

# **Strategic Planning Board**

## **Agenda**

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**Date:** Wednesday, 26th October, 2022  
**Time:** 10.00 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

- 1. Apologies for Absence**
- 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.

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**Please Contact** Rachel Graves  
**E-Mail:** [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@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

### 3. **Public Speaking**

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

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

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

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

4. **21/1249M - LAND WEST OF LONDON ROAD AND SOUTH OF, GAW END LANE, LYME GREEN: Full planning permission for the erection of 42 dwellings including access and associated works** (Pages 3 - 30)

To consider the above planning application.

5. **21/6385N - LAND EAST OF BROUGHTON ROAD AND NORTH OF, BIDVALE WAY, CREWE: Construction of 104 affordable homes with new access from Broughton Road and ancillary open space** (Pages 31 - 62)

To consider the above planning application.

6. **22/0670C - LAND EAST OF VIKING WAY, CONGLETON, CW12 1TT: Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline** (Pages 63 - 86)

To consider the above planning application.

### **THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors S Akers Smith, A Critchley, B Burkhill, S Edgar, D Edwardes, S Gardiner (Vice-Chair), P Groves, S Hogben, M Hunter (Chair), B Murphy, B Puddicombe and J Weatherill

Application No: 21/1249M

Location: Land West Of London Road And South Of, GAW END LANE, LYME GREEN

Proposal: Full planning permission for the erection of 42 dwellings including access and associated works

Applicant: Morris Homes & The Trustees, of The Lyme Green Settlement

Expiry Date: 04-Jun-2021

## SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission for a larger development adjoining the site and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 17. The proposed development seeks to provide a residential development of 42 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from directly from London Road with further pedestrian connections made with the adjoining development to the west and Gaw End Lane.

The design of the scheme has been enhanced and complies with the CEC Design Guide. There would be less than substantial harm to the nearby Toll Bar Cottage, but this has been minimised through landscaping and would be outweighed by the benefits of delivering sustainable housing a strategic housing allocation. The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

Mitigation for the impact of the proposal on local infrastructure including education, open space and provision for outdoor and indoor sports and recreation (subject to confirmation by update) would be secured as part of a s106 legal agreement.

With respect to highways, a development of this size will not have a detrimental impact on the local highway network even accounting for other committed developments. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

A scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. Subject to conditions, the Council's Flood Risk Manager has confirmed that the scheme could adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties. The scheme would offset its impact on biodiversity.

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

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and a s106 agreement.

**REASON FOR DEFERRAL:**

At the meeting of 27<sup>th</sup> July 2022, Members resolved to defer this application for the following reasons:

- Clarify the site edged red / removal of substation
- Address matters of overdevelopment
- Provision of play/open space
- Housing mix and pepper potting
- Improvements to the boundary to the nature reserve
- Clarification regarding flooding mitigation

Following deferral of the application, the scheme has been amended. The amendments have been assessed in the report that follows and have been subject to further consultation. The response to the reasons for deferral are summarised as follows:

**1. Clarify the site edged red / removal of substation**

The site edged in red on the location plan and the proposed site plan have been amended so that they correlate with one another.

There is a small, old redundant sub-station located in the far north-western corner of the site which will be removed to facilitate the proposed development. Just outside of the boundary is a working sub-station which is not associated with the development and will remain in situ.

**2. Overdevelopment**

The thrust of national policies in the 'Framework' are to optimise the density of residential development having regard to the character of an area to ensure that development is not inappropriate in its context. In deferring the application, Members expressed concern regarding overdevelopment of the site.

In response to this, the amended scheme has provided a modest increase in the buffer to the western edge of the site by 1.5 metres so the nearest properties would enjoy a separation of between 10 and 12.5 metres. Also, some of the house-types have been substituted. However, the number of properties and their size remains unchanged.

Emerging Policy HOU 12 of the Cheshire East Revised Publication Draft Site Allocations and Development Policies Document (SADPD) states that 'residential development proposals will generally be expected to achieve a net density of at least 30 dwellings per hectare'. The expectation is that 'development proposals will achieve a higher density in the principal towns' such as Macclesfield, subject to good public transport links and having regard to the character of the area and other constraints.

This proposal would result in a development density of 26 dwellings per hectare, which is below that prescribed within the emerging SADPD. This would therefore suggest that the proposal does not constitute an overdevelopment of the site. A lower density of 26 dwellings per hectare is considered reasonable in this case having regard to the location of the site at the very edge Macclesfield and having regard to the site constraints such as the nature reserve, heritage assets and adjoining Green Belt. The design is considered to be acceptable as concluded within the report that follows.

### **3. Provision of Play / Open Space**

The applicant has included a more detailed plan to demonstrate that a natural play space/trim trial will be incorporated within the site and note that there are other open areas within the site that add to the sense of openness within the development.

The Council's open spaces officer and Leisure Services have not commented on the application. In the absence of comments, it is recommended that authority be delegated to the Head of Planning, in consultation with the Chairman and / or Vice-Chairman of the Strategic Planning Board to secure any further financial contributions towards public open space and recreation provision (should they be requested by ANSA).

### **4. Housing Mix and Pepper Potting**

Policy SC4 of the Cheshire East Local Plan Strategy (CELPS) refers to mixed and balanced communities but does not specify what size properties are required. Notwithstanding this, the scheme was previously amended to include 5 no. 2 bed market properties within the scheme.

The proposed development as amended comprises of:

	number	% of total units
1 bed	4	10
2 bed	9	21
3 bed	11	26
4 bed	16	38
5 bed	2	5
Total	42	100

Overall mix of open market units:

	Number	% of open market
2 bed	5	17
3 bed	6	21
4 bed	16	55
5 bed	2	7
Total	29	100

Overall mix of affordable units:

	number	% of affordable units
1 bed	4	31
2 bed	4	31
3 bed	5	38
Total	13	100

The applicant has further ‘pepper-potted’ the homes across the site and now have four areas containing affordable homes whilst still having very small groups for management/maintenance purposes, to reflect feedback from Registered Providers. The Council’s Strategic Housing Officer has confirmed that the mix, quantum and makeup of affordable housing is acceptable, but would like to see the intermediate units located in the centre of the site dispersed. However, this is only 2 units within the centre of the site making up a pair of semi-detached units. It is not considered unreasonable for these to be located in a block of 2 and accordingly, the pepper potting is found to be acceptable.

As can be seen above, a range of housing types are being proposed from small sized 1 bed units offering ground floor single storey entry to 2 bed, 3 bed, 4 bed dwellings and a limited number of 5 bed (only 2). This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

## 5. Improvements to the boundary to the nature reserve

The plots adjacent to Rayswood Nature Reserve on the southern boundary have been pulled away from it by a further 1.5 metres and the driveway serving these plots by 2 metres, increasing the buffer to edge of the hardstanding by c5 metres. This buffer is considered to be acceptable and has not attracted any objection from the Council’s Nature Conservation Officer.

## 6. Clarification Regarding Flood Mitigation

With reference to the Environment Agency flood risk mapping data and the Flood Risk Assessment, the site is located within Flood Zone 1. In terms of pluvial flood risk there is an area of risk within the northern section of the site which will need to be safely managed through the proposed surface water drainage design and overland flow routing.

The Lead Local Flood Authority (LLFA) has confirmed that subject to conditions and compliance with other legislation outside of the planning forum (i.e. building regulations and land drainage consents). Due to the final outfall destination for the ordinary watercourse (located southwest of the development site) being Macclesfield Canal the applicant must ensure that any required approvals/consents from the Canal and River Trust are obtained prior to detailed design stage.

LLFA approval is subject to the proposed development having a sustainable surface water drainage strategy and subject to there being no increase in flood risk on/off site because of the development. This detailed design would be secured by condition.

The previous report is as follows but has been amended to reflect the written update that was published for the last meeting and the changes highlighted above.

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## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a greenfield site lying to the south of Macclesfield, specifically Lyme Green Business Park. The site sits to the south of the junction where London Road (A523), Gaw End Lane and Robins Lane meet. To the east beyond London Road there is residential development forming Lyme Green Settlement. To the south of the site is 'Rayswood Nature Reserve'. Surrounding uses include mainly commercial, residential and agricultural land. The site measures approximately 1.6 hectares in size. The site forms part of an allocated site for housing development under Policy LPS 17 of the Cheshire East Local Plan Strategy (CELPS).

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 42 no. dwellings. As originally submitted the proposal was for 45 no. dwellings but this has since been reduced following the receipt of amended plans. The site has been excluded from a larger development for which outline planning permission has already been granted for the erection of up to 310 dwellings (planning ref; 18/3245M refers). The reserved matters pursuant to that outline consent are currently being considered under planning ref; 21/0966M and appears elsewhere on the agenda. Vehicular access would be provided by its own dedicated access taken from London Road.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Development Plan**

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer Contributions  
SC1 Leisure and Recreation  
SC2 Indoor and Outdoor Sports Facilities  
SC3 Health and wellbeing  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 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 17 Gaw End Lane, Macclesfield

Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes  
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  
DC15 Provision of Facilities  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development  
DC63 Contaminated land



### **Other Material Considerations**

National Planning Policy Framework (The Framework) 2021

National Planning Practice Guidance

Cheshire East Design Guide

Cheshire East Revised Publication Draft Site Allocations and Development Policies Document (SADPD)

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

**ANSA / Greenspaces** - No comments received

**Education** – No objection subject to financial contributions of £98,056.14 towards to secondary education provision.

**Environmental Protection** – No objection subject to conditions relating to electric vehicle charging infrastructure, use of ultra-low emission boilers, piling, dust management, noise mitigation and contaminated land.

**Flood Risk Manager** – no objection subject to conditions requiring submission of a detailed drainage strategy / design, associated management / maintenance plan and levels.

**Head of Strategic Infrastructure** – No objection but advise that a revision to the footway along frontage to the site is required to increase its width from 2 metres to 3 metres so that it can serve as a shared pedestrian / cycle facility.

**Housing Strategy & Needs Manager** – Object on the basis that the affordable units are not sufficiently pepper potted throughout the development.

**Natural England** – No objection

**NHS** - No comments received

**United Utilities (UU)** – No objection subject to drainage conditions

### **VIEWS OF THE PARISH COUNCIL**

**Sutton Parish Council** – object to this application for the following reasons:

1. The Bovis application 18/3245M was approved with 330 houses, and the Gaw End site was not included in it. The Local Plan allocates the Bovis site and the Gaw End site (LPS 17) for around 300 houses. The 45 houses when added to the 330 houses this means that, if approved 375 houses could be built on the allocated site, which is not around 300 houses. The potential over-build of house numbers, agreed for the local plan, if allowed this could affect the whole Parish. Increased traffic numbers for leisure activities in Macclesfield Forest, difficulties in providing schooling for children and increased traffic in Sutton.
1. The Council has well over 5 years supply of housing so there is no reason to give permission for 45 houses on this site. This represents an overdevelopment of the site.
2. The current layout is totally inappropriate at the entry to "Macclesfield" and bordering the Green Belt. The number of houses should be reduced, and a landscape buffer (5m wide)

included along the southern boundary of the site. It is important that the Council's Design Officer makes sure that a re-design of the layout takes place to ensure that it complies with the Council's Design Guide.

3. The site floods and the Flood Risk Assessment appears not to recognise this.
4. There should NOT be another junction onto London Road, as there are already 7 junctions on a stretch of road which is dangerous in terms of speeding traffic. Speeding traffic approach the built up area in excess of 50 mph or they accelerate through Lyme Green as they are about to leave the built up area.  
The allocated site was to be developed comprehensively, off a single access point. The Morris Homes site should be incorporated into the Bovis scheme with access provided through the main access onto London Road. Traffic lights should be introduced on the main access.
5. There does not seem to have been an extensive publicity campaign within the area or engagement with the local community. The consultation took place over the Christmas period. There are 308 houses in Lyme Green and we understand that only 120 leaflets were distributed in the area.
6. The total number of houses on this development will over-extend those set out in Cheshire Easts Local Plan and thus is an over intensification of the area.
7. There have been no plans shown regarding funding for new schools or towards adapting the road system to accommodate the increase in housing stock.
8. The council are concerned that there has been no adaption to the road system to accommodate the increase in housing stock. There are safety issues regarding the main entrance being after the 40mph sign with exiting from the site being into the 50mph zone. The decrease in the speed limit to this junction is very dangerous.

## OTHER REPRESENTATIONS

Letters of representation have been received from approximately 30 addresses over 2 periods of consultation, 27 of which raise the following objections / comments including from Cllr Gregory:

- Principle of Development
  - Council has a five-year supply of sites. No need to grant planning permission in this case.
  - Development would result in more homes than included in the Local Plan Strategy (LPS) allocation - LPS 17 Gaw End Lane (for around 300 Homes).
  - Application should be considered in tandem with adjoining planning applications, including 21/0966M – a total of 375 homes.
  - There are several derelict buildings in Macclesfield.
  - The site should be considered a windfall site, where Macclesfield has far exceeded expectations. So not required in Macclesfield.
- Design / character / landscape
  - Density, design and layout represent overdevelopment of the site.
  - Density would be more appropriate for a brownfield site in town.
  - Graded density should taper back to the countryside.
  - The gable ends of terraced housing located 2 metres from the A523 should be replaced by detached housing.
  - Important that Council follows the Design Guide Supplementary Planning Document.

- The entire south end of the site should be re-planned to leave adequate and significant space to ensure the existing natural environment is respected and maintained.
- Sizeable reduction in the number of homes needed to allow adequate space for spacing and a generous buffer zone to the nature reserve.
- Layout is akin to ribbon development along a main road. If the development is to proceed then the density should be reduced and layout amended.
- Loss of greenspaces.
- Proposal would affect the setting and character of the town and outlying settlements.
- Site would appear over intensive in relation to the site, countryside on the edge of the town and character of development opposite.
- The site should be incorporated into the adjacent site to provide for a comprehensive development.
- Design is lacking and development should retain all hedges and trees.
- Highways / access
  - Concerns over traffic congestion impacting on the local area, including London Road (A523), Robin Lane, Gaw End Lane, Lindrum Avenue, Bullocks Lane, Byrons Lane, Gunco Lane.
  - The allocated site was intended to be developed comprehensively off a single access point with appropriate traffic light control. This proposal is independent of the rest of the allocated site and proposes an additional access onto London Road.
  - Should be integrated in terms of green, pedestrian and cycle networks.
  - Bridge over the canal and section of A523 is inadequate.
  - No safe cycle routes to town centre, train station.
  - Entrance and exit arrangements do not take account of volume of traffic from Robin Lane. School traffic use Robin Lane as a cut through.
  - Traffic safety concerns, particularly students attending local schools.
  - Concerns regarding traffic speed around the access to the site.
  - Impact of proposed access on neighbouring businesses should be considered.
  - The proposed access is at a crossing point for people with reduced mobility and the public.
  - Proposed access would add to the 7 junctions which already exist, on a short, dangerous stretch of road.
- Infrastructure
  - No additional facilities, services or shops.
  - Inadequate nursery / school provision in the local area.
  - Impact of the development on infrastructure including sewerage, water etc
  - No consideration given to additional infrastructure provision including doctors.
- Flooding / drainage
  - Site floods: there is regular 'pooling' on the site. The submitted Flood Risk Assessment does not appear to recognise this.
  - Drainage should be reconsidered; surface water should enter the system on London Road.
- Heritage
  - Impact on heritage assets including Macclesfield Canal conservation area, and listed canal bridge. Development must be sensitive to the conservation area / listed structures.
- Nature conservation

- Field is in pond most of the year where birds and other animals, including badgers, have been seen.
- Detrimental to the local environment and the village of Lyme Green.
- Negative impact and loss of wildlife in the area, particularly when taken together with neighbouring applications.
- Paragraph 15.234 of the Local Plan Strategy notes natural features and adjacent to a Site of Biological Importance.
- Loss of habitat for so many species.
- Existing ditch and hedgerow should be retained.
- Hard to comprehend how construction of houses, noise and light pollution can lead to biodiversity net gain.
- Wildlife including badgers, great crested newts, bats are present on site.
- Buffer zone to adjacent nature reserve is a tiny sliver of land to be left undeveloped. This should be a fence to the southern boundary of the site.
- Request that if consent is granted that it respects the needs of the nature reserve and any development be restricted to leave a 10-meter buffer to the boundary to the Rayswood Nature Reserve to minimise light and noise pollution to this sensitive area. Also, a minimum 1.8m high anti climb fence be required as a condition to commencement.
- Trees and hedges should be protected through the use of preservation orders, where possible.
- Amenity
  - The proposal has implications for noise and air pollution.
- General / Process
  - Public consultation period has not led to any significant changes to the layout.
  - Applicant has not given a presentation to the Parish Council.
  - Lyme Green Settlement Charity asked for an update on progress on the application.
  - Amended scheme does not address Member's previous concerns
  - Not enough time given for comments to be made

One representation has no objection but notes that the scheme should not impede the wider development of reserved matter application for 306 dwellings (ref 21/0966M), pursuant to outline planning consent (18/3245M). The Transport Assessment undertaken as part of the approved outline planning application (ref: 18/3245M) tested the ability of the local highway network to accommodate up to 330 dwellings. The Council therefore needs to be satisfied that there is sufficient highway capacity to accommodate the proposed development (which would provide a total of 351 dwellings), and via through two separate site accesses on the London Road. The detailed layout submitted as part of the proposed Reserved Matters scheme, identifies how a vehicular connection can be made to the applicant's site through the proposed internal road network, as required by Condition 36 on the approved outline consent. Note that the planning layout produced by the applicant, provides for vehicular access to some of the proposed dwellings via Gaw End Lane. Whilst the number of vehicle movements associated with this access is likely to be limited, the safety of this junction to accommodate any additional traffic must be assessed.

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 17 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The adjoining land to the north and west and north has the benefit of outline planning permission for the erection of up to 310 dwellings (planning ref; 18/3245M refers). The reserved matters pursuant to the outline consent are currently being considered under planning ref; 21/0966M and appears elsewhere on the agenda. This application site is separate from the larger scheme and is being brought forward by a different applicant and developer.

