

# Strategic Planning Board

## Agenda

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**Date:** Friday, 15th January, 2021  
**Time:** 10.00 am  
**Venue:** Virtual

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### How to Watch the Meeting

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

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or dial in via telephone on 141 020 33215200 and enter Conference ID: 529 349 606# when prompted.

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

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

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Virtual Meeting** (Pages 5 - 12)

To approve the minutes of the previous virtual meeting held on 9 December 2020 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. **18/2996M-Reserved matters application pursuant to outline planning consent 13/2935M for siting, design, appearance and landscaping details for residential development (C3 Use Class), Land North of Parkgate Industrial Estate, Knutsford for The Tatton Estate** (Pages 13 - 44)

To consider the above application.

6. **20/0113M-Hybrid application comprising: Full planning permission for the development of the upper quarry including, improvements to site access, the erection of 8 no. industrial / storage units, proposed landscaping and ecological mitigation works. Outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units, Hawkshead Quarry, Leek Old Road, Sutton, Cheshire for A M Bell (Properties) Ltd** (Pages 45 - 68)

To consider the above application.

7. **20/4682M-Variation of conditions 1 and 2 on approved application 18/3219M - Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works, Costain Compound South of Lymm Road, Little Bollington for Galliford Try, Balfour Beatty and Tatton** (Pages 69 - 80)

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, 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, 9th December, 2020

### **PRESENT**

Councillor M Hunter (Chairman)  
Councillor S Gardiner (Vice-Chairman)

Councillors S Akers Smith (Substitute), S Edgar, A Farrall, P Groves, S Hogben, D Jefferay, B Puddicombe (Substitute), P Redstone, J Weatherill and P Williams

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr N Hulland (Principal Planning Officer), Mr P Hurdus (Highways Development Manager) Mr R Law (Planning Team Leader), Mr D Malcolm (Head of Planning) and Mr P Reeves (Flood Risk Manager)

Prior to the start of the virtual meeting the Chairman reported that Sheila Dillon, the Planning Lawyer who had advised the Strategic Planning Board since its inception had recently retired. On behalf of the Board he thanked her for all her hard work over the years and wished her a long and happy retirement.

### **55 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A Critchley and R Moreton.

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

In the interest of openness in respect of application 19/1068M, Councillor S Hogben declared that he was a non-Executive Director of ANSA who had been consulted on the application, however he had not discussed the application or made any comments on it.

In the interest of openness in respect of application 19/1068M, Councillor S Gardiner declared that he knew Jon Suckley who was the agent for the applicant speaking on the application.

In the interest of openness in respect of application 20/3107M, Councillor S Gardiner declared that he knew Gary Halman who was the agent for the applicant speaking on the application.

In the interest of openness in respect of application 19/1068M, Councillor S Aker-s Smith declared that she had previously spoken on this

application as a visiting Councillor in respect of the cycling and walking aspect of the application as a representative of the Kings Campaign Group and Macctastic, however she confirmed that she had not pre-determined the application or expressed any views.

In the interest of openness in respect of application 19/1068M, Councillor B Puddicombe declared that Town Councillor Fiona Wilson who was speaking on the application was his wife and also represented the same ward as him, however whilst he was aware that the application had previously been deferred he had not discussed the application or pre-determined it.

In the interest of openness in respect of application 20/3107M, Councillor D Jefferay declared that he was the Ward Councillor and had registered to speak as the Ward Councillor but would then leave the virtual meeting once he had spoken.

In the interest of openness in respect of application 19/1068M, Councillor A Farrell declared that he had received email correspondence and had only responded to advise that anyone wishing to speak should contact Democratic Services.

In the interest of openness in respect of application 20/3107M, Councillor A Farrell declared that he was in the process of applying for a position with the applicants, Royal London and therefore in accordance with the Code of Conduct he left the virtual meeting prior to consideration of the application.

In the interest of openness in respect of application 20/3833M, Councillor S Edgar declared Councillor S Edgar declared that he was the Chairman of the Public Rights of Way Committee, and this application had been referred to that Committee however had not discussed the application or made any comments on it.

In the interest of openness in respect of application 19/1068M, Councillor M Hunter declared that he was a non-Executive Director of ANSA who had been consulted on the application, however he had not discussed the application or made any comments on it.

In the interest of openness in respect of item 8-Update following the resolution to approve application 20/0901C, Councillor M Hunter declared that he was the Ward Councillor.

It was noted that all Members had received email correspondence in respect of application 19/1068M.

## **57 MINUTES OF THE PREVIOUS VIRTUAL MEETING**

### **RESOLVED**

That the minutes of the virtual meeting held on 18 November 2020 be approved as a correct record and signed by the Chairman.

**58 PUBLIC SPEAKING-VIRTUAL MEETINGS**

**RESOLVED**

That the public speaking procedure be noted.

**59 19/1068M-THE DEMOLITION OF EXISTING BUILDINGS AND THE RESIDENTIAL REDEVELOPMENT OF THE KING'S SCHOOL CUMBERLAND STREET SITE TO PROVIDE A MIXTURE OF CONVERSION AND NEW BUILD DWELLINGS AND 'LATER LIVING' APARTMENTS, WITH ASSOCIATED ACCESS, CAR PARKING, OPEN SPACE, LANDSCAPING AND INFRASTRUCTURE, KINGS SCHOOL, CUMBERLAND STREET, MACCLESFIELD FOR MR JAMES PAYNE, HILLCREST HOMES (EST 1985) LTD AND THE FOUNDATION OF SIR JOHN PERCYVALE**

Consideration was given to the above application.

(Councillor J Barber, the neighbouring Ward Councillor, Town Councillor Fiona Wilson, representing Macclesfield Town Council, Jason Tetley, an objector, Ruth Thompson, and objector an Jon Suckley, the agent for the applicant attended the virtual meeting and spoke in respect of the application. In addition a statement was read out by the Democratic Services Officer on behalf of Councillor L Roberts, the Ward Councillor).

**RESOLVED**

That the application be deferred for the following reasons:-

- (1) Review of house types D and E;
- (2) Review the possibility of retaining the war memorial building in consultation with the War Memorial Trust

(During consideration of the application, the virtual meeting was adjourned for a short break. The virtual meeting was adjourned for a lunch break from 2.35pm until 3.10pm).

**60 20/3107M-FULL PLANNING APPLICATION FOR SURFACE WATER DRAINAGE IMPROVEMENT WORKS COMPRISING ALTERATIONS TO EXISTING CULVERTS; THE CREATION OF NEW CULVERTS; THE EXCAVATION OF MATERIAL AND FORMATION OF TWO FLOOD STORAGE BASINS; AND TEMPORARY STOCKPILING OF MATERIAL, ROYAL LONDON CAMPUS, EAST OF ALDERLEY ROAD, WILMSLOW FOR C/O AGENT, THE ROYAL LONDON MUTUAL INSURANCE SOCIETY LIMITED (RLMIS)**

Consideration was given to the above application.

(Councillor D Jefferay, the Ward Councillor, Ian Shepherd, an objector and Gary Halman, 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 and in the verbal update to the Board the application be approved subject to the following conditions:-

1. Time (3 years)
2. Plans
3. Materials as per application
4. Implementation of FRA
5. Submission/approval of a landscape scheme
6. Landscape - implementation
7. Submission/approval of Landscape & Habitat Creation and Management Plan for a minimum period of 30 years
8. Prior submission/approval of details of existing levels and contours in the soil stockpile areas
9. Stockpiled soils must be retained in situ for a maximum of three years from completion of the development
10. Any surplus soil material that is not required to raise levels in the northern residential area must be removed from site by the end of the three year period unless the LPA consents to its use elsewhere within the Campus. Such consent will require full details to be submitted and approved prior to relocation of - proposed locations, use/purpose, existing and proposed levels and contours and, where relevant, hard and soft landscape details
11. Once stockpiles are removed the land must be restored to previously existing levels, graded to smooth running contours and seeded with an agreed grass seed mix
12. Submission/approval of a Soil Resource and Materials Management Plan
13. Only soils identified through the Materials Management Plan as being suitable for re-use as engineered fill should be used in connection with the residential development and elsewhere on site as approved
14. Submission/approval of a scheme for the protection of the retained trees, to include a tree protection plan (TPP) and an arboricultural method statement (AMS)
15. Submission/approval of an updated 'other protected species' survey and mitigation strategy
16. Submission/approval of external lighting scheme
17. Safeguarding of nesting birds
18. Submission/approval of CEMP to include; 1. Measures to safeguard retained habitats including measures to mitigate the impacts of the proposed outfall 2. Noise mitigation 3. dust suppression/mitigation
19. Implementation of temporary noise mitigation measures (4m tall acoustic screens adjacent to Royal London House and The Lodge)



20. Submission/approval of a contaminated land remediation strategy
21. Submission/approval of a Verification Report prepared in accordance with the approved Remediation Strategy
22. Submission/approval of soil testing
23. Works to stop of land contamination is identified

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 Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

61 **20/3833M-ERECTION OF GLASSHOUSE WITH ASSOCIATED LAGOON, WATER TANK AND HARD STANDING (PHASE 2), WOODEND NURSERY, STOCKS LANE, OVER PEOVER FOR MR C RUDD, F RUDD AND SONS NURSERY**

Consideration was given to the above application.

**RESOLVED**

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

1. Time (3 years)
2. Plans
3. Materials as per application
4. Submission/approval of a detailed landscape scheme (to include; levels details, soil management details, hard surfacing details, planting and replacement hedgerow planting details)
5. Landscape – Implementation
6. Submission/approval of proposals for the safeguarding of an undeveloped buffer adjacent to the northern water course during the construction process
7. Implementation of pond enhancements in accordance with Ecology Statement from UES dated Nov 15 2020
8. Submission/approval of lagoon design detail to include specifications detailed within Ecology Statement from UES dated Nov 15 2020 (including details of any possible cover)
9. Submission/approval of external lighting scheme
10. Nesting birds
11. Submission/approval of 'other protected species' survey
12. Submission/approval of a detailed drainage strategy/design, limiting surface water run-off
13. Foul and surface water should be drained on separate systems
14. Submission/approval of a sustainable drainage management and maintenance plan
15. Prior to the commencement of development the consented development is to be entered into Natural England's District Licensing Scheme for Great Crested Newts.

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.

**62 UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 20/0901C: PART FULL/PART OUTLINE APPLICATION PROPOSING: 1: FULL PLANNING APPLICATION FOR AN EMPLOYMENT DEVELOPMENT (USE CLASS B2 & B8 WITH ANCILLARY USE CLASS B1 FLOORSPEACE), AND SECURITY GATEHOUSE AND WEIGHBRIDGE, THE PROVISION OF ASSOCIATED INFRASTRUCTURE, INCLUDING A SUBSTATION, PLANT, PUMPING STATION, SERVICE YARDS, CAR AND HGV PARKING, CYCLE AND WASTE STORAGE, LANDSCAPING, ECOLOGICAL ENHANCEMENT AREA, DRAINAGE ATTENUATION, ACCESS FROM ERF WAY AND RE-ALIGNMENT OF THE RIVER CROCO TRIBUTARY. 2: OUTLINE PLANNING APPLICATION FOR AN EMPLOYMENT DEVELOPMENT (USE CLASS B2 & B8 WITH ANCILLARY USE CLASS B1 FLOORSPEACE) WITH ALL DETAILED MATTERS EXCEPT FOR ACCESS RESERVED FOR FUTURE DETERMINATION, PHASE 4B AND 1B MA6NITUDE - OFF ERF WAY, MIDDLEWICH FOR MAGNITUDE LAND LLP & SWIZZELS MATLOW LTD**

Consideration was given to the above report.

### **RESOLVED**

That the application be approved subject to the completion of a S106 Agreement securing the following:-

Highways - Contribute to the Middlewich Eastern Bypass or A54 Corridor/Leadsmithy Street corridor improvements based on a payment of £30 per sq m GIA to be paid in four instalments prior to occupation of:-

- Plot 4B phase 1;
- Plot 4B phase 2
- Plot 4B phase 3; and
- Plot 1B

**Subject to a review mechanism to be agreed with Cheshire East Council for Plot 4B phase 2, Plot 4B phase 3 and Plot 1B**

And Ecology – Biodiversity offset payment as follows:-

Prior to the commencement of development a scheme for offsetting biodiversity impacts on the site shall be submitted to and approved by the

local planning authority. The proposed offsetting scheme shall include:

- Details of the offset requirements of the development in accordance with the current Defra biodiversity metric, which has been calculated to comprise 8.5 units conservation credits of grassland;
- The identification of a receptor site or sites which generate a minimum 8.5 units available conservation credits;
- The provision of evidence of arrangements that secures the delivery of the offsetting scheme;
- A management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures for a period of not less than 25 years from commencement of development)

And subject to the following conditions:-

FULL APPLICATION:

1. 3 Year start date
2. Approved plans/documents
3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination
15. Foul and surface water on separate systems
16. Surface water drainage
17. Tree felling under supervision (Bats)
18. Lighting (Amenity & Bats)
19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan and buffer zone to water course
23. PROW Management scheme
24. Renewable energy in accordance with Policy SE9

OUTLINE APPLICATION:

1. Outline timescales
2. Approved plans/documents

3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra-Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination
15. Foul and surface water on separate systems
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17. Tree felling under supervision (Bats)
18. Lighting (Amenity & Bats)
19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan and buffer zone to water course
23. PROW Management scheme
24. Renewable energy in accordance with Policy SE9

The meeting commenced at 10.00 am and concluded at 4.30 pm

Councillor M Hunter (Chairman)

Application No: 18/2996M

Location: LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE, KNUTSFORD, CHESHIRE

Proposal: Reserved matters application pursuant to outline planning consent 13/2935M for siting, design, appearance and landscaping details for residential development (C3 Use Class)

Applicant: The Tatton Estate

Expiry Date: 30-Nov-2020

## SUMMARY

The proposed development seeks to provide a residential development of 234 dwellings on a site allocated for housing in the CELPS. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping, and whilst the scheme has moved on since the refusal of an identical application in 2018, there still remains some issues to be addressed.

As proposed, there are aspects of the development that are inappropriate development in the Green Belt, and which do not preserve openness. At present there is a proliferation of fences within the Green Belt areas surrounding the development, which do not all appear to be necessary. It is therefore recommended that a revised plan is received to remove some of these fences, as well as reducing the extent of the cycle path spur to the east of the site.

In terms of other issues, the proposed residential mix does not accord with the objective of the KNP, which identifies the need for new housing which meets the need of smaller families, single people, and the elderly. The more dominant open market units in this scheme are the medium to larger 3 and 4 bed house types, and the more dominant affordable housing is 3 bed units where most of the need is for 1 bed units. Some switching of house types could provide the one bed units to satisfy this demand, and to comply with policies H1 of the KNP, and policies SE4 and SE5 of the CELPS.

Further specific details relating to the open space, landscape proposals and flood risk data are required to ensure that the reserved matters are consistent with the outline permission and the associated s106.

Some tweaking of the layout plans could achieve the back to back separation distance between dwellings of 21m advocated in the Design Guide, provide adequate car parking provision for plots 38, 68 and 210, ensure no private amenity space is included within the noise mitigation area, and ensure that no two and a half storey dwellings exceed 9m in height.

Comments from the tree officer relating to the impact of the development upon proximate trees, and in particular the validity of the suggestion by the Woodland Trust that a second veteran tree may be present on the site. Similarly comments from the conservation officer awaited regarding the impact upon the Registered Park & Garden. These matters will be reported as an update.

The provision of 235 new dwellings is clearly a benefit of the proposal, which will make a valuable contribution to the delivery of the Council's 5 year housing land supply. Other benefits relating to the development were secured at the outline stage, including 30% affordable housing, on site public open space, highways improvements, financial contributions towards recreation and outdoor sports provision, and towards education.

It is acknowledged that appears to be a lot of information outstanding, however the application has been with the Council for over two and a half years, and the application needs to progress. Members views on the proposal sooner rather than later are therefore crucial for any development on this site to progress. It is accepted that this is not an ideal residential site being located adjacent to an Industrial Estate and below the flight path of Manchester Airport, however the principle of the development was established in 2015 with the granting of the outline permission, and the site forms a key part of the housing land supply allocations in Knutsford. Consequently, it is considered that there are a number of minor points where further information can and is expected to be submitted by the applicant to address these issues and therefore the application can be recommended for approval, subject to conditions.

**Summary Recommendation:**

Approve subject to receipt of additional information, outstanding consultee responses and conditions

## **BACKGROUND**

The application was considered at the SPB meeting on 21 November 2018, where it was resolved to be *"deferred for further discussions/amendments regarding the application"*. An identical reserved matters application (18/2104M) was refused at the same meeting for the reasons listed in the Relevant History section below. Since the deferral the applicant has partnered with a national housebuilder – Bellway and sought to address the previous concerns with the application. Their final proposals for the site are now illustrated in the revised plans. A full re-consultation exercise has been undertaken on the revised plans.

## **DESCRIPTION OF SITE AND CONTEXT**

The site is an approximate 16 hectare greenfield site lying to the north east of Knutsford Town centre. Tatton Park is located to the north of the site, Parkgate Industrial Estate is to the south, Birkin Brook and a water treatment plant lie to the east and Parkgate Farm borders the site to the north west.

