguard nesting birds.

Biodiversity Net Gain

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich

grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that the applicant submits an ecological enhancement strategy prior the commencement of development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (as specified in the Cheshire East Design guide), gaps in to facilitate the movement of hedgehogs, brash/deadwood piles, and native species planting.

Any future reserved matters application for units 2, 4 and 5 should be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (as specified in the Cheshire East Design guide), gaps in fences to facilitate the movement of hedgehogs, brash/deadwood piles and native species planting.

Landscape

As part of the submission a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been derived from the Guidelines for landscape and Visual Impact Assessment 3rd Edition 2013 (GLVIA3).

The assessment identifies the baseline landscape including the National Landscape Character – NCA 61 – Shropshire, Cheshire and Staffordshire Plain, as well as the character as defined by The Cheshire East Landscape Character Assessment 2018, namely LCT 7 Lower Wooded Farmland and specifically LCA 7f Barthomley. The assessment also identifies footpaths and topography, which is relatively flat. The site itself is a brownfield site, part of the former Royal Ordnance Factory. The site itself is characterised by industrial units, roads and existing hedgerows and trees.

The landscape assessment identifies that there would be a minor adverse significance, a negligible neutral significance of effect on the site itself and for the locality and wider landscape, a minor adverse significance initially, reducing to a negligible neutral significance at year 10. The visual assessment identifies 12 viewpoints and with the moderate/minor or lower significance of effect for all viewpoints.

Whilst this is accepted, this application reserves appearance, landscaping and layout for a later approval for units 3, 4 and 5. This should be addressed in any reserved matters application.

Trees

The site lies to the south west of Alsager and is covered in part by LPS 23 – Radway Green Brownfield, Alsager in the Cheshire East Local Plan Strategy. Site LPS 24 adjoins the south western boundary. The policies require the incorporation of green infrastructure for the purposes of screening and environmental improvement.

There is tree, shrub and hedgerow cover on and adjoining the application site. The site is not in a Conservation Area and none of the trees are afforded TPO protection.

The northern area of the site has been cleared of built development leaving extensive areas of hard surfacing. A belt of young to early mature trees lies adjacent to the railway to north of the site provides some screening of the site when viewed from Crewe Road. There are groups of trees around the body of the cleared site, mainly remnants of the former development's soft landscaping. The northern tree belt has collective value and there are some ornamental standards along access roads and groups of trees which have moderate value. The quality of other tree groups on the cleared land is low.

The remainder of the site has existing development and associated landscaped areas and some undeveloped land. There is some established tree cover with mature trees particularly to the south and west. Elements of the tree cover have moderate to high value as part of the existing green infrastructure of the site and are considered to be worthy of retention as part of future development.

As originally submitted, the tree losses that were considered excessive by the Forestry Officer. A revised layout and associated Arboricultural Addendum has subsequently been submitted.

The revised layout would allow some additional trees to be retained. The development would now require the loss of 49 trees recorded as individual specimens (a reduction of 17 losses), comprising 1 grade A tree (previously 3), 21 grade B (previously 29), 27 Grade C (previously 34).

It is acknowledged that the revision would reduce overall losses cited previously. The impacts on the tree population and limited opportunities for planting in mitigation of losses remain a concern. However, on balance it is considered that the economic benefits of the proposed development outweigh the limited harm caused by the loss of trees.

Should planning consent be granted on the basis of the proposals as submitted, it is necessary to secure adherence to the submitted tree protection measures for the area of the site for which detailed approval is sought, and to apply a condition for the submission of an arboricultural method statement.

A condition should also be applied to require any future reserved matters application for units 3, 4 and 5 to be supported by a comprehensive package of arboricultural information including an Arboricultural Impact Assessment, a tree protection scheme and an Arboricultural Method Statement.

Flood Risk

The Council's Flood Risk Manager has assessed the application and is satisfied that, subject to conditions, the proposal is acceptable in flood risk terms.

CONCLUSIONS

This proposal would bring economic benefits through the delivery of new jobs on a brownfield site where the land is also partly allocated in LPS 23 for such uses. The proposal is compatible with the surrounding development.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network.

An access into LPS 24, for future use is provided as part of the proposals.

Any ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

Safety of the buildings in terms of proximity to the neighbouring BAE Systems site can be controlled by condition.

The proposal is therefore found to be economically, socially and environmentally sustainable.

RECOMMENDATION:

Approve subject to the following conditions:

- 1. Full time limit for Units 1, 2 and 6.**
- 2. Outline time limit for Units 3, 4 and 5.**
- 3. Reserved matters to include appearance, landscape and layout.**
- 4. Approved plans.**
- 5. The occupied buildings within the development shall be designed to ensure that structure and façade are designed to resist the peak accidental explosion hazard to the building without exceeding a Minimal Hazard response condition. The explosion hazard varies across the development. For the nearest building, Unit 2, the peak hazard equates to a shock front with a peak overpressure of 11kPa with a 121ms duration.**
- 6. Prior to commencement of the construction of any of the buildings, the design calculations, drawings and other submitted information for the primary building frames and façades shall be submitted to and approved in writing by the LPA, in consultation with the HSE. Development shall be carried out in accordance with the approved details.**
- 7. Prior to first occupation of any of the units, the ghost right turn lane at the southern access to the site shall be provided and available for use.**
- 8. Prior to first occupation the car park links to units 1 and 2 to the northern access road shall be provided and available for use.**
- 9. Prior to first occupation of any of the units, the combined pedestrian/cycle route shall be provided and available for use.**
- 10. External lighting in accordance with the submitted external lighting details.**
- 11. Method statement for the control of non-native invasive plant species.**
- 12. Protection of nesting birds.**

13. Strategy for the inclusion of features to enhance biodiversity including nesting birds, roosting bats, gaps for Hedgehog movements, brash/deadwood piles and native species planting.
14. Any future reserved matters application for units 2,4 and 5 to be supported by a strategy for the inclusion of features to enhance biodiversity including nesting birds, roosting bats, gaps for Hedgehog movements, brash/deadwood piles and native species planting.
15. Compliance with the submitted tree protection measures.
16. Arboricultural Method Statement.
17. Any reserved matters application to be supported by an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Scheme.
18. Development in accordance with the Flood Risk Assessment.
19. Detailed drainage/design strategy to limit surface water run off.
20. Foul and surface water drained on separate systems.
21. Updated Remediation Strategy (contaminated land).
22. Verification Report (contaminated land).
23. Soil and soil forming materials for soft landscaping areas to be tested and verified.
24. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.
25. Mitigation in the Noise Assessment to be implemented.
26. Prior to first occupation, submission of an electric vehicle infrastructure plan.
27. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
28. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby approved shall be limited to Use Class E(g)(i) (Offices), E(g)(ii) (Research and Development) and E(g)(iii) (Industrial Processes).

