

# **Strategic Planning Board**

## **Agenda**

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**Date:** Wednesday 25th January 2023  
**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**

To receive any apologies for absence.

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

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

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**Please Contact:** Rachel Graves  
**E-Mail:** [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@cheshireeast.gov.uk)  
To arrange to speak on an application please email:  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk)

### 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. **21/6196M - HAWKSHEAD QUARRY, LEEK OLD ROAD, SUTTON: Proposed Additional Industrial Units for Small Scale Businesses within Hawkshead Heavy Industrial & Haulage Park (Pages 3 - 28)**

To consider the above application.

### 5. **22/3170N - PETER DESTAPLEIGH WAY, STAPELEY: Reserved matters application pursuant to outline planning permission 12/3747N for the appearance, scale, layout and landscaping for Phase 1 residential development (Use Class C3) including internal access roads, public open space including NEAP, village green, community orchard and ecological areas, parking and associated infrastructure Land (Pages 29 - 60)**

To consider the above application.

### 6. **22/4684M - LAND BETWEEN CHELFORD ROAD AND WHIRLEY ROAD, HENBURY: Variation of Condition 9 on approval 17/4277M for Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space (Pages 61 - 72)**

To consider the above application.

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

Application No: 21/6196M

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

Proposal: Proposed Additional Industrial Units for Small Scale Businesses within Hawkshead Heavy Industrial & Haulage Park

Applicant: Mr Steve Bell, AM Bell (Properties) Ltd

Expiry Date: 27-Jan-2023

**Summary:**

The proposed development description is '*Proposed additional industrial units for small scale businesses within Hawkshead Heavy Industrial and Haulage Park*'. The application site edged red extends to an area of 5440sqm. Proposed are 3no. industrial, utilitarian shed style buildings comprised of Unit 1 (Type A)– 356sqm GEA, Unit 2 (Type B) – 620sqm, Unit 3 (Type C split into 3no. units)– 117sqm and Unit 4 (Type D) – 292sqm. Units 3 and 4 appear as 1no. detached building. It is proposed that the units will be B2/E (ii) and (iii) light industrial use with the processing of goods is intended to take place within the buildings. The proposals also include landscaping, parking and other associated infrastructure and works in which to facilitate the development.

Hawkshead Quarry lies within Countryside Beyond the Green Belt otherwise known as the open countryside and Peak Fringe Local Landscape Designation Area (formerly an Area of Special County Value for landscape quality). The lower Quarry lies within the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site and Ancient Woodland. The site gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) and the upper area (outside the red edge) which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield.

The application site is located outside of designated settlement boundaries and is not an allocated employment site where new employment and industrial development is directed towards as per the CELPS and SADPD. The site is located in the open countryside with poor access to means of a variety of transport such as buses, cycling, walking or trains and is reliant on private vehicles such as cars/vans in which to reach it. The principle of the development is not accepted as the proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed is essential for it to be located in a countryside and out of settlement location, noting also only 2no. units have earmarked occupants with the remaining units proposed on a speculative basis. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS and RUR10 of the SADPD. It is not considered that job creation and nature conservation and forestry

mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. The proposal is considered not to represent sustainable development when considered on the whole and as such the application is recommended to be refused approval.

### **Summary Recommendation**

**Refuse**

### **Reason for Report**

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

The Northern Planning Committee was minded to approve the application because of:

1. Rural job creation
2. The impact upon the local economy
3. The nature conservation and forestry improvements as a result of the application
4. This being a longstanding industrial site
5. The being able to be accessed by a bus route, pedestrian route and cycleway

Please note that this Officer Recommendation has been amended in comparison to that which supported the application when it was heard at the 7<sup>th</sup> December 2022 Northern Planning Committee meeting. The amendments relate solely to the omission of the Macclesfield Borough Local Plan 2004 policies following the adoption of the Site Allocations and Development Policies Document (SADPD) 2022 and the policies contained within it on the 14<sup>th</sup> December 2022.

### **Description of Site and Context**

Hawkshead Quarry lies within Countryside Beyond the Green Belt and otherwise known as the open countryside and the Peak Fringe Local Landscape Designation Area (formerly an Area of Special County Value for landscape quality). This lower quarry site lies within the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site. The site edged red gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) whilst the upper area (edged blue) which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield. The lower quarry currently contains 5 existing buildings. 3 are centrally located and 2 are closer to the edge of the site. There are 20 HGV parking bays, an MOT centre for HGVs and coaches and ancillary office space, a repair centre for HGVs. 2 of the units are occupied by Cheshire Cheese and Wine Emporium and Extruded Plastics and there is also a vehicle salvage dealer. The existing site is said to be operational 24 hours a day, seven days a week, 365 days a year. There is a dwelling house located adjacent into the access into the lower site occupied by the applicant. Within the blue edge is the upper quarry which is at a considerable topographical levels difference (higher) than the lower quarry area within the site edged red.

Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe (Ratcliffe) Feeder lies to the south of the site. Ratcliffe Brook also runs through the site. The Radcliffe Feeder is managed by the Canal and River Trust and feeds into Bosley Reservoir. The site is also close to Danes Moss Site of Special Scientific Interest (SSSI). Ratcliff Wood an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory lies around the site. The Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site is also nearby. The site is adjacent to public footpath Gawsworth FP36 and is in close proximity to Gawsworth FP31 and FP33. There is an existing Conservation Area (designated heritage asset) to the west.

### **The Proposals**

This Officer Appraisal is based on the revised plans and documents as received on the 4<sup>th</sup> and 6<sup>th</sup> October 2022.

The proposed development description is '*Proposed additional industrial units for small scale businesses within Hawkshead Heavy Industrial and Haulage Park*'. The application site edged red extends to an area of 5440sqm. Proposed are 3no. industrial, utilitarian shed style buildings comprised of Unit 1 (Type A)– 356sqm GEA, Unit 2 (Type B) – 620sqm, Unit 3 (Type C split into 3no. units)– 117sqm and Unit 4 (Type D) – 292sqm. Units 3 and 4 appear as 1no. detached building. It is proposed that the units will be B2/E (ii) and (iii) light industrial, the processing of goods is intended to take place within the buildings. It is proposed Fruits of the Forage a local foraging company will occupy Unit 1, Cheshire Cheese Company will occupy Unit 2 and that Units 3/4 are speculative intended for small to medium scale sized businesses. It is noted that Units 1 and 2 have been designed in such a way that should it be required in the future that they can be split into 2no. smaller units if the market dictates the requirement for that. It is proposed that 37no. parking spaces will be created with each unit to have a dedicated electric vehicle charging point all utilising the existing access to the site. Dedicated parking for each unit is as follows: 8no. for Unit 1, 12no. for Unit 2 and 17no. for Unit 3. 15no. motorcycle parking spaces and 25no. cycle parking spaces are also provided across the site.

It is indicated that 30no. full time and 35no. part time employees will be created as a result of the development. The proposed materials for the construction of the buildings are indicated as walls in red brick and dark grey/black corrugated metal cladding and roof in corrugated metal. Roller shutters and personnel access doors, reveal, guttering etc. are also to match the colour of the cladding. Each building is proposed on a concrete pad base. It is indicated that surface water is to be disposed of via existing water course and soakaway, the existing watercourse of which appears to have been culverted from a previous course. As part of the proposals a new culvert for the watercourse on site is proposed which lies downstream from the Radcliffe (Ratcliffe) Feeder which feeds water into the Bosley Reservoir operated by the Canal and River Trust. Foul sewage is proposed to be managed via a sewage treatment tank is shown to the north of Unit 2 within bunding with cleaned water to discharge into culverted surface water pipes and also to the east of unit 1. It is noted there is a discrepancy between the proposed drainage shown on the Proposed Situation Plan and that shown on the Drainage Plan by STL regarding the treatment tank placements of which the situation plan shows them to be within existing hardstanding on an indicative basis. The majority of trees on site are set for retention with Group 3 Cypress and Pine closest to Unit 2 proposed for removal and replacement with native species. The application indicates that Fruits of the Forage are to manage the woodland floor area within

the blue edge to encourage native foraging opportunities within the woodland in the long term with gapping up and supplementary planting of native species hedgerows proposed also in the wider blue edge. The removal of some non-native planting and replacement/management of the area is stated to improve the biodiversity offer for the site.

In addition to the existing and proposed drawing suite as listed on the Document Issue Sheet as received by the Local Planning Authority on 4<sup>th</sup> October 2022, the application is supported by: Client letter to case officer ref: M2689-E-22.09.09 and Planning Statement by Emery Planning (RUR10 section of Client Letter); Arboricultural Report by Murray Tree Consultancy PM/FULL/06/09/22 dated September 2022; Arboricultural Update Letter; Extended Phase I survey dated July 2021 by Rachel Hacking Ecology; Ecological Addendum dated September 2022 by Rachel Hacking Ecology; Proposed Lighting Report and Plan by Ansell Lighting ref:QUO-67602-H1Z6M8 dated August 2022; Transport Statement dated September 2019 by SCP; Flood Risk Assessment ref: BEK-19653-1 Rev A dated January 2022 by bEk Enviro Ltd; Proposed Site plan Indicating Proposed Drainage Layout 20-4395 DR01 Rev P3 by STL Projects; Ratcliffe Brook Extension of Culvert Letter 2001; Design and Access Statement dated September 2022 by Barnes Walker and Phase 1 Environmental Site Assessment Report ref:CL101\_V2 by Enviro Solution.

### **Relevant Planning History**

20/0113M – Hybrid application comprising: Full Planning permission for the development of the upper quarry including, improvements to site access, the erection of 8no. industrial/storage units, proposed landscaping and ecological mitigation works. Outline planning permission for the development of the lower quarry to provide up to 13no. of additional units – refused – 21<sup>st</sup> January 2021 – Strategic Planning Board

07/2510P – Change of use of land to store wood – refused – 18<sup>th</sup> December 2007

65210P – amendment of existing planning permission for light industrial use to incorporate storage on open land – 12<sup>th</sup> December 1990

33936P – reclamation of part of disused quarry part for grazing and remainder for light industrial – approved – 4<sup>th</sup> November 1983

29142P – access to field – approved with conditions – 26<sup>th</sup> February 1982

CY/5/33936 – reclamation of part of disused part of Hawkshead Quarry using rubble and other inert solid waste – approved with conditions – 4<sup>th</sup> November 1983

99/2105P – certificates of lawfulness for existing use of premises for commercial vehicle repairs and maintenance – positive certificate – 22<sup>nd</sup> January 2002

18680P – storage shed for 2no. vehicles – approved with conditions -30<sup>th</sup> May 1979

22449PB – storage and maintenance shed for 2 vehicles – refused – 28<sup>th</sup> May 1980

### **Relevant Planning Policies, Guidance and Legislation**

**Cheshire East Local Plan Strategy (CELPS) 2017**

MP1 Presumption in Favour of Sustainable Development  
PG1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG6 Open Countryside  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer Contributions  
EG1 Economic Prosperity  
EG2 Rural Economy  
EG3 Existing and Allocated Employment Sites  
EG5 Promoting a Town Centre First Approach to Retail and Commerce  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE8 Renewable and Low Carbon Energy  
SE9 Energy Efficient Development  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood Risk and Water Management  
SE15 Peak District National Park Fringe  
CO1 Sustainable Travel and Transport  
CO4 Travel Plans and Transport Assessments  
Appendix C Parking Standards

**Site Allocations and Development Policies Document (SADPD) 2022**

PG9 Settlement Boundaries  
GEN1 Design principles  
GEN4 Recovery of forward-funded infrastructure costs  
GEN7 Recovery of planning obligations reduced on viability grounds  
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  
RUR10 Employment development in the open countryside  
HOU10 Amenity  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access

INF6 Protection of existing and proposed infrastructure  
INF9 Utilities  
INF10 Canals and mooring facilities

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance  
Trees and Development SPD  
Section 106/ Planning Obligations SPD (S016 SPD)

### **Consultation external to planning on revised scheme**

**Canal and River Trust** – no objections subject to securing of a detailed Construction Environmental Management Plan (CEMP) via use of planning condition to ensure that the watercourse and Radcliffe Feeder will be protected from siltation and blockages during works.