Part of the site is allocated for housing development under policy LPS 37 in the CELPS, with the remainder being within the Green Belt.

## DETAILS OF PROPOSAL

This application seeks approval for the reserved matters (siting, design, appearance and landscaping) following the outline approval 13/2935M, which granted consent for a residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces. The number of dwellings was not specified in the decision notice. Access was approved at the outline stage, and the current proposal seeks reserved matters approval for the appearance, landscaping, layout and scale for 234 dwellings.

## RELEVANT HISTORY

18/2104M - Reserved matters application pursuant to outline planning consent 13/2935M for siting, design, appearance and landscaping details for residential development (C3 Use Class) – Refused 23.11.2018 for the following reasons:

1. The proposal is an inappropriate form of development within the Green Belt and contrary to policy PG3 of the Cheshire East Local Plan Strategy, policy GC1 of the Macclesfield Borough Local Plan and the National Planning Policy Framework.
2. Insufficient information has been submitted to demonstrate compliance with policy SC4 of the Cheshire East Local Plan, and policy H1 of the draft Knutsford Neighbourhood Plan. The proposed residential mix does not accord with the objectives of the draft Knutsford Neighbourhood Plan, which identifies the need for new housing which meets the need of smaller families, single people, and the elderly. The more dominant open market units in this scheme are the larger 4 and 5 bed house types, which is contrary to policy H1 of the draft Knutsford Neighbourhood Plan, and subsequently policy SE4 of the Cheshire East Local Plan Strategy.
3. Assessment of the proposals against the Cheshire East Council Design Guide and Building for Life 12 indicates that there are issues in several fundamental areas of the design and layout, including: the mix of the properties proposed; the absence of a landscape character assessment; the character and density of the development; the definition of streets and spaces, and associated landscaping; the boundaries with surrounding open areas; the absence of boundary treatment details; the way in which plots turn corners; the extent of frontage parking and uninspiring, bland parking courts and general dominance of parked cars; the enclosure of the play area and lack of natural surveillance, and; the lack of external storage. The proposal is contrary to policies LPS 37, SD2 and SE1 of the Cheshire East Local Plan Strategy and the Cheshire East Council Design Guide.
4. The proposed junction arrangement close to the entrance of the site is too straight without any deflection, which will inevitably lead to vehicles merging, potentially at higher speeds, which will have significant highway safety implications, contrary to policy DC6 of the Macclesfield Borough Local Plan and paragraph 108 of the National

5. A landscape character assessment required by policy LPS 37 has not been submitted. This is required, not only to guide the scale and massing of new development, ensuring that it is acceptable in the surrounding landscape, but also to ensure a high quality design which reflects and respects the character of the area, built form and surrounding landscape. The submission is therefore contrary to policy LPS 37 of the Cheshire East Local Plan Strategy.
6. A heritage impact assessment has not been submitted and therefore insufficient information has been submitted to consider the impact of the proposal upon the significance of the adjacent designated heritage asset, the Grade II\* Tatton Park Registered Park and Garden, and as such the proposal is contrary to paragraph 189 of National Planning Policy Framework and policy SE7 of Cheshire East Local Plan Strategy.
7. The proposed mound between the housing and the industrial estate would result in the part of the public right of way (Knutsford FP 11) which is not being diverted being either on top of the mound or between the retaining wall/acoustic fence and the neighbouring industrial building. This will negatively affect the public right of way, and for this reason the proposed diversion route for FP11 is not acceptable, which is contrary to policy LPS 37 of the CELPS
8. Inadequate landscape detail has been provided. The submission is therefore not in compliance with the requirements of condition 7 of the outline permission, which sets out a range of detail that is required with the reserved matters submission, which has not been submitted. Accordingly insufficient information has been submitted to be able to confirm compliance with policies SE1, SE4, SD2 and LPS 37 of the Cheshire East Local Plan Strategy.
9. The scale of the dwellings on certain plots conflicts with plans approved under the outline consent 13/2935M. The proposal is therefore not in compliance with condition 4 of the outline permission.
10. An affordable housing scheme that is required by the s106 to be submitted with the first reserved matters application has not been submitted. Insufficient information has therefore been submitted to enable an assessment of compliance with policy SC5 of the CELPS.
11. A landscape scheme (providing a detailed specification for the public open space) that is required by the s106 (attached to the outline permission) to be submitted at the same time as the first reserved matters application has not been submitted.



Insufficient information has therefore been submitted to enable an assessment of compliance with policy DC40 of the Macclesfield Borough Local Plan and policy SE6 of the Cheshire East Local Plan Strategy.

12. Insufficient information has been submitted to demonstrate the full extent of the impact of the development upon trees or woodlands that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area. Accordingly, compliance with policies SE3 and SE5 of the CELPS and paragraph 175 of the Framework cannot be confirmed.
13. Condition 29 of the outline permission requires a phasing plan showing the details of the ecology, landscape and open space works to be submitted as part of the first reserved matters application. Whilst a phasing plan for the housing has been submitted, the specific detail required by the condition has not been provided, and therefore there is conflict with condition 29 of the outline consent.
14. Insufficient information has been submitted to demonstrate that the proposed levels are acceptable, having regard to the requirements of conditions 6 and 22 of the outline permission and the 1 in 100 years plus climate change flood level.

18/2105D – Discharge of conditions 6, 19, 21, 23, 24, 25, 29, 39 and 41 on permission 13/2935M – Not determined to date

18/0337M - Variation of Conditions 4, 23, 33, 34 and 35 on approval 13/2935M - Outline application with all matters reserved except for means of access, for the erection of a high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces – Withdrawn 23.01.2020

13/2935M - Outline application with all matters reserved except for means of access, for the erection of a high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces – Approved 23.06.2015

08/2717P - Outline application for the erection of an employment development comprising class b1, b2 & b8 uses and associated highways works and landscaping buffer (resubmission of 08/0721P) – Not determined to date (s106 never completed)

08/0721P - Erection of employment development comprising class B1, B2 and B8 uses and associated highways works and landscaping buffer (outline with means of access only applied for) – Withdrawn 30.08.2008

## **POLICIES**

### **Development Plan**

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy  
PG4 Safeguarded Land  
PG6 Open Countryside  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer Contributions  
SC1 Leisure and Recreation  
SC2 Indoor and Outdoor Sports Facilities  
SC3 Health and wellbeing  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE9 Energy Efficient development  
SE12 Pollution, land contamination and land stability  
SE13 Flood risk and water management  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments

LPS 37 Parkgate Extension, Knutsford

Macclesfield Borough Local Plan saved policies (MBLP)

NE9 Protection of River Corridors  
NE11 Nature conservation  
NE17 Nature conservation in major developments  
NE18 Accessibility to nature conservation  
RT5 Open space standards  
H9 Occupation of affordable housing  
DC3 Residential Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC14 Noise  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's play / amenity space  
DC63 Contaminated land

Knutsford Neighbourhood Plan (KNP)

C4 Utilities

D1 The Knutsford Design Guide

D2 Local Distinctiveness

D3 Landscape in New Development

D4 Sustainable Residential Design

E1 Connections to the Countryside

E2 Green and Blue Corridors

E3 Habitat Protection and Biodiversity

E5 Pollution

HW1 Health & wellbeing

HE2 Heritage assets

HE5 Historic Open Spaces, Woodlands, and Meres

H1 Housing mix

SL1 Open space in new developments

SL3 New sport and leisure facilities

T1 Walking in Knutsford

T2 Cycling in Knutsford

T3 Public transport

T4 Parking

**Other Material Considerations**

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

(The comments below are the most recent comments received in response to the re-consultation exercise on the revised plans during October 2020, unless otherwise stated)

**Historic England** – No comments to make

**The Gardens Trust / Cheshire Gardens Trust** – Concerned about the minimal amount of new planting adjacent to the Tatton Estate.

**Natural England** – No objection

**Cheshire Fire Brigade** – No comments received

**Cheshire Wildlife Trust** – Recommend that a decision is delayed until the appropriate calculations have been provided to demonstrate the proposals will result in a measurable net gain for biodiversity.

**Environment Agency** – Any flood related, land quality and ecological condition(s) from the outline application still apply

**United Utilities** – Make comments regarding an easement within the site and drainage (July 2018)

**Manchester Airport** – No objection subject to conditions relating to dust/smoke control, attraction of birds to the site, SuDS basins, birdstrike avoidance, lighting and solar voltaics.

**Flood Risk Manager** – Comments awaited

**Environmental Health** – Raise concerns regarding new noise sources at Parkgate Industrial Estate that have not been considered, the expansion of aircraft noise contours, and seek clarification of the acoustic fence position and the position of dwellings in relation the noise mitigation area.

**Housing Strategy & Needs Manager** – Object due to absence of 1 bed dwellings

**Education** – No comments received, however a s106 contribution was secured at outline stage so nothing further would be required on this reserved matters scheme.

**Public Rights of Way** – No objection

**Head of Strategic Infrastructure** – No objection

**ANSA** – Object due to lack of detail regarding open space proposals

**Cheshire Archaeology Planning Advisory Service** – No objection – relevant condition attached to outline permission

**Knutsford Town Council** – Support the application subject to minor changes to bin storage; ensuring native species are used in planting schemes and careful consideration being given to planting fruit trees near the play area.

## **OTHER REPRESENTATIONS**

31 letters of representation have been received from local residents, the Knutsford Community Groups, the National Trust and other interested parties. 24 letters were received objecting to the proposal on the following grounds:

- Insufficient planting between housing and Tatton Park
- Inadequate Visual Impact Assessments and resulting provisions
- Views from Tatton park need to be protected
- Loss of 16 hectares of grassland bounded by hedgerows and dense tree belts including Veteran trees in decline, and loss of areas of wetland / ponds
- Incremental development of Green Belt edge areas such as this our natural environment our natural environment is at significant risk
- Reduction, fragmentation and deterioration of habitats
- Draining and replacement of ponds that are significant landscape features that are unique to the area and of significant natural importance
- When was last ecological survey carried out?
- Air quality issues arising from industrial estate

- Site is on flight path
- Loss of countryside to housing estates
- Disruption and traffic for an already overwhelmed area
- Public walking path used by many and it will ruin the natural beauty
- New access should be created beneath railway line
- Impact on highways safety and congestion
- The bridge on Parkgate crossing the railway was originally designed for farm traffic, it is too narrow. Already too much traffic.
- Impact on local schools
- Not enough parking and access to the local shops on Parkgate Lane
- Impact upon visual amenity of area
- Detrimental to the health and well-being of local residents
- Loss of Green Belt farmland
- Increased light pollution
- Enough brownfield sites for development
- Does not represent the need for affordable housing for the young of Knutsford
- Residents on Parkgate Lane not sent planning notifications
- Loss of public access
- the long mooted pedestrian/cycle connection to connect Parkgate to the town centre via Mallard Close, Dog Wood then the Moor should be provided as part of this development
- Long, convoluted fenced-in alleyways to the rear of gardens provided but will never be used as they are so inconvenient and uninviting. Bins will be left of the street. Also an inefficient use of land. an alleyway through the middle of the terrace directly to rear gardens of mid-terraced properties would be better solution or attractive bin stores to front.
- Large areas of uninterrupted paving or tarmac should be avoided. Sometimes they are broken only by forgotten areas filled with gravel.
- The 'mews' streets risk being dominated by hard surfacing and parked cars.
- Trees in gardens needed
- 234 dwellings exceeds the quantum identified in the CELPS of "around 200 new homes"
- Is the topography of the land for the play and pitch areas suitable to the purposes intended?
- Is the co-location of the play area next to the ecology area satisfactory and is it of the required size?
- Is CEC content that these formal open spaces, as proposed, are outside the net developable area contrary to the S106 Agreement for the Outline consent?
- As this development is predominately small family homes, should the LAP and LEAP be in place early in the occupancy of the first homes?
- Is it prudent to put additional housing in areas originally identified as Flood Zones and has the effect of potential run-off into the ecologically sensitive Birkin Brook been assessed?
- Should the housing mix include one-bedroomed properties?

- Cycle/footway around the site and outside should be 3m wide at all points
- Route out of the site should connect to Haig Road and the proposed future cycle path to Dog Wood
- Is adequate cycle storage provided?
- Is there enough room for a gate and access at the sides of semi-detached houses where no garage has been provided?
- Effective travel plan is required
- The bus stop is marked in position on a road but no detail has been provided so it is not possible to assess its suitability

4 letters of support have also been received noting that:

- Proposal will allow first time buyers to get on the property ladder with housing prices that are potentially affordable
- Team have worked incredibly hard to deliver requests from CEC SPB, Town Council, Neighbourhood Plan
- Will deliver huge benefits to the town
- Will enable lots of investments on the Estate including new jobs especially for the Food, Farming and Environment strategy, film studios and Wedding Barn

In their letter of objection the Knutsford Community Groups also highlight the following positive aspects of the proposals:

- The detailed landscape and maintenance plans,
- Landscape and heritage character assessment
- Cycle and pedestrian access within the site.
- The 'flight of fantasy' play area equipment and seven-a-side football pitch is eagerly anticipated.
- The design of the various housing types with their dedicated car parking and private gardens are a significant improvement on previous schemes.
- The proposals meet the Knutsford Neighbourhood Plan Policies D1 Design Guide and H1 Housing Mix in respect of two- and three-bedroom homes.
- The electric charging points, provision of rainwater butts, and solar panels on some affordable homes are welcomed.
- It is excellent that a pre-build phase will deliver the diverted PROW and playing pitch.

3 letters make the following general observations:

- No objection to the housing but surely it will require another access road other than Parkgate Lane
- Are the existing amenities sufficient to support an additional estimated 700 people in the area

## **OFFICER APPRAISAL**

### **Principle of development**

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 37 states that the development of the Parkgate Extension over the Local Plan Strategy period will be achieved through:

- Phased provision of around 200 new homes;
- Incorporation of green infrastructure;
- Implementation of a landscaping scheme, including SuDS and boundary treatments, ecological mitigation and pond treatment required to detract large water birds;
- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities including a permanent diversion route of public footpath (Knutsford FP11) and at least three 20 metre wide links between the housing area and the woodland buffer;
- An approximate 50 metre acoustic buffer/bund/fence for noise mitigation between the proposed housing and the industrial estate and employment allocation;
- Dwellings within mapped areas of noise mitigation will require mitigation to outdoor amenity space;
- Appropriate contributions towards education facilities.

The number of dwellings was not specified on the decision notice for the outline planning permission, therefore a proposal for 234 dwellings does accord with the outline permission. As noted above, LPS 37 allows for around 200 new homes. 234 would be a 17% increase from the broad figure of 200 specified in the policy. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 200 dwellings” in LPS 37. The delivery of the site for residential development will contribute towards the Council’s housing land supply and assist in meeting the development requirements of Knutsford and the wider Borough. The further requirements of policy LPS 37, and other relevant policies, are considered below.

### **Green Belt**

As noted above part of the application site is located within the Green Belt. A parameters plan approved as part of the outline permission identifies the developable area of the site outside of the Green Belt. It is primarily the areas to the north and west of the application site that are located within the Green Belt.

The following items are shown to be provided within the Green Belt, although confirmation is required that no further development in the Green Belt is proposed by the submission of detailed landscape plans:

- Trim trail
- Playing field
- Benches along PROW
- 1m wide surfaced PROW and spur to west corner

- Dog bin / litter bin
- Timber knee rail around suds basin
- 3m wide spur from cycle lane to east of site
- Post and rail fence around eco areas
- Creation of ponds and suds basins
- Paddock fencing

Many of these items are required to be provided by the outline permission and the associated s106 agreement.

The provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it is one of the identified exceptions to inappropriate development in the Green Belt listed in paragraph 145 of the Framework and policy PG3 of the CELPS.

In this case, the majority of these features are considered to be appropriate facilities for outdoor sport and recreation and are considered to preserve openness and not conflict with the purposes of including land in the Green Belt. That is except for the 3m wide spur from cycle lane to east of site, which extends a long way beyond the playing field, but does not link to another cycle route. It is considered that this level of encroachment is too much and unnecessary, and the cycle path should stop at the playing field to minimise the impact upon the Green Belt.

The features that are not facilities for outdoor sport and recreation include the suds basins and ponds which are engineering operations that preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt in accordance with paragraph 146 of the Framework and policy PG3 of the CELPS. These features are also not inappropriate in the Green Belt.

This then leaves the proposed fencing and knee rails. The construction of new buildings is inappropriate in Green Belt. The Town & Country Planning Act defines a building as “any structure or erection...” and in this context fencing and railings are included as buildings. Policy PG3 and paragraphs 145/146 provide a list of exceptions of types of buildings that are not inappropriate development. The proposed fencing and railings are not considered to meet any of the identified exceptions and are therefore inappropriate development in the Green Belt.

Policy PG3 of the CELPS reflects paragraph 145 of the Framework where it states that within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances. The fencing and railings are provided for safety or ecological purposes are anticipated to be relatively low level (details have not been provided). However, there are a lot of fences proposed which come in close proximity to one another and which fragments the open areas of the site within the Green Belt, thereby serving to reduce openness. Whilst the safety and ecological requirements for the fencing and railings is noted and is a material consideration in favour of it, given the amount of fencing proposed and its impact on the openness of the Green Belt, these factors are not considered to outweigh the identified harm to the Green Belt by reason of inappropriateness and loss of openness. It is however considered that some of the fencing could easily be removed from the proposal



through the submission of a revised plan. Subject to the receipt of this plan, it is recommended that permitted development rights for fencing should then be removed by condition.