Site LPS 17 states that the development of Gaw End Lane will be achieved over the Local Plan Strategy period through:

1. The delivery of around 300 homes;
2. Incorporation of green infrastructure which should include the following:
  - i. Green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal. Land to the southwest of the site adjacent to the canal should remain undeveloped and is allocated for open space within site LPS 17 as shown on Figure 15.19;
  - ii. New public open space;
  - iii. Green buffers to London Road/Leek Road and Macclesfield Canal; and
  - iv. An area of protected open space adjacent Rayswood Nature Reserve as shown on the proposals map;
3. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
4. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. Buffer zone of semi-natural habitats to be provided adjacent to the Macclesfield Canal SBI.
- b. Development must be sensitive to the conservation area and listed structures / buildings. The retention of open space on the western edge of the site would help safeguard the immediate context from urbanising development up to the canal edge, where it would most dramatically affect views and the sense of openness within the bend in the canal. Regarding the setting of Toll Bar cottage, the impact could be lessened in the approach taken to the site's planning, by retaining the mature boundary landscaping

opposite the property and also by using this south easterly part of the site as a pedestrian gateway into the scheme, with associated open space.

c. This Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.

d. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a full assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure protection of the SSSI

e. Any application would need to be supported by a full ecological appraisal. Ecological mitigation would be required to address any adverse impacts.

f. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

This application is for 42 units in addition to the 306 units proposed in the adjoining development which is the subject of a separate application (planning ref; 21/0966M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 300 indicated in the site allocation. Each application needs to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 348.

As noted above, LPS 17 allows for around 300 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. 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 300 dwellings" in LPS 17. The delivery of the site for residential development will provide a small contribution towards the Council's housing land supply and assist in meeting the development requirements of Macclesfield and the wider Borough. The further requirements of policy LPS 17, and other relevant policies, are considered below.

## **Affordable Housing**

Policy SC 5 of the CELPS and the Councils Interim Planning Statement on Affordable Housing (IPS) requires the provision of 30% affordable housing on all 'windfall' sites of 15 dwellings or more. This relates to both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

As this is a scheme for 42 no. units (as amended), 13 of the units will be required to be affordable. To satisfy the required tenure split, 8 of the units would need to be provided as social / affordable rent accommodation and 5 of the units as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1592. This can be broken down to 936 x 1 bedroom, 408 x 2 bedroom, 173 x 3 bedroom, 45 x 4 bedroom and 30 x 5 bedroom dwellings. The intermediate need in Macclesfield

is the same as across the borough of Cheshire East. The need is for dwellings that 1<sup>st</sup> time buyers and families looking to buy but cannot afford without assistance.

The submitted details show that 13 of the dwellings will be provided as affordable units which would amount to 31%. These are to be provided as:

Officers have negotiated an amendment to the tenure split to secure an additional 2 bed affordable rent unit in lieu of a 2 bed intermediate unit. The mix is therefore now:

4 x 1 bed (4 affordable / social rent)  
4 x 2 bed (3 intermediate & 1 social rent)  
5 x 3 bed (3 social rent & 2 intermediate)

This is an improvement over the original scheme and addresses a comment made by the Councils Strategic Housing Officer that there is a need for 2 bed affordable rented units.

The Strategic Housing Manager (SHM) has confirmed acceptance of the above split. Whilst the SHM originally expressed concern about pepper potting, the scheme has been amended so that there are 3 blocks of affordable spread through the development. It is considered that the tenures are appropriately pepper potted through the site having regard to the size of the scheme and accordingly, the proposal complies with policies SC 5 or LPS17 of the CELPS.

### **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. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

4 x 1 bed units  
4 x 2 bed units  
16 x 3 bed units  
16 x 4 bed units  
2 x 5 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed, 4 and 5 bed mews, semi-detached and detached dwellings. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

## **Design - Layout, Scale and Appearance**

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

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

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

**Connections (Green)** – The proposal is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. Links to the closest PROWs include Gawsworth FP5 & 31 and Sutton FP 46 that runs along the Macclesfield Canal, joining with Sutton FP1 that enables the crossing of the canal. All of the footpaths connect to wider routes leading to Macclesfield Town Centre, Gawsworth, Sutton and beyond.

Where the carving up of LPS sites is necessary to attract investors, each part should interconnect with the adjacent one to enable a whole site design to be developed. The site design should incorporate a collaborative approach with adjoining development plots. Following officer comments, the 2 layouts have been amended so that connections between both sites can be made.

**Facilities and Services (Green)** - The site lies close to South Macclesfield where a full range of facilities and services can be accessed. There are shops, pubs, schools and access to local transport hubs, within easy walking distance of the site. In addition to Lyme Green Recreation Ground, located East of the site on Robin Lane, there is an area of public open space provided on site.

**Public Transport (Green)** - The closest bus stops to the scheme are located on London Road (A523) a short distance from the proposed site access. From services found there, access can be gained into Macclesfield town centre and to the National Rail station, with its excellent services to Manchester and the wider UK. As a result, a green light is awarded.

**Accommodation and Tenure Mix (Amber)** - The affordable units were originally clustered in the southern and northern corners of the site and not pepper-potted throughout. However, amended plans have been secured which spread them. That said, this application is only for a small number of homes and it is acceptable that some affordable units are clustered in groups as opposed to properly dispersed as set out in Policy SC 5.



**Character (Green)** - The inclusion of some local precedent work and reference to the Cheshire East Borough Design Guide is welcomed and it can be seen where the cues have been taken from. The homes are essentially standard house types and whilst the Design Guide accepts the reality of these, it suggests that these can be given a fresh and modern feel. The scheme as amended would introduce some well-designed units with a well-conceived layout.

**Working with the site and its context (Green)** - Areas of existing trees and natural assets are retained and incorporated within the layout design. The listed building, Toll Bar Cottage, adjacent to the Eastern edge of the development has been identified as an asset and as a unique feature close to the site. The LPS requirements ask that to retain the setting of this building, a green buffer is maintained by the retention of the existing greening and pedestrian accessway along Gaw End Lane. The amended scheme includes a good landscaping buffer with the nearest units stepped back into the site. Parallel to London Road, the homes along this edge face outwards but although a pathway has been introduced onto this edge to create a more informal walkway / cycleway. The use of shared surfaces in this location would enable a more efficient use of the land.

**Creating well defined streets, easy to find your way around and streets for all (Green)** - There is a clear hierarchy leading from the main entrance into the site, through and to the outskirts of the development. The proposed character areas, use of materials and units as well pockets of green infrastructure would be acceptable. Corner turning types provide strong architectural features and designs to enable an increase in legibility across the site and nodal points provide good focal points.

**Car Parking (Amber)** - A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles. The development has achieved a varied mix of parking solutions across the site.

**Public and private spaces (Amber)** - Houses have reasonably sized rear gardens and some space to the front too which is well defined.

**External storage and amenity space (Amber)** - Houses have reasonably sized rear gardens, large enough to house the bin/recycling stores. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. Garages are provided at some plots, maybe with the intention of use for bike storage.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. It is considered that the overall design, scale, form and appearance of the proposals would be acceptable subject to the use of high quality materials. The proposal achieves a well-designed residential development which would accord with LPS 17 and the Cheshire East Design Guide.

### **Impact on Designated Heritage Assets**

The land lies adjacent to the grade II listed properties Toll Bar Cottage and Lyme Green Hall with its gardens bordering the road. In considering whether to grant planning permission, the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66 of the Planning (listed buildings and Conservation areas) Act 1990, section 66).

The change of use of this land from greenfield to residential will inevitably alter the rural feeling at this point when entering or exiting the outskirts of Macclesfield. Currently both Toll Bar Cottage and Lyme Green Hall enjoy rural views. This proposed development will alter that view. Although the harm to the views from both properties will be less than substantial, there will be a change to the setting of both properties. This is particularly true of Toll Bar Cottage as it will be looking directly onto proposed plots 1-4. Toll Bar Cottage as its name suggests historically would have been the first building to be seen when traveling towards Macclesfield, its very purpose was to look down London Road, it has enjoyed that view since it was built.

The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be archaeological, architectural, artistic, or historic. This significance may derive not only from its physical presence but also from its setting. The setting of a heritage asset is defined as: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Paragraph 199 of the NPPF. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 of the NPPF. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Following officer concerns, the scheme has been amended so that the nearest units directly opposite Toll bar Cottage are pulled back into the site and a green landscaping buffer provided to the northern corner of the site. Further, the design of the scheme including its layout and architectural form have been elevated in terms of their design quality. Following these revisions, the harm to the setting of both designated heritage assets has been reduced to the lesser end of less than substantial. It is considered that this harm is balanced and outweighed against the wider benefits of the scheme, which are providing housing in sustainable location and helping to deliver housing in line with one the of the council's strategic housing allocations. Accordingly, the proposal would not conflict with CELPS Policies SE1 and SE7 of the Cheshire East or NPPF advice.

## **Landscaping**

The application site is bound to the east by the A523 London Road, to the north by Gaw Lane End and to the south by Rayswood Nature Reserve, which also lies within the boundary of the Peak Fringe Local Landscape Designation Area (LLD), formerly known as ASCV.

Policy LPS17 Gaw Lane, Macclesfield indicates that the whole of the allocation site will allow the delivery of 300 homes, it also identifies that there will be green buffers to London Road and the Macclesfield Canal as well as an area of protected open space adjacent to Rayswood Nature Reserve.

While Policy LPS17 requires a green buffer along London Road and with Rayswood Nature Reserve, the proposal subject of this site represents a modest part of the overall site allocation. It is in part visually distinct from the remainder of the site allocation further to the north which achieves a much larger frontage to London Road and the Nature Reserve. The proposal has been amended so that the built form has been set back at the northern end where Gaw End Lane meets with London Road. This has allowed for a better standoff and the incorporation of soft landscaping to soften the transition. Elsewhere along the London Road frontage, a pedestrian / cycleway would be secured with complimentary planting along the frontage.

With respect to Rayswood Nature Reserve, as amended a defensible c5 metre buffer is provided. A condition requiring submission of a landscaping scheme to ensure appropriate species and density or planting are recommended. Subject to this, the proposals comply with Policy LPS17, and policies SE1- Design or SE4 The Landscape.

### **Education**

One of the site specific principles of the site allocation under LPS 17 is that the development of the site will require “contributions to education and health facilities”.

In the case of the current proposal for 42 dwellings, a development of this size would generate:

- 8 primary children (42 x 0.19)
- 6 secondary children (42 x 0.15)
- 0 SEN children (42 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. Confirmation has been sought from Council's Children's Services as to whether there remains a shortfall in school places and whether this needs to be alleviated by financial contributions. No response has been received to date. In the event that Children's Services confirm that financial contributions are required, this will be secured by of a s106 legal agreement. This will be confirmed to members by way of an update.

### **Healthcare**

The views of the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have been sought but no response has been received. In the absence of any response from the NHS, it is advised that they would not be seeking any financial contributions from this development.

## **Public Open Space and Recreation**

The local plan allocation for this site and Policy SE 6 of the CELPS sets out that the open space requirements for housing development are (per dwelling):

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

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor and indoor sports) would be required on major Greenfield and brownfield development sites. At 65sqm per dwelling, the total amount of on-site open space required would be up to 2,730 square metres.

The applicant claims that the proposed layout incorporates 2,186 square metres of open space. However, this comprises predominantly of green infrastructure, which is not open space. On this basis, it is considered that the scheme is not providing on-site open space. In the absence of on-site provision, contributions would usually be sought towards existing areas of open space near to the development. The necessary outdoor sports and indoor sports facilities would also usually be provided by way of a financial contribution towards off site provision.

The Council's open spaces officer and Leisure Services have not commented on the application. In the absence of comments, it is recommended that authority be delegated to the Head of Planning, in consultation with the Chairman and / or Vice-Chairman of the Strategic Planning Board to secure any further financial contributions towards public open space and recreation provision (should they be requested by ANSA).

## **Residential Amenity**

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

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

The nearest existing residential properties are located to the north and north west on the opposite side of Gaw End Lane. The proposed layout shows that the part of the development fronting Gaw End Lane would achieve a separation distance of at least 22 metres with the nearest property referred to as 'The Bungalow'. This is sufficient to ensure no material harm to

neighbouring amenity by reason of loss of light, direct overlooking or visual intrusion. As such, the amenity afforded to existing properties would be respected.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

### **Noise**

The application is supported by a Road Traffic Noise Impact Assessment. The impact of the noise from road traffic on London Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing, ventilation and acoustic fencing which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by environmental noise. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

### **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 186 of the NPPF and the Government's Air Quality Strategy. A scheme of this size does not meet the criteria to require an air quality impact assessment according to the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance. The Council's Environmental Protection Unit has therefore confirmed that the addition of these extra dwellings would have a minimal impact and is considered insignificant in line with the previously mentioned guidance. Subject to conditions relating to electric vehicle charging infrastructure, low emission boilers and a dust management plan, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

### **Public Rights of Way and Accessibility**

Policy LPS 17 includes the following requirements for this site:

- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities;
- Green infrastructure which should include ...green linkages to the wider footpath network, habitats and site LPS 13 including links to the north/south strategic link of the Macclesfield Canal.

The site does not directly affect a public right of way. However, there are a number in the vicinity of the site. In order to encourage people to walk and cycle for travel purposes and for healthy leisure activities, specific support and facilities should be offered to people at a 'transition point' in their lives, for instance, when they are changing job, house or school. The National Institute for Health and Clinical Excellence (NICE) guidance *Walking and cycling: local measures to promote walking & cycling as forms of travel or recreation*, November 2012, states that "at these

times people may be open to trying a new mode of transport or new types of recreation". It is therefore important that the facilities for walking and cycling, including routes, destination signage (secured by condition) and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases. This proposal would not undermine the justification to Policy LPS 17 of the CELPS.

## **Highways**

There is single priority junction access to London Road to serve this development. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that a single access is acceptable to serve the 42 units proposed. The access road has a 6.1m carriageway, the initial section of road has a footway on both sides with the remaining section being shared surface. The applicant has submitted swept paths that indicates that a refuse vehicle can enter the site and turn within the turning area at the end of the access road.

### Access Visibility

The appropriate SSD's (stopping sight distance) to be provided at the access point has been calculated from the applicant's speed survey undertaken on London Road. The 85%ile speeds are 47.1 mph northbound and 49.4 mph southbound and the necessary visibility splays of 2.4m x 160m in both directions for these speeds have been provided.

### Pedestrian/Cycle Access

The submitted layout plan includes a 2m footway along the eastern boundary of the site with London Road. Whilst this facility is welcomed, the HSI has recommended that this should be a 3m pedestrian/cycleway as this will link to a similar facility being provided by the larger residential development just north of this development. There is also a pedestrian connection at 2 points to the west of the site into the adjoining development and also to Gaw End Lane at the north end of the site. This is considered acceptable. The increase in width to the footway / cycleway could be increased in width and accommodated within the proposed layout. As such, it is considered that this could be secured by condition.

### Traffic Impact

The level of development is considerably below the threshold that requires a Transport Assessment to be undertaken as it is normally expected that the traffic generation from this level of development would not result in capacity problems. The applicant has submitted some trip generation figures that indicate that circa 21 two-way trips would be generated in the peak hours. This level of generation would have a minimal impact on the local highway network and the impact is considered acceptable.

### Car Parking

The car parking provision for each of the units is provided in accordance with CEC parking standards, 1 space for one bedroom, 2 spaces for 2 to 3 beds and 3 spaces for 4/5 beds.

### Summary

The proposed access and internal road layout is a satisfactory design to serve the 42 dwellings proposed and adequate parking is provided in accordance with CEC standards.

The vehicle speeds on London Road have been surveyed and are in excess of the posted 40mph speed limit in both directions at the proposed access point. Visibility splays in accordance with the measured 85%ile speeds have been provided to ensure that the required SSD is met.

The submitted plan indicates that a 2m path is provided along the frontage. A condition should be attached to improve this to a 3m shared ped/cycle facility as part of this application. Subject to an amendment to the footway the submitted layout is now acceptable in highway terms and no objections are raised to the application.

### **Trees**

The site allocation refers to the requirement for green buffers to London Road/Leek Road as part of the provision of Green Infrastructure. In this regard the retention of existing tree cover through the delivery of the Arboricultural Impact Assessment has identified those trees appropriate for retention within the proposed development. Any tree identified as High (A) or Moderate (B) category in accordance with the definitions in BS5837 :2012 *Trees in Relation to Design, Demolition and Construction* – Recommendations should be given priority for retention within the new development.

The site specific principles of LPS17 also make particular reference to Toll Bar Cottage and the retention of mature boundary landscaping opposite the property. There are a number of individual and groups of mature hedgerow trees to the south of Gaw End Lane which make a significant contribution to the existing landscape setting.

The scheme has been designed where all structures are located outside of the Root Protection Area of the retained trees and any indirect impacts can be controlled by appropriate tree protection measures. The proposal would result in the partial removal of a hawthorn hedge along the London Road frontage and the southern boundary. Five no. trees are proposed to be removed to accommodate the proposal, whereas one no. tree is proposed for removal due to poor condition and limited long-term retention value. The trees and hedgerows proposed for removal range from low to moderate quality and therefore their loss can be offset through the proposed replacement planting.

The amended plans present no significant arboricultural implications. Accordingly, compliance with policy SE 5 of the CELPS and LPS 17 is confirmed.

### **Ecology**

The site is within close proximity to 'Rayswood Nature Reserve' and falls within Natural England's SSSI risk zones associated with Danes Moss. The Council would therefore consult Natural England on any future planning applications at this site. Cheshire East Policy SE 3 requires all development proposals to aim to contribute positively to the conservation and enhancement of biodiversity. The site specific policy for allocated site LPS 17 requires an assessment of the impacts of any proposed development on the SSSI to be submitted with the planning application.

Coastal and Flood Plain Grazing Marsh - The application site is listed on the national Inventory of Floodplain and Grazing Marsh Priority Habitat. Habitats of this type are a material consideration for planning.

The habitats present on the application site however only partly meet the description of this priority habitat type. Much of the nature conservation value of grazing marsh habitats is associated with the related ditches. Only one ditch is present on site. This is a dry ditch on the site's southern boundary. The Council's Nature Conservation Officer (NCO) has advised that it must be ensured that the existing ditch is retained as part of the proposed development. The revised proposals show a standoff to allow retention of the ditch. It is recommended that a condition is imposed to secure its retention.