**CEC Highways** – no objections - no additional comments beyond previous comments provided – updated layout plans are acceptable and include EV charging and cycle parking spaces.

**Natural England** – no objection subject to securing CEMP and surface and foul water management plans via use of planning conditions to ensure that appropriate mitigation is secured to prevent damage or destroy the interest features of Danes Moss Site of Special Scientific Interest.

**Nature Conservation Officer** – 24<sup>th</sup> November 2022 – made observations – whilst offset of buildings is less than 15m as per Natural England criteria given the existing hardstanding has been in place for many years less than the ancient woodland boundary shown on the inventory that the offset proposed is sufficient considering the existing nature of the stie. Concern is raised that the proposed water treatment plant is proposed on M2689-PA-02 V3 and in the Ecological Addendum Report as being located within hardstanding by the Drainage Scheme 20-4395 DR01 shows the treatment works located within what may be either ancient/priority woodland or the on-site landscaped bund as such clarification of the location of the proposed water treatment tank is required. If the treatment tank is not located within existing hard standing, clarification will be required as to whether it is located within ancient woodland or the landscaped bund as if the tank is proposed within the ancient woodland area this is likely to result in an adverse impact on this irreplaceable habitat. A CEMP by condition would be required to ensure any indirect impacts on the woodland from dust or intrusion during the construction phase are minimised. The external lighting scheme does not result in any significant light-spill onto the adjacent woodland and as such can be conditioned for execution in accordance with the submitted scheme. A protection for breeding season for nesting birds condition is also requested.

**LLFA** - comments sought however no response provided at the time of the report. May be reflected in committee updates.

**Cheshire Wildlife Trust** – comments sought however no response provided at the time of the report. May be reflected in committee updates.



**Woodlands Trust** - comments sought however no response provided at the time of the report. May be reflected in committee updates.

**Sutton Parish Council** – no objections.

**Consultation external to planning on original scheme**

**CEC Highways** – no objections. May 2022 and August 2022.

**LLFA** – no objections – noted no issue with principle to diversion of the culverted watercourse on site but requests further detail on the proposed diversion. They note for example manhole 7 appears to be on 90 degree angle and that hydraulic modelling should be provided to show that the development does not exacerbate upstream flooding with perhaps more direct routes between manholes 6 and 8 if feasible with required 8 metre easement. Drainage scheme also needs assessment against national hierarchy with relevant ground investigation and percolation testing. Seek inclusion of a prior to commencement style detailed drainage strategy/design/management scheme and informatives covering infiltration and works to ordinary watercourses.

**Canal and River Trust** – no objections – May 2022 Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe Feeder lies to the south of the site. The Radcliffe Feeder is managed by the Canal and River Trust and feeds into Bosley Reservoir. Noted that the drainage plan indicates that surface water would drain to a new culverted watercourse included as part of the proposal that would run around the south boundary of the site. They note that the Radcliffe Feeder channel is upstream of the new culverted watercourse and the development site is at a lower level than the feeder channel as such they consider there would be limited risk to the feeder during construction however care should be taken that the existing culvert is not blocked/silted during works as this could block or back up water and affect water levels in the feeder channel. They note that the culverted watercourse through the site feeds into the Radcliffe Feeder where a sluice-mechanism controls flows leading off the brook course, which should not take uncontrolled or excessive flows. The Canal and River Trust state that it is expected that the new culverted route would be constructed before the existing culvert is no longer in use, however it is advisable, during the construction phase, to not have the brook course fed into the feeder in its entirety.

**Natural England** - 9<sup>th</sup> May 2022 – object on basis of insufficient information – they state that the application could have potential significant effects on Danes Moss Site of Special Scientific Interest (SSSI) and further information as follows is required to determine the significance of these impacts and the scope for mitigation: further clarification regarding foul water/drainage management and potential impacts on a prior to determination basis and a Construction Environmental Management Plan which may be secured on a prior to commencement style planning condition basis with regards to ensuring the protection of the SSSI relating to hydrological links.

**Environmental Protection** – Contaminated Land – April 2022 - no objections to the development subject to the use of planning conditions to secure: Conceptual Model, Phase II ground investigations and a Remediation Strategy on a prior to commencement basis; verification report submission on a prior to occupation basis; soil importation testing on a prior to importation basis (if applicable) and previously undiscovered contamination. Informatives

covering the Environmental Protection Act are also sought for inclusion on any decision notice approving the development.

Environmental Protection Officer – Amenity - no objections subject to the use of planning conditions and informatives to cover construction hours (informative); prior to commencement submission of pile foundations scheme (if applicable); prior to commencement floor floating scheme submission (if applicable); 5% of new parking spaces to have electric vehicle chargers scheme submission on a prior to installation basis and chargers installed on a prior to first use of the development basis.

**Woodland Trust** – object to the development for the following reasons – February 2022 – deterioration and potential loss of Ratcliff Wood an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory.

- potential direct loss of ancient woodland via the removal of boundary trees

- noise, light and dust pollution.

- adverse hydrological impacts.

- cumulative effect of the above impacts resulting in long-term deterioration.

- Development is contrary to policy 180 of the NPPF as there is no wholly exceptional reason for the development in this location and as such as it would fail to protect an ancient woodland including some loss of trees the development should therefore be refused.

- Ancient woodland is an irreplaceable habitat, once lost it is gone forever and any development resulting in loss or deterioration of ancient woodland must consider all possible measures to ensure avoidance of adverse impact. It is also noted that once land use is further intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular the habitats become more vulnerable to the outside influences, or edge effects that result from the adjacent lands change of use. These can impact cumulatively on ancient woodland – this is much more damaging than individual effects.

**Cheshire Wildlife Trust** – object to the proposals for the following summarised reasons – 10<sup>th</sup> May 2022 following on from February 2022 feedback

- The current proposals include tree removals within an area designated as an ancient woodland and Local Wildlife Site (LWS). There is no precedent for the justification of identifying the areas of 'early or recent colonisers' on site as being of negligible value in an ancient or priority woodland and there is no reference in Natural England's standing advice to buffers being measured from the nearest mature trees. Many best examples of irreplaceable woodlands include transitional edge habitats that have expanded and regenerated as a result of natural dispersal, with edges providing support to a range of species while also providing buffer to more mature habitats, helping to reduce any negative anthropogenic effects that may arise in proximity to a woodland (such as increase noise, light or disturbance etc.)
- Notwithstanding this they note the site is an existing commercial operation and it is considered likely there would not be significant residual effects to the ancient woodland and LWS and as such seek the proposals embed environmental design within the scheme (as per the CE Nature Conservation Officers comments) to include: redesigned scheme to remove the need for any removal of trees from the ancient woodland/LWS (apart from the non-native planting on the bund which is likely to be acceptable with compensatory planting); mitigation measures for the effects of lighting and dust on the adjacent woodland; full details of the drainage scheme for the site; buildings should be

offset from the boundary of the ancient woodland by 5m and treatment plan should be relocated to ensure impacts on the ancient woodland/LWS are avoided.

**Nature Conservation Officer** – awaiting revised arboricultural assessment; ecological assessment; CEMP; foul/surface water drainage scheme and management; detailed planting plans showing native species for those lost on the bund and further information on lighting.

**Public Rights of Way Officer** – no objections subject to PROW informatives attached to any approval decision notice for the development.

**United Utilities** – no objections.

**Sutton Parish Council** – no objections.

**Public representations on original scheme**

3no. letters of support from the public/interested parties were received summarised as follows:

- The development would provide necessary enhanced warehouse space and business space for existing businesses/local employers such as Cheshire Cheese Company and Fruits of the Forage and would keep Macclesfield/Cheshire East base businesses within the area.
- The development would not result in detrimental impacts on the local environment despite the concerns raised by the Woodland Trust and Cheshire Wildlife Trust.
- Any trees felled within the boundary of the ancient woodland to the north area of the site are of little ecological value of non-native conifers and self-seeded birch which would not impact the ancient woodland as a whole with trees planted elsewhere to counter any loss. The ancient woodland has been abused for 200 years such as losses of mature oaks during the Industrial Revolution and mosses introduced damp causing wild garlic, greater celandine and lady's smock. The proposed development presents an opportunity to re-introduce native species and bring the ancient woodland into a more natural state and re-wild it. Without the development these projects to plant new area of native woodland in the pasture to the north will not go ahead.
- Other trees near to proposed culverting would not be impacted as they are at a higher level and already starved of nutrients due to presence of existing development as such a buffer zone to protect mature trees near to the culvert area is not required.
- There will not be detrimental impacts on light or noise pollution as a result of the development as the surrounding woodland shields neighbouring use from this.
- The development would represent the efficient use of underutilised brownfield land in a suitable area with existing industrial/employment development that would support employment/business/manufacturing in Macclesfield area.

1no. Letters of objection were received summarised as follows:

- There are existing issues with haulage traffic turning in neighbouring residential properties yards causing damage.
- There are existing traffic issues up the lane causing detrimental impacts to residential amenity as a result of vehicular trips/movements/turning.
- Radcliffe Road is not fit for the amount of heavy traffic that the existing use has as such further development will be detrimental to the surrounding highways network and the physical condition of the highways.

- The existing site entrance is not suitable and is dangerous causing vehicles to wait on the surrounding highways network which includes a blind corner, further development would cause detrimental impacts to highways safety.

## **OFFICER APPRAISAL**

The following appraisal is based on the revised scheme as received in October 2022.

### **Principle of the development – the erection of 3no. industrial units within the Open Countryside beyond the Green Belt**

The site comprises an existing employment site within the open countryside beyond the Green Belt. The proposals seek to expand the existing offer and construct 3no. additional units of Class E (g) (ii) and (g) (iii) (formerly B1c) Use Class at the site with associated parking, drainage infrastructure and landscaping. In respect of the principle of the development the most applicable policies and guidance to consider are MP1, PG1, PG2, PG6, EG1, EG2, EG3, EG5 and SE2 of the CELPS and PG9 and RUR10 of the SADPD.

PG1 Overall Development Strategy of the CELPS states ‘1. Provision will be made for a minimum of 380 hectares of land for business, general industrial and storage and distribution uses over the period 2010 to 2030, to support growth of the local economy.’

PG6 Open Countryside of the CELPS states ‘2. Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. 3. Exceptions may be made: v. for development that is essential for the expansion or redevelopment of an existing business. 4. The retention of gaps between settlements is important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements. 5. The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regards, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.’

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

EG1 Economic Prosperity of the CELPS states ‘1. Proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan. 2. Proposals for employment development on non-allocated sites will be supported where they are in the right location and support the strategy, role and function of the town as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.’