## Housing

### Affordable Housing

30% of the dwellings on site were secured as affordable housing as part of the outline permission, in accordance with policy SC5 of the CELPS. As a development of 234 dwellings, 70 dwellings are required to be provided as affordable dwellings. The s106 agreement on the outline permission requires 65% (45 units) to be provided as affordable rent with the remainder (25 units) as intermediate.

Cheshire Homechoice data shows the current rented demand in Knutsford to be:

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Total
Knutsford	177	80	44	17	15	0	333
% of total	53	24	13	5	5	0	

The Strategic Housing Manager also advises that the current need for Intermediate dwellings in Knutsford is the same as other sites in Cheshire East, where there is a need for singles, couples and those either making a new household or in need of a larger property to be accommodated.

The affordable housing statement submitted with the application confirms that 45 units will be provided as affordable or social rent and the 25 intermediate units will be provided as shared ownership properties as follows:

#### *Affordable / social rent*

24 x 2 bed house

21 x 3 bed house

#### *Intermediate*

6 x 2 bed house

19 x 3 bed house

Given the demand outlined in the table above, the absence of 1 bed properties is a notable omission from the affordable housing scheme. This is also the reason why the Strategic Housing Manager has objected to the proposal. Policy SC5(3) of the CELPS states that the “affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer”. Policy H1 of the KNP requires affordable housing to be delivered in line with policies within the CELPS.

The applicant's affordable housing scheme is based on the Cheshire Homechoice data highlighted in the Housing Officer's comments to the originally submitted scheme from May 2018, which identified the following demand at that time:

59x 1 bedroom  
46x 2 bedroom  
19x 3 bedroom  
7x 4+ bedroom

The original reserved matters scheme proposed the following mix of affordable units:

- 30 x 1 bed apartments (3-storey)
- 18 x 2 bed apartments (3-storey)
- 8 x 2 bed semi-detached / terraced (2-storey)
- 15 x 3 bed semi-detached (2-storey)

This mix did provide units to meet the identified need. However, the current mix of affordable units does not appear to achieve this, particularly as it now appears that the demand for 1 bed properties is three times what it was in May 2018 (177 compared to 59), and provision of 1 bed units has been removed from the proposal entirely.

The applicant has stated that this is a Reserved Matters permission and in the case of the preceding outline permission bedroom size / mix is not cited as a Reserved Matter, a conditional requirement, or a lawful obligation within the s106 agreement, for determination now.

The proposed tenure split is acceptable, and the dwellings are well pepper -potted throughout the site. However, the affordable units comprise 3 house types – the Millington, the Maurice and the Wilbraham. Policy SC5(5) of the CELPS requires market and affordable homes to be indistinguishable and achieve the same high design quality. The design quality is maintained, however whilst the Millington is an open market house type, the Maurice and the Wilbraham are not. The Maurice is the only terraced property within the development and as such it is considered that more could have been done to make the market and affordable units indistinguishable.

The applicants have offered to include the provision of four one-bed units in place of a pair of semis, which will assist in providing a small contribution to the one bed-requirement. A revised plan is awaited and will be reported as an update.

### Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Similarly, policy H1 of the KNP prioritises smaller house types and requires new residential development on the strategic sites to primarily seek to deliver the following types of market housing (including those for private rental):

- 2/3 bedroomed family housing and that is suitable for downsizing with gardens and associated parking
- Housing for older people or those with reduced mobility, either as one or two storey properties or as higher density apartments, which are designed with the specific needs of those users

- Nursing and care homes and sheltered accommodation for the elderly.

The proposed development comprises the following open market units:

- 4 x 2 bed bungalows
- 14 x 2 bed 2-storey dwellings
- 63 x 3 bed 2-storey dwellings
- 18 x 3 bed 2.5-storey dwellings
- 67 x 4 bed 2-storey dwellings

When combined with the affordable units (which are all 2-storey dwellings) the mix is as follows:

- 46 x 2 bed properties
- 121 x 3 bed properties
- 67 x 4 bed properties

The Hawke housetype accounts for 8 of the 2 bed units and is shown to have two bedrooms and a study. The Hawke housetype is actually identical to the Millington housetype but has a study rather than a third bedroom. It is considered that the Hawke housetype should be treated as a 3 bed property. Indeed the code given to it in the accommodation schedule on the site layout plan is as a 3 bed property.

The explanatory text for policy H1 of the KNP states that:

*“The Cheshire East Strategic Housing Market Assessment (SHMA) from 2016 identifies the need for new housing which meets the need of smaller families, single people, and the elderly. This in part is justified when looking at the demographic changes that are apparent in the Town, including an aging population and a growth of families with older children and those typically in the age bracket as a ‘first time buyer’. This is reflected in the feedback received from residents within Knutsford during every consultation on the Neighbourhood Plan.”*

It is acknowledged that the provision of 4 bungalows is a positive aspect of the development and does contribute towards the requirement for housing for older people as set out in policy H1 of the KNP. However, in terms of market housing in general (and treating the Hawke as a 3-bed property), 6% are 2-bed properties, 54% are 3-bed properties and 40% are 4-bed properties. This suggests a dominance of 3 and 4 bed properties rather than the 2 and 3 bed properties referred to in policy H1 of the KNP. When this is added to the absence of any 1 bed units, it is considered that the development does not prioritise smaller housing types as required by policy H1 of the KNP.

### **Open Space**

A minimum of 40sqm per dwelling of public open space was secured as part of the outline consent. The s106 agreement requires the open space to include formal and informal recreation areas, a fenced central play area and amenity space with LEAP and LAP, seating, signage and informal amenity area with sports pitch, trim trail footpaths, seating and signage of which a minimum of 2,000sqm must be within the Developable Area (but not on the industrial buffer mound).

The submitted landscape masterplan suggests that 2,574sqm of open space is provided within the developable area. However, the majority of this is shown to be in the “LEAP/LAP play area”, which accounts for 1,076sqm. The balance is said to be provided in pockets across the site, but its not clear where the 1,500sqm are within the development. The applicant’s revised planning statement outlines that 2,574sqm of formal public open space is being provided within the developable area. However, this appears to include narrow grass verges and areas not suitable for play or amenity use and should be removed from the total.

ANSA have commented on the application from an open space perspective and noted that the proposed play area is stated as 1,076sqm but indicative plans give no detail on how this amount of play can be successfully achieved. There are no plans showing how the play area will be laid out, how free play areas will be provided within the fenced area, paths, seating, signage or number and types of equipment and necessary safety zones. The suggested play equipment is welcomed, it is imaginative and creative equipment that could create a special and character driven play area, but it is only indicative, and no detail is given. The play area is also located directly adjacent to the ecological area, this will undoubtedly have an impact on the design and layout of the play area and more detail is required to show that they are compatible close neighbours. The applicant has not demonstrated that 2,000sqm of meaningful Public Open Space can be provided within the developable area. Concern is also raised by ANSA regarding the proposals for the trim trail, which are only indicative and is likely to be hidden from view by the proposed community orchard.

The revised planning statement goes on to state that the north eastern part of the site contains circa 20,000sqm of open space. This is only the case if the fenced off ecological area that has no public access and the suds basin, fenced with a timber knee rail, are included. Figure 01 on the Landscape Masterplan shows other open space totals which include substantial fenced parts of the site where public access will not be possible or desirable, landscaped bunds and SUDS. This is not open space provision available to the public for amenity use. The Management Plan submitted for the site should directly relate to the final proposals and designs and with the lack of such detail in open space design, the management plan is incomplete.

The s106 requires the proposed sports pitch to meet Sports England Natural Turf for Sport standard. To demonstrate that will be achieved the applicant should have submitted a sports turf agronomists report and proposal for the pitch detailing the works required to establish such a pitch. The agronomists report would also have identified the required maintenance of the pitch would could then have been included or referenced within the management plan for the site, to ensure the pitch, once established, could provide a playable facility for many years. This has not been provided.

However, as with the original reserved matters submission, an adequately detailed specification for the Public Open Space has not been submitted as required by the s106. These details are awaited and will be reported as an update.

### **Living conditions**

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a

principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The only residential property within proximity of the site is at Parkgate Farm, but this is approximately 90 metres away from the nearest of the proposed dwellings.

There are several instances within the layout where the distances between dwellings fall below those standards recommended above. Front to front relationships are generally in accordance with the specified separation distances with none of these falling below 12m. The closest relationships being on the corner turning properties, which can be expected. However, some back to back relationships do fall below the 21m specified in the Design Guide, some as low as 18m, which does give rise to some concern regarding outlook and privacy for future occupants of the site.

## **Noise**

In addition to being subject to any noise from the adjacent industrial estate, the application site is in very close proximity of the flight path for Manchester Airport. As such the site will be subject to noise from overhead aircraft with the developable area of the application site lying between the 60dB and 63dB airport noise contours. To put that in some context, 57dB is commonly taken to be the average level of daytime aircraft noise marking the approximate onset of significant community annoyance (Aviation Policy Framework, 2013). However, the principle of the development has been approved, and therefore, subject to compliance with the outline permission, the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing, and the relevant section of LPS 37 of the CELPS.

Noise mitigation measures were secured as part of the outline consent which included the provision of acoustic glazing, acoustic insulation and mechanical ventilation and heat recovery systems to avoid the need to open windows for ventilation (condition 33); the provision of an acoustic fence along the southern boundary with the Parkgate Industrial Estate (condition 34), and noise mitigation to be provided for outdoor amenity areas if positioned (wholly or partially) within a specified area of the site (condition 35).

Condition 33 will be complied with on completion of the dwellings in accordance with the stated specification. The acoustic fence is proposed in accordance with the outline consent in accordance with condition 34. In terms of condition 35, from the information on the submitted plans and the applicant's "Statement of Compliance" parts of the external amenity space of plots 3 and 4 do encroach into the area covered by condition 35, but no scheme of noise mitigation for these areas has been submitted. The reserved matters proposals therefore

currently conflict with condition 35 of the outline permission, albeit to a very small degree. A revised plan tweaking the position of these dwellings will overcome this minor conflict.

### **Air Quality**

Air quality impacts were also addressed at the outline stage, and mitigation measures were secured as part of that consent and will need to be complied with. The mitigation included requirements for a travel plan, a dust management plan and electric vehicle charging points.

### **Public Rights of Way**

The development affects Public Footpath Knutsford No. 11, as recorded on the Definitive Map of Public Rights of Way, and this has been the subject of a diversion order in preparation for this development. The Order has been confirmed; however until the new route is constructed and certified as satisfactory, the route of the existing route remains legally recorded. This is acknowledged in the Transport Statement. A small part of the existing PROW at the south west corner of the site remains unaffected. The remainder is diverted around the northern edge of the ecological area at the north of the site.

Policy LPS 37 of the CELPS requires the development of this site to provide a permanent diversion route of public footpath (Knutsford FP11), which is satisfactorily provided with the proposed development. The PROW unit also raises no objection to the proposal.

### **Accessibility**

*“Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities including a permanent diversion route of public footpath (Knutsford FP11) and at least three 20 metre wide links between the housing area and the woodland buffer”* are criteria listed under LPS 37 stating how the development of the Parkgate Extension will be achieved over the Local Plan Strategy period. In addition, one of the site specific principles of the development is to *“Improve the connectivity and accessibility into and out of the site to the town centre and wider local area with the provision of, or contribution to, cycle paths and pedestrian linkages”*.

As part of the consideration of the application for commercial development (accessed from Haig Road) on the southern part of LPS 37, it was identified that there are footways on both sides of Haig Road that provide good pedestrian access to the site. The Highways Authority has also confirmed that Haig Road carriageway is suitable for cyclists without further improvements being made. FP11 was unaffected by the proposal.

In terms of the proposed residential development, this is accessed directly from Parkgate Lane. Whilst sections of Parkgate Lane do not have a footway, access to the development was approved as part of the outline consent and has therefore been found to be acceptable. No requirements for improvements to provide improved footway / cycleway linkages to the town centre were required as part of the outline permission.

### **Highways**

Whilst access was approved as part of the outline permission, this reserved matters submission seeks approval for the internal road layout of the site. A number of internal road layouts have been submitted for reserved matters approval on this site, and this latest version is a fundamentally different scheme to that previously submitted.

In general, this is a much better road layout than the previous submissions, the main access road is linear but is broken up with features to reduce speeds and there is a loop connection to the dwellings on the southern boundary of the site. The latest scheme has reduced the amount of cul-de-sacs in the development and the minor roads have been indicated as shared surface roads which are suitable for use in low traffic speed situations.

The level of parking provided across the development is almost in accordance with CEC car parking standards of two spaces per dwelling as a minimum. However, plots 38 and 210 do not appear to have any allocated car parking, and the driveway serving plot 68 is too short to accommodate two spaces.

With regard to accessibility, the main access has 2m footway on the northern side and 3m combined footway/cycleway on the southern side that is continuous through the development.

In summary, the internal road layout has improved considerably since the previous submission, and the Head of Strategic Transport raises no objections to the proposal. If the site layout plan is amended to provide adequate car parking for plots, 38, 68 and 210, which requires only very minor changes, no significant highways issues will be raised.

### **Trees / Landscape**

#### Trees

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

Condition 25 of the outline permission requires an arboricultural impact assessment to be submitted with the reserved matters submissions. One has been received in accordance with this condition.

With the original reserved matters submission, concerns were raised regarding the extent of information relating to the impact of the development upon trees, including a veteran tree (T1), social proximity and shading, and the impact of the proposed drainage scheme upon trees.

Amended comments from the Council's tree officers are awaited to establish whether adequate information has now been submitted, and whether the impact upon trees is acceptable. These comments will be reported as an update. An objection has also been received from the Woodland Trust highlighting tree T2, a mature English Oak which also displays veteran characteristics and a sizeable trunk girth, which has not been recognised as a veteran tree within the arboricultural report, which will also be considered by the tree officer

and reported as an update. If it is a veteran tree, it will require a buffer zone of 15x the stem diameter, with all proposed works removed from within the root protection area.

### Landscape

Policy D3 of the KNP states that planning applications which demonstrate sensitive landscape solutions integrated into the design proposals will be supported. Policy SE4 of the CELPS requires, as a minimum, for all development to conserve the landscape character and quality of an area.

The landscape officer has raised a number of concerns regarding the proposed development. The open space proposals are one particular area where this concern is evident in terms of the amount of amount space and the cramped appearance of it within the developable area. Compared to previous proposals, the large area at the site entrance is now proposed for grazing rather than amenity and recreation. It is also not clear why a large earth mound is proposed in the paddock to the north of the entrance.

The landscape buffer along the boundary of the industrial estate should comply with condition 4 of outline planning consent which states that reserved matters applications should be in accordance with the approved Site Parameters Plan and should be in broad accordance with approved Indicative Sections plan. However, the 30m and 20m offset distances (landscape buffers), as shown on the approved cross sections, are measured from the site boundary to the front or rear garden boundaries and not to the house frontages. The depth of planting on the approved cross sections measure 17.5 metres and 19 metres. On the proposed layout the house frontages on plots 122 and plots 37 to 56 are offset from the site boundary by about 30 metres (and in some cases less than 30m), and the space available for screen planting is a maximum width of 15 metres with a long stretch (of about 110m), opposite plots 37 – 50 & plot 122, where the planting belt is only 10 metres wide. A pumping station and substation are also located within the landscape buffer. Some tweaking of the positions of buildings within the landscape buffer are therefore required.

Other issues raised by the landscape officer include the SUDs ponds should be designed as attractive balancing ponds rather than unnatural, engineered depressions that are dry for most of the year. The proposed woodland at north-eastern end of the site should be omitted because it will enclose the footpath. This part of the site is already surrounded by mature off-site woodland.

Condition 7 of the outline planning permission requires specific details to be submitted as part of the landscape scheme submitted with the reserved matters, which have not all been received with reference to the latest layout plans. The proposed hard surfacing does not appear to be in accordance with the materials stated within the Design Guide.

It is anticipated that these issues could potentially be dealt with by condition.

### **Heritage Impact**

The application site is located adjacent to the Grade II\* Registered Park & Garden of Tatton Park, a designated heritage asset. The Gardens Trust are a Statutory Consultee with regard to proposed development affecting a site included by Historic England on their Register of Parks & Gardens. The Gardens Trust identify Grade II\* Parks & Gardens, such as Tatton Park, as *“particularly important sites, of more than special interest”*.



Paragraph 189 of the Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

This is reflected in Policy SE7 of Cheshire East's adopted Local Plan Strategy which also states in paragraph 3 that:

*"The council...will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by: a. Designated Heritage Assets:*

*i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported."*

Policy HE2 of the KNP states that planning applications which result in the loss of, cause unacceptable harm to, or negatively impact on, the significance of heritage assets (designated or non-designated) will be resisted. The impact on significance will be considered against policy SE 7 of the Cheshire East Local Plan.