Badger - Badgers were recorded as being active on this site, but no active setts were present. Based on the current levels of badger activity on site, the proposed development would result in a 'low level adverse' impact upon badgers as a result of the loss of foraging habitat. As the status of badgers on a site can change in a short time-scale, a condition should be attached which requires an updated badger survey to be undertaken and a report submitted prior to the commencement of development.

Roosting Bats (Bats) - Three trees on site (referred to T2, T5 and T7 in the bat assessment) have been identified as offering moderate potential to support roosting bats. T5 is proposed for removal as part of the proposed development. The submitted bat assessment recommend that T5 is subject to further bat surveys to establish the presence/absence of roosting bats. The NCO is currently reviewing a further submission made by the applicant and members will be updated.

Lighting - To avoid any adverse impacts on bats resulting from any lighting associated with the development, a lighting scheme will be required. The lighting scheme should reflect the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance (candelas/m<sup>2</sup>). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type, lamp wattage and spectral distribution;
- Mounting height, orientation direction and beam angle;
- Type of control gear

Nesting Birds - The existing trees and hedgerows on site are likely to support nesting birds potentially including the more widespread priority species. If planning consent is granted, a condition for the protection of nesting birds is recommended.

Statutory Designated Sites – The site falls into Natural England's SSSI impact risk zones for developments that result in an increase in residential units. Natural England has been consulted



and has offered no objection to the proposal. The potential impacts of the proposed development upon statutory designated sites is therefore acceptable.

Hedges - Replacement hedgerow planting is shown on the submitted landscape plan and the biodiversity metric shows that the scheme would deliver a net gain in hedgerow biodiversity.

Great Crested Newt – There are a number of ponds located within 250 metres of the proposed development. The submitted Great Crested Newt assessment concludes that the proposed development is likely to result in an adverse impact on this protected species.

**Important** - It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained

The applicant's ecological consultant has indicated an intention to enter the proposed scheme into Natural England's district licencing scheme and has provided confirmation that the development has been accepted onto the scheme in principle. The NCO has advised that in the event that planning consent is granted, entry into the district licencing scheme would be sufficient to maintain the favourable conservation status of the species. This would be secured by condition.

Common Toad - No evidence of this priority species was recorded during the surveys to date. However, there is a possibility this species may occur on site on at least a transitory basis. The NCO has advised that the proposed development would have a localised adverse impact on this species, if present, as a result of the loss of relatively low value terrestrial habitat. The submitted Great Crested Newt report includes measures to reduce the risk of this species being killed or injured during the site clearance and construction process. Subject to this being secured by condition, the impact on Common Toad would be acceptable if present.

Roosting Bats (Bats) - Two trees proposed for removal have been identified as having potential to support roosting bats. Adequate surveys of these trees have now been undertaken and no evidence of roosting bats was recorded.

Biodiversity Net gain - In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall losses/gains of biodiversity the applicant has submitted an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1.

The metric calculation shows that the development result in a net loss of biodiversity amounting to -4.77 units.

The applicant is proposing working with a third party for the delivery of habitat creation at an offsite location, but no details of the location or means of delivery of the proposed habitat

creation are given. The Council's NCO has advised that in order to deliver a net gain, a greater number of biodiversity units would need to be delivered at an offsite location in relation to that lost. If Members are minded to grant planning consent for this development, despite the location of and details of offsite habitat provision being unknown at this stage, a legal agreement would be required to secure the submission and implementation of the following:

- Location of the proposed offsite habitat creation.
- Habitat creation method statement
- 30 year habitat management plan and ecological monitoring strategy.
- Biodiversity metric calculation to demonstrate the proposals deliver the required number of biodiversity units.

The delivery of biodiversity net gain from this development is in part dependent upon on-site delivery of habitat creation and management. In order to secure the delivery of onsite works, a condition requiring the submission of a habitat creation method statement and a *30 year habitat management plan for the retained and newly created habitats on site is required.*

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The NCO has recommended that the applicant submits an ecological enhancement strategy which would be secured by condition.

The NCO has advised that further conditions should be imposed requiring the delivery of hedgerow planting and a biodiversity enhancement plan. The scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

### **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the site does suffer from an existing topographical low spot and overland flow path in the northern section of the site. The Lead Local Flood Authority (LLFA) has confirmed that subject to condition, the risk of flooding can be managed onsite without causing adverse flooding on/off site.

### **Peat**

The Preliminary Environmental Risk Assessment confirms that peat is present adjacent to the site but not within it.

### **Other Matters Raised by Representation**

Whilst a representative of Rayswood Nature Reserve has expressed concern about the form of boundary treatments (requiring a defensible barrier to prevent access), unauthorised access is a civil matter. Further detail will be secured by condition.

## **S106 HEADS OF TERMS**

Subject to the receipt of further consultee comments, a s106 agreement is currently being negotiated to secure:

- Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)
- Education contributions tbc
- NHS contributions tbc
- Public Open Space contributions tbc
  - Location of the proposed offsite habitat creation.
  - Habitat creation method statement
  - 30 year habitat management plan and ecological monitoring strategy.
  - Biodiversity metric calculation to demonstrate the proposals deliver the required number of biodiversity units.

## **CIL Regulations**

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

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

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation would be necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for secondary school places within the catchment area which currently have a shortfall of school places. In order to increase the capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **CONCLUSIONS**

The proposal seeks to provide 42 dwellings on part of a site allocated within the CELPS. The comments received in representations have been given due consideration, however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. On this basis, the proposal would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East

Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

## **RECOMMENDATION**

**APPROVE** subject to conditions and a S106 Agreement making provision for:

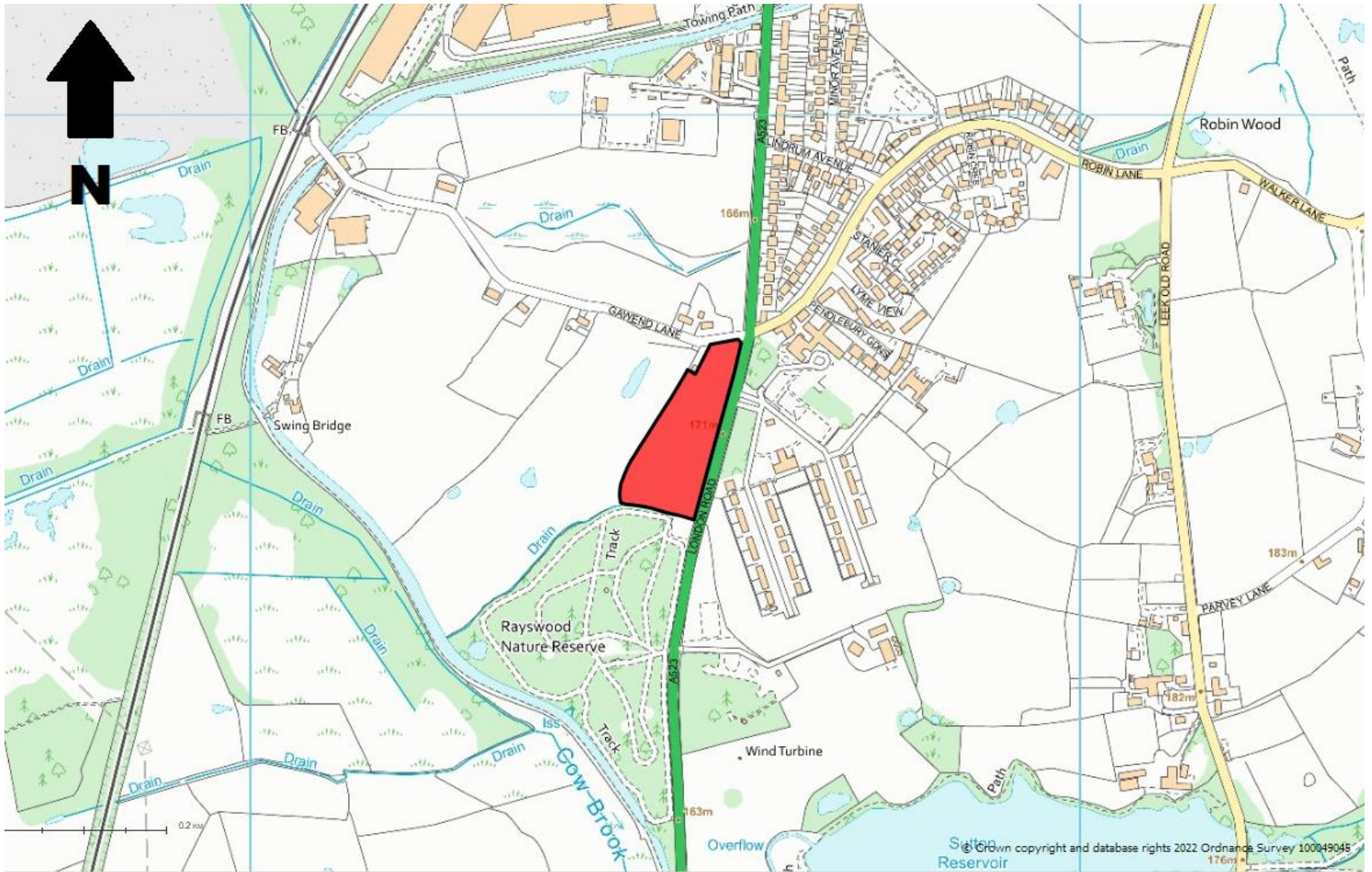
- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £98,056.14 towards secondary provision**
- **Public Open Space off site contributions tbc**
- **Indoor Sport tbc**
- **Scheme for Biodiversity Enhancement to be secured including:**
  - **Location of the proposed offsite habitat creation.**
  - **Habitat creation method statement**
  - **30 year habitat management plan and ecological monitoring strategy.**
  - **Biodiversity metric calculation to demonstrate the proposals deliver the required number of biodiversity units.**

**And the following conditions:**

1. **Standard Time limit – 3 years**
1. **Accordance with Approved / Amended Plans**
2. **Access to be constructed in accordance with approved plan prior to first occupation**
3. **Implementation of submitted Construction Environmental Management Plan (CEMP)**
4. **Scheme of Piling works to be submitted, approved and implemented**
5. **Implementation of submitted Dust Control Scheme**
6. **Accordance with submitted noise mitigation scheme**
7. **Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
8. **Submission of contaminated land survey**
9. **Remediation of contaminated land**
10. **Details of drainage strategy to be submitted**
11. **Development to be carried out in accordance with submitted Flood Risk Assessment**
12. **Scheme of foul and surface water drainage to be submitted**
13. **Submission of a detailed drainage strategy / design, associated management / maintenance plan**
14. **Submission of existing and finished ground and floor levels**
15. **Implementation of a Biodiversity Enhancement Strategy first agreed**
16. **Nesting Birds Survey to be carried out if works are to be carried out during the bird breeding season**
17. **Strategy for the incorporation of features to enhance the biodiversity value of the proposed development for use by roosting bats and nesting birds**
18. **Updated Arboricultural Method Statement to be submitted to show retention of hedgerows**

19. Details of external lighting scheme to be submitted approved and implemented
20. Facing materials to be submitted and approved
21. Landscaping scheme to be submitted including details of hard surfacing materials and details of hedgerow retention / mitigation
22. Implementation of landscaping scheme
23. Further details of boundary treatments to be submitted
24. Accordance with Great crested Newt Impact Assessment
25. Removal of permitted development rights classes A-E
26. Submission, approval and implementation of a scheme for the retention of the ditch along the southern boundary
27. Updated Badger Survey to be submitted, approved and implemented
28. Footway along eastern boundary to be increased in width to 3 metres to serve as a shared pedestrian / cycleway
29. Scheme of pedestrian / cycle destination signage to be submitted, approved and implemented
30. Entry of scheme onto Natural England's district licencing scheme
31. The proposed development to proceed in strict accordance with the Amphibian Reasonable Avoidance Measures detailed in the submitted Great Crested Newt Impact Assessment
32. Habitat Creation Method Statement and a 30-year habitat management plan for the retained and newly created habitats on site to be submitted, approved and implemented
33. *30-year Habitat Management Plan* to be submitted, approved and implemented *and shall detail how the newly created, enhanced and retained habitats will be managed achieve the target condition specified in the Biodiversity Metric Calculations*
34. Ecological Enhancement Strategy to be submitted, approved and implemented

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



Application No: 21/6385N

Location: Land East Of Broughton Road And North Of, BIDVALE WAY, CREWE

Proposal: Construction of 104 affordable homes with new access from Broughton Road and ancillary open space.

Applicant: Breck Homes Ltd and Mark Unwin

Expiry Date: 27-Jul-2022

### **SUMMARY**

This is a full application for a scheme of 104 affordable dwellings comprising the final and southern part of allocated site LPS 11– Broughton Road, Crewe.

The principle of residential development on the site has been established through its allocation within the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 11 and approval (19/3515N) granted for 129 dwellings within the northern part of the site. This development of 104 units will result in an overall total of 233 dwellings within the allocated site. Whilst this exceeds “the delivery of up to 175 new homes as set out by LPS 11, this is not a reasonable basis on which to withhold approval, as the amended proposals demonstrate that the site can satisfactorily accommodate the proposed development and also significantly delivers a greater proportion of affordable homes within the allocated site.

The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the site and the CEC Design Guide. It achieves an acceptable relationship with the character of the locality, without material harm to neighbouring residential amenity, and would provide sufficient amenity for the new occupants. The development subject to conditions is supported in design terms and accord with CELPS policies SD1, SD2 and SE1 in relation to design quality.

The proposed access arrangement for the development will not adversely affect highway safety or result in traffic management issues on the local highway network and as such complies with Policies CO2 & CO4 of the CELPS and BE3 of the CNLP.

Appropriate public open space including a Locally Equipped Area for Play (LEAP) will be provided. Tree and hedgerow losses have been accepted and would be mitigated in the proposed landscaping of the site and through off-site habitat creation to achieve biodiversity net gain.

With regard to ecological impacts, subject to conditions and securing off site habitat creation to deliver biodiversity net gain through a S106 agreement, it is considered that the ecological impacts can be mitigated. As a result, the proposal complies with Policies NE5, NE9 of the CNLP and SE 3 of the CELPS.

The Council's Flood Risk Officer considers that the proposed drainage system will satisfactorily serve the development, without resulting in flooding of adjoining properties.

To satisfactorily address the impact on local services/facilities, contributions to education, healthcare provision and outdoor sport will be secured through a S106 agreement in compliance with Policies IN1, IN2 of the CELPS and RT3 of the CNLP.

A significant benefit of the scheme includes the provision of 100% affordable housing in a sustainable location which would go towards meeting an identified local need. In addition, the proposal would also provide economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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

## **RECOMMENDATION**

**APPROVE, Subject to conditions and the prior completion of a S106 Agreement to secure the following**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the east of Broughton Road and forms the southern part of allocation LPS 11 of the Cheshire East Local Plan Strategy.

The site measures approximately 2.9 hectares in size and is presently unmanaged agricultural pasture land. The majority of the site comprises of a relatively flat field which are bound by traditional hedgerows and a number of trees and includes an existing pond.

Detailed planning approval (19/3515N) has been granted for a development of 129 new homes within allocation LPS 11 to the north of the application site. The northern site boundary is defined by a mature hedgerow and several mature trees, beyond which is the route of Public Footpath Crewe FP 16 that runs east/ west from Broughton Road and also public open space of the approved development (19/3515N).

A site with an extant planning approval (17/3951N) for a development of 11 dwellings accessed from Stoneley Road adjoins the eastern site boundary. The route of public footpath Crewe FP 17 also runs along part of the eastern site boundary and connects with Crewe FP 16 linking the land to the north with Stoneley Road.



The southern boundary adjoins existing residential properties located at the end of a pair of cul de sacs known as Bidvale Way. In addition the ends of rear gardens of two pairs of semi-detached houses fronting Stoneley Avenue adjoin the south-western corner of the site.

Properties of the existing ribbon of housing along Broughton Road back onto the western site boundary. Existing properties on the western side of Broughton Road face toward the site access.

### **DETAILS OF PROPOSAL**

This is a full application and represents the final third of development within allocation LPS 11 Broughton Road, Crewe.

The application proposes a development of 104 new dwellings (100% affordable homes) with associated infrastructure including access from Broughton Road, site drainage arrangements incorporating a pumping station, public open space including a LEAP and LAP, ecological habitat, and landscaping.

The development includes a mix of 1, 2, 3 and 4 bed units, including apartments, maisonettes semi-detached and terraced dwellings. The maximum height of the proposals house types will be two-storey whilst an apartment building located adjacent to the northern site boundary accommodating 12 flats will be three storeys.

Revised plans and additional information have been received during the application process in response to issues raised by the Council. This has been predominantly in relation to design, but also in respect of ecology, highways, drainage and public open space/playscape. The amended scheme has also reduced the originally proposed number of units from 119 to a total of 104.

It is proposed that the site is served by a single point of vehicular access onto Broughton Road. Pedestrian/cycle connections to the scheme are provided via the existing PROW network with also a footpath connection to the adjoining site to the north.

### **RELEVANT HISTORY**

None

### **DEVELOPMENT PLAN POLICIES**

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

LPS 11 - Broughton Road, Crewe

MP 1 - Presumption in Favour of Sustainable Development

PG 1 - Overall Development Strategy

PG 2 - Settlement Hierarchy

PG 6 - Open Countryside

PG 7 - Spatial Distribution of Development

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 8 - Renewable and Low Carbon Energy  
SE 9 - Energy Efficient Development  
SE 12 - Pollution, Land contamination and Land instability  
SE 13 - Flood Risk and Water Management  
CO 1 - Sustainable Travel and Transport  
CO 2 - Enabling Business Growth Through Transport Infrastructure  
CO 3 - Digital connections  
CO 4 - Travel Plans and Transport Assessments  
IN 1- Infrastructure  
IN 2 - Developer Contributions  
SC 1 - Leisure and Recreation  
SC 2 - Outdoor Sports Facilities  
SC3 - Health and wellbeing  
SC 4 - Residential Mix  
SC 5 - Affordable Homes

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

### **Crewe and Nantwich Replacement Local Plan**

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

### **Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)**

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May

2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

GEN 1 Design principles  
GEN 4 Recovery of forward funding infrastructure costs  
ENV 1 Ecological network  
ENV 2 Ecological implementation  
ENV 3 Landscape character  
ENV 5 Landscaping  
ENV 6 Trees, hedgerows, and woodland implementation  
ENV 7 Climate Change  
ENV 12 Air quality  
ENV 16 Surface water management and flood risk  
HOU 1 Housing mix  
HOU 3 Self and custom build dwellings  
HOU 6 Space, Accessibility and wheelchair housing standards  
HOU10 Amenity  
HOU 11 Residential standards  
HOU 12 Housing Density  
HOU 13 Housing Delivery

INF 1 Cycleways, bridleways and footpaths  
INF 3 Highways safety and access  
INF 9 Utilities  
REC 3 Green space implementation  
PG9 Settlement Boundaries

#### **Other Material Considerations**

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

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

**United Utilities** – No objection subject to either the submission of a detailed drainage plan for consideration prior to determination of the application, or a condition being imposed requiring details of a sustainable surface water drainage scheme and a foul drainage scheme. (UU response awaited to proposed drainage arrangements which have been submitted)

**Natural England** - No objection.

**Housing** - No objection subject to completion of S106 Agreement .

**Flood Risk Manager** - No objection, subject to conditions requiring details of surface water drainage and levels

**Environmental Health** - No objection subject to conditions relating to, electric vehicle infrastructure, ultra-low emission boilers and contaminated land.