EG2 Rural Economy of the CELPS states *'Outside the Principal Towns, Key Service Centres and Local Service Centres, developments that.*

*1. Provide opportunities for local rural employment development that supports the vitality of rural settlements;*

*3. Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification;*

*4. Encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practices;*

*5. Are considered essential to the wider strategic interest of the economic development of Cheshire East, as determined by the Council.*

*Will be supported where the development:*

*i. meets sustainable development objectives as set out in policies MP1, SD1 and SD2 of the Local Plan Strategy;*

*ii. supports the rural economy and could not reasonably be expected to locate within a designated centre by reason of their products sold <sup>42</sup>;*

*iii. would not undermine the delivery of strategic employment allocations;*

*iv. is supported by adequate infrastructure;*

*v. is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;*

*vi. is well sited and design in order to conserve and where possible enhance the character and quality of the landscape and built form; and*

*vii. does not conflict with Policies PG3, PG4, PG6, PG7, SE3, SE4, SE5, SE6 and SE7 of the Local Plan Strategy.'*

Footnote 42 states *'the majority of goods sold should be produced on site'.*

EG3 Existing and Allocated Employment Sites states *'1. Existing employment sites will be protected for employment use unless:*

*i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*

*ii. The site is no longer suitable or viable for employment use; and*

*a. There is no potential for modernisation or alternate employment uses; and*

*b. no other occupiers can be found <sup>43</sup>.*

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

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

RUR10 Employment development in the open countryside of the SADPD states *'1. Under LPS policy PG6 'Open Countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Certain types of small scale employment development may be appropriate to a rural area where the nature of the business means that a countryside location is essential and the proposals provide local employment opportunities that support the vitality of rural settlements.*

*2. Where it is demonstrated that the proposal is appropriate to a rural area, small scale employment development will be supported where it accords with other policies in the development plan and:*

- i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;*
- ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;*
- iii. the proposal does not unacceptably affect the amenity and character of the surrounding area of landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and*
- iv. appropriate landscaping and screening is provided.*

*3. The design of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future.'*

As part of the Inspectors main modifications to this policy the reference to 'small scale' is to be deleted for soundness and consistency with the NPPF (paragraph 84) noting it was also deemed not to be justified to other regard.

As written in the Officer Report supporting ref:20/0113M it is notable that 5ha of allocated employment land exists approximately 2km to the north of the application site at site LPS 13 South Macclesfield Development Area (CELPS), with a further 10ha at site LPS 12 Land at Congleton Road Macclesfield (CELPS), slightly further beyond that. Both of which could accommodate businesses which do not require a countryside location. In this regard, the proposal appears to run counter to wider strategic interest of the economic development of Cheshire East. These points were re-iterated to the applicants during the course of this application and in addition it was questioned why the uses were required to be in such a rural location noting that Fruits of the Forage, one of the intended users presently operates from a Macclesfield Principal Town, town centre location off Churchill Way, Macclesfield i.e. within a settlement. Following these comments a Client Letter M2689-E-22.09.09 was submitted to support the application.

Within the Client Letter in terms of Fruits of the Forage the proposed move out of town centre is stated to be for 'strategic business reasons' to enable the local company to have a bespoke purpose-built unit for their specific processes with the room for the planned expansion. The letter goes on to say that as a foraging-based business they wish to be in an appropriate rural location which has benefitted the existing Cheshire Cheese company on the site who also seek an expanded unit with both companies recovering from the effects of Covid and Brexit. It goes on to say that the buildings would also not be capable of residential use conversion with regards to RUR10 SADPD policy due to the heavy HGV and industrial estate presence. It is stated that developing the site which is presently used for HGV's will reduce the number of HGV's on the road which is a positive benefit in favour of permitting the proposed B2/E new uses. It is also stated that as a result of the previous refusal and delays due to the appearance at 2no. committees, 3no. businesses who wished to move to the site have been lost and that they are now struggling to survive with the existing HGV and commercial use elements. In the supporting Design and Access Statement it describes that Fruits of the Forage would benefit from this location as it would offer opportunity for foraging on the doorstep and surrounding countryside with areas identified within the woodland for management to provide foraging of native understory plants like wild garlic, nuts and berries.

The Client Letter also cites paragraphs 84 and 85 of the NPPF that states '*Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings*' and that '*Planning policies and decisions should recognise that sites to meet local business and community needs in rural area may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*'

Further to this within the Client Letter it is stated that the context of and benefits of approving the development are:

- The proposed site comprises all existing hardstanding.
- The proposals safeguard the ancient and non-ancient woodland with minor removal of non-native species and proposed replacement with indigenous species.
- The proposals will result in the removal of disturbances from HGV's which is operational 24/7, 365 days a year with movements between 3am and 10pm which face into surrounding woodlands causing noise, light and dust disturbance. The proposals are designed to be inward-looking and result in a natural impact with quiet faces directed towards the surrounding woodland most relevant to units 1 and 2, with limited private vehicle parking movements to the western edge with reduced start-ups comparing cars/vans with HGV's.
- There are therefore ecological benefits from approving the scheme due to a less intensive development than the HGV usage and that drainage of surface water and foulds following cleansing in modern tanks will guarantee drinking quality water.

Notwithstanding these comments whilst the proposed development would be built over an area predominantly used for HGV parking, it cannot be said outright that this would result in fewer HGV movements onto the highway noting the operations of existing companies at the site.

In addition, notwithstanding the argument presented in respect of the 2no. interested occupiers (1no. would be a relocated occupier already on site) whilst it may be their preference to be located in this rural, outside of settlement, location and that the applicant has worked with them to design units specific to their needs, this is not part of the tests of policy compliance which overall seeks that development is sustainable. The relevant policies seek that for these types of uses outside of settlement boundaries in rural, open countryside locations, that development be limited to businesses where the nature of that business means a countryside location is essential and provides local employment opportunities that support the vitality of rural settlements. From the evidence provided neither business is directly required to be in this rural area, simply only their preference to be. In addition, aside from the units the named businesses seek to occupy the rest of the development is speculative i.e. with no specific occupier in mind, therefore with regards to policy RUR10 if a countryside location had been established as being essential for the named occupants, the rest of the development could not be said to comprises buildings, structures and ancillary development restricted to the minimum level reasonably required for the existing or planned operation of business. How could it be said that the

speculative units will have businesses operating from them that by their nature require a countryside location?

To this end as indicated in the other listed relevant policies and as with the Officer Recommendation supporting ref: 20/0113M the type of development proposed could be located elsewhere, of which as per the Council's strategic priorities for employment and industrial development are directed towards allocated sites and other sites within settlement boundary locations where infrastructure such as public transport is already in place to support new development or facilities otherwise in place to secure that. This site could not be said to be sustainable in terms of transport options given there are no public transport options within a reasonable distance of the site. There is no particular need for the proposed development to be located within the application site. It is therefore considered that the proposals run contrary to the wider strategic interests of the economic development of Cheshire East. It is considered that the principle of the development is not acceptable, and the proposals are not considered to represent sustainable development. It is not considered that moderate job creation would outweigh issues surrounding the principle of the development. The proposal is therefore contrary to the requirements of policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS and RUR10 of the SADPD.

#### **Impact of the development on design, local character and designated heritage assets**

Between them the listed policies and guidance seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. They also seek the consideration of the significance of heritage assets and the impact of development on them, seeking the protection and enhancement of the asset.

The site itself has an existing industrial aesthetic albeit screened mostly from wider public vantage points by the topography, valley location and woodland slopes. The building on site are typical industrial warehouses/buildings in style with ergonomic, utilitarian style executed in brick, concrete block and metal profile cladding. The proposed buildings are utilitarian in style also with brick, metal cladding and matching roofs/roller shutters/doors planned which are considered to present an acceptable overall aesthetic akin to the buildings in situ and of a size, scale and location that would not be prominent from public viewpoints. It is also not considered that there would be any detrimental impacts on the setting of designated heritage assets as a result of the location, scale and size of the development.

As with the previous Officer Report for 20/0113M policy SE9 of the CELPS seeks that for non-residential development over 1000sqm are to secure at least 10% of predicted energy requirements from decentralised renewable low carbon sources, unless the applicant can demonstrate this is not feasible. As this development exceed 1000sqm a condition will be attached to any approval to detail how 10% of the energy requirements will be obtained from decentralised renewable resources.

Subject to conditions to secure materials as per application, no issues are raised as to the design, character and impacts of the development on designated heritage assets.

#### **Impact of the development on amenity, contaminated land and pollution control**



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

The application site and immediate surrounding area has a history of gravel pit, quarry, depot, garage and landfill use and present uses of industry, haulage depot, concrete batching plant and saw-mill and as such the land may be contaminated, as may be the case for the wider environment. The site is on and within 250m of a known landfill site or area of ground that has the potential to create gas. The application is supported by a Phase I Preliminary Risk Assessment Report Ref: CL101, EnviroSolution Ltd 24 March 2022. This assessment recommends a Phase II report be undertaken to further assess identified potential contaminant linkages. The application has been reviewed by Environmental Health Officers who raise no objections to the development subject to the use of planning conditions to secure: Conceptual Model, Phase II ground investigations and a Remediation Strategy on a prior to commencement basis; verification report submission on a prior to occupation basis; soil importation testing on a prior to importation basis (if applicable) and previously undiscovered contamination.

The Environmental Health Officers covering amenity raised no objection to the proposals subject to the use of planning conditions and informatives to cover construction hours (informative); prior to commencement submission of pile foundations scheme (if applicable); prior to commencement floor floating scheme submission (if applicable); 5% of new parking spaces to have electric vehicle chargers scheme submission on a prior to installation basis and chargers installed on a prior to first use of the development basis. Notwithstanding the request to condition electric vehicle charging points should the development be approved, the provision of them is now covered under Building Regulations and therefore to attach a condition would no longer meet the tests for the use of planning conditions to allow overall compliance with local policies and guidance and as such will not be attached. Given the distance of the development to nearest residential properties and due to its enclosure in a wooded valley it is not considered there would be significant detrimental impacts on noise or light on amenity of residential properties. As the development is proposed as light industrial Class E/B2 in terms of Use Class as other elements of Class E which covers a wider variety of Commercial, Business and Service uses such as shops, cafes, restaurants, nurseries, retail etc. which may have higher intensity usage of the site and as a result additional noise/fumes etc generated as a result planning conditions to restrict the usage of the site to Class E (g) (ii) 'the research and development of produces or processes' or (iii) 'any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area) and B2 General Industry, so as to the reserve the right to further control of other development at this rural, countryside and out of settlement location. This is also with regards to highways and parking considerations. PD rights are also recommended for removal with regards to change of use to residential, flats, storage and distribution and state funded schools for these reasons.

Taking these points into account and subject to the use of conditions and informatives it is considered that the development is in compliance with policies and guidance covering amenity and pollution protection.

### **Impact of the development on highways safety, parking and Public Rights of Way**

Between them these policies within the development plan seek to deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. They also seek to protect and maintain public rights of way and enhance them where detrimental impacts require mitigation or allocations indicate.

The site is served by a private road (unadopted) off Leek Old Road (adopted) with current parking arrangements for the existing uses executed on an adhoc informal basis with various loading and turning areas. The proposed uses will have 37no. parking bays for cars, 15no. motorcycle parking spaces and 25no. cycle parking spaces with various loading areas to the frontage of each unit close to the proposed roller doors. The proposals have been reviewed by the Highways Officer who raises no objections to the development. Conditions will be attached to any approval of the development to secure details of secure cycle parking in the locations shown on the site plan and to ensure that all the indicated parking is provided on a prior to first occupation of each unit basis and retained thereafter in the interests of highways safety.