A Heritage Impact Assessment has now been submitted with the current application in accordance with these policies.

The Garden Trust has noted the green space between the proposed housing and the Tatton estate which contains a community orchard and an eco-zone. However, they are concerned about the minimal amount of new planting adjacent to the Tatton estate.

Section 2.25, Statement of Significance, states that *'there is the potential to glimpse views of the development from within the park and has been identified as an element which could potentially harm the significance of the asset'*. This will become a greater issue as the Shawheath Plantation is managed and thinned, thus opening up views of the housing. Accordingly they strongly recommend that a buffer barrier is created across the entire north/north-west boundary, similar to the proposed buffer zone that runs along the entire south/south-east boundary, to mitigate the visual impact.

These comments are acknowledged and there may be potential for additional planting to take place, however it must be remembered that the principle of development has already been accepted by the outline permission, which included the potential for dwellings up to 12m in height. The tallest buildings within the proposed development are 10.7m, which would potentially have less visual impact.

## **Ecology**

### Statutory Designated sites

The application site falls within Natural England's SSSI Impact Risk Zones relating to Tatton Mere. Natural England have been consulted on this application and raised no objections on

the basis that they consider that the proposed development will not have a significant adverse impact upon designated sites.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. An assessment was undertaken in support of the outline application that concluded no significant effects were likely. This assessment has been updated in respect of the reserved matters application. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

#### Conditions

The following conditions attached to the outline planning permission are relevant to ecology matters in the reserved matters submission:

- Conditions 23 and 24 on and off site habitat provision and management
- Condition 29 Ecology, landscape and open space phasing plan.
- Condition 39 Updated badger survey
- Condition 41 Revised ecological mitigation strategy.
- Condition 43 GCN mitigation strategy

Conditions 23, 24 and 43 require approval prior to any of the approved development taking place. Condition 29 requires details to be submitted for the approval of the Local Planning Authority as part of the first reserved matters application. Condition 39 requires a further badger survey to be submitted concurrently with the reserved matters applications. Condition 41 requires reserved matters applications to be supported by a revised ecological mitigation method statement for each phase of development.

The following conditions are considered to be most relevant to the reserved matters application as they have the potential to affect the layout of the proposal:

#### Condition 23 – On site habitat provision

A single document (On and Off-Site Habitat Creation Scheme Bowland Ecology August 2020) has been submitted for the discharge of conditions application (18/2105D) for both conditions 23 (on-site habitat) and 24 (off-site habitat).

The On and Off-Site Habitat Creation Scheme includes a plan (appendix 7) showing the location of the various proposed habitats throughout the site. There are however inconsistencies between this drawing and the submitted landscape plans. The landscape plans will need to be updated to accurately reflect the habitat provision, which could be dealt with by condition.

#### Condition 29 – Ecology, landscape and open space phasing plan

The proposed development will be delivered in phases. The submitted phasing plan shows the landscaping scheme, habitat creation and open space being delivered in phases in tandem with the built element of the scheme. This means that it would potentially be many years before the landscape, habitat creation and open space works would be delivered. The

nature conservation officer advises that it is likely to be simpler and more cost effective to deliver the landscape and habitat creation works all at the same time. As noted in the open space section of this report, the areas of open space require some clarification. Once this clarification is received it is recommended that the phasing plan be amended to deliver the landscape, habitat creation and open space works with the first phase of development or be separated from the phasing of the built development aspects of the scheme.

Condition 39 - Updated badger survey.

An acceptable updated badger survey has been submitted. The survey has identified a number of setts located outside the red line of the application site and includes outline mitigation measures. The nature conservation officer advises that the proposed development will result in the loss of an area of suitable badger foraging habitat, however this will be at least partly mitigated through the landscaping scheme associated with the development and the overall impact is unlikely to be significant in the long term.

Condition 41 - Revised ecological mitigation strategy

An acceptable mitigation strategy has been submitted in accordance with the requirements of this condition.

Condition 43 – GCN mitigation strategy

The proposed development will result in a 'High' level adverse impact upon great crested newts as a result of the loss of two ponds, loss of terrestrial habitat and the risk of animals being killed or injured during the construction phase.

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

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

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 in this regard. 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.

*Alternatives*

It is clear that there is no alternative way a residential development could be provided on this site without having an impact on the GCN habitat. Taking this into account it would be reasonable to conclude that there are no satisfactory alternatives.

### *Overriding public Interest*

As the proposal is contributing to the Council's housing supply, including affordable properties, it would also be reasonable to conclude that the proposal is helping to address an important social need.

### *Mitigation*

An acceptable mitigation strategy has been submitted. The strategy however details two potential options, one a conventional licenced approach with mitigation and habitat creation undertaken on site and off-site (as per condition 23) or alternatively the development may be entered into Natural England's District Licencing Scheme. If the scheme is entered into the district licencing scheme, then less mitigation will be provided on site and the scheme would not deliver the off-site habitat creation measures.

The nature conservation officer advises that both the conventional licencing and district licencing approach are acceptable to maintain the favourable conservation status of great crested newts, however the applicant must confirm with approach they intent to take prior to the determination of the application. In addition, the off-site habitat creation measures were secured by means of a condition at the outline stage therefore under the outline consent the off-site measures must be delivered regardless of the licencing option taken.

On the basis of the above it is considered that the requirements of the Habitats Directive would be met.

### **Layout / Design**

Chapter 12 of the NPPF sets out national policy for achieving well-designed places. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 127 of the NPPF sets out 5 important broad criteria to ensure well functioning, attractive and sustainable places are achieved through development decisions. Without being overly prescriptive, the development of this site should be sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 130 advises that *"permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards..."*.

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

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

This is also reflected in policies H1 (the Knutsford Design Guide) and H2 of the KNP.

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The applicants BfL assessment resulted in 11 greens and 1 amber (for facilities and services). The relevant BfL12 headings are considered below, incorporating comments from the Council's design officer:

### Connections - **AMBER**

The site is located within a semi-rural location, to the north east of the Knutsford settlement, positioned between the Parkgate Industrial Estate and Tatton Park. The site is accessed from a single point of access from Parkgate Lane. Footpath 11 which crosses the site provides connectivity to the east, towards Mobberley. To reach the nearest shops / facilities, and Knutsford town centre, access would be along Parkgate Lane and Mobberley Road. There are no other points of access for either vehicles, bicycles or pedestrians but the reasons for this are accepted given the location of the site and the proximity of the industrial estate to the south and the need for an acoustic barrier as set out in the outline application.

With regard to internal connections the main spine road flanked by the 'lanes' and the 'mews' is generally a permeable and legible arrangement. The perimeter cycleway is very welcomed but there could potentially be more pedestrian/cycle connections to this as it is likely that informal desire paths will emerge. However, it is largely as a result of the limited external connections, albeit as a result of unavoidable factors, that it is only possible to award an amber here.

### Facilities and services - **AMBER**

For a development of this size there are no new proposed facilities other than the LEAP and the sports pitch to the north east, both of which are of course welcomed, although a more central position for the play area would be preferable. Connections to existing facilities are not particularly strong with Knutsford town centre being almost a mile to the south west, with limited public

transport connections and only very limited provision being closer in the small local centre on Parkgate Road. As a result of all of this it is agreed that the applicant's own assessment as an amber, is correct in this instance.

### Public transport - **AMBER**

The number 88 bus which travels between Knutsford and Wilmslow has its nearest bus stop on Manor Park North, which is not particularly convenient for residents of the site, as it is located within the housing estate on the opposite side of Mobberley Road but is still a non-car option for travel between Knutsford and Altrincham. The train station is approximately 2kms from the site. Whilst there is a mention of a potential bus stop within the application documents at the south west entrance of the site, it is not considered to be likely that this will become operational. As such this development remains rather disconnected. If the re-routed bus service could be ensured, then this amber would change to green.

### Meeting local housing requirements - **RED**

The quantum of affordable housing and tenure split is provided in accordance with policy SC5 of the CELPS. The affordable homes are pepper-potted reasonably well across the site albeit with greater concentrations adjacent to the industrial park and almost none located overlooking the POS. There is also a concern over the open market mix which is rather limited and focussed too heavily on 3 and 4-bed homes. Given the evidence from Cheshire Homechoice regarding the demand for 1 bed properties, and none are provided, it cannot be concluded that the development meets local housing requirements. It is noted that neither Knutsford Town Council nor the Knutsford Community Groups object to the proposed housing mix, but for the reasons above, a red, rather than amber, is awarded here.

#### Character - AMBER

On a general note, the design of this scheme has changed considerably since the 2018 iteration which was more formal, especially towards the south and centre, with taller buildings, a mini-crescent and a markedly more perimeter block approach. The revised scheme appears to be more 'suburban estate' in approach and utilises modified standard housetypes. Whilst the move from a more bespoke design approach is unfortunate, the use of re-elevated standard housetypes is acceptable (as detailed in the CEBDG, 2017iii, p27-28) and the modified housetypes selected are clean and unfussy which is appreciated. The move to a less formal layout is also considered to be appropriate in this edge of town location.

There are also identifiable character areas within the development, marked by changes in density and layout, as well as by housetype and elevational treatment. Density rightly lessens towards the northern boundary as the formality of the layout breaks down further. The 'Tatton Red' housetype range located along the main spine road, similar homes with black fascias, doors and windows with occasional incidences of Tudor boarding along the lanes and mews and the tiled and 'conservation green' housetypes along the rural fringe. The sections of Tudor boarding and tiling are small and there is a liberal smattering of white rendered dwellings, mainly along the central street.

What is not stated clearly (or could not be found) is how these materials and design cues have been drawn from the local vernacular. The Cheshire East Borough Design Guide Volume One (CEC, 2017ii) contains a section on the 'North Cheshire Fringe' that includes Knutsford, which is included as a sample settlement (p. 33). This section mentions elements like mock Tudor detailing and red Cheshire brick and even colours from the character area colour palette (fig ii:30, p.32) such as the heritage green, all of which have been used here and this is of course welcomed.

Whilst many of the decisions taken are positive ones, the Design Guide may however provide cues to design detailing and materials that could further embed the proposed development into Knutsford and raise this from an Amber to a Green.

#### Working with the site and its context - AMBER

The site is open with few remarkable features, with the exception of off-site woodland to the north and east boundaries. The site is relatively level but it has a number of constraints and opportunities that are identified well in the DAS (p.6). Perhaps most pressing is its location behind the Parkgate Industrial Estate on what is essentially an enclosed back-land plot. The location understandably limits access and connectivity, as described above, but also means that measures to mitigate sound and visual impact are required. To this end the native planting on a bund, with an acoustic fence is entirely necessary and of course welcomed.

The opposite issue is apparent to the north with the start of the Green Belt and the attractive trees and landscape towards Tatton Park beyond. A softer, reduced density of housing is also apparent here. However, the Gardens Trust has suggested that more planting is required to protect the Registered Park & Garden at Tatton Park. Across the site existing hedgerows and mature trees are retained wherever it is feasible to do so and featured in the design.

The points raised elsewhere in this report regarding the open space, the residential mix, the shortfall in car parking, and below standard separation distances between dwellings do suggest that the proposal is currently too much for the site. Accordingly an amber is given here.

#### Creating well defined streets and spaces - **AMBER**

Both buildings and landscaping enclose streets effectively and this is appropriately managed across the character areas as the layout becomes more informal to the northern edge. The use of hedgerows to achieve this is positive.

Houses and their front doors do address the street and dual aspect housetypes such as the Bollington which has good levels of fenestration to the street facing elevations are used on corners reasonably effectively. It is felt that this could perhaps have been handled more effectively with the use of some angled corner turning houses in key locations such as the entrance to the site (plots 5 and 19) and perhaps at the centre of the site (plots 106 and 139). Interestingly, a “small number of angled housetypes” are referred to in the BFL12 statement but don’t appear to have been included in the submitted layout? As a result of this an amber light is awarded here.

#### Easy to find your way around - **GREEN**

The aforementioned character areas and the way that these are defined by the hierarchy of streets utilising a variety of surface materials, along with the use of different housetypes (especially the inclusion of some bungalows) all aid legibility. This is further aided by the offset square on the main street, with the public art area of POS and the location of the LEAP. A green light is awarded.

#### Streets for all - **GREEN**

There is a hierarchy of streets with an entrance avenue leading to a central spine street with mews and lanes off this, all delineated by changes in width and carriageway materials. It can be seen that the guidance provided in the Cheshire East Borough Design Guide (CEC 2017iii, p.34-54) has been referred to but the designation of the mews and lanes appears inconsistent in places.

The central street has sections of hedge planting which help to provide structure and the raised off-set square with the public art area provides punctuation and a handy reference point. It is expected that the overall approach adopted will limit vehicle speeds and create streets that can and will be used as social spaces and as such a green light is awarded.

#### Car parking - **AMBER**

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles.

As noted above the car parking is slightly deficient, but a revised plan should be able to easily address the current shortfall. Otherwise car parking provision is adequate and the strategy is a mixed one comprising mainly in-curtilage parking to front and side, a number of garages and two small parking courts which is broadly supported.

However, there are a number of areas where the predominance of frontage parking bays is too high resulting in the likelihood of cars being overly dominant in the streetscape. With reference to the main street, the groups of 8 adjacent bays to plot nos. 30-35 and 69-72 are problematic. Whilst it is appreciated that these are both located opposite hedges / gardens and thus the impact is limited, it is felt that given the prominent location on the main street these would benefit from some breaking up with landscaping.

Elsewhere, the frontage bays around nos. 110-114 and 100-104 are directly opposite other similar grouped bays, and whilst they are broken up with street trees and some landscaping, they still create areas that would appear to be dominated by car parking.

Plot nos. 166-171 and 38-47 have long runs of frontage bays including 12 in a stretch serving 6 homes in the former location. The Design Guide states that: "No more than five properties in one group should be served by frontage parking and landscaping should subdivide bays" and in most cases this is adhered to but in some places, as indicated it is felt that this needs work. It is notable that most of the dwellings affected by too much frontage parking are the allocated affordable properties.

The two small 8-bay parking courts (although they may not be described as such) serving plot nos. 131-138 are well overlooked, separated with landscaping and abut the cycleway and this is reasonably successful creating the impression of a square. However, it is unclear if these are allocated or unallocated bays. Subject to the parking numbers being increased to meet standards, this is awarded an amber light.

### Public and private spaces - **AMBER**

The provision of a LAP and LEAP, a sports playing pitch, a fitness trim trail and a community orchard are positive aspect of the scheme. However, as noted above further information relating to the quantum and detail of the open space is required to ensure satisfactory levels and standards of open space are provided.

With regard to private open space and the definition between public and private, this is generally well-handled, with more formal boundary treatments to the main street and greater openness and informality to the northern edge. Hedgerows are effectively deployed to enclose space and whilst in some of the areas that are over-reliant on frontage parking bays, it is less easy to differentiate between public and private, the overall approach is good. An amber is awarded here, but this could elevate to a green if the open space queries are resolved.

### External storage and amenity - **AMBER**



All homes appear to have reasonably sized rear gardens with access to these from the street so recycling and cycle storage should not prove a problem. However, as this is not indicated there is a potential that it will not be delivered and as a result of this an amber light is awarded here.

### General

It is clear that the BFL12 assessment above is a little less favourable than the one undertaken on behalf of the applicant. Whilst there are more ambers, there is only one red light which could be increased to amber at least if one bedroom properties were provided. The number of ambers perhaps reflects the constraints that the site has to work with but it is considered with other changes some of the ambers could easily be elevated to green.

One point not covered by the BFL12 questions is sustainability and it is noted that 36 of the dwellings have solar panels. There was no requirement on the outline permission for these to be provided, and as such it is a commendable feature of the scheme.

Condition 4 of the outline permission requires the reserved matters to be in accordance with parameters plan BB\_00\_001 Rev B. This plan identifies the areas of the site where two and three-storey dwellings can be constructed, and the maximum height of dwellings in these areas. The development is generally in accordance with this parameters plan. However, condition 4 also states that *"In relation to the heights of each building, two and a half storey properties shall have a ridge height no higher than 9m"*. The Tatton housetype is a two and a half storey property and has a ridge height of 10.7m. This housetype therefore conflicts with the requirements of the outline permission and will require amending.

### **Flooding**

CELPs policy LPS 37 requires proposals to avoid development on the eastern boundary of the site which falls within Flood Zones 2 and 3. Based on the information provided by the applicant within their Flood Zone Technical Note, it appears that some development is located within the modelled extent of Flood Zone 2.

The Environment Agency refers to the applicant's technical note on Flood Zones in their consultation response acknowledging that it compares flood level data to (more accurate) proposed site levels. However, they note that the flood level data used in the analysis is generic rather than site-specific and does not include adjustments for climate change on flood flow/levels in Birkin Brook over the lifetime of the development.

Therefore, until a more detailed analysis of flood level data is carried out they maintain that the relevant flood risk conditions on the outline permission still apply. The most relevant condition is condition 22 that requires finished floor levels to be set no lower than 600mm above the 100 year climate change flood level. Whilst this is a matter that simply requires approval prior to the commencement of development (and could be dealt with separately as a discharge of condition application), condition 6 also requires levels details to be submitted with the reserved matters, and therefore needs to be addressed now, prior to determination. Condition 7 also requires levels details to be considered with the reserved matters. Therefore until the information requested by the EA is provided by the applicant, the levels details cannot be approved. Further details will be reported as an update.