**Education** - No objection subject to a financial contribution towards local secondary school and SEN places.

**Public Rights of Way** – Concerns raised in respect of relationship of development with Crewe FP17 resulting lack of natural surveillance and details required of its surfacing.

**Head of Strategic Infrastructure** – No objection subject to conditions

**Leisure** - No objections subject to conditions and contribution to outdoor sport.

**NHS Cheshire Clinical Commissioning Group** - No objection subject to a financial contribution to fund improvements to GP practice infrastructure.

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

**Crewe Town Council** : Objects and comments as follows;

- The application does not provide for any sustainable energy generation. It is noted that many, if not all, of the pitched roofs of the houses would be suitable for PV installations (Solar power generation), making a significant contribution to reduce the development's carbon footprint and to make the cost of living in the houses more sustainable for the future residents.
- The play area is not adequate for the development. It should be considered how the future green spaces will be maintained and managed; by who and that the play area should be considerably larger to accommodate potentially high proportion of young families in the proposed homes.
- The development does not demonstrate net biodiversity gain. The derisory installation of a small number of bird boxes does not meet the requirements of the relevant CEC planning policy. More nesting sites should be included (including for swifts/swallows/house martins), invertebrate habitats and areas for small mammals and amphibians.
- Boundary treatments should be permeable to wildlife, such as hedgehogs.
- All existing hedges should be retained.
- The SUDS documentation does not identify proactive actions to ensure sustainable drainage in its conclusions and this does not meet the needs of ensuring reduced risk of flooding due to the development.

Further comments received in respect of re-consultation on amended plans and additional information;

- Amendments have not addressed issues associated with sustainable energy generation, demonstrable net biodiversity gain, sufficient play and recreation facilities and ongoing maintenance, sufficient compensatory replacement of any removed hedges and/or trees, boundary treatments are not permeable to wildlife, e.g. hedgehogs.
- detrimental impact of the proposals on local wildlife, which must be mitigated and provide for increased opportunity for wildlife.
- The CEC education consultation identifies that provision of 100% funding contribution towards education establishment impact is required but not represented within the application.

## **OTHER REPRESENTATIONS**

4 representations have been received objecting to the proposal on the following grounds:

- Increased volume of traffic detrimental to safety
- Broughton Road of inadequate capacity to handle substantially increased amounts of traffic
- Exacerbate problems from on-street parking along Broughton Road
- No increase in highway capacity or to serve housing developments
- Damage to road surface, cars, gardens and homes with the debris and dust etc from construction
- Lack of co-ordinated/comprehensive approach to address cumulative impact of housing developments and proposed HS2 access site off Broughton Road on wider road network and highway safety.
- Exacerbate existing highway safety problems and traffic congestion at junction of Broughton Road and North Street.
- No improvement of Broughton Road/North Street junction
- Transport Assessment does not consider expected future increase in use of the road junction (North street & Broughton Road by) by substantially increased numbers of pedestrians and heavy goods vehicles
- Impact of the proposed HS2 access point around 80m south of the proposed entrance to development and potential subterranean disruptions
- Development fails to reduce congestion and emissions and improve air quality
- Inadequate drainage will exacerbate flooding problems
- Potential subsidence
- Too many new homes around the area which has resulted in a huge loss of green space in this already very built-up area
- Detrimental effect on the local environment and air pollution,
- Overlooking and loss of privacy
- Local infrastructure, schools and health care facilities is already overstretched
- Loss of quality of life for local residents during construction phase from disruption and noise
- Requirement for integrated solar panelled roofs in climate emergency and to reduce heating costs
- Adverse impact on Great Crested Newts/wildlife habitat

A representation has also been received from the Guinness Partnership commenting as follows:-

- Sufficient connectivity will be provided between the site and the approved development to the north (19/3515N) through the retention of established path connection at Footpaths at Crewe FP16/17 and provision of new pedestrian link (located mid-way on northern boundary).
- A further proposed footpath link will not provide any additional benefit and a potential detriment to each development with possible conflict with site of a new electricity substation. (Amended plans have removed this link from the scheme)
- Clarification required of whether a LEAP will be provided within the site or if an off-site contribution will be required

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of developing the application site for housing has already been accepted. It occupies the southern part of allocation LPS 11 Broughton Road of the CELPS.

LPS 11 states that the development of Broughton Road over the Local Plan Strategy period will be achieved through:

1. The delivery of up to 175 new homes; and
2. The incorporation of green infrastructure including:
  - i. Equipped children's play area and public open space;
  - ii. Retention of existing ponds/marsh areas;
  - iii. The retention, where possible, of hedgerows and trees that have habitat potential and a cumulative impact on the screening of the site.

Planning Approval (19/3515N) has been granted for the development of 129 new homes including 30% affordable housing units within the northern two-thirds of allocation LPS 11.

These proposals have been amended during the course of the application and propose a 100% affordable housing scheme of 104 units, which will thereby provide an overall total of 233 dwellings within allocation LPS 11.

These proposals will result in the total number of dwellings indicated by LPS 11 being exceeded by 58 units. However, as detailed in the report below when assessed on its merits, it is considered the application site can satisfactorily accommodate the proposed development in terms of its siting and design and without adversely affecting the character of the area, amenity, or highway safety/traffic congestion.

Importantly the delivery of the site for residential development will also contribute towards the Council's housing land supply, provide 100% affordable housing, and thereby assist in meeting the development requirements of Crewe and the wider Borough.

It is considered that the development of this site is acceptable in principle. Further requirements of Policy LPS 11 and all other material considerations are addressed below.

### **Affordable Housing**

Affordable Housing Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied

The CELPS states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

This is a revised proposed development of 104 dwellings on an allocated site therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 32 (31.2) dwellings to be provided as affordable homes.

This application is stating the reduced amount of 104 units are all to be 100% Affordable Housing.

### Cheshire Homechoice

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2322. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
<b>Crewe</b>	<b>1088</b>	<b>634</b>	<b>388</b>	<b>124</b>	<b>88</b>		<b>2322</b>

There is also still a need for Intermediate units that will cater for those 1<sup>st</sup> time buyers, those making a new household and families who cannot buy on the open market.

### Affordable Housing Mix

Point 3 of policy SC5 (affordable homes) notes 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”. Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing.

The split of the affordable units is 53% Shared Ownership / Intermediate Sale - 55 plots and 47% Affordable Rent– 49 plots. As this is a 100% affordable scheme, the Housing Officer has advised that this covers the 30% Affordable requirement and policy required tenure split of 65% Rent and 35% Intermediate dwellings is acceptable.

The applicant has also supplied an Affordable Housing Statement that has also accepted by the Housing Team.

Therefore the proposal complies with Policy SC5 and the affordable housing provision can be secured by way of Section 106 Agreement.

### **Residential Mix**

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

The proposed development comprises:

18 x 1 bed apartments  
6 x 2 bed apartments  
41 x 2 bed units  
29 x 3 bed units  
10 x 4 bed units

The proposed residential mix comprises of terraced, semi-detached, ground floor apartment units and maisonettes. The development therefore provides a wide range of house types, ranging from 1-4-bedroom units is considered to meet the requirements of policy SC4 of the CELPS.

In terms of dwelling sizes, it is noted that HOU6 of the draft Site Allocations and Development Policies Document (SADPD) requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*‘as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since Page 24 the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6’*

The applicant has provided the following table to show the current position in terms of the house types and NDSS compliance;



**Broughton Road, Crewe**  
**NDSS Compliance**

House Type	No of Storeys	GIA (Actual)	GIA (NDSS)	Compliance (%)
1B2P 59 Apt	1	59sq m	50sq m	118%
2B3P 60 Apt	1	60sq m	61sq m	98%
1B2P 46 Mais	1	46sq m	50sq m	92%
1B2P 53 Mais	1	53sq m	50sq m	106%
2B3P 68	2	68sq m	70sq m	97%
2B3P 72	2	72sq m	70sq m	102%
3B4P 77 Asp	2	77sq m	84sq m	92%
3B4P 80 Asp	2	80sq m	84sq m	95%
3B4P 82	2	82sq m	84sq m	98%
3B5P 94 Corner	2	94sq m	93sq m	101%
4B5P 100	2	100sq m	97sq m	103%

This shows that the vast majority of unit types across the entire development are NDSS compliant or very close to compliance. The smallest unit are at 92% compliance relate to 6 one-bed apartments and two, three-bed houses . Nevertheless given the 6-month transitional period referred to by the SADPD Inspector this is considered to represent an acceptable position.

### Education

One of the site-specific principles of LPS 11 in the CELPS requires “contributions to education provision”. Education contributions have already been secured in respect of the first phase of the allocated site under the S106 Agreement for 129 dwellings.

However the proposed development with 104 units (2 bed+) is expected to generate:

- 15 - Primary children (86 x 0.19) (- 1 SEN)
- 13 - Secondary children (86 x 0.15)
- 1 - SEN children (86 x 0.51 x 0.023%)

The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions.

However the analysis undertaken has identified that a shortfall of primary school places remains. CEC Children's Services acknowledge that this is an existing concern and 16 primary age children expected from this development will exacerbate the shortfall.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. CEC Children's services advises that this is an existing concern, and the 1 child expected from development will exacerbate the shortfall.

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

$15 \times £11,919.00 \times 0.91 = £162,694$  (Primary)

$1 \times £50,000 \times 0.91 = £45,500$  (SEN)

Total education contribution: £208,194

Without a secured contribution of £208,194 Children's Services raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without mitigation, the proposal would not comply with LPS 11 in the CELPS.

## **HEALTHCARE**

The NHS CCG's consultation response requests a financial contribution being secured to support the development the development of Grosvenor Medical Centre (and associated branch surgery), Earnswood and Millcroft Medical Centre, Haslington Surgery and Hungerford Road Surgery in their ability to continue to provide the expected level of Primary Care services in Crewe.

Additional growth in patient numbers will add pressures to the GP practices, with an increase in clinical and non-clinical staff required in order to meet these future patient needs. A financial contribution is therefore sought as part of this application, which is based on a calculation consisting of occupancy x number of units in the development x £360. This is based on guidance provided to other CCG areas by NHS Property Services.

The required contribution resulting from the proposed development of 104 units has been calculated as follows;

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per Unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

Therefore,

1 bed unit x 18 = £9,072  
 2 bed unit x 48 = £34,560  
 3 bed unit x 28 = £28,224  
 4 bed unit x 10 = £12,600

Total: £84,456

As such the CCG requests a contribution to health infrastructure via Section 106 of £84,456. This would comply with policy LPS 11 of the CELPS.

## Public Open Space

The local plan allocation (LPS 9) states that the development of this site should include, the provision of green infrastructure, to include open space provision, including children's equipped play space/multi-use games area and allotments.

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

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

The Leisure Officer has advised that given the opportunities/constraints this site contains, satisfactory public open space provision has been achieved. This is in terms of the POS quantum balancing the needs for community food production, ecology and accommodating the pedestrian access routes/ PRow within green infrastructure.

Based on 104 dwellings the minimum requirements consist of green infrastructure connectivity, 5m<sup>2</sup> (520<sup>2</sup> total) growing space/community gardens/allotment and a 40m<sup>2</sup> (4160m<sup>2</sup> total) combined amenity green space and children's play space. The amended layout provides total areas of combined amenity green and children's play space of about 3,800 m<sup>2</sup>. However amended plans ensure the development will provide a LEAP and also a separate LAP in suitable locations.

The Leisure Officer has advised that play facilities should be predominately level and embrace Fields in Trust standards in terms of buffers, inclusivity, and accessibility.

A condition is therefore recommended requiring details of the design and specification of the play areas to secure appropriate provision, and which would complement the LEAP on the northern site. Details of hard and soft landscaping, including the specification of planting, will be secured by a condition requiring the submission and approval of the landscape scheme for the development. The Leisure Officer also recommends that a condition is also required to secure infrastructure within POS such as seating, way markers, a pond viewing platform and interpretation/information boards to maximise leisure opportunities within the site.

A condition is required for the submission and approval of management plan for all areas of POS and landscaping. The provision of a management company to maintain all on site open space will be secured through the S106 agreement.

### Outdoor Sport

In terms of outdoor sports facilities Policies SE6, SC1 and SC2 states that major residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

The proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment. The funds would be used in line with the Council's adopted Playing Pitch Strategy or the emerging supplementary planning document .

The Council's Leisure Officer has confirmed that the overall public open space and play provision is acceptable and contribute to the approved network of green open spaces to be provided within the northern part of LPS 11.

The proposals are therefore considered to comply with the open space requirements policy LPS 9, SE 6 and SC2 of the CELPS.

### **Design, Character and Appearance**

Policies SD2 and SE1 of the CELPS expect housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. BfL12 uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens.

The Council's Design Officer has undertaken an assessment of amended proposals for a scheme of 104 units, which is reflected in the commentary below.

## Connectivity

The Design Officer considers that this has been markedly improved from the initial layout. As a result, the entrance to the development and the frontage to Broughton Road, now with a reinforced building line, is considered acceptable. Internal connections are acceptable due to use of the perimeter block arrangement. Although opportunities are not taken to connect to the two Bivdale Way cul-de-sacs to the South, given the need to safeguard existing residential amenity from the use of through routes here.

With regard to pedestrian and cycle connections, the Design Officer advises these are also improved, with the larger and better overlooked area of POS to the north providing a better connection to the new development beyond. The other new footpath links are useful too, with these being well overlooked as a result of the layout changes. The new path to the side of No.53 is now set within some POS and links with FP17 which is retained, and of a suitable width. The inclusion of a buffer to the FP 17 is an improvement on the previously narrow timber-fence edged route and is now acceptable.

## Site Layout

As stated above, the gateway to Broughton Road is improved with a better relationship to the street. The removal of the units to the northern boundary making the scheme more outward looking is a further improvement. The houses now overlook the POS to the north as opposed to presenting mainly rear garden fencing to, the neighbouring development. Similarly, the apartment block is now better located with its dual aspect providing surveillance over the POS. There remained some issues over the scale and massing of this large block, however, and this is addressed below.

The addition of corner turning units and more dual aspect houses is also welcomed and the result is to create better natural surveillance and a more legible scheme.

The Design Officer advises that the revised layout is a significant improvement on the original submission and there is a further reduction in the number of units provided (119 to 104) which has also had the effect of giving the houses more space and improving the layout.

## Streets

There has been an improvement to the street design with the introduction of some shared drives to properties 48-52, 75-79 and 55-70, although inconsistently different hard surface materials are used in similar cases elsewhere.

All materials should be locally relevant and the suggested materials palettes for the Salt and Engineering Towns character area in which Crewe sits are set out in the CEC Design guide

A condition is therefore recommended to require the submission and approval of surfacing materials.

### Parking.

The revisions have improved the parking provision considerably, something that has clearly been aided by the reduction in units and subsequently in the reduction in spaces required. Car parking courts are now suitably small (within the suggested limits in Volume 2 of the Design Guide) and there is space for landscape and whilst there is an issue with insufficient overlooking of the small central court this is not considered to be significant given the number of properties that it serves. Secured by Design advice would suggest that these two courts should be gated. A condition is therefore recommended to ensure the provision of suitable gates to the courtyard.

### Open Space

The Design Officer considers that overall private gardens are reasonably generous and the changes to the parking arrangements to those in the central perimeter block have improved the size of these for those homes. All appear to have independently accessible for refuse/recycling which is welcomed.

The POS is now larger than it was previously and this is considered to be more appropriate, especially with the northern area relating to the POS on the site with permission to the north. Furthermore, effort has now been taken to ensure that all POS has adequate natural surveillance and this is now good.

It can be seen that the retained pond performs both a drainage and an ecological function and the decision to make this a landscape feature too is welcomed.

However, the detailed landscape design is critical. A detailed landscape scheme further to landscape masterplan will be secured through a planning condition.

### Scale and Massing

The proposals remain predominantly two-storey and appropriate in terms of scale and massing. With regard to the apartment block, revisions including the addition of more elevational depth, with gables and a revised roof plan, have been successful in reducing the bulkiness of the block. Whilst it is not materially smaller, the Design Officer considers that it does sit more comfortably on the site and is now considered acceptable.

### Character

Whilst the applicants Design & Access Statement makes reference to the National Design Guidance and the need for context and identity, the Design Officer is not convinced that this has been a major consideration in the design of the scheme. Nevertheless, on the plus side, the houses are of a clean and simple design/appearance which is welcomed, and there are certainly improvements from the earlier proposals, with the introduction of corner turning units, the reduction in frontage parking bays and the change to more contrasting brick colours.

However, the Design Officer comments there is a sense that the architecture is still 'anywhere' in approach, with no apparent contextual cues. Ideally, the detailed specification of dwellings

could be greater informed from the local contextual information including materials and colour palettes specifically for the 'Salt and Engineering Towns' of which Crewe is the largest.

The applicant has responded to the assessment of architectural quality of the scheme, and in particular comments that;

"There is long established ribbon development along Broughton Road which predominantly dates from the 20th century and consists of semi-detached and terraced properties of a variety of styles together with two bungalows. In addition, recent housing estates have been built to the west of Broughton Road. To the south are post-war terraces possibly dating from the 1970s in a staggered arrangement and with blank gables adjoining the application site. The dominant building material in the vicinity is red brick, with a mixture of grey or red roof tiles. Pebbledash, now mostly rendered and painted, typifies the inter-war semis on Broughton Road and limited examples of full or partial render occur elsewhere."