The site is adjacent to public footpath Gawsworth FP36 and is in close proximity to Gawsworth FP31 and FP33. The proposals have been reviewed by the PROW officer who raises no objection subject to an informative being attached to any approval of the application to ensure PROW protection during the construction of the development.

Subject to conditions and informatives it is considered that the proposals are in compliance with the policies and guidance covering highways safety, parking and Public Rights of Way.

### **Impact of the development on biodiversity and nature conservation, trees and landscape character**

The listed policies of the development plan and guidance seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests, instead planning for net gains. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective. Between them the listed policies and guidance also seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. These policies and guidance also seek to protect and enhance landscape character. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

The lower quarry site lies within the Gawsworth Common, Whitemoor Hill and Ratcliffe (often referred to as Radcliffe) Wood Land Wildlife Site, an ancient woodland and priority woodland habitat. Ancient woodlands receive specific protection through paragraph 175 of the NPPF. The site is also located close to Danes Moss Site of Special Scientific Interest (Danes Moss SSSI). Danes Moss is the largest example in Cheshire of a cut-over raised mire and its

topographical location is particularly unusual. Active restoration efforts have increased peat forming processes and there is a varied plant and invertebrate community. The meres and mosses of north-west Midlands form a nationally important species of open water and peatland sites not represented elsewhere in lowland Britain, as such the impacts on this site on a result of any proposed new development forms an important consideration.

The application is supported by: Extended Phase 1 Habitat Survey by Rachel Hacking Ecology dated July 2021; Arboricultural Report PM/FULL/06/09/22 by Murray Tree Consultancy dated September 2022; Ecological Addendum by Rachel Hacking Ecology dated 12<sup>th</sup> September 2022 and revised plans dated 6<sup>th</sup> October 2022 and a variety of drawings showing the changes to the ancient woodland over time as listed on the Document Issue Sheet as received 4<sup>th</sup> October 2022.

The Extended Phase 1 Habitat Survey noted that during the survey works there to be no further survey efforts required with regards to bats, great crested newts, badgers and nesting birds noting foraging potential for bats and birds from the woodland areas. This Survey notes that as the site lies within an SNCI that this should be protected from impact from the development by a CEMP. It was also noted that there is *Montbretia Crocosmia x crocosmiiflore* and *Cotoneaster* on the site and that this should be removed via an approved eradication methodology. In order to improve and provide biodiversity gains appropriate to the immediate area and the ancient woodland it is recommended that planting of native and non-native flowering perennial, annual and shrub species for pollination and nectar sources is provided, bat/bird boxes erected and additional native tree planting secured.

Originally concerns were raised by consultees that the development in particular the section closest to Unit 1 would be encroaching on the ancient woodland and thus result in loss of, or adverse pressures on it contrary to paragraph 180 of the NPPF and SE3(4) of the CELPS. In addition, concern was raised by the Woodlands Trust that intensified development in close proximity to the woodland and as a result pollutants and activities related to the proposals may have a detrimental cumulative effect on the ancient woodland and its long-term protection which may result in long term loss or damage to what it an irreplaceable natural asset. The Woodland Trust also raised concern regarding the impacts of the development on hydrology. The Cheshire Wildlife Trust also commented that the scheme should be re-designed to ensure no losses of trees from the ancient woodland whether early/recent colonisers on the transitionary edge (as originally proposed) and that the scheme include mitigation measures for lighting and dust, a full drainage scheme and that buildings should be offset by 5m with the treatment plant relocated to ensure impacts on the ancient woodland/LWS are avoided. During the course of the application in May 2022 Natural England provided consultation feedback where they objected to the proposals, in the absence of further clarification regarding foul water/drainage management and potential impacts, and a Construction Environmental Management Plan (CEMP) and the potential impacts upon Danes Moss SSSI and the scope for mitigation. The information requested related to foul water/drainage management and the provision of a Construction Environmental Management Plan via the use of a prior to commencement style planning condition with regards to ensuring the protection of the SSSI relating to hydrological links during the construction period of the development. This information was requested by Natural England due to the proposed culvert modification and spillway into an existing watercourse with unknown information as to how this is to be executed or managed noting the impacts the development may have on the hydrological connectivity of the proposed development site via a brook to the north-west and the SSSI. The drainage information

requested would also need to cover surface water and ground water drainage in relation to SSSI hydrology links and impacts to the SSSI during construction and operation phases of the development.

During the course of the application the scheme has been amended to move Unit 1 away from the established edge of the ancient woodland with the extent of existing hardstanding at a buffer distance of 5m. In addition the only trees set for removal are a group of Cypress and Pine closest to Unit 2. Further to this a detailed lighting scheme with associated plan and amended drainage layout was submitted for consideration prepared by Ansell Lighting alongside the Ecological Addendum by Rachel Hacking Ecology. The lighting scheme submitted proposes warm white LED lighting to face the buildings only to prevent impacts to nature conservation efforts relating to bat foraging within the woodland areas with lightspill contours showing 1lux lightspill onto surrounding existing vegetation. The drainage scheme shows pipe work and water treatment now to areas within hardstanding more than 5m from the woodland edge with piped routes along existing tracks/hardstanding to the south side. The applicants ecologist notes the proposals would be of some benefit as they would result in HGV parking no longer immediately adjacent the woodland edge with a CEMP to be used to protect Biodiversity Zones and the woodland edge. The Arboricultural Report notes that only G3 comprising mixed Cypress and Pine are to be removed which are located on a bund close to Unit 2 with all other trees and groups to be retained including those indicated as low quality. Other supporting documents show the change to the edge of the ancient woodland over time and that the development would be wholly located on existing hardstanding. Mitigation planting is shown on the Supplementary Information to support Murray Tree Consultancy Report M2689-PA-09-V2 and M2689-PA-14-V1 Planting Plan.

The Nature Conservation Officer has reviewed the revised scheme. They note that the woodland is adjacent to existing hard standing areas on the site. The Nature Conservation Officer notes that the standing advice by Natural England and the Forestry commission, which is material consideration, states that buffer zones of at least 15m are required to safeguard ancient woodlands. They note that while the development does encroach within the boundary of the ancient woodland as shown on the national inventory, the area of encroachment is hard standing that is understood to have been in place for a number of years together with bund supporting non-native ornamental planting. The Officer notes that the proposed buildings are located on existing hard standing are set back a distance from the edge of the woodland and whilst this is offset is less than the 15m as per standing advice that this is sufficient considering the nature of the site. The Nature Conservation Officer notes however the proposed water treatment tank for foul drainage is shown in an area of hardstanding on one plan and on the other shown within an area of the ancient/priority woodland or on the on-site landscaped bund. Therefore, at this time due to the conflicting information it is not certain whether this part of the development would cause adverse impacts on irreplaceable habitats. They do note however that assuming the treatment tank is to be located within the existing area of hardstanding, the only habitat lost to the proposed development is an area of ornamental planting of negligible nature conservation value which may be replaced with more appropriate native planting as part of the submitted plan. Notwithstanding this the Nature Conservation officer sought the use of conditions to secure a CEMP to ensure indirect impacts on the woodland in the form of dust/intrusion during the construction phase are minimised and to secure the external lighting as per the submitted details. They also requested that a condition be attached to any approval to secure demolition/construction works outside of breeding season for nesting birds.

Whilst the Woodland Trust, Tree Officers and Cheshire Wildlife Trust were consulted on the revised proposals, at the time of this report responses were not received in respect of them. Notwithstanding this, aside from the query regarding placement of drainage in respect of the ancient woodland boundary contrasted against the national archive and site situation, it is considered that the revised scheme overall would not encroach on or result in loss of ancient woodland. The scheme is now planned with an appropriate buffers from the woodland and located on existing hardstanding with the limited group trees on the bund closest to unit 2 proposed to be replaced with more suitable species. It is considered that with regards to the placement of treatment plants to handle foul drainage to the north of unit 2 and to the east of unit 1, that other arrangements can be secured and submitted via use of suitably worded planning condition with prior to commencement style triggers to ensure that the position of these is re-considered and only provided within existing areas of hardstanding and not within any existing woodland, landscaping or bunding buffers at least 5m from the boundary with the edge of the woodland. Suitable conditions would also be used to ensure the protection of the woodland during clearance and construction works to follow on from the supporting arboricultural information contained within the application.

In respect of the impact of the development on landscape character, whilst located in the Peak Fringe Local Landscape Designation (formerly ASCV), due to the siting of the development within a sloped valley surrounded by ancient woodland, subject to the replacement and enhancement tree and ecological mitigation planting no adverse impacts on landscape character or setting are expected as a result of the proposals.

Subject to conditions and informatives it is considered that the development is in compliance with listed policies and guidance regarding trees, hedgerows and landscape character.

### **Impact of the development on flood risk and water management**

Between them the listed policies and guidance seek that developments must integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

The application is supported by a Flood Risk Assessment ref: BEK-19653-1 Rev A (FRA) by bEk Enviro Ltd, Proposed Site Plan Indicating Proposed Drainage Layout by STL projects Ltd and H1 Boundary Offset M2689-PA-03-V2. The FRA states the site to be located within Flood Zone 1 according to the Environment Agency Flood Map with the proposed development a 'less vulnerable' type of development according to the Flood Risk Vulnerability Classification tables in the NPPF. The FRA notes the site to be in very low or low risk flood zones for reservoir, pluvial, surface water, groundwater or as a result from blockages due to infrastructure failure from bridges and culverts. Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe Feeder lies to the south of the site. The Radcliffe Feeder is managed by the Canal and River Trust (CRT) and feeds into Bosley Reservoir. There is an existing culverted watercourse running through the site, also an ordinary watercourse. It is noted that the drainage

plan indicates that surface water would drain to a new culverted watercourse included as part of the proposal that would run around the south boundary of the site.

The LLFA has reviewed the original proposals and commented to say they had no issue with the principle of the diversion of the culverted watercourse on site but requested further details on the proposed diversion. They noted for example manhole 7 appears to be on 90 degree angle and that hydraulic modelling should be provided to show that the development does not exacerbate upstream flooding with perhaps more direct routes between manholes 6 and 8 if feasible with required 8 metre easement. They also noted that the drainage scheme also needs assessment against national hierarchy with relevant ground investigation and percolation testing and therefore sought the inclusion of a prior to commencement style detailed drainage strategy/design/management scheme and informatives covering infiltration and works to ordinary watercourses.

The CRT noted that the Radcliffe Feeder channel is upstream of the new culverted watercourse and the development site is at a lower level than the feeder channel as such they consider there would be limited risk to the feeder during construction however care should be taken that the existing culvert is not blocked/silted during works as this could block or back up water and affect water levels in the feeder channel. They noted that the culverted watercourse through the site feeds into the Radcliffe Feeder where a sluice-mechanism controls flows leading off the brook course, which should not take uncontrolled or excessive flows. The CRT stated that it is expected that the new culverted route would be constructed before the existing culvert is no longer in use, however it is advisable, during the construction phase, to not have the brook course fed into the feeder in its entirety. In their original comments the CRT sought the use of conditions on a prior to commencement basis to secure a CEMP (Construction Environmental Management Plan) to ensure that the reservoir nor the feeder were detrimentally impacted as a result of the construction and operation of the culverted watercourse with regards to silting and blockages. During the course of the application a CEMP was provided by the applicants however in draft form showing location of heras protective fencing and brief notes on enabling works, as such in their revised comments the CRT still seek the use of prior to commencement style detailed CEMP condition to ensure the protection of the waterways. Taking this into account it is considered that planning conditions should be applied in the instance of an approval to secure a phased drainage plan for the construction period of the development also taking into account the need to ensure the Radcliffe Feeder is not impacted during culverting works in the interests of flood risk and water management.