### **Contaminated Land**

Contaminated land matters were considered and appropriately conditioned at the outline stage. No further contaminated land matters are raised by the proposed reserved matters.

### **BALANCE OF ISSUES & CONCLUSIONS**

The proposed development seeks to provide a residential development of 234 dwellings on a site allocated for housing in the CELPS. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping, and whilst the scheme has moved on since the refusal of an identical application in 2018, there still remains some issues to be addressed.

As proposed, there are aspects of the development that are inappropriate development in the Green Belt, and which do not preserve openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist 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. At present there is a proliferation of fences within the Green Belt areas surrounding the development, which do not all appear to be necessary. It is therefore recommended that a revised plan is received to remove some of these fences, as well as reducing the extent of the cycle path spur to the east of the site.

In terms of other issues, the proposed residential mix does not accord with the objective of the KNP, which identifies the need for new housing which meets the need of smaller families, single people, and the elderly. The more dominant open market units in this scheme are the medium to larger 3 and 4 bed house types, and the more dominant affordable housing is 3 bed units where most of the need is for 1 bed units. Some switching of house types could provide the one bed units to satisfy this demand, and to comply with policies H1 of the KNP, and policies SE4 and SE5 of the CELPS.

Further specific details relating to the open space, landscape proposals and flood risk data are required to ensure that the reserved matters are consistent with the outline permission and the associated s106 agreement.

Some tweaking of the layout plans could achieve the back to back separation distance between dwellings of 21m advocated in the Design Guide, provide adequate car parking provision for plots 38, 68 and 210, ensure no private amenity space is included within the noise mitigation area, and ensure that no two and a half storey dwellings exceed 9m in height.

Comments from the tree officer relating to the impact of the development upon proximate trees, and in particular the validity of the suggestion by the Woodland Trust that a second veteran tree may be present on the site. Similarly comments from the conservation officer awaited regarding the impact upon the Registered Park & Garden. These matters will be reported as an update.

The provision of 235 new dwellings is clearly a benefit of the proposal, which will make a valuable contribution to the delivery of the Council's 5 year housing land supply. Other benefits relating to the development were secured at the outline stage, including 30% affordable housing, on site public open space, highways improvements, financial contributions towards recreation and outdoor sports provision, and towards education.

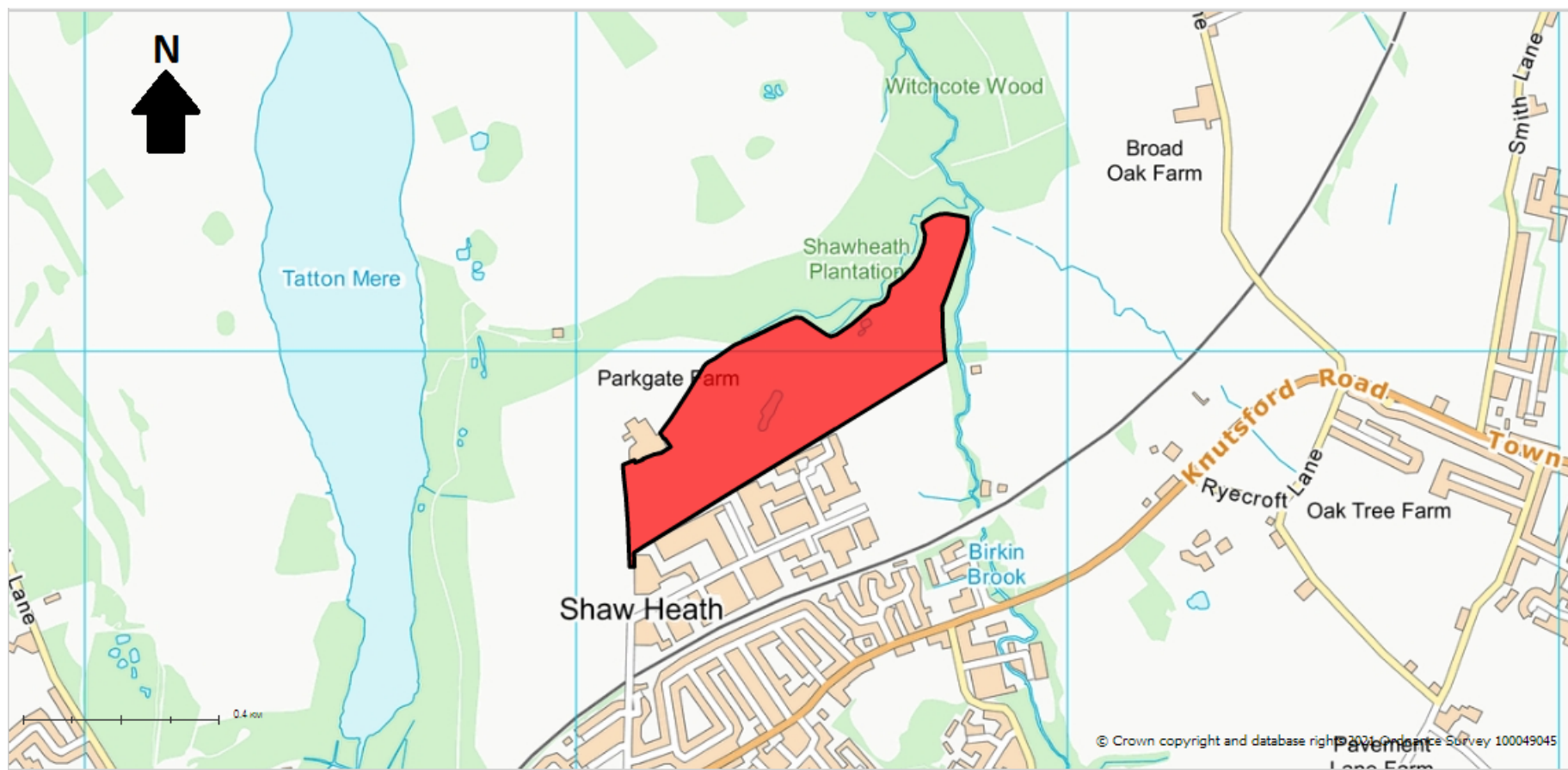
It is acknowledged that there is a lot of information outstanding, however the application has been with the Council for over two and a half years, and the application needs to progress. Members views on the proposal sooner rather than later are therefore crucial for any development on this site to progress. It is accepted that this is not an ideal residential site being located adjacent to an Industrial Estate and below the flight path of Manchester Airport, however the principle of the development was established in 2015 with the granting of the outline permission, and the site forms a key part of the housing land supply in Knutsford. Consequently, it is considered that if further information can be submitted by the applicant to address the points that have been raised above, the application can be recommended for approval, subject to conditions.

*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 Board's decision.*

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. To comply with outline permission
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Details of SUDs features to be submitted
7. Measures to prevent attraction of birds to site during construction to be submitted
8. Measures to control dust and smoke during construction to be submitted
9. Prior to the installation of any rooflights / solar panels a glint and glare assessment to be submitted
10. All exterior lighting to be capped at the horizon with no upward light spill



Application No: 20/0113M

Location: HAWKSHEAD QUARRY, LEEK OLD ROAD, SUTTON, CHESHIRE, SK11 0JB

Proposal: Hybrid application comprising: Full planning permission for the development of the upper quarry including, improvements to site access, the erection of 8 no. industrial / storage units, proposed landscaping and ecological mitigation works. Outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units.

Applicant: A M Bell (Proeprties) Ltd

Expiry Date: 30-Apr-2020

## SUMMARY

As an employment proposal, the development will create a number of new jobs (approximately 21) within the surrounding area. In isolation, this is a material consideration that attracts moderate weight. The proposal also raises no significant concerns that cannot be mitigated through the use of planning conditions regarding the impact upon the living conditions of nearby properties, design and impact upon the character of the area, and the impact upon the wider Peak Fringe Local Landscape Designation Area (formerly Area of Special County Value). Neutral weight is therefore given to these matters.

Given the rural location of the site, vehicular access is along relatively quiet rural lanes, which do not immediately appear suitable for commercial traffic including HGVs. However, the lower site has an established employment use, which involves HGV vehicle movements to and from the site. There is also evidence of HGVs (or certainly their trailers) accessing the upper site. The view of the Highways Authority is that there would be no significant impact upon the local highway network arising from the proposed development, given the existing use of the site. Neutral weight is therefore afforded to the vehicular traffic generation aspect of the proposal.

However, the application site is located outside of any designated centre in the CELPS where new employment development is directed towards. It is located in the open countryside with poor access to means of transport other than a car, such as buses, cycling and walking. Conflict with policies SD1, SD2 and CO1 of the CELPS can be identified on this basis.

The proposed development is not identified as one of the exceptions of development types permitted in the open countryside listed under policy PG6 of the CELPS. Policy EG2 sets out specific requirements for rural economic development outside the Principal Towns, Key Service Centres and Local Service Centres, and the proposal also does not accord with any of the development types listed under that policy either.

The Council's nature conservation officer has identified that there will be some loss of unimproved grassland top the north of the application site, and also an area of immature

woodland on the western boundary, that would be lost to the development. This would result in significant harm to Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site (LWS). Whilst compensation proposals have been put forward, there appears to be no reason why the harm cannot be avoided, in accordance with paragraph 175 of the Framework, through a redesign of the layout. Accordingly there is considered to be conflict with policy SE3 of the CELPS. Furthermore, the detail within submitted Arboricultural Impact Assessment (AIA) is vague in parts and does not give confidence that the full impact of the development upon proximate trees has been identified. In addition, the AIA suggests that no mitigation is required for the loss of immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

Overall whilst some employment would be created by the proposed development, there is conflict with a number of local plan policies, specifically policies PG6, EG2, CO1, SD1, SD2, SE3 and SE5 of the CELPS, and the development results in harm to the objectives of these policies. It is not considered that the modest job creation would outweigh the conflict with the development plan in this case. The proposal is not considered to be a sustainable form of development and accordingly the application is recommended for refusal.

## **SUMMARY RECOMMENDATION**

**Refuse**

## **REASON FOR REFERRAL**

Members of the Northern Planning Committee resolved to approve this application subject to conditions, contrary to officer recommendation. Under the terms of the Council's Constitution and Terms of Reference it is therefore referred to SPB as it is considered to be a significant departure from planning policy.

Members at Northern Planning Committee considered the impact upon the local economy through job creation and that the removal of HGV movements would benefit the local road network and found these matters to weigh in favour of the application.

## **DESCRIPTION OF SITE AND CONTEXT**

Hawkshead Quarry lies within Countryside Beyond the Green Belt and an Area of Special County Value for landscape quality. The upper and lower Quarry lies within the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site.

It comprises of two distinct areas. The lower area which gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) and the upper area which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield. The access to the upper quarry is 600m northeast and is accessed off a narrow and steep country lane.

Although in close proximity to each other, there is a significant difference in height between the two sites.

The lower quarry currently contains 5 existing buildings. 3 are centrally located and 2 are closer to the edge of the site. There are 20 HGV parking bays, an MOT centre for HGVs and coaches and ancillary office space, a repair centre for HGVs. 2 of the units are occupied by Cheshire Cheese and Wine Emporium and Extruded Plastics and there is also a vehicle salvage dealer.

The upper quarry contains no buildings but is a partially hard-surfaced area interspersed with green areas and appears to be currently used for parking of trailers for articulated lorries.

There is a dwelling house located adjacent into the access into the lower site occupied by the applicant.

## **DETAILS OF PROPOSAL**

The application is submitted under one application number but is broken into two distinct parts relating to the upper and lower quarries. The lower quarry is an outline application with access only for consideration. This element seeks outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units.

Full planning permission is sought for the upper quarry to erect 8 industrial starter units with proposed landscaping and ecological mitigation works. The 8 units would comprise 7no units measuring 8m by 4m and one unit measuring 8m by 8m. They would be located around the perimeter of the site. Two of the units would be located to the northern area of the site within a separate courtyard arrangement. The remaining 6 would be located to the southern end of the site. Each unit would have 2 dedicated parking bays and units 3 - 8 would be located around a central turning circle. Unit 1 will be 5.5m in height, and that Units 2-8 will be 6.5m in height. They would be constructed of dark grey corrugated metal.

The units are aimed at small scale local businesses as start up units and it is envisaged that they would accommodate 21 employees.

## **RELEVANT HISTORY**

18680P

Storage shed for 2 no vehicles

Approved 30.5.1979

22449PB

Storage & maintenance shed for 2 vehicles

Refused 28.5.1980

29142P

Access to field

Approved 26.2.1982

CY/5/33936

Reclamation of part of disused part of Hawkshead Quarry using rubble and other inert solid waste

Approved 04.11.1983

33936P

Reclamation of part of disused quarry part for grazing

Approved 04.11.1983

56642P

Container for storage purposes

Refused 25.1.1989

CY/5/55826

Continuation of reclamation of part of disused quarry in accordance with planning permission 5/33936

Approved 09.2.1989

55826P

Continuation of reclamation of part of disused quarry in accordance with planning permission no. 5/33936

Approved 09.2.1989

65210P

Amendment of existing planning permission for light industrial use to incorporate storage on open land

Refused 12.12.1990

97/1266P

Single-storey side extension to office building

Approved 07.8.1997

99/2105P

Certificate of Lawful use HGV repair and maintenance centre

Positive 22-Jan-2002

01/1837P

Replacement industrial building

Approved 19.9.2001

04/1513P

Commercial vehicle (classes 5 & 7) testing bay

Approved

03.8.2004

5/5/6126

COU of Hawkshead Quarry for light industrial purposes

Approved 1.9.1963



5/5/11161 (possibly 5/5/11181)  
Dwelling  
Approved 1.8.1972

5/5/11386  
Renewal of caravan permission  
Approved 1.8.1972

23111P  
Extension to existing building  
Approved 23.7.1980

63854P  
Steel Framed building  
Approved 25.7.19190

01/1337P  
Replacement Industrial building  
Withdrawn  
6.7.2001

## **CONSULTATIONS**

**Strategic Infrastructure Manager** – No objection subject to condition for the provision of cycle parking

**Environmental Health** – No objection subject to conditions relating to a Staff Travel Information Pack, contaminated land, electric vehicle infrastructure, hours of operation and deliveries, and for the occupation of Hawkshead House to remain associated with the operation of Hawkshead Quarry.

**United Utilities** - No objection subject to conditions regarding drainage proposals as submitted in the flood risk assessment

**LLFA** – Raise concerns with the proposed layout in the lower quarry in respect of an easement.

**Canals and River Trust** - No comment

**PROW** – No objection subject to an advice note to keep PROW clear

**Sutton Parish Council** - No objection

Since Northern Planning Committee a letter of support has been submitted from Sutton Parish Council and is as follows;

- Sutton Parish Council fully support this application.
- The obscured nature of the site lends itself to light industrial use which, would be of benefit to the community.

- The proposal will enable the growth and expansion of business in the area supporting our rural economy.
- The area would benefit from the removal of heavy transport to light industrial works.
- The area is a scruffy unattractive piece of land and this development would enhance and improve the site.
- There will be an improvement to the site access.
- There are transport links available for employees.
- The development will provide a means of securing biodiversity and ongoing habitat management.

**Gawsworth Parish Council** - Request that a full traffic/highways assessment is undertaken to assess the impact of the development, screening and effect on the landscape.