Furthermore the applicant adds that;

"The present semi-rural character of the site is already set to change through the approved housing developments to the north and immediately to the east, whilst the Stoneley Park development beyond by Taylor Wimpey to the east is characteristic of a suburban housing estate by a volume housebuilder".

Following consideration of both the comments of Design Officer and the response of the applicants, on balance, given the locality does not have distinctive character and comprises a mixture of styles of varying quality, the amended scheme is of design which will sit comfortably with established residential properties and forthcoming development, as well as reinforcing the linear frontage along Broughton Road.

### Overall Assessment

The Design Officer confirms that the amended proposals have delivered key improvements to the scheme. As a result, a BFHL (Homes England, 2020) assessment results in the following awards:

1. Connections - AMBER
2. Facilities and services - AMBER
3. Public Transport - AMBER
4. Meeting Local Housing requirements - GREEN
5. Character - AMBER
6. Working with the site and its context - AMBER
7. Creating well defined streets and spaces - GREEN
8. Easy to find your way around - GREEN
9. Streets for All - GREEN
10. Car parking - GREEN
11. Public and private spaces - GREEN
12. External storage and amenity space - GREEN

As a result of the design changes, there are no red lights. The first three ambers are essentially a product of the location of the site and the single point of vehicular access.

The other two ambers relating the issues discussed in the character section above. Overall, the Design Officer advises that the proposals are now considered to be acceptable in urban design terms.

The design of the scheme is therefore considered to satisfactorily reflect the principles set out in the CEC Design Guide and meets the requirements of policies SD2 and SE1 of the CELPS.

## **Ecology**

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

### Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones for residential development. Natural England have been consulted on the application and raised no objections.

### Mud Snail and Lesser Silver Diving Beetle

These two protected/priority species are known to occur in the broad locality of the application site. A further survey of the ponds, ditches and marshy grassland has been submitted. These features were all largely dry during the latest survey. This may in part reflect the very dry conditions this year, however these features were also found to hold limited water during the previous site visit in November 2021. The Council's Ecologist advises that whilst the presence of these species cannot be completely discounted, based upon the currently available information, they are not reasonable likely to be present or affected by the proposed development.

### Great Crested Newts

This protected species is known to be present at ponds in the vicinity of the application site. The proposed development is likely to result in an adverse impact upon this species as a result of the loss of terrestrial habitat and the risk of animals being killed or injured during the construction phase.

## **Important**

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained

The development relates to a substantial part allocated site LPS 11 within the Cheshire East Local Plan Strategy which is necessary to meet housing needs within the Borough. The



development of the site is therefore in the overriding public interest, and there are no other suitable alternative sites which are capable of delivering this scale of development in accordance with the objectives of the Local Plan Strategy.

To mitigate the impact the proposed development upon great crested newts the applicant has proposed to enter the development into Natural England's District Level Licencing Scheme. This approach is supported and the Councils Ecologist has advised this is sufficient to maintain the favourable conservation status of the species. The applicant has provided a copy of the countersigned agreement with Natural England as evidence that the development is eligible to enter the District Licencing Scheme.

A planning condition is recommended requiring that prior to the commencement of development the consented development is to be entered into Natural England's District Licensing Scheme for Great Crested Newts.

### Hedgerows

Native hedgerows are a priority habitat and a material consideration. The proposed site access will result in the loss of a section of native hedgerow with a corresponding loss of biodiversity. The Councils Ecologist advises that the development proposals maximise the retention of the existing hedgerows. However, if the loss of the existing hedgerow is considered to be unavoidable then sufficient compensatory planting can provide as part of a landscaping scheme for the site.

### Bats

An assessment of the potential for the trees on site to support roosting bats has been submitted in support of the application. Only one tree on site has been identified as being reasonable likely to support roosting bats and this will be retained as part of the proposed development. In accordance with best practice guidance the submitted survey report includes recommendations for the 'soft felling' of trees with low bat roost potential. The Councils Ecologist has therefore advised that the proposed development is unlikely to result in a direct impact on roosting bats. A condition is recommended to ensure that trees 13G.1, 14T and 34H are felled in accordance with the mitigation measures as detailed in paragraph 4.2.1 of the submitted Bat Tree Assessment.

### Lighting

The Councils Ecologist has assessed the submitted external lighting plan (reference SL/1300/001/A Rev A). There is potentially some light spill on one retained tree (as drawn illustratively on the layout plan). The effects of this will be localised and unlikely to have a significant effect upon foraging or commuting bats. A condition is recommended requiring the implementation of the submitted lighting scheme.

### Barn Owl

This protected species has historically been recorded in the vicinity of the application site. The Councils Ecologist has received confirmation from the applicant's ecological consultant that the trees on site do not provide any opportunity for this species. It is therefore advised that this species is not reasonable likely to be significantly affected by the proposed development

### Reptiles, Brown Hare and Hedgehog

These species have been recorded within the broad locality of the application site. The Council's Ecologist considers it is likely that these species may occur on site occasionally, but the site is unlikely to be critically important for them. The exception to this is the pond which may attract grass snake. The pond will however be retained. In order to minimise the risk of these species being harmed during the construction phase the submitted Ecological Assessment includes a method statement of reasonable avoidance measures. A condition should be attached to secure the implementation of these measures during the development.

### Nesting Birds

A standard condition to safeguard nesting birds is recommended requiring no removal of any vegetation between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds.

### Biodiversity net gain

Local Plan policy SE3(5) requires all development proposals to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment has been undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1.

The assessment shows that the proposed development would result in the loss of 12.11 biodiversity units (-48.863%). The proposed development therefore fails to comply with Local Plan Policy SE3 (5).

The applicant proposes the delivery of compensatory habitat at an offsite location in order to deliver a net gain for biodiversity and has begun negotiations with suitable habitat providers, although no firm details have however been received at the time of writing this report.

A S106 Agreement will secure the submission of detailed proposals for the habitat creation works, 30 years management plan and monitoring at an offsite location to deliver more than 12.11 Biodiversity Units.

### Ecological enhancement

These proposals provide an opportunity to incorporate features to increase the diversity value of the final development in accordance with Local Plan Policy SE 3. Proposals for the incorporation of bat and bird boxes have been submitted, but the development of this site provides opportunities for the incorporation of additional features. A condition is recommended for the submission of an ecological enhancement strategy to include the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs and brash/deadwood piles, and a wildlife pond and native species planting.

### Conditions

In summary, the Council's Ecologist raises no objection to the development and the following conditions are recommended:

- Entry into Great Crested Newt District Level Licencing scheme
- Tree felling in accordance with bat mitigation measures
- Safeguarding of nesting birds
- Implementation of submitted amphibian, reptile mitigation and hedgehog mitigation.
- Implementation of submitted lighting scheme (drawing reference SL/1300/001/A Rev A)
- On site habitat creation and 30 year habitat management plan
- Ecological enhancement (bat and bird boxes etc).

A S106 obligation is also required to secure off-site Biodiversity Net Gain works.

### **Landscape**

The application site forms the southern part of Strategic Site LPS 11 of the Cheshire East Local Plan. The Site Specific Principles for development of this site include,

*‘the retention where possible of hedgerows, trees and the inclusion of appropriate planting and buffering along the northern and eastern boundaries to provide a clear edge to the development and reduce visual impacts to the surrounding countryside’.*

The submitted landscape proposals have been assessed by the Councils Landscape Officer.

It is firstly noted that hedgerow boundaries to the northern and eastern boundaries are identified on the landscape plans to be trimmed and replanted where necessary with native species and that this will be for entire lengths of north and east boundary. Although, further planting details are required of the hedgerow planting to form part of detailed landscape proposals.

Amended plans have ensured that an acceptable landscape buffer is provided to public footpath Crewe FP 17 adjacent to the eastern edge of the development. However the design of the proposed play areas (LAP and LEAP) must include relevant landscape details and will be secured through a condition and be approved prior to their installation.

The Landscape Officer also advises that appropriate screening of the bin collection areas and bin stores adjacent to the apartment block and elsewhere, as indicated on the site layout plan are screened by appropriate planting and suitable enclosure. It is also recommended that an alternative hedgerows species is used adjacent to the apartment block car park and surrounding the pumping station to hornbeam or beech which will help better screen the car parking in winter.

In view of issues raised and improvements necessary, it is recommended that a condition requiring the submission of an updated landscape scheme for the site be attached, together conditions requiring the implementation of the approved scheme and a management plan for its future maintenance.

Areas of landscaping and open space will also be subject to management arrangements which will be secured under the S106 agreement and need to accord with maintenance details as set out within the approved management plan

## **Trees**

The site layout has been supported by an Arboricultural Impact Assessment and Method Statement (Revision B) by TBA Landscape Architects (MG/6803/AIA&AMS/REV B/AUG 22). The AIA has considered a total of 23 individual trees, 9 groups and 3 hedges which comprise of 2 individual high quality A Category trees, 9 individual and 1 group of moderate quality B Category trees and 11 individual, 7 groups and 3 hedgerows surveyed as low-quality C Category trees. One individual and 1 group of trees were surveyed as U Category and therefore unsuitable for retention irrespective of the development proposal.

Of these, 3 individual moderate quality trees and 4 individual and 5 groups of low-quality trees and 1 section of hedgerow are shown to be removed to accommodate the proposal. Having reviewed the site layout and considered the quality and age class of trees to be removed, the Council's Forestry Officer raises no objections to these losses which largely comprise of lower quality trees of low arboricultural significance.

The layout is noted to have evolved and now largely preserves the northern boundary vegetation and trees. The Forestry Officer initially advised that the relationship of the apartment building with a mature high-quality Oak 4T was considered poor, and greater separation between the building and tree would provide a more sustainable relationship and provide greater confidence in it being retained in the longer term. The layout has been amended repositioning the building outside the root protection area (RPA) of this tree and enabling the extent of crown reduction to be reduced, and tree Officer has subsequently advised this this relationship is broadly defensible given that construction is outside RPA and no statutory protection applies to the tree.

The Forestry Officer considers that the strengthening of the eastern boundary through retaining boundary hedgerows and in filling with mixed native hedgerow species would accord with the site-specific principals of LPS 11. Additional details have been submitted indicating the extent of hedgerow retention along the eastern boundary and enhancement with mixed native species. This planting will be secured through the implementation of the approved landscaping scheme.

The tree protection plan identifies areas where construction within the root protection areas (RPA) of retained trees for new hard standing and buildings is proposed (4T and 7T) and provision of tree protection fencing is indicated. The footprint of the apartment building has now been moved so that construction is outside the RPA of 4T, but the Forestry Officer notes that access to plot 71 remains unchanged with no provision made for the use of a no-dig surface within the RPA of 7T.

Conditions are recommended requiring the implementation of tree protection measures and tree protection and special construction measures identified in the Arboricultural Impact Assessment and Method Statement and for a "no dig" hard surface construction specification for the area of hard surfacing within the root protection area of retained tree 7T.

## **Amenity**

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking,

visual intrusion or noise and disturbance Policy SE1 of the CELPS further states that development should ensure an appropriate level of privacy for new and existing residential properties.

The Crewe and Nantwich Supplementary Planning Document (SPD) relating to new residential development states that to maintain an adequate standard of privacy and amenity between residential properties interface distances should be achieved of 21 metres between principal elevations, and 13.5 metres between a non-principal and principal elevations. However the CEC Design Guide states that separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong street scenes and variety, and so this distance could go down as low as 12m in some cases.

The closest existing properties to the application site are those of Broughton Road, Bidvale Way and Stoneley Avenue adjoining the western and southern boundaries.

Existing properties of Broughton Road, in the main, have good sized rear gardens, ensuring that interface distances between elevations of proposed and existing properties accord with the 21 metres minimum set out in by the SPD and the Cheshire East Design Guide. In addition an acceptable distance of about 12.5m will be retained between the side elevations of Plot 17 which contains no windows and 94 Broughton Road, particularly as these properties will be partially offset from one another.

The relationship of new dwellings and existing properties of Bidvale Way and Stoneley Road will also be acceptable. The gable elevations of end terraced houses of Bidvale Way lie adjacent to the southern site boundary and which contain no principal windows. Separation distances exceeding 13.5m are achieved between proposed rear elevations and existing gable ends of properties of Bidvale Way. In addition separation distances of more than 21.5 m are achieved between the rear facing elevations of plots 27 -30 and existing semi-detached houses of Stoneley Road which adjoins the southwestern corner of the site.

The scheme also ensures satisfactory separation distances between proposed plots adjacent to the northern site boundary and approved dwellings of the development to the north (19/3515N). Furthermore the site layout has been amended to ensure that an acceptable relationship is achieved with minimum interface distances secured between principal and non-principal elevations of the approved development (17/3951N) located adjacent to the eastern boundary.

As set out in the drainage section of the report below, levels need to be raised throughout the site, and in some areas by about 800mm, to facilitate the operation of the surface water drainage system. Indicative site sections demonstrate that the relationship with existing properties of Broughton Road and Bidvale Way will be acceptable where site levels have increased, and care will also be taken to ensure that the proposed levels at the site boundaries will tie into existing levels. A condition is recommended requiring details of boundary treatment to further mitigate any impact between existing and proposed properties.

Furthermore, the impact and of the increased levels proposed on the amenities of adjacent properties will be satisfactorily mitigated through the separation distances achieved between existing and proposed dwellings, and as required by the LLFA a specific land drain provided along the site boundaries to ensure surface water does not drain onto adjoining properties. To safeguard the amenities of adjacent properties a condition is required for the submission and approval of full details of levels within the development relative to the those of the adjoining dwelling and garden areas. In addition, a condition is also recommended for the approval of the surface water drainage system serving the development.

It is therefore considered that the amenities of the occupiers existing neighbouring dwellings of Broughton Road, Bidvale Way and Stoneley Avenue or future occupants of approved development to the north or and on land to the east off Stoneley Road will not be detrimentally affected in relation to with regard to loss of light, privacy, or an overbearing impact.

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

The Council's Environmental Protection officers have raised no objections, subject to conditions to ensure the remediation of contaminated land.

Representations raise concerns about the impact of the development during the construction phase in terms of noise, disruption as well as dust etc. Impacts during the construction phase are a temporary manifestation of the development process, and as such will be temporary in nature. A Construction Environmental Management Plan (CEMP) has been submitted for this development and includes measures to protect the amenities local residents during the construction of the development. This is considered acceptable by the Council's Environmental Health Officer. The implementation of the CEMP will be secured by condition.

## **Highways**

### Sustainable access

The site will connect to the existing footway infrastructure on Broughton Road which will provide pedestrian access to the wider area and to public footpath Crewe FP 16 on the eastern boundary of the site which then connects to Stoneley Road.

A pedestrian access is also proposed to link to the adjoining development (19/3515N) of LPS 11 to the north and through to public footpath Crewe FP16. A well-used desire line is evident through a gap in the existing hedgerow approximately midway along the northern boundary to locate the footpath link. A condition is therefore required to secure an appropriate connection. The site is also an acceptable walking distance to the bus stops on North Street which provides two services per hour to the wider Crewe area and Shavington.

### Safe and suitable access

The access onto Broughton Road will be wide enough for 2-way vehicle movement including for larger vehicles, and will be built to CEC adoptable requirements. The access will also provide sufficient visibility for drivers.

The applicant has agreed to provide a new footway link from public footpath Crewe FP 17 to the east of the site along Stoneley Road to recent residential development off Broad Street. A small residential development on the western side of Stoneley Road opposite to Crewe FP 17 has been approved with part of this footway to be provided along its frontage. This additional footway infrastructure will provide safe pedestrian access to all surrounding areas and be secured through a planning condition.

This accords with Policy LPS 11 (site specific principle (d)) which requires; “The improvement of existing and provision of new pedestrian and cycle links to link new and existing residential areas, employment areas, shops, schools and health facilities”.

#### Network Capacity

The development would generate approximately 50 vehicle trips in the peak hour and the highways impact of this is considered acceptable. Financial contributions for network upgrades along the Sydney Road corridor have been secured through previous developments in Crewe. The Highway Officer has advised that a financial contribution for highway improvements is not required to be secured from this development.

#### Layout

The internal layout will provide sufficient carriageway and footway widths, and vehicle turning areas. Parking provision is also acceptable. Although cycle parking is indicated on the site plan, further details of storage including numbers are required and a condition is recommended to secure appropriate provision.

#### Summary

The Highway Officer considers that the proposals are acceptable and raise no significant highway safety or traffic generation issues. Conditions are recommended requiring the provision of the new footway along western side of Stoneley Road, details of the pedestrian connection on the northern site boundary linking both parts of the allocation, and details of cycle parking.

#### **Public Rights of Way**

The Public Rights of Way officer raised concerns about Crewe FP 17 which runs along the eastern edge of the site being constrained between the development and the eastern boundary resulting in limited natural surveillance from the adjacent properties.

However the amended site plan has ensured that footpath 17 now passes through an area of public open space of sufficient size to achieve acceptable levels of natural surveillance and thereby deter anti-social behaviour or criminal activity

The Public Rights of Way Officer also requires details are provided of the surfacing of the footpath and suggested that the continuation of FP17 in the site to the north be ‘hoggin surface with a timber edge laid flush’. The surfacing details can be secured through a planning condition.

## **Flood Risk/ Drainage**

The site is situated within Flood Zone 1, which is deemed to have a low probability of flooding. The latest proposed drainage arrangements accompanying this application have been assessed by the LLFA. The surface water options of the drainage hierarchy in the order of priority have been considered as follows:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The LLFA have advised that following consideration of ground conditions infiltration is not possible. Furthermore given the potential off site flooding as well as the ecological implications from utilising the existing ordinary watercourses on the site (ditches) it has been determined that option (2) of the hierarchy is neither appropriate for surface water drainage from the development.

Therefore in these circumstances surface water will need to discharge to the existing combined sewer in Broughton Road as there are no other arrangements available under option (3). As a result the LLFA do not raise objections in principle to the proposed drainage strategy subject to conditions in requiring full details of surface water drainage system and proposed ground levels and finished floor levels of the development.