Informatives:

1. Hours of noise generative works
2. Duty to adhere to the regulations of Part 2 of the Environmental Protection Act 1990
3. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.
4. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The

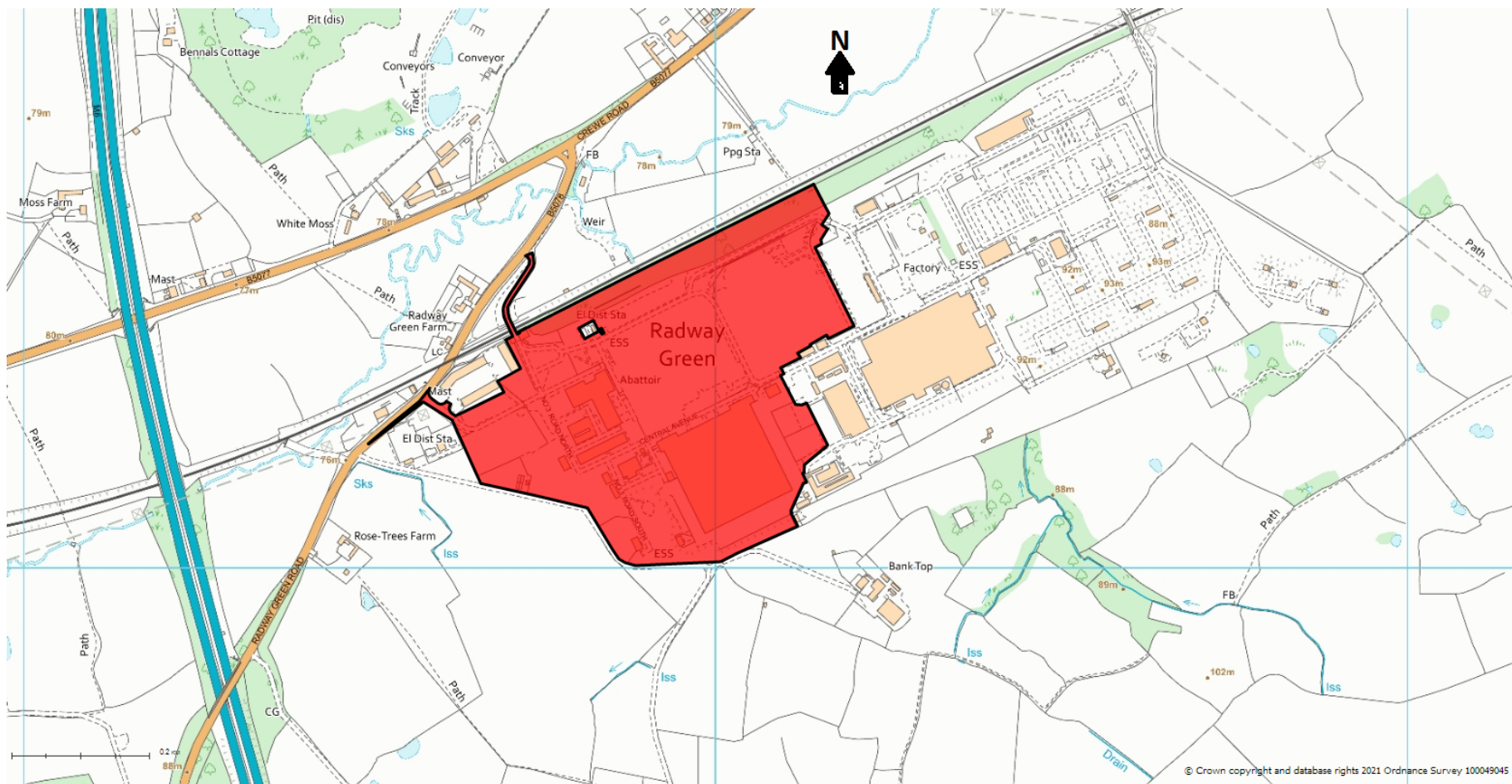
Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

- 5. Noise generative works to be limited to the following times:**

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

- 6. Piling work shall be undertaken using a system which will cause the least possible degree of noise and vibration in the locality - given the ground conditions – as a means to minimise the impact of noise and vibration to the occupiers of nearby dwellings. It is recommended that nearby residents and the Regulatory & Health Services are provided following full details of any piling operations**
- 7. Dust management measures to be provided.**
- 8. Details of floor floating to be provided.**

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



Application No: 20/4747M

Location: RADBROKE HALL, STOCKS LANE, OVER PEOVER, WA16 9EU

Proposal: Hybrid Application comprising of; a) Full application for the Demolition of Kilburn House, Lovelace House and Brooker House to create "Town Square" and landscaped areas and an extension to Furber House to create additional Food & Beverage / support space; facade upgrades to Turing House, Babbage House and Furber House; retrospective application for installation of generators, installation of roof mounted air handling units; creation of a new security lodge; removal of a visitor car park; creation of new public realm; internal highways improvements; landscaping and other associated works; and b) Outline planning permission (including matters of Access, Scale and Layout) for the erection of new office floorspace (Use Class B1a) including employee wellness facilities and associated works.

Applicant: Barclays Bank Plc

Expiry Date: 16-Feb-2021

SUMMARY:

The principle of extensions and alterations to existing buildings and the replacement of other buildings on this employment site in the Green Belt is deemed appropriate given the nature of the proposed demolitions and subsequent extensions/new build elements are considered to largely constitute infilling on the existing site with no materially greater impact on the openness of the Green Belt.

The proposal would contribute the creating a strong economy for Cheshire East by developing and modernising an existing site that is a major employer in the area.

Matters of highways are noted as a significant local concern for various reasons, mostly with regards to increases in traffic and construction vehicles using country lanes. The Council's Head of Strategic Infrastructure however, raises no objections on highways grounds subject to a financial contribution to the creation of a cycle lane on the A50, a development highlighted as a requirement by the Council's Local Transport Delivery Plan and a contribution to ensure the implementation of the Travel Plan. Conditions are also proposed.

The design of the proposals are deemed acceptable and although '*less than substantial*' harm to the heritage assets would be created, this harm would be at the lower end of the scale and it is deemed that the wider public benefits of the scheme outweigh this harm.

In consideration of environmental matters, no objections are raised from the relevant consultees with regards to; landscape, trees or ecology, subject to conditions where necessary.

There are no neighbouring amenity concerns given the countryside location of the site and that the majority of the built form is to be located towards the centre of the existing large site.

No concerns are raised in relation to public rights of way, flood risk and drainage or Manchester Airport, subject to conditions where deemed necessary.

As such, the application is recommended for APPROVAL subject to a S106 Agreement to secure a financial contribution towards off-site highways improvements and conditions.

RECOMMENDATION:

APPROVE subject to conditions and a S106 Agreement to provide a financial contribution towards off-site highways works and the monitoring of a staff Travel Plan

DESCRIPTION OF SITE AND CONTEXT

The application site is Radbroke Hall, which is located off Stocks Lane and accommodates a large employment site housing Barclays Bank plc.

The application site covers a total area of just over 5 hectares. The complex includes a number of office buildings, including the original Radbroke Hall which is a Grade II Listed Building which also contains a small amount of office accommodation. The site has a number of car parking areas and the site is set in extensive grounds with recreation areas, on site catering including a café and shop.

There are a large number of mature trees around and within the site which provides a parkland setting.

Radbroke Hall is described by the applicant as Radbroke Technology Centre and employs circa 4000 staff on the site. It accommodates the Technology Office, Architecture and Strategy, Technology Quality and Risk and the Global Infrastructure.

The site area subject of this planning application relates to various portions of the wider site.