Further to these comments the applicants submitted a revised detailed drainage layout for consideration. The revised Drainage Layout has a series of notes on the existing on-site drainage situation and that proposed to support the development. On the Drainage Layout it is stated that *'the existing site is drained by precast concrete channels alongside the main buildings of which the existing surface is of loose gravel which allows percolation into the cohesive soils beneath, which tends to flood under heaving and prolonged rainfall.'* The proposals therefore include surface water designed to drain/discharge into a replacement culvert running along the southern boundary, designed to take a flow rate of 1m<sup>3</sup> per second from the existing stream to the south east corner. It is stated that additional surface water from the roofs of the new buildings equate to an additional 14 l/s distributed over the length of the culvert. On the Drainage Layout foul drainage is indicated as to be handled via specialist sewage treatment tanks 1no. for Unit 1 and a larger tank for Units 2-3 with both tanks to meet guidelines set by the EA to allow treating of the waste water and discharging of the 'clean' run

off into new culverts. A maintenance plan for the foulds is also noted on the drawing. It is stated that there will be no impact on the hydrology of Bosley Reservoir, the ancient woodland, Danes Moss and adjacent wildlife site. Notwithstanding this as noted by the Nature Conservation Officer in their comments the Proposed Situation M2689-PA-02-V3 shows a different layout for the culverting and the positioning of the foul treatment plant/tank as such it is not certain which is proposed.

With regard to the updated Drainage Scheme the LLFA was approached for comment however at the time of report no updated response has been received and therefore may be provided by way of committee update. Notwithstanding this they did not raise immediate concerns as to the ability to appropriately manage flood risk and water management overall for the site and in their previous comments considered it appropriate to address drainage for the site via the use of carefully worded planning conditions on a prior to commencement basis. Taking this into account and that 2no. versions of drainage schemes have been submitted for consideration and the queries raised by the Nature Conservation Officer regarding placement of tanks/pipes in relation to ensuring the protection and longevity of the woodland and habitat surrounding the site, that in this instance conditions are appropriate for use to secure these details and that otherwise the development would be in compliance with policies and guidance covering flood risk and water management.

### **Conclusion**

The application site is located outside of designated settlement boundaries and is not an allocated employment site where new employment and industrial development is directed towards as per the CELPS and SADPD. The site is located in the open countryside with poor access to means of a variety of transport such as buses, cycling, walking or trains and is reliant on private vehicles such as cars/vans in which to reach it. The principle of the development is not accepted as the proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed is essential for it to be located in a countryside and out of settlement location, noting also only 2no. units have earmarked occupants with the remaining units proposed on a speculative basis. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS, and RUR10 of the SADPD. It is not considered that job creation and nature conservation and forestry mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. The proposal is considered not to represent sustainable development when considered on the whole and as such the application is recommended to be refused approval.

### **RECOMMENDATION:**

**Refuse for the following reasons:**

- 1. The application site is located outside of designated settlement boundaries in the Open Countryside and is not an allocated employment site where new employment and industrial development is directed towards as per the Cheshire East Local Plan Strategy (CELPS) and Site Allocations and Development Policies Document (SADPD). The principle of the development is not accepted as the**

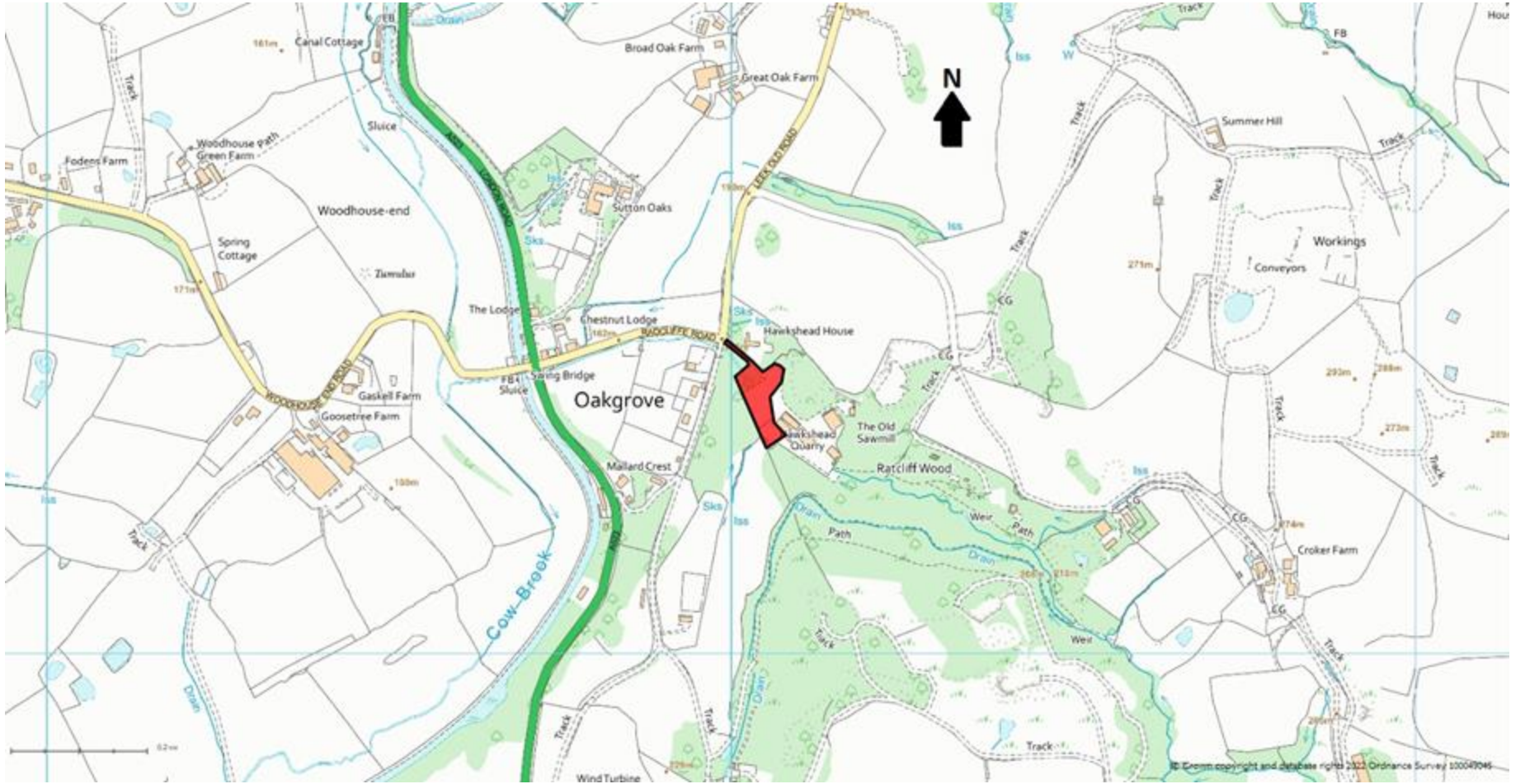
**proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed where known (noting many are proposed on a speculative basis) are essential for them to be located in a countryside and out of settlement location. Due to the site's location there is poor access to a means of a variety of transport such as buses, cycling, walking or trains and the development would be reliant on private vehicles such as cars/vans and as such is not considered to be a sustainable location. It is not considered that job creation and nature conservation and forestry mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS and RUR10 of the SADPD.**

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

1. Commencement of development (3 years)
2. Development shall be in accord with approved plans
3. Materials as application
4. Water tank not to be located in ancient woodland or landscaped bund – details to be submitted
5. Construction Environmental Management Plan to be submitted
6. Lighting to be in accordance with submitted scheme
7. Nesting birds survey to be submitted
8. Surface Water and Foul Water Management Plan to be submitted
9. Updated conceptual model to be submitted, and Phase II investigation / remediation strategy if required
10. Verification report to be submitted
11. Imported soil to be tested for contamination
12. Steps to be taken in event of unidentified contamination
13. Implementation of landscape scheme
14. Car and cycle parking to be provided prior to occupation
15. Details of secure cycle parking to be submitted on prior to installation basis
16. Staff travel plan to be submitted
17. Protection of living conditions of occupiers of Hawkshead House (hours of operation or occupation linked to site operator)
18. Details how 10% of the energy requirements will be obtained from decentralised or renewable sources
19. Use of buildings restricted to Class E (g) (ii) research and development of produces or processes, (iii) any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area) and B2 General Industry
20. Tree protection details to be submitted



*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions / Informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*





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Application No: 22/3170N

Location: Land at, PETER DESTAPLEIGH WAY, STAPELEY, CHESHIRE

Proposal: Reserved matters application pursuant to outline planning permission 12/3747N for the appearance, scale, layout and landscaping for Phase 1 residential development (Use Class C3) including internal access roads, public open space including NEAP, village green, community orchard and ecological areas, parking and associated infrastructure

Applicant: -, David Wilson Homes North West and Muller

Expiry Date: 03-Nov-2022

## SUMMARY

The application site comprises the first phase of the mixed-use development of outline planning approval 12/3747N which was granted on appeal by the Secretary of State on 15<sup>th</sup> July 2020 relating to land south of Peter Destapleigh Way. The principle for the erection of up to 189 dwellings within this site, has therefore been established. Full approval 12/3746N has also been granted for site access from Peter Destapleigh Way. This application considers the Approval of Reserved Matters including layout, scale, appearance, and landscaping.

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. The submitted Design Code provides a design-led framework which essentially set out the parameters to guide future reserved matters applications in delivering the components of the mixed-use scheme and ensures overall co-ordination and consistency between development parcels. The development is supported in design terms and accords with CELPS Policies SD1, SD2 and SE1, Policy GEN 1 of the SADPD, and Policy H4 of the SNP in relation to design quality.

The development will deliver 30% affordable housing in accordance with the requirements of the S106 Agreement with units pepper-potted throughout the site, and also secures an acceptable overall housing mix. The proposals are therefore in accordance with policies SC4 and SC5 of the CELPS, Policy HOU 1 of the SADPD and SNP Policies H2 and H3.

The scheme 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. As a result, the development would comply with Policies HOU 12 and HOU 13 of the SADPD and policy H4 of the SNP.

The impact on the wider highway network arising from the development of this site was addressed with during the consideration of the outline application. The internal road network meets relevant highways design standards and adequate car parking is provided in accordance

with parking standards identified in the CELPS. Therefore 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 CELPS Policies CO2 & CO4, SADPD Policy INF 3 and Policy T1 of the SNP.

Appropriate public open space for the scheme will be provided, including a Neighbourhood Equipped Area for Play (NEAP) and community gardens and orchard as a suitable alternative to the provision of conventional allotments shown on the indicative layout of the outline approval.

With regard to ecological impacts, subject to conditions, it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policy SE 3 of the CELPS. The impact on trees and hedgerows is acceptable and would be mitigated by the proposed landscaping of the site, and recommended conditions to protect retained trees.