### **OTHER REPRESENTATIONS**

One objection has been received raising the following concerns;

- Several inaccuracies and misleading statements, as well as several deficiencies in the submitted plans and documentation
- Croker Lane is a narrow substandard single-track lane which joins Leek Old Road on a steep bend. It does not meet the highway standards for an employment access. It forms part of a Definitive Footpath System that links to the Gritstone Trail.
- The access sign to Lee Hills Quarries is opposite the proposed site entrance to the Upper Quarry at Hawkshead, & the HGV Licences back in the 1980/90s specifically limited the access of Parvey Lane to agricultural traffic associated with Lee Farm. The sign at the entrance off Parvey Lane makes it clear that it is the access to Lee Farm.
- The Planning Statements refer to the site being Previously Developed Land. The definition of PDL in the Glossary of the NPPF excludes land that has been developed for minerals extraction, and land that was previously-developed, but where the remains of any permanent or fixed surface structures have blended into the landscape in the process of time. The regeneration of the trees in and around the edge of this part of the quarry, illustrates this particular point.
- Unsubstantiated statements relating to the importance of the existing site as an employment site, for example how many local firms, how many people do they employ, and how do they get to the site. What other employment sites are there in Sutton Parish?
- The Transport Statement states there is a realistic opportunity for prospective staff to travel by cycle and public transport to the site as there is a Bus Route (109) close by. The Statement does not provide the details in terms of the service ie that it only operates on school days, and there are only 5 buses a day in each direction (Macclesfield to Leek). The Statement fails to indicate that the walk from the bus stop to the Upper Quarry, which is to provide small employment units for local people, is over 1 km up a long and steep hill.
- There is also a suggestion that all the HGVs which park on the Lower Quarry will be removed. How could this be enforced ? Their Licensing Centre will be the Lower Quarry site. It is, of course quite likely that the parking of HGVs and their trailers will be relocated to the large area where they continue to park opposite the entrance to the Upper Quarry or within the quarry itself.
- Hawkshead Quarry is sited on a steep hillside. No topographical survey, is submitted

- It is alleged that the Lower Quarry site provides a great deal of local employment. But no details of this are submitted, nor are other employment sites in Sutton Parish, and within 2/3 miles of the site.
- Main concerns are the impact of the proposed developments on the Open Countryside, the impact on the Peak Fringe Local Landscape Designation Area, the adequacy of the immediate highway network to safely accommodate the proposed development, and the impact on the Rural Economy.
- In respect of the Lower Quarry the growth of the development of the activities on the site has been incremental, but the proposal is a significant increase.
- The Upper Quarry Site is characterised by natural regeneration is well hidden from the surrounding area.
- The area within which it is located has a long history of quarrying activity, as i.e. Lee Hills Quarries, Rough Heyes Quarry, Gawsworth Common, Whitemoor and many similar small regenerated quarries, all within 2 miles of the Upper Quarry Site. Therefore consent to the use of the Upper Quarry for employment uses would establish a dangerous precedent.
- Policy PG6 of the CELPS (2017) is very restrictive in terms of development in the Open Countryside. Policy SE4 of the CELPS states all development should conserve the landscape character and quality. It is considered that the proposed development will have an adverse impact on the Peak Fringe, Local Landscape Designation Area
- The proposed development will have an adverse impact on a substandard highway network, particularly Crocker Lane as the access to the Lower Quarry Site is substandard, as it is situated on a right-angle bend on a steeply sloping road, which is used by heavy goods vehicles, cyclists and walkers. The road has no footpaths, and the access to the Lower Quarry is too narrow for 2 HGVs to enter and leave the site at the same time. The junction from the site onto the A523 has poor visibility.
- The access to the Upper Quarry Site is substandard, and is onto Croker Lane which is the sole access to Lee Hills Quarries. A variety of HGVs use this lane to access the quarries and the variety of activities which take place on the site. The Quarries Site is very extensive, and has permission for stone quarrying till 2042. Crocker Lane is not wide enough for 2 HGVs to pass, and there is no scope to widen it. It is a country lane, less than 7.3m wide with no footpath, although it provides a Definitive Footpath link to the Gritstone Trail. Croker Lane joins the Leek Old Road on a steep bend with poor visibility from either direction.
- Leek Old Road forms part of the well-used Cheshire Cycleway, and provides a link to Sutton Reservoir, which provides a series of walks around the reservoir and to the canal towpath and to Sutton village. The area as a whole is heavily used for outdoor recreation.
- Both quarry sites are in unsustainable locations with no ready access to satisfactory public transport, very limited opportunities for cycling, and very isolated in terms of walking.
- There is no scope for access to the sites by public transport, cycling or walking.
- No evidence has been provided to justify the need for isolated development in the countryside on the basis there is a need to support the Rural Economy.

## **APPLICANTS SUBMISSION**

A supporting letter has been received from the applicant's agent since Northern Planning Committee:

- There is a very strong material consideration that the parent consent (5/5/6126) has established commercial use for the whole site and envisaged the ability to erect buildings at the upper level. The consent is extant because its implementation was not reliant upon the erection of any new buildings, rather simply that the site was occupied as it was by the Buchans – the applicant company. Buchans later obtained approval in 1968 for a “maintenance workshop and drainage works” so there is no doubt that both the original consent was implemented, and buildings approved on the back of this.
- The proposal is not contrary to the Development plan as the CELPS the Adopted Local Plan Strategy of July 2017 predates the latest iteration of the National Planning Policy Framework (March 2019). Both the previous and current NPPF and commercial development can be acceptable in rural areas as a means of ensuring sustainable communities
- The Local Plan is out of date and does not reflect current government policy which is far more permissive of new buildings for the expansion of existing rural businesses in recognition of their important role in serving the rural economy on a sustainable basis.
- The Local Plan Strategy does seek to prioritise a presumption in favour of sustainable development. However, sustainable development is well established as being more than simply locational factors.
- Strategic Priority 1 of CELP promotes economic prosperity by creating conditions for business growth and point 4 supports the improvement of the economy in rural areas by supporting the development of rural enterprises and diversification of the rural economy.
- Policy PG6 – Open Countryside restricts development to certain categories but with the exception under point 3v *“for development that is essential for the expansion or redevelopment of an existing business”* Extensive information was submitted and also an explanation how potential businesses due to relocate from Rieter Scraggs in Langley (effectively the same rural area), had to then seek alternative premises (ultimately relocating to Stockport) because of the delays in the application being determined.
- The Framework does not require new development for a rural business to be “essential” but in the case of Hawkshead Quarry, this site used to generate nearly 100 jobs in the 1970s and 1980s which in recent years has reduced significantly to 32 jobs. There is no explanation as to what would constitute “essential” but this application proposes new buildings on a long established employment site involving a considerable investment.
- The development will generate a significant number of 53 new jobs of a high quality. Five of the proposed new units are pre-let to existing companies on the site.
- Four of the others are subject to letters of intent but these companies may seek to go elsewhere without the grant of the planning permission. Policy SD1 – sustainable development in Cheshire East - seeks that new developments should, wherever possible: “1. *Contribute to creating a strong, responsive and competitive economy for*

*Cheshire East*” and “*Point 15. Make efficient use of land and make best use of previously developed land where possible*”.

- The existing Committee Report makes no reference to the strong policy support for new employment development in the open countryside as set out in the 2019 Framework. Given the extent of the rural area within Cheshire East and the number of businesses that operate within it, that is a surprising omission given that is a fundamental component part of the Cheshire East economy. For the Strategic Planning Board, I would ask that you set out the relevant sections of the Framework of February 2019.
- Para 11 at sub paragraph D requires applications to be determined in accordance with the Framework if the Local Plan is out of date (which we say it must be if officers are sticking to the position that the proposals are contrary to the development plan). If the plan is out of date that has potentially significant implications and paragraph 38 (decision making) asks decision makers at every level to seek to approve applications for sustainable development where possible.
- The Framework also recognises the importance of pre application engagement which we did, receiving a positive response to the proposals to expand the development at Hawkshead Quarry.
- The most relevant section in the Framework is 6 – building a strong, competitive economy. Paragraph 83 – supporting a prosperous rural economy sets out that: - *“planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;”*, Paragraph 84 – *““planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport”*. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access of foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist. This policy approach is not found in the Adopted Local Plan.
- The application in proposing buildings at the upper level has recognised that an area of semi improved grassland will be removed, albeit that this could be removed at any time by the applicant, just through the use for the site for the parking of HGVs and storing of equipment.
- In recognition of this “loss”, the application has included an extensive new area of semi-improved grassland to be provided outside of the application site but within the ownership of the applicant. This approach is fully in accord with Para. 118 of the Framework which encourages multiple benefits from both rural and urban land... and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.

- In respect of biodiversity and ecology, the Framework recognises the role that offsetting can achieve and the aim of net biodiversity gain. Policy SE3 in the Local Plan at Paragraph 4 allows the loss of elements of a site of local importance where the reasons for or benefits of the proposed development outweigh the impact of the development.
- The officer presenting the item to Northern Planning committee advised members that if the consent was still extant, then one would have expected to see applications made on the back of it. The consent is extant because its implementation was not reliant upon the erection of any new buildings, rather simply that the site was occupied as it was by the Buchans – the applicant company. Buchans later obtained approval in 1968 for a “maintenance workshop and drainage works” so there is no doubt that both the original consent was implemented, and buildings approved on the back of this. The conditions on that consent did envisage further buildings coming forward in the future and it could be open to our client to secure buildings through discharge of that condition as an alternate. This unusual provision only came to light after investigation of the planning history, the second application possibly being incorrectly archived as it was referenced and indexed differently as 5/5/8905 dated the 14/5/1968 Byelaw Regulation 972 (Gawsworth) NOT Sutton.
- Even if there was not a parent consent, the total site has a 50 year long commercial use with no distinction between the upper and lower levels in terms of that use. The site is clearly in lawful use.
- There is no bar to having buildings off the Croker Lane site as the reclamation consents, which are set out in the Committee Report, were never implemented.
- Those members who sought to approve the application recognise that sustainability is not simply about accessibility – it is about protecting and helping deliver vital new and supporting existing businesses in rural areas to serve, to support the local community with employment and economic opportunities and also achieve the overarching Strategic Policy priority 1 of providing a viable and flexible supply of quality employment, land and premises, which this application will do.
- In terms of planning conditions on the use of Croker Lane the mineral extraction planning permission for Rathbones (and adjacent site) as granted under 5/97/1502P requires the only means of access for HGV's to be to Leek Old Road (i.e. using Croker Lane).

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG6 Open countryside

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

EG1 Economic prosperity

EG2 Rural Economy  
EG3 Existing and allocated employment sites  
IN1 Infrastructure  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE12 Pollution, Land Contamination and Land Instability  
Appendix C – Parking Standards

**Macclesfield Borough Local Plan - saved policies**

Policy DC3 – Protection of the amenities of nearby residential properties  
Policy DC6 - Circulation and access  
Policy DC8 - Landscaping  
Policy DC9 - Tree protection  
Policy NE1- ASCV

**Neighbourhood Plans**

The site lies outside the Gawsforth Neighbourhood Plan boundary  
There is currently no Sutton Neighbourhood Plan

**Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Revised Publication Draft SADPD (September 2020)  
Cheshire East Design Guide

**OFFICER APPRAISAL**

**Principle of Development**

This is a split application with the lower quarry site being an outline application and the upper quarry being a full application. Both are for proposed employment uses.

The lower quarry is an established employment use in the open countryside, whereas the upper quarry appears to not have an established employment use, although it does appear to have been used for occasional parking of trailers. The planning history reveals the upper quarry had been the subject of quarry reclamation permissions in 1989. The upper quarry was included in the site edge red for applications for previous development in the lower quarry but there appears to be no planning history for actual development on the upper quarry. Therefore it would appear that the lower quarry can be classed as an existing employment site. But the upper quarry, although being in the same ownership, is not an existing employment site in planning terms. The planning history suggests its last known use was as a quarry.

Policy PG6 relates to the Open Countryside and states;

1. *The Open Countryside is defined as the area outside of any settlement with a defined settlement boundary.*
2. *Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.*
3. *Exceptions may be made:*
  - i. *where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;*
  - ii. *for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension*
  - iii. *for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace;*
  - iv. *for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;*
  - v. *for development that is essential for the expansion or redevelopment of an existing business;*
  - vi. *For development that is essential for the conservation and enhancement of a heritage asset.*
4. *The retention of gaps between settlements is important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements.*
5. *The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.*

The only potentially relevant exception in point 3 above would be development that is essential for the expansion or redevelopment of an existing business. In this regard, the applicant's agent has verbally indicated that the applicant wishes to develop the upper quarry in order to be able to invest funds in the lower quarry. However no formal or detailed information has been submitted to indicate that this is essential for the business to expand or redevelop. Therefore none of the exceptions listed in Policy PG6 are considered to apply.

Policy PG7 relates to the spatial distribution of development and advises rural areas are expected to accommodate a percentage of employment land. It is expected that the principal towns and key service centres will accommodate the largest areas of new employment land. Other settlements and rural areas are to accommodate 69 hectares of new employment land (61 hectares of this will be an employment improvement area in Wardle).

Policy EG1 of the CELPS states that proposals for employment development outside of designated centres will be supported on employment land allocated in the Development Plan.



This policy goes on to state that employment development on non-allocated employment sites will be supported where they are in the right location and support 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.

Policy EG3 explains how existing employment sites will be protected for employment use.

Policy EG2 relates to the rural economy outside principal towns, key services centres and local service centres and sets out the circumstances where rural economic development will be supported. In this instance, it is considered that the proposed development would not accord with the requirements of policy

EG2 as it would not provide an opportunity for local rural development that supports the vitality of rural settlements given its distance from any identified settlement; create or extend a rural base tourist attraction, visitor facility or recreational use; encourage the retention and expansion of an existing business, particularly through the conversion of existing buildings and farm diversification, as the proposal relates to new businesses that could easily be located within a designated centre; is not associated with sustainable farming or agricultural practices; or considered essential to the wider strategic interest of the economic development of Cheshire East or support the retention or delivery of community services.

Whilst only very limited weight can be given to the draft SADPD (September 2020), which is currently out to consultation, draft policy RUR 10 of this document acknowledges that certain types of small scale employment development may be appropriate to a rural area where the nature of the business means that a countryside location is essential and the proposals provide local employment opportunities that support the vitality of rural settlements. This policy indicates a direction of travel for the forthcoming policy document regarding rural employment development. The need for a countryside location has not been demonstrated within the current application.

Indeed it is notable that 5ha of allocated employment land exists approximately 2km to the north of the application site at site LPS 13 South Macclesfield Development Area (CELPS), with a further 10ha at site LPS 12 Land at Congleton Road Macclesfield (CELPS), slightly further beyond that. Both of which could accommodate businesses which do not require a countryside location. In this regard, the proposal appears to run counter to wider strategic interest of the economic development of Cheshire East.

Overall, there is no evidence that the proposal is necessary to retain the existing business on site. The type of development proposed could be located elsewhere. There is no particular need for the proposed employment development to be located within the application sites.

The proposal is therefore contrary to the requirements of policies PG6 and EG2 of the CELPS.

## **Ecology**

The upper and lower quarries lie within the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site. Policy SE3 (4) of the CELPS relates to biodiversity and states development proposals which are to have a significant adverse impact on a local wildlife site will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the proposal.

### *Lower Quarry*

The lower quarry area is surrounded by ancient woodland. This woodland also appears on the national inventory of Priority Habitat. Both of these habitat types are protected by CELPS policy SE3. Ancient woodlands also receive specific protection through paragraph 175 of the NPPF. These woodland habitats form part of the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site.

Current standing advice from Natural England in respect of ancient woodland requires the provision of a minimum 15m undeveloped buffer to safeguard ancient woodland. The outline proposals for the lower quarry are located on an existing area of hard standing therefore there would be no direct loss of woodland habitat as part of the redevelopment of the lower quarry.

The woodland is also likely to already be subject to impacts resulting from noise, light pollution and other impacts associated with human presence resulting from its existing usage so these would not be significantly increased as part of the re-development of this site.

The proposed buildings are now shown (indicatively) as being erected away from the edge of the existing hard standing area. The erection of buildings in close proximity to the woodland edge is likely to have an adverse effect on the woodland edge, and any additional lighting provided on site may have an impact on wildlife associated with the woodland unless it is designed carefully.

Therefore, if the application is approved, conditions would be required for a buffer zone to the edge of ancient woodland, and a detailed lighting scheme to be submitted.

### *Upper Quarry*

The nature conservation officer advises that despite falling within the boundary of the *Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site* (LWS) much of the upper quarry area is bare ground/existing hard standing of limited nature conservation value.

There is however an area of dense scrub and unimproved grassland in the north of the red line of the application and also a second area of immature woodland on the western boundary, that would be lost under the currently proposed layout.

The area of unimproved grassland lost to the development meets the Local Wildlife Site Selection criteria as undetermined species rich grassland. Its loss would therefore result in a significant loss of biodiversity from the LWS and be contrary to Local Plan policy SE3.

In accordance with policy SE3 development proposals which are likely to have a significant adverse impact on a site with one or more of the following local or regional designations (including LWS) will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. In accordance with the mitigation hierarchy, at paragraph 175 of the Framework, development proposals must first look to avoid impacts prior to compensation measures being considered.

The scrub and immature woodland habitats whilst not of high nature conservation value do still make a notable contribution to the biodiversity value of the Local Wildlife Site. Policy SE3 requires all development proposals to seek to deliver a positive benefit for biodiversity. The

loss of the scrub and immature woodland habitats would make it difficult for the application to meet this policy requirement.

The additional information submitted in support of the application includes an outline method statement for the creation of species rich grassland habitats within other land under the control of the applicant (edged blue) to compensate for that lost. An assessment of soil conditions (including soil nutrient levels and depth of top and subsoil) for the area proposed for habitat creation has been undertaken that shows for the most part that the proposed compensation area is suitable for the creation of this habitat.

The applicant's updated Phase One habitat survey suggested that the existing area of unimproved grassland has reduced significantly within the last year or so due to encroachment by scrub. However transition to scrub is a natural process for grassland habitats in the absence of intervention. Whether the grassland habitats have reduced to the extent suggested would however require further investigation.

The development of the upper quarry, but with the grassland habitats within the site being retained would, provide an opportunity to secure the management and enhancement of the retained habitats by means of a planning condition. It is suggested that this could provide an option to secure the long term viability of the grassland habitats.

In the absence of management the grassland habitats would eventually develop into woodland habitats. Woodlands are a key interest feature of the Local Wildlife Site.

In summary, the proposed development of the upper quarry site will result in an adverse impact upon the LWS. Compensation measures to address this impact have been submitted.

However, in accordance with the mitigation hierarchy this impact should be avoided through slight redesign of the proposals for the upper quarry to allow the retention of semi-natural habitats. The avoidance of these impacts has not been adequately considered in the submission in order to conclude that the proposal complies with policy SE 3 of the CELPS and the requirements of the Framework.