PROPOSAL

This is a hybrid application which seeks part full planning permission and part outline planning permission for different aspects of the overall development. The break-down is detailed below

Full Planning Permission (Phase 1)

- Demolition of Kilburn House, Lovelace House and Brooker House
- Creation of a 'Town Square' and landscaped areas
- Extension to Furber House to creation of additional Food & beverage/support space
- Façade upgrades to; Turning House, Babbage House and Furber House
- Retrospective permission for installation of generators
- Installation of roof mounted air handling units
- Erection of a new security lodge
- Removal of visitor car park
- Creation of a new public realm
- Internal highway improvements
- Landscaping
- Associated works (for example; installation of lighting)

Outline permission - including matters of Access, Scale and Layout (Phase 2)

- Erection of new office floor space, including the new office block referred to as 'New Kilburn' which will include employee wellness facilities
- Associated works (for example; installation of lighting)

RELEVANT HISTORY:

Extensive history over the whole site below related to this proposal. Most notable (excluding adverts) include;

20/4888S – Screening Opinion - *EIA Screening Opinion for hybrid planning for new development* – EIA Not Required 15th February 2021

20/4376M – Full Planning - *Installation of an above ground external double skin bulk fuel tank for an internal generator within Babbage House on the existing campus* – Approved 14th January 2021

18/1283M – Full Planning - *Additional flexible office accommodation (Use Class B1a)* – Approved 17th May 2018

17/3806M – Full Planning - *Application seeking full planning permission for additional office accommodation (Use Class B1a) and an extension to existing car parking* – Approved 18-Oct-2017

17/2974M – Full Planning - *Application for temporary office accommodation (Use Class B1a) to be in use for a period of 3 years* - Approved 11-Aug-2017

11/2729M – Full Planning - *Installation of a car park surface and temporary use of land for car parking for a period of 3 years* - Not determined (Awaiting S106 Agreement)

10/4870M – Full Planning - *Erection of Two Replacement Gatehouses Including Associated Access Improvements and New Lighting* – Approved 4th February 2011

01/2548P – Full Planning - *Temporary Extension To Existing Car Park To Provide An Additional 329 Spaces* – Approved 7th January 2002

Note – 04/2837P sought to extend this temporary period, but this application was withdrawn

97/1610P – Full Planning - *Extension to Security Lodge* – Approved 31st October 1997

97/1566P – Full Planning - *Extension to Shop Sports And Social Building* – Approved 9th October 1997

97/1521P – Full Planning - *Additional Car Parking For 57 Spaces* – Approved 29th September 1997

96/1965P – Full Planning - *Extension to South & West Entrance Lobbies To Accommodate Security Turnstiles* – Approved 10th January 1997

81806P – Full Planning - *Additional Car Parking (340 Spaces), The Removal Of The Barrier Between The Car Parking Areas And The Widening Of The Access Road Onto The A50, Together With Associated Landscaping* – Approved 9th October 1995

57519P – Full Planning - *Car Parking For 500 Cars With Associated Landscaping* – Approved 20th April 1989

51758P – Full Planning - *Part Demolition, Conversion Of Part To Offices And Internal Alterations* – Approved 13th January 1988

51729P – Listed Building Consent - *Part Demolition, Conversion Of Part To Offices And Internal Alterations* – Approved 13th January 1988

47223P – Reserved Matters - *New Offices Ancillary Development and Car Parking* – Approved 8th December 1986

43134P – Outline Planning - *Erection of New Office & Ancilliary Buildings & Demolition Of Temporary Wooden Office Buildings To Increase Staff From 1500 To 2000 Over A Phased Period* – Approved 23rd May 1986

43819P – Full Planning - *Change Of Use And Part Demolition Of Existing Building* – Approved 6th February 1986

28053P – Listed Building Consent - *Extension to Staff Restaurant Kitchen* – Approved 9th October 1981

5/23899P – Listed Building Consent - *Extension to Existing West Core Staircase & C/O/U From Storage To Computer Research On 3rd Floor* – Approved 10th September 1980

23788P – Listed Building Consent - *Redevelop Existing to Form New Store For Stationary & Office Development* – Approved 10th September 1980

ADOPTED PLANNING POLICY:

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan. More specifically;

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 - Presumption in Favour of Sustainable Development, PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, PG3 - Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, EG1 – Economic Prosperity, EG2 – Rural Economy, EG3 - Existing and allocated employment sites, SE1 – Design, SE2 - Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape, SE5 - Trees, Hedgerows and Woodland, SE7 – The Historic Environment, SE12 – Pollution, Land Contamination and Land instability, SE13 – Flood Risk and Water Management, CO1 - Sustainable Travel and Transport and CO4 - Travel Plans and Transport Assessments

Saved policies of the Macclesfield Borough Local Plan (MBLP)

GC1 – Green Belt (New Buildings), GC4 – Major Developed Sites in the Green Belt, RT8 – Access to the Countryside, DC3 – Amenity, DC6 - Circulation and Access, DC8 – Landscaping, DC9 - Tree Protection, DC10 – Landscaping and Tree Protection, DC13 & DC14 – Noise, DC15 & DC16 – Provision of facilities, DC17, DC19 & DC20 – Water resources, DC38 – Spacing, Light and Privacy and NE11 – Nature Conservation

Other Material Considerations

National Planning Policy Framework (2019 update) (NPPF)

The relevant chapters of the NPPF to the application proposals include;

Achieving sustainable development (pages 5-8), Decision making (pages 13-14), Building a strong, competitive economy (pages 23-25), promoting sustainable transport (pages 30-33), achieving well designed places (pages 38-40), protecting Green Belt land (pages 40-44), Conserving and enhancing the natural environment (pages 49-54), Conserving and enhancing the historic environment (54-58)

National Planning Policy Guidance (NPPG)

Draft Ollerton with Marthall Neighbourhood Plan (Regulation 7 stage) *

Draft Over Peover Neighbourhood Plan (Regulation 18 stage) *

LCD1 – Local Character and Design, LCD2 – New development, LCD3 – Extensions and remodelling, ENV1 – Biodiversity, ENV2 – Trees, Hedgerows and Watercourses, ENV3 – Access to the countryside, INF1 – Infrastructure, INF3 – Surface Water Management, INF4 – Traffic Improvements, INF5 – Sustainable Transport, HA1 – Heritage Assets and ECON1 – Rural Economy

**Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.*

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan (Regulation 18), so far as material to the application.

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (Highways) - No objections, subject to a financial contribution of £100,000 to go towards providing a cycle route along the A50 from Knutsford to Barclays Technology Centre and £6000 to enable the monitoring of a required Travel Plan. The following conditions are also proposed; Prior submission/approval of Construction Management Plan (CMP) and that no increase in on site parking is permitted

Environmental Protection – No objections, subject to a number of conditions including; the provision of low emission gas boilers, the provision of electric vehicle charging infrastructure, submission/approval of a Phase II contaminated land report, submission/approval of a contaminated land verification report, submission/approval of a soil verification report and that works should stop if contamination is identified. A number of informatives are also proposed

Public Rights of Way (PROW) Officer - No objections, subject to the following conditions; the submission/approval of a Public Rights of Way Management Scheme; that the line of the PROW be marked out on the development site prior to commencement and during development; the pre-commencement and post-completion condition surveys are undertaken. Improvements to existing walking, cycling and equestrian facilities are also suggested. Informatives are proposed to remind the applicant of their responsibilities.

Environment Agency – Proposals fall outside of EA's remit

Local Lead Flood Risk Authority (LLFA) Officer – No objections, subject to the following conditions; the submission/approval of an overall detailed strategy/design limiting surface water run-off and an associated management/maintenance plan and that development shall be carried out in accordance with the submitted FRA, Outline Drainage Strategy and SUDS strategy

United Utilities - No objections, subject to the following conditions; submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan.