It is understood that discussions have taken place between the applicant and United Utilities in view of the need for a surface water connection to the combined sewer. United Utilities have been re-consulted on the proposed drainage arrangements and its response is awaited.

The LLFA has noted that levels are being raised, and by circa 800mm in some areas of the site, to enable surface water drainage system to discharge surface water into the public sewer at an attenuated rate via a pumping station. The LLFA requires that surface water flows associated with the level changes are managed and retained within the site and not increase surface water run-off onto adjacent third-party land. It is understood that the developer will install a land drain around the boundaries of the site which is considered by the LLFA to be an appropriate approach and acceptable in principle.

An update to this report will include the response from United Utilities to the proposed drainage arrangements and connection to the sewer in Broughton Road.

## **Air Quality**

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

The Council's Environmental Protection Officer has advised that the Air Quality Assessment which has been submitted alongside the application is considered to be acceptable. That being said, there is still a need for the Local Planning Authority to consider the cumulative



impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

In order to minimise the proposed development's impact on the surrounding air quality the Environmental Protection Officer recommends conditions are imposed to secure the provision of satisfactory Electric Vehicle Infrastructure within the development and the use of ultra-low emission boilers.

## **HS2**

The site is located outside the safeguarded zone for HS2 (phase 2B).

However, concerns have been raised by regarding the cumulative impact of traffic potential implications for the local highway network due to an HS2 site access from Broughton Road about 80m to the south of proposed housing development.

HS2 (phase 2b) construction is projected to take place well into the future, and over several years, the extent of such cumulative traffic or highway impact cannot yet be accurately quantified. In these circumstances, this would not therefore be a reasonable basis on which to withhold approval of this application.

## **Other Matters**

The issues raised in representation that are material planning considerations have been considered by the relevant specialist officers of the Council, and in the preceding text.

## **S106 Heads of Terms**

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

- 100% affordable housing
- Off-site habitat creation
- Open space provision and management
- Education contributions of:
  - £162,694 (primary)
  - £ 50000 (SEN)
  - Total - £208,194
- Recreation and outdoor sport contribution
- Healthcare contribution of £84,456

### CIL regulations

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

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

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

The development would result in increased demand for primary school, and SEN places within the catchment area. In order to increase the capacity of the schools which would support the proposed development, a contribution towards primary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **CONCLUSION**

The principle of residential development on the site has been established through its allocation within the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 11 (Broughton Road, Crewe) and approval (19/3515N) granted for 129 dwellings within the northern part of the site.

This development of 104 units will result in an overall total of 233 dwellings within this allocated site. Whilst this exceeds “the delivery of up to 175 new homes as set out by LPS 11, this is not a reasonable basis on which to withhold approval of this application, as the amended proposals demonstrate that the site can satisfactorily accommodate the proposed development and also significantly delivers a greater proportion of affordable homes within this allocated site.

The proposal achieves an appropriately designed residential development and its detailed design and layout accords with the overall principles for the development of the site and the CEC Design Guide. It achieves an acceptable relationship with the character of the locality, without material harm to neighbouring residential amenity, and would provide sufficient amenity for the new occupants. The development subject to conditions is supported in design terms and accord with CELPS policies SD1, SD2 and SE1 in relation to design quality.

The development will not have a detrimental impact upon residential amenity and would comply with Policies BE.1 of the CNLP.

The proposed access arrangement for the development will not adversely affect highway safety or result in traffic management issues on the local highway network and as such complies with Policies CO2 & CO4 of the CELPS and BE3 of the CNLP.

Appropriate public open space including a Locally Equipped Area for Play (LEAP) will be provided. Tree and hedgerow losses have been accepted and would be mitigated in the proposed landscaping of the site and through off-site habitat creation to achieve biodiversity net gain.

With regard to ecological impacts, subject to conditions and securing off site habitat creation to deliver biodiversity net gain through a S106 agreement, it is considered that the ecological

impacts can be mitigated. As a result the proposal complies with Policies NE5, NE9 of the CNLP and SE 3 of the CELPS.

The Council's Flood Risk Officer considers that the proposed drainage system will satisfactorily serve the development.

To satisfactorily address the impact on local services/facilities, contributions to education, healthcare provision and outdoor sport will be secured through a S106 agreement in compliance with Policies IN1, IN2 of the CELPS and RT3 of the CNLP.

A significant benefit of the scheme includes the provision of 100% affordable housing in a sustainable location which would go towards meeting an identified local need. In addition the proposal would also provide economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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

## RECOMMENDATION

**APPROVE, Subject to conditions and the prior completion of a S106 Agreement to secure the following:**

	<b>Requirement</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% provision  (47% Affordable Rent /53% Intermediate)	Prior to commencement
<b>Biodiversity Net Gain - Off site Ecological Mitigation</b>	Off- site habitat creation to deliver 12.11 biodiversity units.	Prior to commencement
<b>Open Space</b>	Management Scheme for POS and landscaped areas	Prior to occupation
<b>Recreation &amp; Outdoor Sports Contribution</b>	£1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment.	Prior to commencement

<b>Education</b>	<p>Total education contribution: £208,194</p> <p>Primary £162,694 - towards mitigation measure as local schools are forecast to be cumulatively oversubscribed</p> <p>SEN £50,000 - Due to significant shortage of SEN placements across the Borough.</p>	<p>50% Prior to first occupation</p> <p>50% at occupation of 50<sup>th</sup> dwelling</p>
<b>Healthcare</b>	<p>Total: £84,456.</p> <p>Towards local healthcare infrastructure/provision</p>	<p>50% Prior to first occupation</p> <p>50% at occupation of 50<sup>th</sup> dwelling</p>

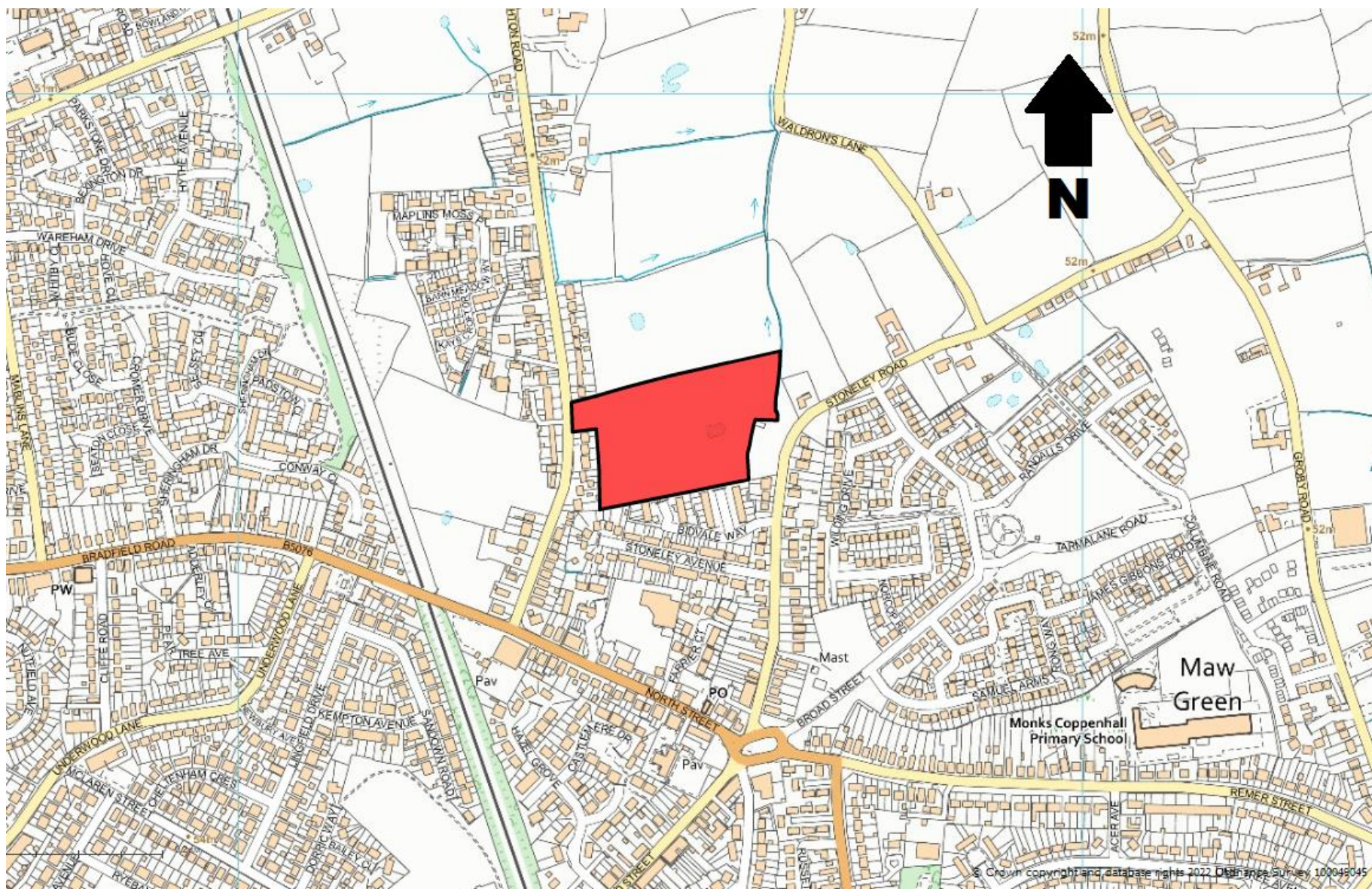
**AND subject to the following conditions;**

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Details of materials and finishes
4. Surfacing treatments
5. Details of ground and finished floor levels
6. Submission of landscaping scheme
7. Implementation of landscaping scheme
8. Design detail, specification and implementation of LEAP/pay features and infrastructure within POS including seating and interpretation/information boards.
9. Submission of Landscape Management Plan
10. Details of Boundary treatment
11. Tree protection
12. "No dig" hard surface construction specification
13. Entry into Great Crested Newt District Level Licencing scheme
14. Tree felling in accordance with bat mitigation measures
15. Safeguarding of nesting birds
16. Implementation of submitted amphibian, reptile mitigation and hedgehog mitigation.
17. Implementation of submitted lighting scheme
18. On site habitat creation and 30 year habitat management plan
19. Ecological enhancement Strategy
20. Provision of Electric Vehicle infrastructure
21. Provision of Ultra Low Emission Boilers
22. Contaminated land – soil testing
23. Measures to deal with unexpected contamination

- 24. Implementation of CEMP
- 25. Details and Provision of Cycle Storage
- 26. Details and Provision of Bin Stores
- 27. Pedestrian connection to the northern site boundary
- 28. Provision of footway link along Stoneley Road
- 29. Details of drainage system
- 30. Removal of permitted development rights (Part 1 Classes A-E)

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





Application No: 22/0670C

Location: Land East of VIKING WAY, CONGLETON, CW12 1TT

Proposal: Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline

Applicant: Kate McClean, Bloor Homes

Expiry Date: 20-May-2022

### **SUMMARY**

This is a reserved matters application, submitted following outline permission 19/5596C seeking approval of reserved matters (save access). The principle of residential development, in line with Local Plan allocation Site LPS 27, has therefore been accepted.

Highways have no objections, and the Public Rights of Way team have no objections subject to conditions ensuring the PROW is protected.

The Council's Ecologist is now broadly satisfied subject to confirmation of when the mitigation works in the river corridor are to commence and subject to conditions. The Council's Forestry Officer has raised a number of issues that need to be addressed. A revised Arboricultural Impact Assessment is expected, and Members will be updated on this matter.

Extensive discussions have taken place in relation to urban design. Revised plans have been received and the Council's Urban Design Officer is now largely supportive of the scheme, although it is hoped some further amendments will be made. Initial landscaping comments have been received, requesting additional information and some amendments in line with the Urban Design and Forestry Officer comments. Members will be updated on these amendments in an update report.

ANSA have raised a number of detailed issues which the applicant is looking to address. Members will be updated accordingly.

Housing have no objections to the affordable housing provision. The applicant has submitted a Housing Mix Statement setting out how they feel they have addressed the emerging SADPD Policy.

Finally matters relating to drainage and contaminated land/air quality/amenity can be addressed by condition, many already applied at the outline stage.

### **RECOMMENDATION**

**Approve with conditions**

## SITE DESCRIPTION

This application relates to what is referred to as Phase 1 of the greater Viking Way site which received outline permission in February this year. The site subject to this application amounts to 8.28ha. It is irregular in shape with a boundary to Viking way to the west, to agricultural land (subject to a current application for further residential development) to the north. To the south the land adjoins a farm/residential complex off a private access which also serves the fishing club and forms the eastern site boundary. The approved retail element of the outline permission lies to the south west of the site.

The site was still in agricultural use at the time of the site visit earlier this year.

The site is effectively on two levels, with the site frontage to Viking Way on the lower level, and the upper level adjoining the fishing club access. A relatively steep slope separates the two sites.

There are a number of trees on the site boundaries, and along a former field boundary through the centre of the site running north-south at the top of the slope described above.

A public footpath runs along the eastern site boundary parallel to the fishing club access but separated by a hedge/fence-line.

## PROPOSAL

This reserved matters application seeks approval of the following reserved matters –Appearance, Landscaping, Layout and Scale for a development of 154 dwellings including a mix of 2, 3 and 4 bed properties.

As approved at the outline stage, the only vehicular access to the site is from Viking Way. The existing public footpath runs along the eastern boundary of the site, and the proposals include the provision of a greenway cycle/footway from Viking Way to a point on the site boundary to the east to link into this footpath, as agreed at the outline stage. This would allow this strategic route to continue to the east towards Giantswood Lane.

In addition, the following are proposed:

- 17.5% of the homes will be affordable (as agreed at outline as the site contributes to the Congleton Link Road).
- A central landscape corridor
- A Neighbourhood Equipped Area of Play (NEAP)
- Sustainable Urban Drainage features

The applicant has submitted a Housing Mix Statement and below is a summary table of that mix proposed on site:

No. of beds	Number	% of total units
2	20	13.0%
3	74	48.1%
4	60	39.0%
<b>Total</b>	<b>154</b>	<b>100%</b>



No. of beds	Number	% of open market units
2	8	6.3%
3	59	46.5%
4	60	47.2%
<b>Total</b>	<b>127</b>	<b>100%</b>

No. of beds	Number	% of affordable units
2	12	44.4%
3	15	55.6%
<b>Total</b>	<b>27</b>	<b>100%</b>

As required by condition on the outline, a phasing plan has been submitted which covers this residential phase and subsequent phases, as below:

Phase 1	Housing (this application)
Phase 2	Commercial (22/2350C referenced below)
Phase 3	Commercial – subject to separate full planning application (reference 22/3338C)
Phase 4	Local Centre (application anticipated shortly)
Phase 5	Commercial

River Dane Buffer River Dane Buffer Works to commence in an agreed timescale on commencement of Commercial/Local Centre phases.

A number of revisions have been made from the original submission and at the time of writing this report amended plans/reports are expected to address any remaining matters.

## RELEVANT PLANNING HISTORY

### Congleton Link Road:

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

### Relating specifically to this site:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure. Land off Viking Way, Congleton - APPROVED 2 Feb 2022

This approval required any reserved matters application to address a number of conditions which are discussed in this report.

In addition, there are the following applications submitted to-date (excluding discharge of condition applications) for other parts of the site included within the outline area:

22/2338C Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment.

Land to the East and West of Viking Way, Congleton

22/2350C Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C

Land to the West of Viking Way, Congleton

22/3338C Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way. Land to the East of, Viking Way, Congleton

Finally, an application for the retail element (local centre) of the site is anticipated shortly.

## **DEVELOPMENT PLAN POLICIES**

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

PG1 – Development Strategy

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure

IN2 – Developer Contributions

SC1 – Leisure and recreation

SC2 – Indoor and outdoor recreation

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 - Green Infrastructure

SE 13 - Flood Risk and Water Management

CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

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

PS8                    Open Countryside

PS10                Jodrell Bank Radio Telescope Consultation Zone

GR6&7            Amenity & Health

GR9                Accessibility, servicing and parking provision

GR10              Managing Travel Needs

GR14              Cycling measures

GR15              Pedestrian measures

GR18              Traffic Generation

GR20              Public Utilities

GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non-Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

### **Neighbourhood Plans:**

The Hulme Walfield and Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

HOU2 Housing for Older People and People with Disabilities  
HOU3 Rural Character  
HOU4 Housing Design

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness  
ENV2 Trees and Hedgerows  
ENV3 Multi Use Routes

### **Emerging Cheshire East Site Allocations and Development Policies Document (“SADPD”)**

The Revised Publication Draft SADPD was submitted to the Secretary of State on 29 April 2021. Following the examination hearings and report from the Inspector, Main Modifications were published for consultation between 19 April 2022 and 31 May 2022. The Council has recently published its report of consultation and the Inspector will take the representations into account in preparing his Examination report, which will be issued to the council in due course. The following policies are considered to carry moderate weight in the assessment of the application:

PG9 - Settlement Boundaries, GEN1 - Design principles, ENV1 -Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, RUR6 - Outdoor sport, leisure and recreation outside of settlement boundaries, HOU1 – Housing Mix, HOU6 – Accessibility and Wheelchair housing standards, HOU10 - Amenity, HOU11 – Residential Standards, HOU12 – Housing density, HOU13 – Housing delivery, INF1 - Cycleways, bridleways and footpaths, INF3 - Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 – Utilities.

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

**Natural England** – Have no comments to make

**Environment Agency** – Requested an extension of time to submit their comments in May, but no comments received to-date.

**Cadent Gas** – Standing advice has been issued to the applicant regarding precautions to take on site to protect the gas asset.

**CEC Head of Strategic Infrastructure:** No objections, subject to a condition.

**CEC Housing:** An Affordable Housing Statement has now been provided by the applicant. This covers the required information requested, and as such they now have no objections.

**CEC Public Rights of Way (PROW):** The development, if granted consent, would affect Public Footpath Hulme Walfield No. 7, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way. However, they raise no objections subject to an informative/condition requiring submission of a management scheme for the footpath during the development of the site.

**CEC Environmental Health:** No objections, most matters are covered by conditions on the outline permission.

**CEC Flood Risk Manager:** No objections in principle but have requested further information with regards to drainage design.

**ANSA:** A range of detailed comments have been received.

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

### **Hulme Walfield and Somerford Booths Parish Council:**

“The Parish Council has enjoyed positive, constructive discussions with Bloor’s and their agents, as a result of which a number of detailed amendments have been secured within the submitted plans.