The Council's Flood Risk Officer considers that subject to technical details being addressed, the proposed surface water drainage system will satisfactorily serve the development.

Air quality and contaminated land matters were addressed at the outline stage, and subject to planning conditions of the outline approval which are required to be formally discharged.

The proposals are therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the SADPD, the Stapeley & Batherton Neighbourhood Plan and the advice of the NPPF.

**Recommendation: APPROVE subject to Conditions**

## DESCRIPTION OF SITE AND CONTEXT

The application site comprises the first phase of the mixed-use development of outline planning approval 12/3747N which was granted on appeal by the Secretary of State on 15<sup>th</sup> July 2020 relating to land to the south of Peter Destapleigh Way.

The application site is of an irregular shape (7.4 Ha) due to future elements of the mixed-use scheme not forming part of this first reserved matters application.

The site is generally flat, agricultural land bounded by native hedgerows with some tree cover subject to a Tree Preservation Order.

It is bounded to the north by a strip of land alongside Peter Destapleigh Way (A5301) and adjoins the ecological mitigation/woodland landscape area for the Cronkinson Farm development.

To the north of Peter Destapleigh Way is the Cronkinson Farm residential development. This includes a small parade of five shops including a Co-Operative convenience store and a public house. Pear Tree Primary School and a community

hall are also situated within this residential development.

The eastern site boundary adjoins the existing ecological mitigation area of the Stapeley Gardens residential development

The western site boundary adjoins the recent residential development of Judson Close, off Audlem Road and then wraps around the northern edge of the Bishops Wood residential development. The southern boundary adjoins existing farmland.

## DETAILS OF PROPOSAL

Outline planning approval (12/3747N) was granted on appeal by the Secretary of State in July 2020 for the following;

*Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq. Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area*

This application seeks approval for Reserved Matters in relation to the appearance, landscaping, layout, and scale of 188 dwellings, associated infrastructure and open space including a NEAP, village green, community orchard and ecological areas pursuant to outline planning approval 12/3747N.

This residential element comprises the first phase of the mixed used scheme approved under 12/3747N and will be delivered as a single phase.

Access to the development will be via the access road leading southward from the traffic light junction on Peter Destapleigh Way which was also granted full planning approval (12/3746N) on appeal by the Secretary of State on 15<sup>th</sup> July 2020. Planning permission has also been subsequently granted for a section of internal spine road leading on from the southern end of the access road to serve the mixed-use scheme, including the residential parcel which is the subject of this application.

The proposed 188 dwellings will be made up of 132 market dwellings and 56 affordable units (30%) . These will comprise of a mix of detached, semi-detached, and terraced units ranging from 1-5 bed units. The scheme includes predominantly 2 storey dwellings, particularly adjacent to site boundaries and with taller units (2.5 storey) used at focal points and to frame key junctions.

The development will provide public open space including amenity space, an equipped play area (NEAP) and a community orchard and gardens. In accordance with the outline approval, ecological habitat is also being created within land on the eastern side of the site adjoining the mitigation area of the Stapeley Gardens housing development.

## RELEVANT HISTORY

12/3747N - Proposed residential development for up to a maximum of 189 dwellings; local centre (Class A1 to A5 inclusive and D1) with a maximum floor area of 1,800 sq.m Gross Internal Area (GIA); employment development (B1b, B1c, B2 and B8) with a maximum floor area of 3,700 sq. m GIA; primary school site; public open space including new village green, children's play area and allotments, green infrastructure including ecological area; access via adjoining site B (see below) and new pedestrian access and associated works Allowed on Appeal 15<sup>th</sup> July 2020 (Ref APP/R0660/A/13/2197532)

12/3746N - New highway access road, including footways and cycleway and associated works. Allowed on appeal 15<sup>th</sup> July 2020 (Ref APP/R0660/A/13/2197529)

21/1703N - Full planning application for an internal spine road to serve land South of Peter Destapleigh Way. Approved 24 December 2021

## **POLICIES**

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

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 4 - Travel Plans and Transport Assessments  
EG 1 - Economic Prosperity  
IN 1- Infrastructure  
IN 2 - Developer Contributions  
SC 1 - Leisure and Recreation  
SC 2 - Outdoor Sports Facilities  
SC 4 - Residential Mix  
SC 5 - Affordable Homes

### **Site Allocations and Development Policies Document (SADPD)**

PG9 Settlement Boundaries  
GEN 1 Design principles



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 15 New development and existing uses  
ENV 16 Surface water management and flood risk  
HOU 1 Housing mix  
HOU 8 Space, accessibility and wheelchair housing standards  
HOU12 Amenity  
HOU 13 Residential standards  
HOU 12 Housing Density  
HOU 14 Housing Delivery  
HOU 15 Housing delivery  
INF 1 Cycleways, bridleways and footpaths  
INF 3 Highways safety and access  
INF 9 Utilities  
REC 3 Green space implementation  
Policy REC 5 Community facilities

### **Stapeley & Batherton Neighbourhood Plan**

The plan was made on the 19 March 2018

Policy GS 1 – Landscape and the Countryside .  
Policy GS 2 – Open Space  
Policy GS 3 – Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving  
Policy GS 5 – Environmental Sustainability of buildings and adapting to climate change  
Policy GS 6 - Biodiversity  
Policy T 1 – General Transport Considerations.  
Policy T 2 – Pedestrian and cycle routes.  
Policy T 3 – Footpaths, Cycleways and Bridleways.  
Policy T 4– Bus Services  
Policy T 6 – Identification of underground utility assets  
Policy C 1 – Existing and New Facilities  
Policy C 2 – New Business  
Policy C 3 – Scale, Design and Amenity  
Policy AWB 1 – Accessible GP practices  
Policy AWB 3 – Provide for the sports needs of residents  
Policy AWB 4 – Community Facilities.  
Policy AWB 5 – Communications Infrastructure  
Policy H 1 - Housing Development  
Policy H 2 – Housing to meet Local Housing Needs  
Policy H 3 – Tenure mix.  
Policy H 4 – Design  
Policy H 5 – Settlement Boundary

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Cheshire East Design Guide - SPD

## CONSULTATIONS

**Environmental Protection:** No objection subject to conditions requiring the provision of noise mitigation and remediation of contamination with standard informatives relating to hours of construction, Piling, floor floating and dust management. (Issues relating to contamination and also air quality is addressed under conditions of outline approval 12/3747N).

**Strategic Housing Officer:** No objection to amended scheme as original concerns in respect of ensuring the acceptable pepper-potting of affordable units has been addressed.

**CEC Highways:** No objection as the road design is acceptable to serve the proposed residential development.

**United Utilities:** Object as no flow rate is shown for the surface water connection and no ultimate point of connection is shown for the foul rising main. (Further comments are awaited as additional information has been provided to address these technical issues).

**Flood Risk Manager:** No objection.

**Public Rights of Way Unit:** No objection. Confirms that the development does not affect a recorded public right of way, but comments in relation to wider accessibility for pedestrians and cyclists ;

- 2 proposed path links are shown at the north-western side of the development boundary onto Peter Destapleigh Way on the 'Landscape Masterplan' and 'Open Space Plan', which would increase the permeability of the site for pedestrians, but an assessment should be made as to whether these should be designed and constructed for use also by cyclists also. These paths would need provision of footway/cycleways within the highway boundary to the north of the site boundary, crossings of the road, and/or a footway/cycleway on the southern side of the road.
- A Footpath link is shown from the turning head at the south-western spur of the site, and a Footpath link along the northern edge of the Phase 3 area. The south west link to Bishops Wood would involve the agreement of the Council as landowner outside of the development site, and the construction of a continuing path on the Council's land

**Stapeley Parish Council:** Objects to the application on the grounds summarised below;

- Provision of land allocated for Public Open Space (POS) is not insufficient to meet needs of neighbourhood.
- Vast amount of the POS is attenuation land, or 'permanent ponds' and cannot be used by the public.
- The allotments and the village green of the outline planning permission are not included.
- By incorporating the village green from the outline approval within the proposed POS, this is further reducing the total POS offered in this application.

- The need for allotments to such an extent that the Parish Council pays a fee to Nantwich Town Council to allow Stapeley residents to be able to use its allotments, all of which are not within walking distance for the local residents
- Why have the allotments (as identified in the outline permission) been removed from this proposal?
  - Although a play area is proposed, this application does not include provision for new and different recreational resources, such as a large outdoor recreational area for ball sports (football pitch), an outdoor gym and trim trail, or a dog park, all of which are sorely needed in this community, as identified in the Stapeley & Batherton Neighbourhood Plan.
  - By incorporating the village green from the outline approval within the proposed POS, this is further reducing the total POS offered in this application.
  - The consultation document has published a partial and abridged versions of the feedback in order to fit with the plans the applicant wishes to put forward but does not address the questions raised at the informal meeting.
  - *“The consultation undertaken has been misrepresented as no formal consultation with Stapeley & District Parish Council; moreover, at the consultation meeting held with residents, the attendees were promised responses to a significant number of questions posed. The Parish Council is disappointed to note that the attendees have not yet been provided with the responses, as promised”.*
  - Concerns that there may be other inaccurate representations in the consultation document.
  - Planning conditions should be attached to this reserved matters application to ensure adequate funding provision for a crossing on the North side of the site, as there is no footway on the South side of Peter Destapeleigh Way.
  - Concern of a repeat of the situation which occurred at the Stapeley Gardens development where it was necessary for Cheshire East Council to provide a pedestrian crossing further down Peter Destapeleigh Way owing to extreme safety concerns.
  - The applicant has failed to demonstrate how the proposed development complies with the relevant Stapeley & Batherton Neighbourhood Plan policies, and should be refused on this basis. The Planning Statement merely lists a subset of policies from the Neighbourhood Plan, omitting many which are relevant to a development on a scale such as this.
  - Arboricultural Impact Assessment implies trees/hedgerow will be removed at point G9 for the connection of a sewer and footpath onto the main road although footpath does not appear on the main plan.
  - Inaccuracies in Arboricultural Impact Assessment.
  - Bat Activity Report shows the footpath to the North of the site in a different location to other plans.
  - Stated that provision of POS/NEAP is in abeyance following comments from ANSA which is in conflict with other submitted documents.
  - Footpath proposed through to the Bishop's Wood green area
  - Concerns raised in respect of CEMP including proposed working hours, proximity to school with no mitigation measures such as during school drop off collection times, no consideration of pedestrian movements at site entrance onto Peter Destapeleigh Way, inaccurate reference to construction site access being taken from Broad Lane, requirement for wheel wash, implications for bat population needs to be addressed, pollution prevention does not make specific reference to pond protection, and health and safety plan not available to view.
  - inadequate monitoring of traffic in noise report This should be a more representative survey undertaken across numerous days to include times when schools are open.