Manchester Airport – No objections, subject to a number of conditions including; During construction, robust measures to be taken to prevent birds being attracted to the site – no pools of water should occur; robust measures should be taken to prevent birds being attracted to the site – no pools or ponds should be created without permission – no feeding of gulls, geese or waterfowl; all exterior lighting should be capped at the horizontal with no upward light spillage.

Cheshire Gardens Trust – *‘We do not object to this application which seeks to provide improved facilities and an enhanced work environment for this established business campus, but we have concerns regarding landscape design and noise which may cause some harm to the significance of these irreplaceable heritage assets’*

Cadent Gas Ltd - No comments received at time of report

Peover Superior Parish Council (*Majority of application site falls within this parish*) – Object to the proposal on the following grounds;

Highways

Traffic

The proposal would result in an increase in traffic. No enforceable limit of number of employees and floor area increase is proposed. Suggest a limit on employees be imposed. Existing traffic generation should not be taken as a baseline as efforts have been made to reduce existing traffic levels. Previous approval for a car park was subject to a Travel Plan, but this was not complied with. Notwithstanding, Travel Plans are not necessarily successful – 94% of staff currently travel by car. Enforceable strategy required.

As part of Neighbourhood Plan formulation – traffic volume and speeding were a notable concern. Survey commissioned which identified that a Traffic Management Plan to mitigation the harm costed as £1.8 million.

Suggest a contribution is made by the developer, to be secured via a S106 Agreement, towards the village’s Traffic Management Plan.

Proposals include provision of an ‘events lawn’. Lack of information provided regarding this and concerned about possible knock-on traffic impacts.

Congestion

Notable at access and exist points of site at peak times, causing tailbacks/bottlenecks

Suggest funding be secured via a S106 Agreement, to provide a roundabout on the A50 to reduce congestion

Parking

Welcome ANPR Traffic Management system but concerned unauthorised traffic will have to turn and result in further chaos/congestion.

Concerned about parking spillage beyond the boundary of the site. Currently insufficient parking provision and not been made clear how unauthorised parking on adjacent site will now be accommodated within the site.

Sustainability

Not convinced that the proposed measures by Arups would be sufficient to reduce the reliance upon single-occupancy car use. More robust measures should be proposed (CO1 of CELPS). Travel strategy proposed similar to previously proposed strategies which have been shown not to be effective.

Suggest a Travel Plan is controlled via S106 Agreement with a set-out phased reduction in car journeys

Construction traffic

Will cause problems in the village which will be natural route. Request the following; a) that construction management be restricted to main roads and must not pass through the village b) Parish Council should be involved in discharge of Construction Management Plan c) length of construction period should be curtailed.

Ollerton and Marthall Parish Council (*Minority of application site falls partly within this parish*) – Object for the following reasons;

Highways

Traffic and Congestion

Likely that increased traffic will exacerbate issues as the parish's existing accident hotspot - Ollerton Crossroads and no consideration of this impact has been made within the submission.

Construction traffic

Also have concerns about construction traffic passing through the village

OTHER REPRESENTATIONS:

Neighbouring units were notified, a site notice was erected, and the proposals were advertised in a local newspaper. At the time of consideration, consultation responses had been received from 18 interested individuals and two adjacent Parish Council's. The main concerns raised include;

Principle/Green Belt

Is additional office space necessary as it has been shown during Covid-19 that many of the staff can work from home? / no assessment of occupancy demand in light of recent, more common, working from home practices.

Location of the site in rural locations adds very little to local economy

Impact upon openness of height of new building proposed; inappropriate development and no Very Special Circumstances

Sustainability of location

Not sustainable

Highways

Additional traffic generation concerns in a wider context & suggest need for Transport Assessment; doubtful that sufficient car sharing will take place, concerned about impact of construction vehicles – should not be permitted to use country lanes (Parish Council's would like input and see it controlled by S106); would like to see introduction of traffic calming measures (mitigation detailed in neighbourhood plan); current speeding concerns; impact of increased traffic upon walkers, cyclists, runners and riders; level of parking provision is insufficient; proposal likely to result in the employment of more staff with no control over staff numbers, therefore parking and traffic issues, site proposes to operation 24 hours a day – no recognition of additional impact of this on local communities.

Sceptical about measures proposed to reduce car reliance. No incentives for staff. Needs appropriate monitoring and enforcement.

Suggest a Travel Plan is controlled via S106 Agreement. Previous attempts to adhere Travel Plans have not been successful.

Landscape/Design

Visual impact of increase in height of buildings on site; scale, mass and bulk of building to replace Kilburn House inappropriate and incongruous in its setting

Amenity

Increased traffic resulting in increased air pollution

Other matters

Not clear how it is proposed that the 'events lawn' would be used, possibly resulting in greater traffic concerns

OFFICER APPRAISAL

Green Belt

The entirety of the site lies within the Green Belt and relates to a 'Major Developed Site in the Green Belt' as defined by saved Policy GC4 of the Macclesfield Borough Local Plan (MBLP).

The principal acceptability of the proposals in Green Belt terms is subsequently considered against the following policies of the Cheshire East Council Development Plan; Policy PG3 (Green Belt) of the CELPS and saved policies GC1 (Green Belt – New Development) and GC4 (Major Developed Sites in the Green Belt) of the MBLP. The Green Belt paragraphs within the NPPF are also a material planning consideration.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications Local Planning Authorities (LPA's) should ensure that substantial weight is given to the Green Belt harm. 'Very Special Circumstances' (VSC's) will not exit unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

An LPA should regard the construction of new buildings as inappropriate in the Green Belt. However, there are several exceptions listed in policy.

Saved Policy GC1 of the MBLP refers to one such exception being development within 'Major Developed Sites' which is in accordance with Policy GC4, also of the MBLP. Saved Policy GC4 further lists a number of requirements.

The requirements of saved Policy GC4 include that development on such sites will be granted for infilling or re-development provided that it would have not greater impact on openness or the purposes of including land within the Green Belt, would not exceed the height of the existing buildings, would not lead to a major increase in the developed portion of the site.

It is noted that GC1 and GC4 refer to policies which were not saved either upon the adoption of the CELPS or earlier and while not given full weight as a result they are still of relevance

Policy PG3 of the CELPS is the more up-to-date Green Belt policy and as such carries greater weight. An exception to inappropriate development within Policy PG3 supports development that comprises of *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

The above policies are reflected in Paragraph 145 of the NPPF which states:

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

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*

The application proposals are therefore deemed to initially fall within this exception so an assessment of whether the development would have a greater impact on openness and the purposes of including land within the Green Belt is required.

The existing floor space of the buildings on site equates to 43,486m². The floor space measured externally of the buildings to be demolished as part of Phase 1 of the development would be 9562m². Post demolition, therefore, the total floor space on the wider site would equate to 33,924m².

The floor space of the proposed new development comprises of 15,466m². As such, the proposal would result in an increase in the amount of floor space on the site in the event of approval of this application of 5904m² taking it from 43,486m² to 49,390m². In the context of the wider site, this would equate to an overall increase in floor space of 13.6%.

The height and spread of development are also a consideration. The new office block proposed 'New Kilburn' (Phase 2), is proposed to be taller than the existing Kilburn House. However, again in the wider context this increase is not significant. A taller tower would be demolished immediately adjacent to the proposed new office build and the site is located largely centrally within the wider Radbroke campus.

With regards to the proposed extensions, all of these would represent subordinate additions to the buildings to which they would adjoin, and none would exceed the heights of the associated buildings.