Hulme Walfield and Somerford Booths Parish Council wish to support the reserved matters application in principle, subject to a number of detailed points raised below which relate to the plan layout and detailed Design Statements: -

#### Rights of Way and Non-Vehicular Links

The Parish Council requests that the developers engage with the Parish Council, Highways and Rights of Way officers post approval to ensure that there is a fully integrated network of safe, non-vehicular paths which connect not only into the strategic West - East Greenway and Dane Valley, but also the existing network of Public Rights of Way (PROW’s) within Hulme Walfield parish. This is particularly important in respect of path FP7 which provides a strategic link from the Giantswood Lane over-bridge, through land to be developed by Castle Green, into the applications, and then onward to Rood Hill and Congleton town. The Parish Council is seeking s106 contributions to this from other applicants to augment the proposed work by the applicants.

It does however request that the length of FP7 within the applicant’s ownership should be increased in width to 3metres so that a multi-modal path can be provided. It also requests the developers to assist Cheshire Highways in the upgrade of the small length through to Sandy Lane (Home Farm) which is outside their ownership.

We also welcome the proposed link from the West East Greenway onto FP7 and ask that further links are achieved, particular from the developments associated with the area referred to as ‘The Terrace’. We also seek confirmation the pedestrian path adjacent to this area of development and the NEAP/public open space is well connected to these other links.

The Parish Council also requests that further discussions take place for a new public right of way linking from FP7 in the vicinity of Home Farm though to Viking Way shops and offices through the adjacent Clowse industrial development (application pending). This principle is mentioned in the design statement and could form another useful link in the local PROW network

### Speed Limits and Road Design

The applicant has proposed a number of physical measures on road design to ensure that traffic speeds can be moderated throughout the development. These are in addition to the design elements which will contribute to lower traffic speeds.

However, we look to Cheshire East to demonstrate commitment to the principal of 20mph speed limits for all new developments in the interests of road safety. The Parish Council does not consider that there need be any additional costs in Road Traffic Orders if this is implemented now. It should also be applied to all other pending developments, and retrospectively to Alderley Gate.

We also ask that Highways consider if the needs of tradesman and visitors vehicles can be adequately met within the proposed designs. This is to minimise traffic hazards and improve amenity for residents.

### Home Farm: Alternative Layouts

It is an important principle that all new developments should 'preserve the outlook and residents', and this is very much the case in respect both of Home Farm and other residents of what is known locally as Sandy Lane. The Parishes wishes to support the proposed amendment believing this, together with the proposed Orchard provides some degree of screening from the existing dwellings. Additional landscaping might also be considered in this area.

### Design Elements

Section 5 Development Proposals makes a number of proposals regarding Appearance and Detailing. Whilst the Parish Council does agree with most of the key elevation features, it asks that the developers reconsider the need for false, and totally unnecessary Tudor detailing, and the used of anything other than conventional 'V' porches. This is ensure a simplicity of design elements which are more appropriate to housing in rural locations.

### Boundary Treatments

The proposed examples are considered appropriate but the Parish Council requests that these are both sustainable over time, and are not used to create enclosed areas where access for maintenance and litter collection is impossible.

### Wildflower Areas and Other Environment Net-Gain Measures

Experience on other developments are that proposed measures are largely ineffective unless appropriate management regimes are put in place. The use of natural measures to control storm water drainage e.g. reed beds are considered as a contribution to environment net gain.

### Utilities - connections

It is understood that there will be a need to serve the proposed development from services on Giantswood Lane (water/drainage/telecoms,electricity). The Parish Council requests detailed plans of the work proposed and the likely duration of these to ensure minimal disruption to residents and other road users.

### Construction Issues

The Parish Council welcomes verbal assurances from the applicants that robust measures will be put in place to ensure the impacts from construction are minimised.

### Environmental Conservation and Enhancement

The Parish Council notes and welcomes the extensive and substantial measures being proposed to protect, enhance and augment existing tree cover, and wildlife habitats. It looks to the applicant to make novel use of such measures as reed beds as part of its SUDS proposals to control site storm water run-off. Such measures can further enhance the wildlife enhancements.

### Provision for Active Recreation

The Parish Council welcomes the indicated provision not only of new cycle and footpath linkages through the site, but also of locations for active recreation/exercise. It has indicated a willingness to contribute further to these through its own funds.

It would however welcome a specific condition to ensure that a usable accessible surface is provided along the boundary of the site during the first phase of infrastructure construction. This will offset the disruption to recreational users which might occur from any temporary footpath diversions proposed to allow for the new access road and measures required to secure the remainder of the site for safe working.

### Primary Care and Community Provision

It is an important function of good planning to ensure that community needs are adequately met. They feel the required contribution through the Section 106 to be inadequate and that alternate provision should be made for community facilities, for example as part of the primary school.

Attention has already been drawn to the lack of connectivity between the new link road cycleway which terminates abruptly half way down the slope of Manchester Road, and the footpath/bridleway which forms the boundary between Alderley Gate and the proposed Redrow site.

At present, cyclists or horse riders need to join the main carriageway before turning right into Lomas Way. The existing footpath link between the two points is a very poor surface and dangerously narrow, with the obstruction of a retained mature tree."

A number of these matters raised should be addressed in the revised proposals discussed.

## **OTHER REPRESENTATIONS**

No representations received

## **OFFICER APPRAISAL**

### **Principal of Development**

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

“The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.32;
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park as set out in Figure 15.32;
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction as set out in Figure 15.32;
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;
7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
8. Contributions to health and education infrastructure; and
9. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.32.”

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation. Some of the requirements, for example the contribution to the Congleton Link road, are set out in the Section 106 agreement.

### **Highway Implications**

The main access road is 5.5m wide with 2m footways on each side of the road, the secondary roads will be a minimum of 4.8m wide with footway provision on one side, there are also a number of private drives within the layout.

There are other pedestrian/cycleways proposed within the layout, a 3m east-west segregated greenway that links with Viking Way and the north east corner of the site is provided. As it is intended that this greenway route is adopted it will need to be built to adoption standards and have lighting. A connection to the PROW is proposed at the north end of the site but an additional connection is also required at the southern end.

A minimum of 2 parking spaces for each dwelling is provided, this in accordance with the CEC parking standards.

The design of the internal road network accords with the indicative design submitted at outline, although there a number of junction features and ‘narrowing’ included in this submitted design to help reduce vehicle speeds.

The submitted design is considered acceptable and meets current highway design standards and no objections are raised. There is a need for a condition to be attached requiring a ped/cycle to be provided to the PROW at the southern end of the site.

Highways have also confirmed that they are happy with the design of the greenway now additional information relating to levels has been received.

### **Public Rights of Way/Cycle routes**

As set out above Public Footpath Hulme Walfield No. 7 runs along the eastern boundary essentially through an area of open space to the frontage of the proposed dwellings. The Public Right of Way Team raise no objections subject to a condition/informative to protect the pathway during the development process.

As agreed at the outline stage, and in line with the masterplan for North Congleton, a strategic greenway runs east-west across the northern part of the site linking Viking Way to the eastern site boundary where it meets the adjoining site what will form the next major development parcel linking through to Giantswood Lane.

The location for the greenway formed part of the approved parameters plan at outline, and although the route has been revised in one area, into an area marked as blue/green infrastructure, this amendment has been done to enable the route to be DDA (Disability Discrimination Act) compliant on what is a steep slope, and to avoid damage to adjacent trees. The proposals are considered to be broadly in compliance with the approved plan and the proposed route is considered acceptable.

### **Landscape**

Initial detailed comments have been received raising a number of issues that need to be addressed and additional supporting information needed. The comments essentially echo the Council's Urban Design and Forestry Officers comments and amended plans addressing these matters are anticipated shortly at the time of writing this report. Members will be updated accordingly.

### **Trees**

This reserved matters application has not been supported by any arboricultural information. The site benefits from established mature tree cover, in particular to the northern boundary with one veteran tree known to be located to the west of the site. The wider site was formally appraised in terms of trees under approved Outline application 19/5596C. Condition 18 of the Decision notice references an Arboricultural Impacts Assessment by Lightwoods Green Ltd and that prior to commencement of development that details should be submitted in accordance with this to include;

- a. A scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site including trees which are the subject of a Tree Preservation Order currently in force or are shown to be retained on the approved layout, which shall be in place prior to the commencement of work.
- b. Implementation, supervision and monitoring of the approved Protection Scheme. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the local planning authority.



- c. Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- d. Timing and phasing of Arboricultural works in relation to the approved development.

Given that the final layout is to be determined with this reserved matters application, it is considered that the full impact on trees in terms is not yet known. The approved AIA provides advice and comprises of an initial survey in accordance with BS5837:2012 to demonstrate the impact of a suggested (not approved layout) on tree retention/removals.

The impacts on trees shown to be retained is subject to the provision of levels information of the existing site compared to the proposed site and given the apparent levels changes on the site as existing its considered that the true impacts on trees have yet to be fully appraised.

The site layout with this reserved matters application also differs to that considered in appendix 4 of the AIA referenced with the outline application. The Officers Report for the approved application states that particular care should be taken to accommodate veteran trees in a setting that aids their long-term retention. The veteran tree located to the west of this application is referenced individually within the report which states that it will be retained without impact on the veteran tree buffer zone to accord with section 175 c of the National Planning Policy Framework. The layout submitted with this application proposes encroachment within the RPA of this tree with a dwelling now abutting the RPA edge and footpaths and the end of a service road sited within the RPA.

Some trees formally indicated for retention within the AIA submitted at outline now appear to be greyed out suggesting removal, with a cycle path to an adoptable standard now shown to pass in close proximity to retained trees shown within an area of open space.

As submitted, the Council's Forestry Officer is unable to support this proposal as it is considered that there is insufficient information to fully appraise the impacts of this layout on trees. The impacts on the veteran tree do not accord with Section 175(c) of the NPPF or Policy SE5 of the Cheshire East Local Plan. An updated AIA should be submitted which considers the new layout and fully evaluates the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads, footpaths, and cycleways etc in relation to retained trees to provide the level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

A revised AIA is anticipated imminently which following amendments to the layout seeks to address the issues raised. Members will be updated accordingly.

## **Ecology**

A number of conditions were attached to the outline permission at this site (19/5596C) requiring details to be submitted with the reserved matters.

Condition 3 Phasing including timetable for delivery of habitat creation in the River Dane Corridor.

A phasing plan for the entire development as required by this condition had not been submitted with this reserved matters application. The submitted Habitat Creation and Management Plan states that habitat creation in the River Dane corridor would commence at the time of site clearance for the retail and commercial phases of the development. This has been discussed with the Council's Ecologist, and now a phasing plan has been submitted it is accepted that this residential scheme should not trigger the River Dane Corridor works.

Condition 7 and Condition 30 Habitat creation method statement; ecological monitoring strategy and a 30 year habitat management

The revised Habitat Creation and Management Plan is acceptable.

Condition 8 Any Reserved Matters application involving the installation of the surface water outfall into the River Dane shall be supported by an updated Otter and Water Vole Survey.

It is understood that there are no outfalls to the river Dane proposed as part of this application.

Condition 9 Updated survey for Badgers

An updated badger survey has been submitted as required by this application. Evidence of two active badger setts was recorded. The setts occur both just outside and within the red line of the application. To avoid the risk of badgers being killed or injured during the works it is proposed to temporarily close one sett during the construction period and permanently close a second sett. This approach is acceptable.

Condition 10 Scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows lost

The revised Habitat Creation and Management Plan submitted in support of this application advises that no hedgerows are anticipated to be lost as a result of the proposed development. 748m of new native species hedgerow planting is however proposed as part of the landscaping for the scheme.

Condition 11 Details of external lighting

It is proposed to illuminate the footpath along the site's northern boundary. This will result in light spill in the vicinity of the retained badger sett and suitable habitat for foraging bats. In order to avoid impacts on these species It is advised that the footpath must be unlit, or lighting be minimised in this part of the site.

Condition 52 strategy for the incorporation of features to enhance the biodiversity value of the proposed development.

Acceptable proposals have been submitted as required by this condition.

Additional conditions

If reserved matters consent is granted a condition is required to safeguard nesting birds:

**Urban Design**

This scheme has been re-assessed against the Building for a Healthy Life (BHL – Homes England's key measure of design quality) considerations, the summary of which is presented below:

28-6-22											
Integrating into the Neighbourhood				Distinctive Places				Streets for All			
1 Natural Connections	2 Walking, cycling public transport	3 Facilities and services	4 Homes for everyone	5 Making the most of what's there	6 A Memorable character	7 Well defined streets/spaces	8 Easy to find your way around	9 Healthy streets	10 Cycle and car parking	11 Green and blue infrastructure	12 Back of pavement, front of home
Amber	Amber	Green	Amber	Red	Red	Amber	Green	Amber	Amber	Red	Amber

6-10-22											
Integrating into the Neighbourhood				Distinctive Places				Streets for All			
1 Natural Connections	2 Walking, cycling public transport	3 Facilities and services	4 Homes for everyone	5 Making the most of what's there	6 A Memorable character	7 Well defined streets/spaces	8 Easy to find your way around	9 Healthy streets	10 Cycle and car parking	11 Green and blue infrastructure	12 Back of pavement, front of home
Green	Green	Green	Green	Amber	Amber	Amber	Green	Amber	Amber	Amber	Green

Since the original assessment made in June, a number of changes have been made and in the sections below, looking at each of the criteria there are the original, followed by updated comments.

Summing up the previous issues/conclusions

Key issues:

- Not embracing and strengthening the approved spatial code to deliver a place of real distinctiveness and quality, and indeed, disregard for the code in certain key aspects, not least in terms of the meaningful positive development of the character areas, the quality/character of the landscape design and treatment (particularly eroding the concept of water, existing GI and nature leading the landscape design across the site). – there has been some improvement overall but the scheme could have gone further to characterise and create a stronger sense of place given the strong foundation of the spatial coding. This will impact the overall sense of place and quality of the scheme, albeit the site character will invoke a strong emotional response.
- Not incorporating or uncertainty re: key elements of connectivity, in particular the link between the site and the local centre, which will lie at the heart of the wider development area, but also from the housing to the east-west greenway and PRoW and a connected street network e.g. the rural edge character area on the eastern edge of the site. – done but some revision considered appropriate – see target notes plan.

To conclude, the amendments have improved the scheme, reflected in the revised assessment, but, given the positive design framework established at outline, it is disappointing that the applicant has not more fully embraced the design opportunity presented by the spatial design code. This would have further elevated the quality and sense of distinctiveness of the development as well as its liveability.

The re-assessment

Aspects that needed to be reconsidered:

1 Natural connections (green, previously amber)

Previously recommended actions/response:

- Ensure direct connection for foot and cycle to the site boundary with the local centre from the Lower bank character area, as required in the design code regulating plan (p 39) – now included albeit it could be better aligned – see target notes plan
- Design in a crossing point for pedestrians/cyclists across the avenue in the Lower Bank character area as illustrated on the masterplan – not shown on recent drawings but should be included

- Ensure connection of the greenway route, street and pavements to the Viking Way highway boundary, including associated landscape features (e.g. avenue verge and trees) –the landscape masterplan does not extend to the Viking Way street edge and the planning layout doesn't show a full avenue to the Viking way street edge either
- Ensure connection at appropriate points from the Green and Green Edge character areas to the ProW and the east west greenway on the eastern and northern edges of the site- included but still not convinced these are at desire lines
- Ensure connected streets rather than cul-de-sacs wherever possible, as per the illustrative masterplan – implemented for the southern part of the site
- Accommodate the enhancements as required by the PROW team subject that not conflicting with the spatial design code – need confirmation that requirements met
- Ensure connection to the development site to the north – see target notes plan

## 2 Walking, cycling and public transport (green, previously amber)

Previously recommended actions/response:

- Ensure direct pedestrian connection to the Local Centre site from the Lower Bank area and for the east-west greenway to the adjacent site in the NE corner (without ransom) - now included albeit it could be better aligned and reduced in width to max 3 metres – see target notes plan
- Design in a well-designed, pedestrian focused crossing point for the east-west greenway across the Avenue and ensure junction design caters for pedestrians (appropriate radii and pedestrian priority surfaces) - not shown on recent drawings but should be included
- Ensure inclusion of connections at appropriate points to the ProW and the east-west greenway from the housing on the eastern and northern edges of the site - included but still not convinced these are at desire lines – see target notes plan
- Reduce the footpath/cycleway to the south of Lower Bank to 2 metres wide – done, however the link to the local centre could be narrowed however to 3 metres

## 4 Homes for Everyone (green, previously amber)

Previously recommended actions/response:

- Ensure that parking areas for higher density clusters are better integrated in design terms to make them as tenure blind as possible – still an issue in the terrace character area and associated mews streets – more softening landscape or other measures to break up parking required
- Include 2 bed private dwellings into the housing mix – plan submitted but unclear on private 2 bed units. These need to be coloured separately from affordable units. The response to urban design comments document states “revised layout includes 10% 2 bed properties with 2.5% entirely private tenure of which 2.5% are now open market homes”
- Provide a drawing that clearly shows the type/tenure mix - as above

## 5 Making the most of what's there (amber, previously red)

Previously recommended actions/response:

- Provide levels information including cross sections to explain how the design will respond to the site topography and ensure GI/BI features are retained and enhanced – engineering sections provided but there is concern about prospective levels changes affecting topography and trees in the northern central zone of the site and requirement for retention structure to the east of that space. More information is required to allay those concerns.
- Provide cross sections for the east-west greenway and across SuDS features to ensure the design is appropriate – engineering sections provided but landscape based sections would better assist in understanding the character of these elements (except the 2 landscape sections already submitted)

- Revisit areas of the site with access to important views and relationship to open space/landscape features to maximise the relationship/benefits and use this to inform the detailed design of buildings, taking a lead from the Spatial Design Code – more viewing points have been incorporated into the layout but there hasn't been a substantive change to the design of buildings to fully capitalise on the opportunities presented by the layout or structure established in the spatial code.
- Reconsider how the design of homes can exploit site arrangement, plot orientation and topography in terms of the passive opportunities, most notably solar gain – The response to urban design comments document refers to 2.5 storey units, orientation toward the Dane and oversized windows but the design could have responded more fully to these opportunities, drawing on some of the more progressive precedents in the code rather than more standard architectural designs. This would have enriched the scheme in terms of its sense of place and potentially its environmental performance and liability.