- Air Quality monitoring measures need to be provided given the development's close proximity to the primary school. Air quality should be re-assessed after completion of development "so that the air quality can be brought back to the pre-development level".
- The submitted traffic trip rate assessment only compares journeys to an earlier plan and not the impact on Peter Destapleigh Way. A revised traffic assessment is required.
- As no footway/cycleway on the southern side of Peter Destapleigh Way it would not be appropriate to create a gap for pedestrian access through the hedge from the northern site boundary. This would repeat the Stapeley Gardens footpath situation which has only recently been resolved with the new pedestrian crossing.
- The proposed 'Resident Travel Survey' of the Travel Plan focuses solely on vehicle journeys related to work and does not adequately reflect the travel needs of residents which should include, but not be limited to, education, leisure, health and amenities, and home deliveries.
- No pedestrian/cycle connectivity between the proposed development and the Stapeley Gardens development (to east) or the Cronkinson Farm development. This does not support the travel plan. How are children going to travel sustainably to Brine Leas School?
- There are proposed links through to Bishops Wood and Peter Destapleigh Way but give no details as to how these will be achieved.
- The CEMP document refers to this as 'Stapeley Phase 3'. Assurances is required that there will no vehicular access between this development and the development at Stapeley Gardens. (Nb. There is no proposed or approved vehicular access between the application site/mixed use scheme and the Stapeley Gardens development)

## **OTHER REPRESENTATIONS;**

13 Representation have been received objecting to the application the concerns raised are summarised below;

- This planning application has been ongoing for over 10 years and refused several times. It is evident that the people of Nantwich do not want or need this development and the Stapeley area has been inundated with various developments over recent years.
- Development of greenfield site when many brownfield sites are available.
- Cheshire East has a 5-year housing supply which was totally ignored by the then Secretary of State.
- Increase in traffic and noise pollution
- Exacerbate existing traffic problems with long queues especially on Peter Destapleigh Way especially during school drop off/collection and peak times .
- Other than changes to traffic light junction, further measures required to mitigate the impact of traffic on Peter Destapleigh Way in terms of volume and it's use by HGVs.
- Increase in air pollution
- Adverse impact on highway safety and increase problems of speeding vehicles Detrimental effect on wildlife
- Loss of trees and hedgerows
- Increase in flooding
- Substantial design changes have been made to the approved indicative masterplan. The changes negatively impact on Bishops Wood with smaller affordable houses and multiple parking spaces backing on to the existing houses in Bishops Wood.

- Affordable housing is concentrated within site adjacent to Bishops Wood. It should be dispersed and spread out throughout the new estate.
- Contrary to CELPS Policy SC5 as affordable properties not pepper-potted within the site. Market and affordable homes on sites should be indistinguishable and achieve the same high-quality design.
- The approved masterplan identified the land to the rear of properties Nos. 2–18 Bishops Wood as allotments but these have now been omitted and replaced with dwellings.
- Omission of allotments from development will exacerbate and do not address shortage of allotment facilities in Nantwich.
- Land to the rear of Nos. 2 - 18 Bishops Wood of insufficient size to accommodate well-designed residential development.
- Inadequate separation distances provided between the existing properties on Bishops Wood and the proposed dwellings contrary to Cheshire East Design Guide
- Concentration of affordable properties adjacent to Bishops Wood, will result in very limited amenity space for future occupiers.
- Inappropriate Density of development / proposed houses are extremely close together with lack of garden space.
- Amended plans show little change and do not improve the situation for residents of Bishops Wood.
- Over dominating impact, loss of light and privacy.
- Adverse impact on quality of life.
- The plans shows a road connecting to the recreation green on Bishops Wood and indicating a potential entrance/exit from the development through Bishops Wood to Audlem Road resulting in further traffic/highway safety problems.
- Increase in noise and disturbance to existing properties due to proximity of new homes and car parking areas.
- Provision of 2.2m high, boundary acoustic fencing or wall necessary.
- Buffer zones provided between the properties that face Peter Destaplegh Way and with western site boundary, but not for Bishops Wood
- 1.8m high timber fencing proposed along rear boundary (N.18 Bishop Wood) with the existing hedgerow situated behind. This will have a negative impact on the existing hedgerow and its roots. The Arboricultural Impact Assessment does not identify measures to protect hedgerow, or take into account the construction of a timber fence at this boundary.
- The access road to Judson Close is a single lane and should not be used for contractor parking during construction.
- Clarification of proposed provision of screen planting along north-western boundary with Judson Close.
- Potential reduction in property values.

## OFFICER APPRAISAL

### Key Issues

- Principle of development
- Housing
- Design
- Amenity
- Highways

- Ecology
- Trees
- Landscape
- Open Space
- Noise
- Air Quality
- Flood Risk/Drainage

## Principle of Development

This application relates to the acceptability of the proposed development in context of the reserved matters as the principle of erecting of up to 189 dwellings as part of a mixed-use scheme has already been granted outline planning approval (12/3747N) on appeal by the Secretary of State in July 2022 .

Therefore, considerations of the Layout, Scale, Appearance and Landscaping are the principal considerations of the proposed development, and the details of all relevant technical matters are discussed within the report.

An indicative masterplan accompanies the outline approval and sets out the main components of the mixed-use development. However this cannot be considered as the definitive layout or design of the development. In particular Condition 3 of outline planning approval (21/3747N) requires this reserved matters application to only “refer” to the submitted and indicative drawings. As a result, it is therefore inevitable that these detailed proposals include changes to the indicative drawings of the outline approval and these changes are addressed below.

Importantly highway access to the site via the traffic light-controlled junction on Peter Destapleigh Way was granted full planning approval (12/3746N) on appeal by the Secretary of State in July 2020. A further planning approval (21/1703N) was granted for an internal spine road leading from the southern end of the access road approved on appeal to serve the mixed-use development site, including the housing parcel which is the subject of this reserved matters application.

The mixed-use development approved on appeal is bound by the terms of the S106 agreement, to secure the following:

- Affordable housing provision (30%)
- Education contribution: Secondary £441,253 and SEN £91,000
- Highway contributions: including financial contribution towards a bus service, provision of new bus stops and for a pedestrian crossing on Peter Destapleigh Way (position to be agreed)
- Provision of NEAP, Open Space provision and management
- Provision and future management of Local Nature Conservation Area (LNCA)

The S106 agreement also requires that the first reserved matters application to provide a Phasing Plan to include;

- The future development of the mixed-use scheme

- Total number of dwellings along with and the delivery of affordable housing, and;
- The location and type of public open space across the site and within each phase.

The submitted Phasing Plan broadly sets out the delivery of the principal components of the mixed-use scheme at this stage and in the following phases;

Phase 1 - Access & Internal Spine Road (12/3746N & 21/1703N)

Phase 2 - Residential development including public open space scheme

Phase 3 - Flexible Use – commercial and/or site for primary school site

Phase 4 - Mixed Use - employment/ other outline approved end uses

Phase 5 - Mixed Use - employment/ employment/other outline approved end uses

In particular the residential phase (2) which is the subject of this first Reserved Matters application will deliver 188 dwellings, affordable housing (30%) and open space scheme in accordance with the provisions of the outline approval and the S106 agreement.

Condition 21 of the outline approval (12/3747N) requires;

*The first reserved matters applications shall include a Design Code for the site and all reserved matters application shall comply with provisions of the Masterplan submitted with the application and the approved Design Code.*

In accordance with Condition 21, the application is supported by a “hybrid Design and Access Statement/Design Code” . The submitted document is structured in two parts - The Design Code and Detailed Residential Proposals.

The Design Code provides a design-led framework which essentially set out the parameters to guide reserved matters applications in delivering the components of the mixed-use scheme and ensure overall co-ordination and consistency between development parcels. The design and access statement relates to the residential phase and detailed design issues relating to the scheme are addressed below.

## Housing

### Affordable housing

In accordance with the S106 Agreement, the scheme will provide 30% affordable housing (56 units) in clusters spread throughout the site. Provision includes a range of 1, 2, 3 and 4-beds in accordance with the requirements of the S106 Agreement and also Policy SC5 of the CELPS for the provision of both rented and intermediate housing.

To address concerns raised by the Strategic Housing Officer the proposals have been amended to show an acceptable degree of ‘pepper potting’ of affordable units within the development.

Given the provision now proposed, the Housing Officer has advised that an appropriate mix of property sizes and tenure split is proposed with affordable units being satisfactorily distributed throughout the site.

No. of beds	Number	% of affordable units
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1	7	13%
2	21	38%
3	26	46%
4	2	4%
5	0	0%
Total	56	100%

In terms of tenure 65% of units are for rent, and 35% units will be available for Shared ownership (Intermediate units). The provision of affordable housing therefore complies with CELPS Policy SC5 and SNP Policies H2 (Housing to meet Local Housing Need) and H3 (Tenure Mix).

### Housing Mix

Paragraph 61 of the National Planning Policy Framework states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)’.

CELPS Policy SC4 ‘Residential Mix’ advises 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. Policy H3 ‘Tenure Mix’ of the Stapeley and Batherton Neighbourhood Plan (SNP) states that proposals for affordable homes must be of a tenure, size and type to help meet locally identified need and contribute to a mixed, balanced and inclusive community where people can live independently longer.

The Site Allocations and Development Policies Document Policy HOU1 ‘Housing Mix’ advises that housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. SADPD Policy HOU 1 ‘Housing Mix’ includes in the supporting text, table 8.1 which is considered a ‘starting point’ for the consideration of housing mix on major schemes at full/reserved matters stage. The policy then goes on to include a number of relevant factors that the applicant should consider in determining an appropriate housing mix and type on the site.

The agent has submitted a housing mix statement, prepared by Tetlow King. The housing mix statement has had regard to policy HOU 1 ‘Housing Mix’ using table 8.1 as a ‘starting point’ but has then considered factors outlined in SADPD policy HOU 1 criteria to establish a housing mix for the site. The housing mix statement acknowledges that the proposed housing mix on the scheme provides for more four- and five-bedroom dwellings than that outlined in table 8.1 of the SADPD and has sought to justify this position. Furthermore, since completing the study, the housing mix has been further revised to increase the overall number of 2 beds in the housing mix proposed for the scheme by 5%.

The mix proposed would not be provided as per table 8.1 of the supporting text of policy HOU 1. However the policy text makes it clear that this is to be used as a starting point for analysis and negotiation. The aim of this policy is to provide a mix of housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. In this case, the mix appears to be consistent with that aim. Overall, the mix of the site would provide for 63% of 1-3 bed properties.



No. of beds	Number	% of total units
1	7	4%
2	37	20%
3	74	39%
4	60	32%
5	10	5%
Total	188	100%

The proposed housing mix therefore provides a variety of accommodation for different household types and sizes spread throughout the development and accords with policy SC4 of the CELPS, Policy HOU 1 of the SADPD and SNP Policy SNP H3.

Space, accessibility and wheelchair housing standards

In terms of dwelling sizes, Policy HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). However the standard will only apply from six months after the date of adoption of the SADPD.

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

House Type	TYPE	No. of Units	NDSS req(sqm)	House Type (sqm)	Comply with NDSS
<b>Open Market Properties</b>					
Type A	2B 3p	7	70	77.2	Yes
Type Z	2B 4p	9	79	92.4	Yes
Type C	3B 4p	1	84	104	Yes
Type D	3B 5p	30	93	109.7	Yes
Type E	3B 6p	4	102	126.7	Yes
Type F	3B 6p	13	102	125.7	Yes
Type J	4B 6p	11	106	133.2	Yes
Type K	4B 6p	18	106	138	Yes
Type L	4B 7p	23	115	142.9	Yes
Type N	4B 7p	6	115	183	Yes
Type P	5B 8p	10	128	184	Yes
<b>Affordable Properties</b>					
Type R	1B 2p	3	50	52	Yes
Type S	3B 4p	3	74	80	Yes
Type T	1B 1p	4	39	42	Yes
Type U	2B 3p	4	61	59	No
Type V	2B 3p	8	70	70	Yes
Type W	3B 5p	22	86	86.4	Yes
Type X	4B 6p	2	99	102.6	Yes
Type Y	3B 5p	1	86	86.4	Yes

Overall all open market units are NDSS compliant, and the majority of affordable units are NDSS compliant. Only Type U has a very minor shortfall of 2sqm. There are only 4 of these

units (type U) proposed within the development, and therefore overall the scheme is 98% NDSS compliant.