In consideration of the spread of the proposed built form, most of the development proposed is the construction of the new office block, 'New Kilburn'. This would mostly be positioned on the footprint of the existing Kilburn House and would sit between two other office blocks. The other development proposed around the site would either be located amongst other built form and/or be relatively minor in scale.

For the above reasons, although post-demolition, additional development is sought on site, compared to the existing situation, in the context of the existing built form on site, the sensitive position on site where the new development is sought and the screening provided by mature trees, the additional development is not deemed to have a greater impact upon the openness of the Green Belt or the purposes of including the land within it. The application proposals are therefore deemed to represent appropriate development in the Green Belt.

Economy

Policy EG2 of the CELPS refers to the rural economy, more specifically commercial proposals outside of Principal Towns, Key Service Centres and Local Service Centres, which the application proposals do, they fall within what is defined by PG2 of the CELPS as 'Other settlements and Rural Areas'.

Policy EG2 states that in such locations, development which; provides opportunities for local rural employment that supports the vitality of rural settlements, encourages the retention and expansion of existing businesses, encourages the creation and expansion of sustainable farming and food production businesses (amongst others), will be supported. Draft Policy ECON1 of the Draft Over Peover NP is largely reflective of this.

The application proposals support the expansion of an existing business. As such, Policy EG2 states that the development subsequently needs to meet a number of requirements. These include;

- Meets sustainable development objectives of the plan
- Supports the rural economy and could not be reasonably be expected to located within a designated centre by reason of their products sold
- would not undermine strategic employment allocations
- is supported by adequate infrastructure

- is consistent in scale with its location and surrounding buildings
- would not harm residential amenity
- is well sited and designed
- does not conflict with other policies of the development plan

In response, the proposal would contribute the creating a strong economy for Cheshire East by developing and modernising an existing site that is a major employer in the area.

The site indirectly supports the local economy with staff utilising nearby facilities and the employment site is established. It would not undermine strategic employment allocations given the nature of the proposed development relatively modest increase in floor space proposed. The development would be consistent in scale with its location and surrounding buildings, would not harm residential amenity (expanded upon later in this report) and is well sited and designed. Whether the proposal is supported by adequate infrastructure is considered in the Highways section of this report as is an assessment against all other relevant policies of the development plan.

Highways

Policy CO1 of the CELPS refers to sustainable travel and transport. The policy expects development to reduce the need to travel by; guiding development to sustainable and accessible locations; ensuring development gives priority to walking, cycling and public transport within its design; encourages more flexible working; support improvements to communication technology and support measures that reduce the level of trips made by single occupancy vehicles. It also states that development will improve pedestrian facilities so that walking is attractive for shorter journeys and improve cyclist facilities so that cycling is attractive.

Policy CO2 refers to enabling business growth through transport infrastructure. It states that the Council will support transport infrastructure that will mitigate the potential impact of development proposals including; supporting measures to improve walking, cycling and sustainable travel environment on routes relieved of traffic and by supporting schemes outlined within the Transport Delivery Plan.

The crux of Saved Policy DC6 of the MBLP is that development should provide safe and convenient access provision for vehicles, pedestrians, special needs groups, and service/emergency vehicles and to provide safe and convenient facilities for the servicing of businesses.

Draft Policy INF5 of the Draft Over Peover NP states that proposals to provide or enhance facilities for pedestrian facilities and cyclists will be supported and will proposals to promote better integration between different modes of transport including links to Knutsford (amongst other settlements).

It is important to note in regard to the highways impact of the site that the applicant has advised that there are no increases in staff numbers proposed as part of this application and also that the existing number of car parking spaces would be retained and not increased.

This point has been met with some scepticism by some of the local Parish Council's for a variety of reasons including that given the amount of additional floorspace proposed, its hard to imagine that this would not, in turn, result in an uplift in staff numbers. It has been detailed that this is in addition to the fact that staff numbers on site have steadily been increasing in recent years even with the

presence of conditioned staff travel plan's which have had the aim of reducing the number of staff arriving by car.

In light of this concern, the applicant was asked to provide a response. This is detailed below;

'The current daily (Pre-COVID) occupancy of Radbroke is around 3,700 people.

Barclays will only open its offices to more colleagues when it is safe to do so, in line with government guidance.

After Phase 1, daily occupancy is anticipated to be circa 2,700.

Following Phase 2, daily occupancy is anticipated to return to current daily levels. In order to confirm commitment to this, Barclays would be happy to share parking and vehicle movement data with Cheshire East Council. If necessary, Barclays would be happy to accept a Planning Condition requiring the collation and sharing of this data following the completion of the development to inform future iterations of the Travel Plan.

The proposals, in tandem with new flexible working patterns will facilitate a more adaptable campus, which will result in no net uplift in day-to-day occupancy. This, combined with a modern, technology-led Travel Plan will ensure that the traffic impact of the site upon the surrounding area will be reduced. The proposed travel planning measures can be reviewed within Section 7 of the submitted Travel Plan. This should be read in conjunction with the Transport Statement that has also been submitted.'

These matters are explored further within the below sections.

Access and Car Parking

The Stocks Lane access would continue to be used as the main access to the site catering for both staff, visitors, deliveries and the shuttle buses. Access to the staff car parking areas is controlled by a barrier and the Council's Head of Strategic Infrastructure (HSI) advises that sufficient space is provided to stack vehicles on the approach. Visitor car parking and bus drop off is located in the front of the site as you enter from Stocks Lane.

One of the problems with existing car parking arrangements is that it is difficult to find empty spaces in various car parks despite their being 2,446 car parking spaces on the site.

The applicant proposes to implement a car park management system with Automatic Number Plate Recognition (ANPR) number plate recognition that would ensure that access to parking spaces is only permitted to those vehicles that have been booked in advance. Car Parks will be named and signage introduced to locate the car parks and the pre-booked system would control the number of vehicles in each car park.

It is proposed that staff travel to the site by car would only be allowed when a pre-booked space was available and there would be a facility to allow temporary parking for vehicles to park if there are difficulties at the barrier. This is all set out within the Staff Travel Plan submitted with this application.

The Council's HSI advises that there are good cycle facilities provided within the site, 40 covered cycle parking spaces are available with showering and changing facilities.

The application site has had a travel plan for a considerable length of time that the Council's HSI advises has had 'limited' success in reducing the level of car trips to and from the site with the number of staff on the site increasing.

The site wide travel plan for Barclays has been updated in this application and a range of measures has been proposed in the plan to reduce car travel to the site and also improve the sustainable mode choices for travelling to the Radbroke Hall site. This travel plans sets out an initial target for there to be a no net increase in the average daily car movements to the site in Phase 1 (the elements subject to full planning permission). This is based upon the current baseline survey of trips. It is detailed that subsequent targets for Phase 2 would be reviewed and agreed with the Council.

It is important that monitoring of the plan takes place and that it is just not the applicant monitoring their own plan. This is a point raised by a large number of the objectors to the scheme. As such, a contribution of £6,000 is required to facilitate Cheshire East Council to undertake external monitoring of the plan. This would be secured through a S106 Agreement. The implementation of the Staff Travel plan shall be conditioned. A further condition requiring the submission of an updated Staff Travel Plan to be submitted with the Reserved Matters of the development is also proposed. It is proposed that one of the requirements of the travel plan would be a requirement to provide parking and vehicle movement data with Cheshire East Council.