### Reptiles

If the proposed development is restricted to the existing hard standing areas of the upper quarry, the proposals would not be likely to have an adverse impact upon reptiles. If any semi-natural habitat lost then mitigation measures for reptiles as proposed in the submitted ecological assessment must be secured by condition.

### Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with

Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

### *Nesting Birds*

If planning permission is granted standard conditions would be required to safeguard nesting birds and ensure some additional provision is made for nesting bird as part of the proposed development.

### **Trees**

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

Trees within an immediately adjacent to the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area. The Lower Quarry site is also bounded by Ratcliff Wood which is designated as Ancient Woodland and registered under the National Priority Habitat Inventory.

### *Upper Quarry*

The supporting Arboricultural Impact Assessment states a 30% area of immature woodland comprising of group of young willow and Birch (G8) within the Upper Quarry Area to the western boundary will require removal to accommodate the development. The Assessment refers to the trees (para 4.1.2) as young scrub (Willow and Birch), but to the group as a whole in the supporting data sheet as young dense woodland with good vigour. The woodland has been graded as category B2 (Moderate Category). The Assessment does not go into any detail as to the need for the removal of these trees referring only to the site layout plan at Appendix 4 which indicates the proposed removals are to accommodate hard standing and industrial/storage units.

The Assessment makes reference to proposed tree works, which include the removal of a hedgerow (H1), A 30% section of young woodland (G8 referred to above) and the pruning and removal of selected stems from a number of individual and groups of trees (G2,G3,G4,G5,G6,T4,G7,T5,and G9) to clear the proposed building line. The Forestry officer advises that the pruning recommendations are somewhat vague, and given that there is no detailed explanation in the Assessment that references what part of the development will be affected it is difficult to determine the extent of the works that are proposed.

Reference is also made in the AIA to the proximity of the development to the canopies and Root Protection Areas (RPAs) of retained trees but again does not go into detail. A revised landscape plan that has been submitted, in response to concerns raised by the Council's landscape officer, refers to the widening of the access into the site and the removal of a line of trees along the edge of a group of trees (G7). Again, reference to the widening of the access and removal of these trees is not specifically referred to in the Arboricultural Assessment.

The AIA also refers to mitigation and suggests that no mitigation is required for the loss of this immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

### **Landscape**

As the site is located within the boundary of the Peak Fringe Local Landscape Designation Area (Formerly ASCV) it falls to be considered in relation to policy SE4 of the CELPS which seeks to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting. Trees within an immediately adjacent to the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area.

#### *Lower Quarry*

This is an open area of hardstanding, surrounded by slopes with ancient woodland and there are a number of existing buildings within the site. The proposed development for the lower quarry lies within an enclosed already developed area and it is considered that there will be no significant or landscape or visual impacts associated with the proposals in the lower quarry area and therefore its development would comply with policy SE4 and saved policies DC8 and DC9 of MBLP.

#### *Upper Quarry*

This area is largely a flat area of open ground located within a shallow depression, with woodland extending up the slope immediately to the east and smaller strips of woodland to the north and west, with areas of regenerating woodland and grassland along the perimeter of the site, in particular the access track which leads from Croker Lane. The wider area to the north and west is a more open pastoral landscape.

Additional screening has been added to the western boundary during the life of the application which would help screen units 2 and 3 making the landscaping more robust and reducing the impact upon the character and appearance of the local area. Therefore, it is considered that this aspect of the proposal would also comply with relevant landscape policies.

### **Impact on residential amenity**

The nearest residential dwelling is Hawkshead House which is located at the entrance to the lower quarry. It is occupied by the applicant and has been associated with the site for a number of years. It is located close to the entrance to the site and sits a much higher level than the access road. It is not considered that that proposed development at the upper quarry would have any impact upon the amenity of Hawkshead House, due to it being over 400 metres away.

Environmental Health recommend that Hawkshead House and gardens remain associated with the owners / operators of Hawkhead Quarry due to the fact that the proposed development will result in noise from an increased use in the number of HGV and other traffic movements together with the fact that noise from site operations may also be caused. Such noise is likely to materially impact on the residential amenity of the occupiers of Hawkshead House.

Subject to such a condition it is considered that it the development could comply with saved policy DC3 of MBLP.

### **Highway safety and parking**

The total floor space of the proposed units is 2,424sq.ms across both sites. The sites have two existing access points from Leek Old Road and Croker Lane which are to be retained with an improvement to widen the junction on Croker Lane to 7.3m.

The proposed car parking accords with the CEC standards with 16 spaces for the upper quarry and 88 for the lower quarry. The proposed development would remove existing driver only bays and relocate the existing salvage dealers from the lower area to the upper area. MOT centre repair centres and other industrial units would be retained on the lower site. The existing accesses are a non standard arrangement but they have been shown to operate in a safe manner.

The existing 20 driver owner bays will be removed from site and most of these vehicles will work double shifts (day and night) but the operator confirms that only 30% of them operate in this manner. If operating at full capacity it could generate 166 movements a day. When off set against the proposed industrial units there would be a significant reduction in vehicle movements.

The Head of Strategic Transport raises no objection to the proposal and states the following; "It is clear that this site has generated industrial trips for some time that has included HGV trips and as such the types of vehicle associated with the proposed industrial units will not be new to the local road network. The likely traffic generation from the site spread over the two access points will not lead to a material detrimental impact on capacity and is considered acceptable bearing in mind that a number of HGV trips are being removed associated with the 20 HGV bays.

Whilst the comments from the Highways Authority are acknowledged, the limited width of Croker Lane does have to be noted. Croker Lane is a very narrow rural lane, which is not ideally suited to HGV movements. However, there has clearly been some historical use of the lane by such vehicles, and in the absence of an objection from the Highways Authority, and their observations that there will not be a detrimental impact upon the local road network arising from the proposed development, a reason for refusal on highways grounds cannot be justified.

### **Accessibility / Sustainable Development**

Policy CO1 of the CELPS relates to sustainable travel and transport. Amongst other things, this policy seeks to guide development to sustainable and accessible locations, and ensure development gives priority to walking, cycling and public transport. Policy EG2 of the CELPS also expects rural economic development to meet sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the CELPS, some of which reiterate the need to ensure that development is accessible by public transport, walking and cycling. Policy SD1 also expects development, wherever possible, to:

- Prioritise investment and growth within the Principal Towns and Key Service Centres;
- Provide access to local jobs, services and facilities, reflecting the community's needs

- Provide safe access and sufficient car parking in accordance with adopted highway standards;
- Support the achievement of vibrant and prosperous town and village centres;
- Contribute to protecting and enhancing the natural, built, historic and cultural environment;
- Prioritise the most accessible and sustainable locations.

In respect of policy CO1 of CELP, the site is in a very remote location in terms of its relationship with the majority of services, facilities and populations of Sutton, Gawsorth and Macclesfield. Whilst there is a bus route on London Road, there are no footways or street lighting to connect the site with the nearest bus route. Access would be along quite rural lanes that would not be conducive to walking, particularly in the winter months. These issues and the topography of the land leading up from London Road would also serve to deter cyclists. It is considered to be inevitable that most journeys to the site will be made by car. The development therefore does not give priority to walking, cycling and public transport, due to its location.

Given the absence of any information to demonstrate that the proposal would meet an identified need for local rural businesses that cannot be located in designated centres, it would compete against the strategic objectives of the Council and allocated, and more accessible, employment sites as identified in the CELPS. By drawing businesses and employees away from more accessible locations, the proposed development promotes a very unsustainable pattern of development, contrary to the sustainable development objectives of policies SD1 and SD2 of the CELPS and the Framework.

### **Design**

Policy SE1 requires development proposal to make a positive contribution to their surroundings in respect of a sense of place, design quality, sustainable urban architectural and landscape design workability and safety.

The design of the units on the lower quarry would form part of a reserved matters application and therefore will be subject to consideration at that point.

The units on the upper quarry would be steel portal framed buildings lined with blockwork and covered with dark grey corrugated sheeting. There would be three single units, 1 small and 2 larger and a row of three units on the eastern boundary and a row of two on the southern boundary.

They are typical of modern functional industrial buildings with flexible internal areas, making them suitable for various uses. They vary in floor areas from 64sqm to 112sqm and in height from 2.7m to 3.5m high.

It is considered that the design of the units on the upper quarry comply with policy SE1 of CELP. The design of the units on the lower quarry will be subject to a reserved matters application.

Policy SE9 requires non-residential development over a 1,000 sqm to secure at least 10% of predicted energy requirements from decentralised renewable or low carbon sources, unless the applicant can demonstrate this is not feasible. The proposed development would equate

to 2913 sqm therefore should the application be approved it would be subject to a condition requiring the submission of details to show how 10% of energy requirements would be obtained from decentralised renewable resources.

### **Flood Risk**

The LLFA initially raised concerns with the proposed layout. Their mapping data indicates an ordinary watercourse to be situated directly under a number of proposed plots within the lower quarry development. A revised plan has been submitted to address this concern, and an easement has been shown to ensure future maintenance is achievable. Comments are awaited from the LLFA to confirm whether their concerns have been addressed and will be reported as an update.

### **Planning Balance**

As an employment proposal, the development will create a number of new jobs (approximately 21) within the surrounding area. In isolation, this is a material consideration that attracts moderate weight. The proposal also raises no significant concerns that cannot be mitigated through the use of planning conditions regarding the impact upon the living conditions of nearby properties, design and impact upon the character of the area, and the impact upon the wider Peak Fringe Local Landscape Designation Area (formerly Area of Special County Value). Neutral weight is therefore given to these matters.

Given the rural location of the site, vehicular access is along relatively quiet rural lanes, which do not immediately appear suitable for commercial traffic including HGVs. However, the lower site has an established employment use, which involves HGV vehicle movements to and from the site. There is also evidence of HGVs (or certainly their trailers) accessing the upper site. The view of the Highways Authority is that there would be no significant impact upon the local highway network arising from the proposed development, given the existing use of the site. Neutral weight is therefore afforded to the vehicular traffic generation aspect of the proposal.

However, the application site is located outside of any designated centre in the CELPS where new employment development is directed towards. It is located in the open countryside with poor access to means of transport other than a car, such as buses, cycling and walking. Conflict with policies SD1, SD2 and CO1 of the CELPS can be identified on this basis.

The proposed development is not identified as one of the exceptions of development types permitted in the open countryside listed under policy PG6 of the CELPS. Policy EG2 sets out specific requirements for rural economic development outside the Principal Towns, Key Service Centres and Local Service Centres, and the proposal also does not accord with any of the development types listed under that policy either.

The Council's nature conservation officer has identified that there will be some loss of unimproved grassland top the north of the application site, and also an area of immature woodland on the western boundary, that would be lost to the development. This would result in significant harm to Gawsword Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site (LWS). Whilst compensation proposals have been put forward, there appears to be no reason why the harm cannot be avoided, in accordance with paragraph 175 of the



Framework, through a redesign of the layout. Accordingly there is considered to be conflict with policy SE3 of the CELPS. Furthermore, the detail within submitted Arboricultural Impact Assessment (AIA) is vague in parts and does not give confidence that the full impact of the development upon proximate trees has been identified. In addition, the AIA suggests that no mitigation is required for the loss of immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

Overall whilst some employment would be created by the proposed development, there is conflict with a number of local plan policies, specifically policies PG6, EG2, CO1, SD1, SD2, SE3 and SE5 of the CELPS, and the development results in harm to the objectives of these policies.

Notwithstanding the resolution from Northern Planning Committee it is considered that the above policy conflicts are significant and are not outweighed by the modest job creation and removal of HGV traffic. The proposal is not considered to be a sustainable form of development and accordingly the application is recommended for refusal.

## **RECOMMENDATION**

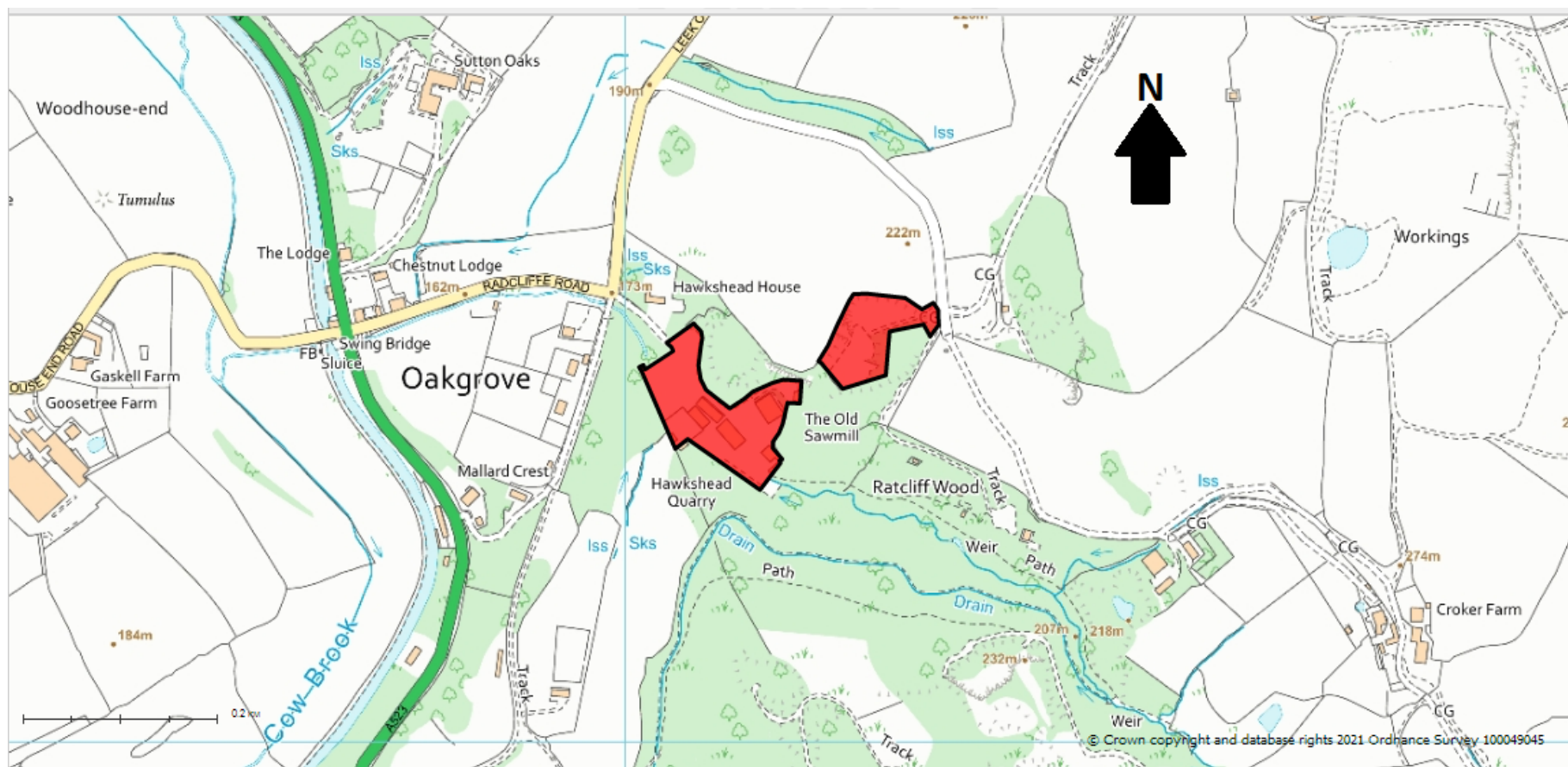
**Refuse for the following reasons:**

- 1. The application site is located with the Open Countryside, which is defined as the area outside of any settlement with a defined settlement boundary. The proposed development is not for one of the permitted types of development within the Open Countryside listed under policy PG6 of the CELPS, and is not for one of the specified exceptions to these development types. Policy EG2 sets out the circumstances where rural economic development proposals (outside the Principal Towns, Key Service Centres and Local Service Centres) will be supported. From the information provided with the application, the proposed development does not meet any of the identified circumstances for the development to be supported. The proposal is therefore contrary to policies PG6 and EG2 of the CELPS.**
- 2. By reason of the nature and location of the development, the application is not a sustainable form of development, and conflicts with policies SD1, SD2 and CO1 of the CELPS, and the objectives of the NPPF.**
- 3. The proposed development of the upper quarry site will result in significant harm to the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site, and does not provide adequate detail relating to the impact of the development upon proximate trees or appropriate mitigation. The proposal is therefore contrary to policies SE3 and SE3 of the CELPS and the provisions of the NPPF.**

Should members be **minded to approve** the application the following conditions are suggested:

1. Commencement of development (3 years)
2. Development shall be in accord with approved plans
3. Samples of building materials shall be submitted
4. Works on the upper quarry shall be undertaken in accordance with Landscaping Proposals Plan (Drawing No: M2689-PA-07-V4
5. Further landscaping details shall be submitted to include details of boundary treatment.
6. No buildings or other development in the lower quarry to be sited closer than 5m from the edge of the ancient woodland.
- 7 Reserved matters application to be supported by a detailed lighting scheme designed to minimise any impacts upon wildlife
- 8 Grassland translocation and habitat creation method statement for the upper quarry
- 9 Submission of 25 year management plan for the upper quarry and ecological mitigation area.
- 10 Safeguarding of nesting birds.
- 11 Submission of proposals for nesting birds
- 12 Submission of lighting scheme
- 13 Implementation of reptile mitigation measures
- 14 Odour control management details to be submitted
- 15 Hours of operation to be restricted to protect the occupants of Hawkhead House from intrusive noise..
- 16.Piling restriction on hours
- 17 Dust management details to be submitted
18. Floor floating restriction on hours
19. Travel plan to be submitted
- 20 Details of cycle parking to be submitted
- 21 Electric vehicle points shall be installed
22. Phase I and II contamination reports to be submitted and agreed
23. Verification report to be submitted
24. Steps to be taken in event of unidentified contamination
- 25 Drainage works shall be carried out in accordance Flood Risk Assessment (Ref No. BEK-19653-1, Dated December 2019) to prevent surface water run off
- 26 A sustainable drainage management and maintenance plan for the lifetime of the development to be submitted
- 27.Hours of construction to be submitted

*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.*



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Application No: 20/4682M

Location: Costain Compound Land South Of, LYMM ROAD, LITTLE BOLLINGTON

Proposal: Variation of conditions 1 and 2 on approved application 18/3219M - Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works

Applicant: Galliford Try, Balfour Beatty and Tatton

Expiry Date: 22-Jan-2021

### **SUMMARY**

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. However, as was argued in the original permission for the Smart Motorway works and would equally apply for this proposed extension here, very special circumstances exist to outweigh the harm caused namely:

1. The compound is required in support of a major infrastructure project and meets all the requirements for a compound – and is already set up as such.
2. There are no preferable alternative sites available and all alternatives are in the Green Belt having equal or greater harm on openness.
3. The site is of a temporary nature.