#### 6 Memorable character (amber, previously red)

Previously recommended actions/response:

- Revisit the design to ensure it adheres to the Spatial Design Code, with particular focus upon the built and landscape character and access and movement sections. The information was included for a purpose: to enable designers and developers to place shape this scheme. Key areas to address are:
  - A stronger approach to SuDS and ecological enrichment – ponds not basins supported by other source control components to help deliver a SuDS train and characterise different areas supported by landscape design that reinforces the natural qualities of the site – partially improved – ponds designed to hold water with swales also included, although ponds appear quite engineered and potentially steep sided. Hence the request for landscape cross sections not yet provided, including those on Viking Way frontage. It is still difficult to determine how successful they will be as landscape/gateway features

Apart from 2 swales, no other SuDS components have been included and I would also question the commentary in the response to urban design comments document regarding this. It is clear from the wording at page 118 that there was an expectation in the spatial code that the primary SuDS infrastructure would be supplemented by a more extensive range of source control components across the site to support the role of ponds and swales in the SuDS system.

“6.88 Permeable materials and other source control techniques such as filter strips, swales, bio-retention and filter drains are used throughout the development to support the role of swales and ponds in the site wide Sustainable Drainage System.”

- A genuine character driven approach to different parts of the site, drawing on the Design Code and less reliance on standard design solutions repeated from other sites - there has been some response in respect to the design of buildings, but the palette is largely drawn from existing, previously used house types and consequently, there is a diluted response to the character coding and precedents.

As an example, the terrace character area design could have more closely followed the coding by employing subtle coloured render and brick, but the proposed street scene extract below illustrates how that design concept has been weakened by proposing an off white only. Muted colours could be used that would echo the character of a specific part of Congleton and help 'ground' the scheme, whilst not appearing garish or inappropriate in the landscape.

- Develop a stronger relationship of buildings to landscape, exploiting the opportunities to take in views of the wider landscape and relationship to key open spaces within the site, whilst using this to shape the urban and architectural design – a rather tokenistic response is explained in the response to urban design document relying on additional height and “generous glazing”. More could have been done to capitalise on the relationship to space if a more bespoke approach to building design were adopted, including providing external space for occupants, such as walk on balconies.

- Develop way finding, public art and play solutions that add to the sense of place and distinctiveness of the development, building upon the relationship to nature and the local water environment – no specific information provided within the landscape information as to how this helps place shape the scheme and reflect the landscape coding at outline. More information will be needed to help refine the approach
- Create formal and informal meeting opportunities for people within the development. Genuinely make it a place for people to thrive – some observation points/seating designed in, but a stronger meeting space could have been designed into the main POS in conjunction with the art/interpretation. – see target notes
- Ensure highway materiality fully accords with the CEC Design Guide and fully exploit the potential to include trees within streets to reinforce the hierarchy – materiality is in general conformity but there are still opportunities to enhance tree planting within the scheme – see target notes plan
- Revisit the parking strategy to reduce the impact of parking upon the character of parts of the site and introduce landscape to break up frontage parking. Parking in higher density areas should be designed into high quality spaces, utilising built form and landscape to help characterise and reduce visual dominance. – extent has been reduced but there are still some areas where parking needs to be broken up with soft landscape or other positive design measures
- Consider the scheme's roof and chimney scape to prevent the awkward juxtaposition of hipped and gable roof types and that roofscapes are also punctuated by chimneys
- Ensure that gateway, and focal buildings are appropriately enhanced to signify key events in the layout and terminate and draw in views within the scheme

#### 7 Well defined streets and spaces (amber - no change)

Previously recommended actions/response:

- Review the layout to eliminate weaker edges to streets and spaces in the scheme – still some rear gardens visible in localised areas and plot 35 doesn't address the street as well as it should – see target notes plan
- Provide cross sections of streets to explain street character – not provided but explained in the design response document that streets designed to adhere to the spatial design code. Some minor revisions still advocated however – see Target notes plan
- Re-visit and closely follow the design cues set out in the Design Code to deliver the quality of streets and spaces within the character areas aspired to at outline – some improvement, particularly for the Home Farm interface character area but this is weakened by the more generic architecture for some units
- Review the design of key areas of the site, in particular the arrival square in Upper Bank, the Terrace, The Green and Home Farm interface to accord with the Spatial Design Code - some refinement has been undertaken, particularly the Home Farm interface character area
- Review boundaries to ensure there is a strong definition between public and private for every plot and ensure all corner plots equally address both frontages, including where they address open space – some side boundaries adjacent to open space could be better articulated as greener boundaries rather than t and g/trellis fencing

#### 9 Healthy Streets (amber, no change)

Previously recommended actions/response:

- Ensure a connected street on the eastern side of the scheme and provide pedestrian links between private drives. Links should be made to the strategic pedestrian routes at potential desire line points – connected street designed in in southern parcel, pedestrian links between drives not provided. Links to ProW and greenway included but not at anticipated desire line points – see target notes plan
- Include pedestrian crossing point across the Avenue for the east-west greenway – not included – see target notes plan

- Design in meeting/resting spots within streets/spaces at key intersection points and secure more tree planting – potential meeting/viewing spots included. Scope for more street trees – see target notes plan
- Ensure street materiality is in accord with the CEC design guide – street materials amended to generally accord with DG. Some tweaks to street types suggested – see target notes plan

### 10 Cycle and car parking (amber, no change)

Previously recommended actions/response:

- Provide information re: cycle storage for dwellings and provide some cycle parking at the main area of POS – sheds identified on plans but doesn't appear that cycle parking provided at main POS
- Review parking within parts of the scheme to create more balanced parking solutions and reduce the extent of frontage parking. Where frontage parking is to be included ensure that positive built form and/or landscape breaks the parking down to prevent it becoming overly dominant/detrimental to the urban design – still some problem areas, particularly in the Terrace character area and associated Mews streets – see target notes plan
- Design streets to enable some informal visitor parking integrated into the street design – included in some areas of the site, most notably near the main POS

### 11 Green and blue infrastructure (amber, previously red)

Previously recommended actions:

- Provide an overarching landscape masterplan explaining how the landscape design follows that and the character area requirements of the code – masterplan provided but explanation is light as to how it accords with the landscape coding
- Provide detailed levels information including site and specific cross sections to show how areas of open space and landscape will work, given the sloping nature of parts of the site – engineering sections provided -engineering sections submitted but landscape translated sections for SuDS and greenway including information re: retention structure to east of central open space are considered necessary
- Provide more detail of the SuDS design, including cross sections, to ensure they act as positive landscape/ecological features and deliver the strategic design objectives set out in the Design Code. Also include other source control components as set out in the Design Code – swales now included but no other components included – see comments above at 6 Character. Landscape cross sections of some ponds still not submitted
- Clarify on the extent of open space management and fill any gaps where required. Ideally management will be in perpetuity and trees within private areas that contribute to the character of streets and spaces, should be subject to a 10-year retention/replacement condition – plan provided clarifying management area but no further information re: management period and managing trees on private land

### 12 Back of pavement, front of home (green, previously amber)

Previously recommended actions/response:

- Review boundary treatments between public and private space and eliminate any exposed rear gardens in relation to streets/spaces. Areas of space where function/management are unclear should be designed out
- Side garden boundaries adjacent to open space should be positively landscaped or living structures – side boundaries t and g timber and trellis fencing, preference would be for these to be green boundaries.
- Consider convenience of bin storage and design in storage where inconvenience will lead to un-planned storage in front of properties - recycling/waste drawing submitted; bin collection points designed in
- Ensure that utilities apparatus is designed in to ensure they are well integrated – not shown on house type plans and could do with confirmation about meter cabinets etc.

#### Other issues

It is noted that there is a proposed retaining wall for the central open space (north) shown on the levels plan for the east greenway. More detail is required to understand what this will be constructed of/how it will look and how it could impact, with the change in levels upon trees proposed to be retained.

At the time of writing this report further amended plans have been received addressing some of the outstanding matters raised. Members will be updated accordingly.

#### **Layout / Amenity**

As set out above, the site only adjoins other properties to the south-eastern corner, a small complex of buildings known as Home Farm/Sandy Lane. Whilst the development is in relatively close proximity, there is a reasonable standoff between properties – and intervening vegetation, and there are not considered to be any privacy/overlooking issues.

Within the site itself the majority of the properties achieve the recommended separation distances. There are a small number of cases within the site where there is a slight shortfall in the recommended distances (less than a metre difference), but it is not considered that there are any significant issues in any of these cases where properties are juxtaposition, and to help make a better overall layout.

It is noted there is no detailed levels information with the application, and whilst there are only significant sensitivities adjoining Home Farm and trees to be retained this will need to be carefully examined as part of a levels condition. The revised supporting information should include levels information in relation to the areas of open space where the main changes in level take place.

#### **Noise / residential amenity**

The proposal is for a residential development of up to 154 properties and is located in close proximity to a busy road (Giants Wood Lane) and in close proximity to existing commercial / industrial properties.

In support of the application, the applicant has submitted an acoustic report ref 220072 dated February 2022.

The NIA relates to the proposed site layout is detailed at page 3 of the NIA and corresponds to the applicants Planning Layout. Any amendments to the planning layout must comply with the NIA or the NIA maybe required to be reviewed accordingly. As the layout has been amended the NIA needs to be checked to ensure the recommendations don't need any changes. Whilst it is not anticipated that any changes will be needed (as the layout for these purposes is very similar) this will be confirmed in an update report.

The impact of the noise from road traffic and existing businesses on the proposed development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

An agreed methodology for the assessment of the noise source.

The report recommends noise mitigation measures (at section 5) designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by transportation noise sources.



The reports methodology, conclusion and recommendations are accepted.

In accordance with the acoustic report, it is recommended a condition is necessary in order for this application to be supported.

## **Air Quality**

This proposal is a reserved matters application for a residential section of the initial outline application 19/5596C. Environmental Protection initially recommended a condition relating to electric vehicle charging points to which the developer has submitted some further information. For any subsequent discharge notices Environmental Protection will require more details stating the type of charging point and the exact locations of the units. The condition raised by Environmental Protection relating to ultra-low NOX emission boilers shall also be carried forward to this reserved matters application. The outline condition needs to be discharged in this regard, prior to occupation.

## **Contaminated Land**

The contaminated land conditions relating to the residential area set at outline stage shall be carried forward. These are conditions 35 and, 37 – 39 of 19/5596C. Environmental Protection have assumed the commercial area will be considered under a separate reserved matters application at some stage, which is the case.

## **Flood Risk/Drainage**

To ensure the Sustainable Drainage (SuDS) components are appropriately engineered into the layout, the Lead Local Flood Authority (LLFA) would request the developer submits a detailed surface water drainage layout under this application to review prior to approval. Whilst the detail, modelling, and maintenance strategy can be dealt with via the existing condition, it is imperative we're (CEC LLFA / UU) are happy with the SuDS components design to ensure minimal design changes at discharge of condition stage.

## **Public Open space**

Ansa's main focus is Public Open Space (amenity open space, active recreation and play), there is only a small area of Green Infrastructure (GI) performing this function. Where possible, POS will have a multifunctional role, providing places for all types of activity including active pursuits, relaxation, community events, incidental recreation, playgrounds and dog off-leash areas. Whilst this scheme has the potential to provide for healthy activities in walking routes through the various pathways including the east/west greenway, has benefits for urban cooling/flood alleviation, carbon capture and has green visual amenity, the multifunctionality is restricted.

At outline application stage and through pre-app discussions it was acknowledged this was a challenging site due to the topography however no level details except from the east-west greenway have been submitted.

Very little recreational amenity has come forward. Engineered SuDS features which are designed primarily to service this purpose do not serve a recreational, habitat or ecological functions. More should

be made of these features along with the wider landscape to improve both the amenity value for the community and ecology.

Adding key infrastructure such as seating exploiting views, accessible inclusive pathways, interpretation panels, playful interactive way finders and art will help to create a distinctive sense of place.

Outline application 19/5596C Condition 51 states:

*No development shall take place involving the Greenway until a timetable for the implementation of a detail scheme of Public Art to the Greenway has first been submitted to and agreed in writing by the Local Planning Authority. Prior to its installation, a detailed scheme of Public Art to the Green way shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with the approved timetable.*

No information relating to Condition 51 has been submitted.

Pre application discussions were to focus the greenway on a nature-based theme taking advantage of the close proximity of the river Dane, running the theme through to the village centre which currently shows no connection.

The Urban design comments have gone into more detail regarding the connections along with the Public Rights of Way Team however ANSA concur the paths should be as inclusive and accessible as possible meeting with the ethos of Fields in Trust standards along with the Equality Act 2010. It is for this reason mown paths do not best serve the community with mixed physical abilities reducing the potential amenity value. The preferred surface would be a permeable resin bound gravel.

The main POS recreational facility is centrally located containing a NEAP play facility. This is the only space for informal kick about/tag type games and as such requires a redesign.

The meadow grassland EM2 should be replaced with amenity grass. Care should be taken to meet a minimum 30m buffer from the activity zone to the boundary of the nearest property required for the NEAP. Inclusive paths should service the facility, with thought given to maximise the informal amenity space. The play equipment shown in the submitted drawing is inappropriate using very urban design which does not blend well with other equipment or the environment. There is very little inclusivity in either the equipment or surfacing.

The DAS refers to an extensive footpath network is proposed to link with the and enhance the existing rights of way. Along these routes, some 'trim trail' play and active/sports equipment is included. The site landscaping plan shows two items across the entire footpath network. Further items could be placed through the network in potentially better positions.

A small orchard is proposed in the south west corner of the site which is welcomed however this is not currently accessible for all. This should be considered.

Should the committee deem this application acceptable it is requested that conditions should be placed for

- Central open space including landscaping and design of NEAP
- Infrastructure - seating, accessible inclusive pathways, interpretation panels, playful interactive way finders and art.

- Greenway public art scheme and timetable.

As discussed above it anticipated these issues will be addressed with the amended plans.

## **Affordable Housing**

The requirement for affordable housing was established at the outline stage in the Section 106 Agreement.

This is a proposed development of 154 dwellings in a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 47 (46.2) dwellings to be provided as affordable homes.

The outline permission granted approval under the condition that 17.5% units were to be Affordable. This is due to the contributions to the Congleton Link Road. With this in mind there is a requirement for 27 (26.9) dwellings to be provided as affordable homes.

### Affordable Housing Mix

Point 3 of policy SC5 (affordable homes) notes 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". Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 18 units should be provided as affordable/social rent and 9 units as intermediate tenure.

### Cheshire Homechoice

The current number of those on the Cheshire Homechoice waiting list with Congleton as their first choice is 894. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Congleton	450	250	123	39	32		894

There is also still a need for Intermediate units that will cater for those 1st time buyers, those making a new household and families who cannot buy on the open market.

From the above data the Housing Officer was looking for a mix of 1, 2 and 3 bedroom for rented and 2 and 3 bedroom dwellings for Intermediate. Whilst no 1 bed properties are proposed, they have raised no objections to the affordable housing mix.

The Council's expectation is that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

Housing prefer that the affordable housing meets the NDSS (Nationally Described Space Standards) sizing, which they do in this case.

An Affordable Housing Statement has now been provided by the applicant. This covers the required information. As such they now have no objections.

## **Housing mix**

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

In the proposal section above it sets out how the applicant has submitted a housing mix statement and the table summarises the house types proposed. The statement sets out how the applicant feels the development meets Local Plan policy SC4 and the emerging SADPD Policy HOU1, and provides market evidence to support the case. It is considered that an appropriate mix has been put forward. The supporting statement (which includes a comparison with a number of recently developed sites in Congleton) states:

"The proposed housing mix has been developed in the context of the indicative housing mix set out in table 8.1 of the draft SADPD but as per the policy text this table has been used as a "starting point" and the mix has then been developed in accordance with market evidence, local demographics and other factors such as the impact of the covid-19 pandemic. We are therefore of the opinion that the proposed mix for the subject site ....is appropriate for this type of site and part of the Borough."

## **CONCLUSIONS**

This is a reserved matters application, submitted following outline permission 19/5596C seeking approval of reserved matters (save access). The principle of residential development, in line with Local Plan allocation Site LPS 27, has therefore been accepted.

Highways have no objections, and the Public Rights of Way team have no objections subject to conditions ensuring the PROW is protected.

The Council's Ecologist is now broadly satisfied subject to confirmation of when the mitigation works in the river corridor are to commence, and subject to conditions. The Council's Forestry Officer has raised a number of issues that need to be addressed. A revised Arboricultural Impact Assessment is expected, and Members will be updated on this matter.

Extensive discussions have taken place in relation to urban design and initial revised plans have now been received and the Council's Urban Design Officer is now largely supportive of the scheme, although it is hoped some further amendments will be made. Initial landscaping comments have been received, requesting additional information and some amendments in line with the Urban Design and Forestry Officer comments. Members will be updated on these amendments in an update report.

ANSA have raised a number of detailed issues which the applicant is looking to address. Members will be updated accordingly.

Housing have no objections to the affordable housing provision. The applicant has submitted a Housing Mix Statement setting out how they feel they have addressed the emerging SADPD Policy.

Finally matters relating to drainage and contaminated land/air quality/amenity can be addressed by condition, many already applied at the outline stage

There are a number of outstanding matters but following discussions with the applicant it is expected that updates will resolve these. A written update will be provided in due course to members. Subject to satisfactory receipt a recommendation of approval is made.

## **RECOMMENDATION**

**Approve subject to the following conditions;**

- 1. Approved plans**
- 2. Tree retention**
- 3. Tree Protection**
- 4. Arboricultural method statement**
- 5. Levels survey – Trees**
- 6. Services drainage layout – Trees**
- 7. Bird nesting season**
- 8. Implementation of the recommendations in the acoustic report**
- 9. ANSA requirements of;**
  - Central open space including landscaping and design of NEAP**
  - Infrastructure - seating, accessible inclusive pathways, interpretation panels, playful interactive way finders and art.**
  - Greenway public art scheme and timetable.**
- 10. Levels**
- 11. A ped/cycle link to be provided to the PROW at the southern end of the site**

**Informatives;**

- Water Course & Bylaw 10**
- EP Standard informs**

**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.**