To improve the connectivity of Radbroke Hall, the Council's Local Transport Delivery Plan includes proposals to provide a cycle route along the A50 from Knutsford to Barclays Technology Centre. The Travel Plan is an important part of this application and the ability for staff/visitors to be able to cycle and walk in safety to the site would enhance the use of these sustainable modes. The Council's HSI therefore advises that a contribution of £100,000 is required to contribute towards the provision of this facility in order to improve the accessibility of the site and also compliment the measures identified in the Travel Plan to reduce the number of car borne trips to the site. This would be secured through a S106 Agreement.

Highway Impact of the Development

Radbroke Hall is a large site that employs a high number of staff and the Council's HSI advises that managing the traffic generation of the site on the local highway network has been a historic issue.

However, it needs to be recognised that the applicant has suggested that there will be no increases in staff numbers as part of the development, no further parking spaces are subsequently proposed and that sustainable travel initiatives are being pursued to reduce the reliance on car trips to the site and that it is being addressed in this planning application by introducing new travel plan measures. The Council's HSI recommends that it be conditioned to ensure that there are no increases in the number of parking spaces on site.

For a combination of these reasons, the Council's HSI advises that there would be no material increase in traffic movements from the site. In these circumstances, the HSI advises that there can be no objection to the application in regard to traffic impact.

The internal layout and designation of the car parking is supported as is the applicant's intention to increase the level of sustainable trips made to the site.

Two local Parish Council's have requested that the construction traffic be restricted to main roads and must not pass through certain villages. In response, the Council's HSI has advised that they cannot insist which routes should be used in a Construction Management Plan because these are all public roads. As there are many routes that link to the site that are unsuitable for HGV vehicles, the Council's HSI agrees that a CMP condition is required. The requirements of the condition should advise of intended routes so these can be agreed with the Council's Highways Team.

Subject to a S106 contribution of £106,000 and the above-mentioned conditions, the Council's HSI advises that there are no highway objections raised to the application.

Peover Superior Parish Council, within which the majority of the application site is located, have requested a contribution towards an identified village's Traffic Management Plan. In addition, they have proposed that funding be secured via a S106 Agreement, to provide a roundabout on the A50 to reduce congestion. The provision of traffic calming measures has also been proposed by another Parish Council. In response, the Council's HSI has advised that if there was going to be intensification of the site by increasing staff and parking, then a contribution towards such schemes could be justified as would the possible requirement be to provide a Transport Assessment (TA). However, this is not the case and implementation of the cycle route and close monitoring of the Travel Plan are considered sufficient.

As such, the proposal is deemed to adhere with the requirements of policies CO1 and CO2 of the CELPS and Policy DC6 of the MBLP.

Heritage and Design

Policy SE1 (Design) of the CELPS advises that proposals should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

Draft Policy LCD1 of the Draft Over Peover NP states that new buildings, features and materials should be characteristic of the settlement and demonstrate consideration of the Cheshire East Design Guide SPD.

There are two, Grade II listed structures within the site. The comprise of Radbroke Hall itself and the Rose Garden and Pavillions at Radbroke Hall. The impact of the development upon the setting of these heritage assets is a material planning consideration.

Policy SE7 of the CELPS states that *'All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment.'* Draft Neighbourhood Plan policy HA1 follows similar principles.

The Council's Urban Design and Heritage Officer has advised that he does not object to the principle of the proposal in heritage terms as there is much to commend in terms of creating a more legible and

green context for the historic buildings, free of certain buildings and parking, and the creation of better quality landscape and public realm at the heart of the site.

However, the Officer advises that the proposal would result in '*less than substantial harm*'. This is due to the impact of the additional scale, mass and bulk created by the new office block (New Kilburn) proposed in Phase 2 compared to the office building it would replace. More specifically, its forward projection and its increase in height compared to the existing office in this location, when viewed from the closest heritage asset.

The Cheshire Garden's Trust concur with the assessment of impacts of proposed development on the heritage assets. However, the Trust are concerned that the landscape design of the proposed 'kitchen garden', which provides a new green space, a transition between the rose garden and proposed landscape corridors, is a missed opportunity and as presented, may cause some harm to the significance of the garden.

Paragraph 193 of the NPPF states that;

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 196 of the NPPF 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.'

The Council's Heritage Officer has advised that the '*less than substantial harm*' is at the lower end of the scale when considered in the wider context of what is proposed, more specifically, the potential enhancements to the assets and their setting as a result of the demolition.

In consideration of the public benefits, these are deemed to include; supporting a local employer to deliver an improved office space; create a better working environment for the existing staff assisting with job retention and, as a result of demolition, create a small increase in green space on site.

Given that the degree of harm is at the lower end of less than substantial, it is deemed that the benefits derived from supporting this existing rural business outweigh the harm in this instance.

In design terms, conditions are proposed requiring the prior submission/approval of material details, including hard landscaping. In addition, specialist control will be required within any construction management regime to ensure that the construction works (including construction traffic) do not adversely impact upon the listed buildings (through vibration, vehicle strike or other damage for example).

Subject to these conditions, the proposals are therefore deemed acceptable in consideration of the heritage and design policies of the development plan and NPPF.

Landscape

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area.

Policy SE4 of the CELPS specifically relates to landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness.

Draft Policy LCD2 of the Draft Over Peover NP states that as part of new development, certain local landscape features should be retained and enhanced, where applicable.

The demolition of Kilburn House, Lovelace House and Brooker House will open up large parts of the site, allowing views west to east with the demolition of Lovelace House and increasing the gross external area (GEA), this is illustrated on the submitted Soft Landscape Plan Phase 1.

The Council's Landscape Officer advises that the Phase 1 works (full planning permission elements), are acceptable with regards to the hard landscaping, but the soft landscaping detail (planting) would need to be conditioned in the event of approval.

Matters of landscape are not sought for approval for the Phase 2 works (Outline planning permission elements). These matters would be subject to a further application. However, in principle, the Council's Landscape Officer raises no objections to Phase 2.

As such, subject to a soft landscaping scheme being conditioned for the phase 1 works, and an associated landscape implementation condition being included, it is considered that the proposal would adhere with policies SD2 and SE4 of the CELPS.

Trees

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted. Draft Policy ENV2 of the Draft Over Peover NP is broadly similar.

Draft Policy LCD2 of the Draft Over Peover NP states that as part of new development, certain local landscape features should be retained and enhanced, where applicable, including; mature trees and vegetation.

Radbroke Hall is located within a Parkland setting which is screened from the perimeter boundaries and surrounding roads by existing established tree cover. More recent tree plantings surround the parking areas and buildings of the Barclay Technology Centre. Woodland and tree cover to the perimeter of the site are recorded on the National Forest Inventory and also the Priority Habitat Inventory for Deciduous Woodland (not within the site edged red for development). The site is not within a Conservation Area and there are no trees afforded protection from a Tree Preservation Order (TPO).

The application has been supported by an Arboricultural Impact Assessment and Outline Arboricultural Method Statement by Greenman Environmental Management (July 2020, Issue 3).

Further tree information was received as addendums and a later, updated Tree Removal Plan and associated schedule was received.

This most recent information identifies that overall, pruning works & crown raising is proposed to a number of the trees around the development site and 4 individual trees and 10 groups of trees are sought for complete removal, including a group of x55 Pine trees (WG79), set-in some 24 metres from the southern site boundary.

The Council's Tree Officer has advised that aside from the impact to WG79, the majority of the removals will be of semi-mature and early mature plantings of moderate and lower quality trees.

As part of the application, a softscape planting schedule has been provided which shows the provision of the planting of 161 new trees. This mitigation would appear to sufficiently account for the loss, but a condition is proposed below to ensure that this be the case.