There are no objections on the grounds of landscape impact, amenity, ecology, Highways or flood risk.

The issue however is how long this permission is extended for. Highways England indicate works will be complete by March 2022 and Galliford Try's project plan indicate main works will be complete by July 2022, but that overall the project will not be complete until July 2024. Clarification of these dates has been sought and a final recommended extension date will be given to Members in an Update Report.

### **RECOMMENDATION**

**Approve until end July 2022**

## **SITE DESCRIPTION**

This application relates to a contractors compound located on the south side of the A56 Lymm Road adjacent to the Bowdon Roundabout, close to the newly constructed A556 in Little Bollington, but close to the Trafford MBC boundary.

The compound extends to an area of some 6 Ha, and consists of two broad areas. To the east, adjacent to the Bowdon Roundabout, is an extensive area of hardstanding used for parking, and a series of mobile low (but long) flat roofed buildings used for office accommodation and welfare facilities. In the centre and to the west of the site is an area marked as “laydown” and top soil storage on the plans where there is currently a mound of earth which has grassed over. The site is accessed from the A56 sharing the Cheshire Lounge access road, which forms the eastern boundary. The site has both wooden and metal security fences to the boundaries.

The site sits within areas of open countryside, with open fields to the south and west, but with woodland belts along the road side to the north. The nearest buildings consist of two farms and the Cheshire Lounge, but all are some distance from the site boundary.

The site lies entirely within the North Cheshire Green Belt.

## **PROPOSAL**

This Section 73 application seeks to vary two conditions attached to the original consent granted in 2018, to continue the use of this temporary contractors compound.

The current compound was originally erected for use in connection with the A556 Knutsford to Bowdon Improvement Scheme. The works were done as a nationally significant infrastructure project, and in 2014 the A556 Knutsford to Bowdon Improvement Development Consent Order was granted by the Secretary of State, which included the compound in question to be used by Highways England as a site compound.

Planning permission was granted in 2018 to retain the compound for the forthcoming M56 smart motorway works, a significant national infrastructure project in its own right. The proposed smart motorway works would start at Junction 8 on the M56 close to this site, and run to Junction 6 adjacent to Manchester Airport. The smart motorway works were anticipated to begin in early 2019 and run to the end in 2020-2021. Galliford Try is the appointed contractor by Highways England.

The conditions attached to this approval (and sought to be amended) are as follows:

### *Condition 1:*

*The use hereby permitted is temporary. It shall discontinue and the land returned to agricultural use, with all existing hardstanding and structures removed from the site, on or before 30 September 2021. The land shall be restored in accordance with a scheme of work submitted to and approved by the Local Planning Authority.*

### *Condition 2:*

*The development hereby approved shall be carried out in total accordance with the Proposed Site Compound Plan Rev 3 Dated 18/09/2018.*

The applicant now writes:

“Since the permission was granted in September 2018, there have been delays associated with the proposed M56 smart Motorway Works, with the substantive works in this section of the M56 now scheduled to start in the next year rather than the previously planned start of Spring 2019. The Galliford Try compound is now nearing completion for this. In addition to this, Balfour Beatty have taken part of the compound site to support a second and a third nationally significant infrastructure requirement in the local area to be used in association with their site investigation works around the currently preferred route for the high speed north rail network (the touch point of HS2 and Northern Powerhouse Rail (NPR) to improve East-West connectivity).”

The supporting letter sets out the need for the works and the anticipated timescales, and concludes:

“Given the above reasons, this section 73 application therefore seeks to vary condition 1 to allow for a five year period post this Section 73 determination and update the plan to reflect the current configuration anticipated. Assuming an 8-week determination period, this would allow the site to operate as a compound up to December 2025, thereby extending the life of the permission by 4 years (currently 2021).”

Following a request for further information with regards to dates/need the following documents have been received:

- Letter from Galliford Try to applicant dated 22 December stating the contract is due for completion in August 2024.
- A GAN Chart setting out the key dates for the project, which whilst being difficult to interpret without knowing what the various “Stages” are, shows final completion by July 2024, but it appears “main works” are completed by July 2022. It is unclear what happens for the two years between these dates.
- A plan showing what is assumed to be the outline of the area affected by the HS2 works through the area of the A556/M56 interchange, showing the compound location to the north west.

## **RELEVANT PLANNING HISTORY**

18/3219M - Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works Costain Compound, Land South Of, LYMM ROAD, LITTLE BOLLINGTON APPROVED

20/1321M Non material amendment to application 18/3219M - Costain Compound, Land South of LYMM ROAD, LITTLE BOLLINGTON APPROVED April 2020

The Development Consent Order referenced above is a National order not one granted by Cheshire East Council.

## **POLICIES**

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

PG3 – Green Belt

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles  
IN 1 - Infrastructure  
SE 1 - Design  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 13 - Flood Risk and Water Management  
CO2 – Enabling Business Growth Through Transport Infrastructure

### **Macclesfield Local Plan (Saved policies)**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
GC1 – Green Belt  
T1 – General Transportation Policy

### **Other Material Considerations**

The National Planning Policy Framework

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System  
National Planning Practice Guidance

The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014

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

**CEC Highways** – There are no objections to the continued use of the site as a compound for construction.

**CEC Public Rights of Way** – Note that the development is to affect Public Footpath No.15, Millington as recorded on the Definitive Map of Public Rights of Way. An advisory note is recommended to ensure the PROW is not affected by the development.

**CEC Environmental Protection** – No objections subject to conditions/informatives relating to hours of use and contaminated land.

**The National Trust** – They re-state their previous objections to the compound, namely:



In connection with the nearby property of Dunham Massey which lies some 700m to the north of the site. They disagree with the applicant's view that the proposal conforms with Green Belt policy, as the development clearly impacts upon the openness of the Green Belt, and conflicts with the purposes of including land in the Green Belt. They do not feel the applicant has presented a robust case as to why an exception should be made to Green Belt policy. Should the Council be minded to approve the application however, we would wish to ensure that suitable conditions are imposed, ensuring that the land use is temporary, for a fixed period of time, and that the site is appropriately reinstated.

They now add

*“Given the location and sensitivity of the site, we do not consider that this constitutes good planning (to continue the site as a compound). If such sites are needed in the longer term, then less sensitive locations should be sought in the first instance. We do not consider that the applicant has demonstrated either the ‘very special circumstances’ necessary for the approval of development in the Green Belt, or demonstrated a requirement for a Green Belt location, as required by NPPF paragraphs 143 -147.”*

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

**High Legh Parish Council** – Any extension of time should be based on the approved use only for the M56 Smart Motorway project. This requires an extension up to the end of Summer 2022. The application for an extension to 2025 is not justified.

We are concerned about the creep of development and encroaching nature on the Green Belt that would in time mean an inevitable increase in heavy traffic through High Legh. This site, as part of the then named Cheshire Gateway, was subject to a review by the Inspectorate with CEC who determined that it should not be removed for Green Belt and could not be reclassified as protected Developable Land. The Inspectorate review was the Land Owners appeal and the extension of temporary status beyond the use for a specific contract (the M56 works), is cynical at best, and represents what would appear to be another attempt by the landowner to build their desired distribution centre and circumvent the reinforcement of the Green Belt by the Inspectorate.

The possibility of HS2 using the site should not be taken into account. We would also suggest that no other usage of the compound be permitted beyond the M56 works ongoing and that any additional use currently underway should cease.

### **OTHER REPRESENTATIONS**

A number of comments have been received from residents of both Cheshire East, and Trafford. These can be summarised as follows:

- Concern that the continuous use of this site for development will lead to the erosion of this important Green Belt site and set a precedent.
- Part of the applicant's plans for their Cheshire Gateway proposals.
- The longer the compound is there, the longer it will take to restore to agricultural use.
- Continued use will cause problems of traffic and pollution.
- When the M56 motorway works the compound should be removed.
- Other sites should be considered for the HS2 works.
- Light pollution from floodlights on the site.

- Will exacerbate flooding of the River Bollin.
- Contractors have blocked the PROW.
- Compound extended outside the permitted area.
- Concerns about impacts on Nature Conservation.

## OFFICER APPRAISAL

### Principal of Development/Green Belt/Alternative sites

The Revised NPPF 2019 continues to afford the Green Belt significant protection, again stating at para 144:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist 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.”

New buildings are defined as being inappropriate in the Green Belt unless listed in the exceptions. Site compound offices/welfare uses etc. are not listed and therefore constitute inappropriate development which is by definition harmful to the Green Belt. At Para 146. Other forms of development are not considered to be “inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it”. Within this list is:

“c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;”

However whilst this may include the smart motorway works, for HS2 it is not considered it includes a compound and as such it is considered the compound and its associated buildings constitutes inappropriate development in the Green Belt.

The question then is whether very special circumstances (VSC’s) exist to outweigh the harm caused. The applicant does not specifically mention VSC’s but states that the Smart Motorway works are a continuation of that approved. In respect of the Balfour Beatty HS2 works it is stated (as set out in the supporting statement):

*“This requirement also needs to be well located to, and easily accessed from, the strategic road network and located closed to the proposed route through this part of Cheshire. Given the extent to which all of this areas is washed over in Green Belt, no other identified sites have been located that could accommodate the compound site outside of it or indeed at all and it makes logical sense to accommodate the two compounds in a single location that are already in use for this purpose (and Costain used it for the A556 project recently).”*

Whilst VSC’s were argued for the Smart Motorway works approved in 2018 and could be argued until the end of this particular contract, which according to the Highways England website expect to complete the main construction work by March 2022. It is unclear how long the compound needs to be in operation. Clarification of this was sought and it seems main works would be completed in 2022 but the overall project not completed until July 2024. It is unclear why the compound is needed for the two years between the July 2022 and July 2024 dates.

The Balfour Beatty works for HS2 are using this compound as the planning permission was not restricted to one contractor and the applicant is seeking for them to remain on site for a further 4 years. What is unclear however is why Balfour Beatty need to be on this site and what other locations have been considered. The HS2 works could theoretically cover a much larger geographical area than the Smart Motorway works and therefore other sites need to be considered, many of these will not be in the Green Belt. When the applicant was asked to clarify this matter a plan showing the area affected by the HS2 works through the area of the A556/M56 interchange, showing the compound location to the north west was received - but this does not answer the question as why it has to be this site. Whilst there is clearly a logic to co-locating on the Galliford Try site, it appears to be a convenience rather than an absolute requirement and this is important when assessing Green Belt policy.

The applicant set out the VSC's for the previous application (for the Smart Motorway works) in their supporting statements. In brief these VSC's were:

1. A compound is required for the M56 smart motorway works as "strategic infrastructure" and this needs to be as close as possible to the motorway, with easy access. Whilst there are a number of open sites along the M56, few are adjacent to the adjacent motorway junctions (No. 6, 7 & 8) and all (with one exception set out in the applicant's statement near the airport which is unavailable) are also in the Green Belt and would equally be defined as inappropriate.
2. The compound is already in existence, with a good access link direct onto the Bowdon Roundabout, and then onto the M56, and has the required service links to power/water etc. Areas of hardstanding are already laid out.

The compound requirements are set out as being:

- Minimum distance from, and easy access to, the proposed works (J6-8 M56);
- Available from November 2018 and to be continuously available till at least the end of 2020;
- Site area of at least 6 ha;
- Need for hardstanding areas for parking, offices and storage of materials;
- Utilities connections and appropriate drainage;
- Access into the site and HGV access on surrounding roads;
- Located away from residential properties; and,
- Secure site and lighting.

The existing compound meets all these requirements.

3. The use is temporary for a maximum period of 3 years.

In short, a compound was required for the Highways England works and the existing site met all the requirements. Other sites were considered but the number of viable options was (and would continue to be) very limited, each lies in the Green Belt and will have at least as much, if not more impact on the openness of the Green Belt as the current proposal.

Given the Smart Motorway works have been delayed, but are now on site carrying out the works it is considered that given the VSC's then it is appropriate they are given an extension until a reasonable period after completion of the works (March 2022) to spring/early summer 2022. The need for it beyond this date remains unclear.

Whilst there may be some logic in using this existing location for an HS2 compound at this time it is not considered that sufficient information has been presented to demonstrate very special circumstances. It should be noted that it is a high bar that needs to be satisfied to outweigh the harm to the Green Belt so the requirements need to be clearly presented.

### **Landscape Impact**

The site is very open to views, particularly from the south, and particularly from the A556 and the access road to the Bowdon Roundabout which is elevated as it approaches the site. Screening is limited to the tree belts to the north, which does limit views from the Bowdon Roundabout itself and from receptors to the north including the National Trust property Dunham Massey.

Whilst the site does have some landscape harm, this is limited by the height of the structures and most significantly by the temporary nature of the proposals. The Council's landscape officer has raised no objections to an extension to this temporary consent.

The applicant has sought to vary condition 2 to allow for some flexibility in the compound and has sought the following wording:

“The development hereby approved shall be carried out broadly in accordance with the Proposed Site Compound Plan 001 Rev 9.”

Whilst in principle this is acceptable, the main issue would be the height of materials stored as this could have a significant visual impact and as such should be restricted as an addition to the wording above. This is being discussed with the applicant and an agreed height will be included in any update to Members.

### **Amenity**

The nearest residential properties, two farms, are some distance from the site and it is not anticipated that there will be any amenity concerns with the proposals. A resident has raised the issue of light pollution from the site, but Environmental Protection have raised no objections subject to conditions.

### **Ecology**

The Council's ecologist has raised no objections to the continued use of this compound site.

### **Highway Implications**

Highways raise no objections to the continued use of the site for a contractors compound.

### **Public Right of Way**

As noted above a PROW (Public Footpath No.15, Millington) runs along the eastern boundary of the site, but it is also noted Public Footpath 11 Little Bollington also runs along the western side of the site. An advisory is recommended to remind the developers to maintain access to these routes during the operation of the compound.

A resident has commented that the footpath has been blocked by contractors during the works. The PROW unit have no records of any obstructions being recorded, and on a recent site visit there was no evidence of the footpath having being blocked in any way.

### **Other matters**

A resident has indicated that the compound has extended outside its original permitted boundaries. There is no reason to be believe this is the case as the site has natural boundaries defined by roadways, a PROW and a field boundary, and as a Variation of Condition application this application has to relate to the same site.

### **Flood Risk/Drainage**

Whilst some residents have raised concerns that the use of the site – with corresponding areas of hardstanding, will exacerbate flooding of the River Bollin which runs close by, there is no evidence this is the case. Any comments received from the Flood Risk Team will be reported in an update report.

### **CONCLUSIONS**

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. However, as was argued in the original permission for the Smart Motorway works, and would equally apply for this proposed extension here, very special circumstances exist to outweigh the harm caused namely:

1. The compound is required in support of a major infrastructure project and meets all the requirements for a compound – and is already set up as such.
2. There are no preferable alternatives sites available, and all alternatives are in the Green Belt having equal or greater harm on openness.
3. The site is of a temporary nature.

There are no objections on the grounds of landscape impact, amenity, ecology, Highways or flood risk.

The issue however is how long this permission is extended for. Highways England indicate works will be complete by March 2022 and Galliford Try's project plan indicate main works will be complete by July 2022, but that overall the project will not be complete until July 2024. Clarification of these dates has been sought and a final recommended extension date will be given to Members in an Update Report.

### **RECOMMENDATION**

**Approve subject to the following conditions;**

1. **Temporary consent until End July 2022**
2. **Land to be reinstated to agricultural land at the end of the approved period with all hard-surfaces being removed.**
3. **Approved plans**

**Informatives;**

- **Public Rights of Way**

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.



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