The Council's Tree Officer has advised that should the application be deemed acceptable, it would be essential to secure the following; a finalised tree removals and retention plan, tree protection plan, arb method statement, existing and proposed levels information, and engineer designed surface locations and specification. It would be essential for all tree losses to be mitigated for as part of a comprehensive landscape.

Subject to these conditions, the application proposals are deemed to adhere with the relevant tree policies of the development plan.

Ecology

Policy SE3 of the CELPS states that developments that are likely to have a significant adverse impact on a site with legally protected species or priority habitats (to name a few), will not be permitted except where the reason for or benefits of the proposed development outweigh the impact of the development.

Saved Policy NE11 of the MBLP is consistent in so far as it states that development which would not adversely affect nature conservation interests will not normally be permitted. Draft Policy ENV1 of the Draft Over Peover NP is broadly similar.

The application is supported by an ecological appraisal. The acceptability of the various elements of the development in ecology terms is considered below;

Great Crested Newts (GCN)

The surveys submitted in support of this application recorded the presence of this protected species at three ponds within 250m of the proposed development.

The application site, however, offers limited habitat for great crested newts and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The Council's Nature Conservation Officer advises that the potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured

during the construction process. In order to address this risk, the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' (RAMS).

The Council's Nature Conservation Officer advises that provided these measures are implemented, the proposed development would be unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

Common toad

This priority species was recorded at a pond some distance from the proposed works. The Council's Nature Conservation Officer advises that this species is not reasonably likely to be significantly affected by the proposed development.

Reptiles, Kingfisher, badger, water vole and otter

The Council's Nature Conservation Officer advises that these species are not reasonably likely to be present or affected by the proposed development.

Bats (buildings)

Evidence of bat activity in the form of a minor roost of relatively common bat species has been recorded within the buildings subject to this application. The Council's Nature Conservation Officer advises that the usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The Nature Conservation Officer advises that the loss/disturbance of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes as a means of compensating for the loss of the roost and also recommends measures to reduce the risk posed to any bats that may be present when the works are completed.

EC Habitats Directive Conservation of Habitats and Species Regulations 2010 ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.
- The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

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

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

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Bats

Alternatives

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

- No development on the site

Without any development, specialist mitigation for Bats would not be provided which would be of benefit to the species.

The Council's Nature Conservation Officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned, subject to it being conditioned.

Roosting Bats (trees)

The submitted assessment identifies two trees (T5 and T12) with low bat roost potential that would be felled as part of the proposed development. A further tree (T23) with low bat roost potential that may also be lost to facilitate the landscape of Babbage House was also recorded.

The Council's Nature Conservation Officer advises that due to the low potential of the trees lost to the proposed development, roosting bats are not reasonably likely to be affected.

Lighting

Based upon the submitted Light Obtrusion Statement, the Council's Nature Conservation Officer advises that it appears unlikely that lighting associated with the proposed development would result in a significant adverse impact upon foraging and commuting bats. However, the Council's Nature Conservation Officer recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Hedgerows

Native hedgerows are a priority habitat and so a material consideration. The proposed development will result in the loss of a section of existing hedgerow.

The Council's Nature Conservation Officer advises that if this loss of hedgerow is considered unavoidable then compensatory hedgerow planting must be provided to address its loss. The submitted biodiversity metric shows a net gain for biodiversity in respect hedgerows. This is reflected by the submitted landscape plans. The Council's Nature Conservation Officer advises that if the loss of the existing hedgerows is considered unavoidable, then adequate compensatory planting is proposed.

Bluebells

The 2019 phase one survey report recorded the presence of blue bells associated with the hedgerows and woodlands on site. Native bluebells are a priority species and hence a material consideration.

Following discussions between the Council's Nature Conservation Officer and the applicant's Ecologist it has been identified that it is likely that native bluebells are present in the southern section of woodland and so would be affected by the proposed development.

In order to mitigate the impacts of the proposed development the applicant has proposed that native bluebells be translocated to retained areas of woodland. Additional native bluebell planting is also proposed as part of the landscaping scheme for the site.

The Council's Nature Conservation Officer advises that if the loss of bluebells from the southern section of woodland is considered unavoidable, the submitted method statement is sufficient to minimise the impacts of the proposed development upon this species, subject to a condition to ensure its implementation.

SUDS

Paragraph 6.3 of the submitted SUDS strategy suggests the possibility of utilising the existing ponds on site are part of the SUDS for the site. The Council's Nature Conservation Officer advises that in order to safeguard the nature conservation value of the existing ponds, a condition should be imposed in the event of approval to ensure that these ponds should not be used as attenuation ponds as part of the SUDs for the site. The Council's Flood Risk Officer has advised that it would not result in any flood risk concerns.

Nesting Birds

If planning consent is granted, the Council's Nature Conservation Officer recommends that a condition would be required to safeguard nesting birds.

Biodiversity net gain

In accordance with CELPS Policy SE3(5), all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity

resulting from the proposed development the applicant has submitted an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2.

This assessment shows that the proposed development would result in a net gain for biodiversity.

In order to ensure that the proposed development delivers the level of biodiversity net gain, the Woodland Planting shown on the submitted planting diagram, must be all suitable native species. The submitted planting list has now been amended to reflect this. However, it is noted that it lacks the level of detail required as sought by the Council's Landscape Officer. As such, in the event of approval, as advised in the landscaping section of this report, a condition is proposed for a detailed landscaping plan to be submitted (and implemented) which takes account of the habitat creation detailed in the submitted Biodiversity Net Gain Assessment.

This planning application also provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with CELPS Policy SE3.

The Council's Nature Conservation Officer therefore recommends that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

An update on this matter will be provided to committee. However, a condition is proposed at this time.

Other matters

In addition to the above, the Council's Nature Conservation Officer recommends conditions to ensure the delivery of the submitted landscaping and the submission and implementation of a 30-year habitat and landscape management plan.

Subject to the above-mentioned suggested conditions, the application proposals are deemed to adhere with the requirements of Policy SE3 of the CELPS, Policy NE11 of the MBLP and draft policy ENV1 of the draft OPNP.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations); loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties. Draft Policy LCD3 of the Draft Over Peover NP states that extensions and re-modelling of existing buildings should avoid any unacceptable overbearing impact upon neighbouring properties and privacy should be respected.

The closest neighbouring dwellings to the application proposals would be over 60 metres away and as such, no concerns are deemed to be raised by the application proposals in relation to; privacy, light or an overbearing impact.

In consideration of environmental amenity (noise, air and land pollution), the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the provision of low emission gas boilers, the provision of electric vehicle charging infrastructure, submission/approval of a Phase II contaminated land report, submission/approval of a contaminated land verification report, submission/approval of a soil verification report and that works should stop if contamination is identified.

Subject to the above conditions, minus the gas boiler condition, which is not considered to be enforceable, the proposal would therefore adhere with the amenity policies of the development plan.

Flood Risk and Drainage

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development 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. Draft Policy INF3 of the Draft Neighbourhood Plan follows similar principles.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk categories and means that the land has less than a 1 in 1,000 annual probability of river flooding. It relates to all areas outside of Flood Zones 2 and 3, Flood Zones of a higher probability of flooding.

Given the scale of the application site, the application is accompanied by a Flood Risk Assessment (FRA).

The Environment Agency have reviewed the proposals and advised they have no comments to make as the development falls outside the scope of their remit.

The Council's LLFA Officer has reviewed the proposals and advised that they have no objections, subject to the following conditions; the submission/approval of an overall detailed strategy/design limiting surface water run-off and an associated management/maintenance plan and that development shall be carried out in accordance with the submitted FRA, Outline Drainage Strategy and SUDS strategy.

In consideration of drainage, United Utilities have advised that they have no objections, subject to the following conditions; submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan.

Public Rights of Way (PROW)

The development, if granted consent, may affect Public Footpath Ollerton Numbers; 9, 26, 11 and 27 and Peover Superior No. 27, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The proposed development would have an indirect effect on the Public Right of Way, which constitutes a material consideration.

The Council's PROW Officer has reviewed the proposed development and raises no objections to the proposed development subject to a condition requiring; the submission/approval of a Public Rights of Way Management Scheme; that the line of the PROW be marked out on the development site prior to commencement and during development; the pre-commencement and post-completion condition surveys are undertaken. Informatives are also proposed to remind the applicant of their responsibilities.

The Council's PROW Officer has advised that the development presents an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes. This is supported by Draft Policy ENV3 of the Draft Over Peover NP. It is considered that the contribution required by Highways towards a cycle lane provision on the A50 assists in realizing this opportunity.

It is recommended these be included in the event of approval.

Manchester Airport

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

Manchester Airport have advised that they have no objections to the proposed development, subject to a number of conditions including; During construction, robust measures to be taken to prevent birds being attracted to the site – no pools of water should occur; robust measures should be taken to prevent birds being attracted to the site – no pools or ponds should be created without permission – no feeding of gulls, geese or waterfowl; all exterior lighting should be capped at the horizontal with no upward light spillage.

As the proposed conditions in relation to birds are relatively vague, it is proposed, in the event of approval, to require that an Environmental Construction Management Plan (CEMP), include a section setting out measures to address these specific concerns. The proposed lighting condition shall also be included in the event of approval.

Levy (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.

A financial contribution of £100,000 is necessary to improve the accessibility of the site and also compliment the measures identified in the Travel Plan to reduce the number of car borne trips to the site.

The financial contribution of £6,000 is deemed necessary to ensure measures proposed in the Travel Plan to reduce the number of car borne trips to the site are implemented.

The requirements are therefore considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Other matters

Concerns have been raised about the uncertainty of the proposed 'Events Lawn'. In response, the agent has advised that this space would be to provide flexible spaces varying in size for staff events, outdoor meetings or presentations, informal gatherings or social events. *'Barclays are not planning to host large public events such as concerts in the space. It is largely to be used for staff with potential some public use on open days etc.'*

The part of the scheme forms part of Phase 1 of the development. If/when Phase 2 is implemented, the new office block would be built over this space. No specific concerns with regards to how this space will be used are raised.

Conclusions

The principle of extensions and alterations to existing buildings and the replacement of other buildings on this employment site in the Green Belt is deemed appropriate given the nature of the proposed demolitions and subsequent extensions/new build elements are considered to largely constitute infilling on the existing site with no materially greater impact on the openness of the Green Belt.

The proposal would contribute the creating a strong economy for Cheshire East by developing and modernising an existing site that is a major employer in the area.

Matters of highways are noted as a significant local concern for various reasons, mostly with regards to increases in traffic and construction vehicles using country lanes. The Council's Head of Strategic Infrastructure however, raises no objections on highways grounds subject to a financial contribution to the creation of a cycle lane of the A50, a development highlighted as a requirement by the Council's Local Transport Delivery Plan and a contribution to ensure the implementation of the Travel Plan. Conditions are also proposed.

The design of the proposals are deemed acceptable and although *'less than substantial'* harm to the heritage assets would be created, this harm would be at the lower end of the scale and it is deemed that the wider public benefits of the scheme outweigh this harm.

In consideration of environmental matters, no objections are raised from the relevant consultees with regards to; landscape, trees or ecology, subject to conditions where necessary.

There are no neighbouring amenity concerns given the countryside location of the site and that the majority of the built form is to be located towards the centre of the existing large site.

No concerns are raised in relation to public rights of way, flood risk and drainage or Manchester Airport, subject to conditions where deemed necessary.

As such, the application is recommended for APPROVAL subject to a S106 Agreement to secure a financial contribution towards off-site highways improvements and conditions.

RECOMMENDATIONS

APPROVE subject to a S106 Agreement to secure;

S106	Amount	Triggers
Highways – Off-site improvement works	£100,000	Prior to commencement
Highways – Monitoring of Staff Travel Plan	£6,000	Prior to commencement

And the following conditions;

1. Time (Phase 1)
2. Time (Phase 2)
3. Submission of reserved matters (Phase 2)
4. Reserved Matters application made within 3 years (Phase 2)
5. Plans (For each phase, including phasing plan)
6. Travel Plan – Implementation (Phase 1)
7. Updated Staff Travel Plan to be submitted with Reserved Matters (Phase 2)
8. Prior Submission/approval of CEMP to include a) appropriate routes for construction (Highways) b) measures to prevent bird attraction (Manchester Airport) and c) measures to ensure that the construction works (including construction traffic) do not adversely impact upon the listed buildings (Heritage) (Each Phase)
9. No increase in Parking Spaces hereby approved
10. Submission/approval of facing, roofing and hard surfacing materials (Phase 1)
11. Submission of facing, roofing and hard surfacing materials with Reserved Matters (Phase 2)
12. Submission/approval of an updated soft landscaping scheme and planting plan to include; a) the habitat creation detailed in the submitted Biodiversity Net Gain Assessment and b) Tree loss mitigation (Phase 1)
13. Landscape implementation (Phase 1)
14. Submission/approval of levels details (Phase 1)
15. Submission/approval of a finalised tree removals and retention plan (Phase 1)
16. Submission/approval of a tree protection plan (Phase 1)
17. Submission/approval of an arboricultural method statement (Phase 1)
18. Submission/approval of an engineer designed surface locations and specification (Phase 1)
19. Implementation of Great Crested Newt Method statement
20. Implementation of Bat Mitigation
21. Implementation of Bluebell mitigation statement
22. Submission/approval of external lighting details (Each Phase)
23. Existing ponds excluded from SUDS
24. Nesting birds (Each Phase)
25. Prior submission/approval of details showing the incorporation of features to enhance the biodiversity value of the completed development
26. Submission/approval of a 30 year habitat management plan
27. Provision of electric vehicle charging infrastructure
28. Submission/approval of a Phase II contaminated land report
29. Submission/approval of a contaminated land verification report

- 30. Submission/approval of a soil verification report**
- 31. Works should stop if contamination is identified**
- 32. Submission/approval of an overall detailed strategy/design limiting surface water run-off and an associated management/maintenance plan**
- 33. Development shall be carried out in accordance with the submitted FRA, Outline Drainage Strategy and SUDS strategy**
- 34. Submission/approval of a surface water drainage scheme (Phase 1)**
- 35. Surface water drainage scheme shall be submitted with Reserved Matters (Phase 2)**
- 36. Foul and surface water - drained on separate systems**
- 37. Submission/approval of a sustainable drainage management and maintenance plan (Phase 1)**
- 38. Sustainable drainage management and maintenance plan shall be submitted with Reserved Matters (Phase 2)**
- 39. Submission/approval of a Public Rights of Way Management Scheme**
- 40. Line of the PROW be marked out**
- 41. Submission/approval of pre-commencement and post-completion PROW condition surveys**

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