## **Layout / Design**

The importance of securing high quality design is specified within the NPPF and Policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD and the Cheshire East Design Guide. In particular, development proposals should 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 echoed by SNP Policy H4 and also reflected in the CEC Design Guide and the “Building for a Healthy Life Framework” (BHL). The Council’s Design Officer has undertaken an assessment of the application using the BHL framework which is reflected in the commentary below. BHL uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens.

During the course of the application the site layout has been amended in response to concerns raised in respect of the relationship of the scheme with adjoining properties of Bishops Wood. In particular the “southern finger” of the site has been redesigned to accommodate fewer dwellings which has been reduced from 18 to 11. In addition, development is of lower density with more detached properties being located in this part of the site and has also improved pepper-potting of affordable units across the site.

### 1. Natural connections

Vehicular access is solely via a new junction on Peter Destapleigh subject to full planning approval 12/3746N. This access is to serve the various mixed-use elements of the development that will form later phases as well as the residential element which is the subject of this Reserved Matters application.

The Design Officer considers that a real effort has been made to connect walking and cycling routes beyond the site, but this is not wholly effective as a result of constraints such as the ecology compensation area to the north and third party land ownership of the strip of land between the northern site boundary and Peter Destapeleigh Way. Although an important pedestrian link is provided from the western site boundary to an existing area of POS owned by Cheshire East Council within the Bishops Wood estate.

Internally though, connections are considered strong with a perimeter block arrangement and a network of public footpaths. However, whilst this is beyond the control of this application and efforts have been made to mitigate the effects of this, it is not possible to award a green light for a development of this scale with a single point of access to Peter Destapleigh Way. An amber is awarded.

### 2. Walking, cycling and public transport

Walking and cycling routes are well considered and the main access boulevard linking to Peter Destapleigh Way is also well designed. However, the previously referred to lack of connections

which cannot currently be secured beyond the northern site boundary and the absence of a dedicated public transport link mean that no more than an amber light can be awarded.

### 3. Facilities and services

A well-equipped and suitably located NEAP with attractive POS Community Orchard, Growing Area and Green Gym will be provided as part of the residential scheme. Access to all other facilities and services would require leaving the site and for the largely unavoidable reasons discussed above, this is not as easy as it could be. As this Reserved Matters application is for the residential element of what is part of a wider mixed-use scheme additional facilities and services will come forward at a later date. However, as the exact make-up or timescale for any future phases are not known this cannot be considered here and it is not possible to award a green light.

### 4. Homes for Everyone

There are a wide range of house types provided, with a broad accommodation mix ranging from 1-bedroom to 5-bedroom dwellings. Overall, 30% of all homes are affordable, which is in line with LPA policy and whilst there is inevitably some clustering of affordable homes the design is tenure blind, and this is considered to be acceptable. A green is awarded

### 5. Making the most of what's there

The site is generally flat and currently comprises agricultural land. Existing trees and hedgerows and watercourses are retained and integrated into the layout effectively and views to the south in particular are established. Overall, existing assets have been used sympathetically to support the proposed development and as a result a green light has been awarded.

### 6. A memorable character

There has been a comprehensive local character study undertaken and this has clearly informed the detailed character area codes that have in turn, led to the design and materials specification of the houses that form this Reserved Matters application. The role in this process played by the Cheshire East Borough Design Guide (CEC 2017) can be clearly seen and the net result is a place for and of the local area. A green is awarded.

### 7. Well defined streets and spaces

This has clearly been designed in line with both guidance contained in Building for a Healthy Life and the Cheshire East Borough Design Guide. There is a clear and legible perimeter block arrangement with a continuity of street frontages, front doors facing the street and a well-defined relationship between public and private space. Public open space is both well located and well-overlooked, houses turn corners and there are strong internal vistas. As a result green light is readily awarded.

### 8. Easy to find your way around

There are a series of character areas across a layout consisting of perimeter blocks, meaning that the proposals are internally well-connected and legible. This is supported by a well-defined hierarchy of streets and squares framed by buildings. Houses turn corners, providing surveillance and focal houses are located at key locations such as the termination of vistas and serve to aid the legibility. Similarly, the location of the POS and community orchard at the heart of the development provides a useful reference point and aids navigation. A green is awarded

### 9. Healthy Streets

There is a clearly defined hierarchy of streets leading from the access spine road, comprising avenues, streets, lanes and shared drives and these are designed in accordance with the guidance set out in the Cheshire East Borough Design Guide (CEC 2017i). As a result they will be safe for cars, cycles and pedestrians and a green light is readily awarded.

### 10. Cycle and car parking

The car parking strategy is mixed comprising in-curtilage bays to the front and side and a number of small and well-landscaped parking courts. All car spaces are close to homes and well-overlooked and it is not felt that cars would dominate the streetscape. With regard to cycle provision, there is access to the rear of all properties without going through the house and identified space for cycle storage in the rear gardens and as a result of all of this, a green light is awarded.

### 11. Green and blue Infrastructure

The proposal retains the sites key landscape features and integrates these into the green infrastructure network. Key areas of POS, including a NEAP are both well located and well overlooked and it is encouraging that the attenuation basin is integrated as a landscape feature. The community orchard is located at the heart of the site to act as a focal point. The footpath link to the north of the site connects to the spine road and runs alongside the ecological mitigation area to the edge of the woods beyond. Overall, whilst a more surface focussed SUDs approach would have been welcomed, the green and blue infrastructure proposals are positive and a green light has been awarded.

### 12. Back of pavement, front of home

Good use of landscape design, materials and boundary treatments provides a clear delineation between private, semi-private and public space. Refuse and recycling stores are clearly identified on the plans and each dwelling has access to rear gardens without going through the home. There is also a welcome lack of 'left-over' spaces that can so often despoil a place. Overall, the back of pavement and front of home is handled effectively, and a green light is awarded.

### Summary of assessment

The role played by the detailed design coding process and guidance including the Cheshire East Design Guide is evident and the Reserved Matters residential application is considered well-designed. It should be noted There are no reds and that the only amber lights awarded

are in respect of Criteria 1, 2 & 3 are effectively legacy ones, as a result of the constraints of the site and the less than perfect connections established by the earlier outline permission.

It is considered that in design terms the application complies with Policies; SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, Policy H4 of the SNP and the Cheshire East Design Guide SPD.

### **Amenity**

SADPD Policy HOU 12 (Amenity) that new development should not be permitted if it is deemed to cause unacceptable harm upon neighbouring amenity such as form overlooking, visual intrusion or noise and disturbance. SNP Policy H4 (design) requires that new residential development provides a good standard of amenity for existing and future occupiers of the proposed development and ensures that the amenities of neighbouring properties will not be adversely affected.

In addition Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)
- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey).

The closest existing properties to the application site are those of Bishops Wood. Judson Close and Audlem Road adjoining the western and southern site boundaries.

The layout has been amended to improve the relationship of the development with properties of Bishops Wood adjoining the southern part of the site. In particular and as referred to above, the “southern finger” of the site has been redesigned to accommodate fewer dwellings which has been reduced from 18 to a total of 11. The development within this part of the site adjacent to Bishops Wood is of lower density through the inclusion of more detached house types.

The scheme ensures satisfactory separation distances are achieved between proposed plots (two-storey) with adjacent properties of Bishops Wood. Minimum separation distances are exceeded between principal and non-principal elevations of existing properties with Bishops Wood as set out by Policy HOU 13. In particular an interface distance of 15.5m is secured between the rear elevation No.32 Bishops Wood and the gable end of Plot 61, which contains no windows to habitable rooms. In addition, separation distances of between 22m and 27m are secured between facing rear elevations of existing dwellings of Bishops Wood and the proposed plots of the development.

Further concerns have been raised by neighbouring residents of Bishops Wood that the site layout does not meet expectations given by the indicative proposals of the outline approval. However, the proposed arrangement and grouping of units, and associated provision of small residential parking courts, would not typically result in an adverse impact on residential amenity in terms of unacceptable noise and disturbance. Nor is there any compelling evidence that the siting of affordable units adjacent to existing properties will result in any greater levels of noise and disturbance than from the occupiers of market dwellings.

It is therefore considered that the relationship between the development and existing properties of Bishops Wood will not result in unacceptable harm upon neighbouring amenity such as from overlooking, visual intrusion noise and disturbance or result in an over-dominating impact.

Existing properties on Audlem 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 Policy HOU 13 and the Cheshire East Design Guide.

The relationship of new dwellings and existing properties of Judson Close will also be acceptable. The gable elevations of dwellings of Judson Close face towards the western site boundary and contain no principal windows. Separation distances exceeding 14m are achieved between the front elevations of proposed plots and existing gable ends of properties of Judson Close. In addition a separation distance of more than 21m is achieved between front elevations of No.11 Judson Close and Plot 121 of the development.

As set out in the drainage section of the report below, levels need to be raised throughout the site by around 200-600mm to facilitate the operation of the surface water drainage system. Further information has been requested to be submitted to demonstrate that the relationship with existing properties is acceptable where site levels have increased, and to particularly ensure that where necessary the proposed levels at the site boundaries will tie into existing levels. In any event a planning condition is recommended requiring the approval of ground and finished floor levels prior to the commencement of development.

Concerns have been raised regarding proposed boundary treatment (1.8m high fencing) alongside the western site boundary with Bishops Wood and impact on an existing hedgerow. However, it is often the case that the type/position of boundary treatment is negotiated directly between the developer and adjoining property owners to take account of existing vegetation and/or boundary structures. Condition 24 of the outline approval requires that prior to the commencement of development full details of boundary treatment will need to be submitted to and approved in writing by the LPA.

It is therefore considered that the amenities of the occupiers existing neighbouring dwellings or future occupants of approved development will not be detrimentally affected in relation to with regard to loss of light, privacy, or an overbearing impact. The proposed development would comply with Policies HOU12 and HOU13 of the SADPD and SNP Policy H4 .

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.

Policy HOU13 of the SADPD states that proposals for housing development should 'include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development'. Although some of the proposed gardens are a little small in size, notwithstanding this, it is deemed that they are sufficient in order for the future

occupiers to enjoy normal activities e.g. sitting out, hanging washing, BBQs etc. Furthermore, large areas of shared public green space are provided within the development.

Environmental issues associated with this development in terms of noise, air quality and contaminated land were considered as part of the outline application and a number of planning conditions are attached to the outline consent.

### **Highways & Accessibility**

#### Background

It was established under full planning approval 12/3746N (access road) that the access to development will be via served the traffic light controlled junction of Peter Destapleigh Way and Pear Tree Field. The detailed junction arrangements for the access road with Peter Destapleigh Way were approved under full planning approval 12/3746N. In addition, Condition 11 of the outline approval requires that no development is to commence until MOVA traffic signal control systems have been installed at the site access junction from Peter Destapleigh Way and also at the Audlem Road/Peter Destapleigh Way traffic signal junction.

The S106 agreement accompanying 12/3747N requires the payment of a financial contributions towards the provision of a new pedestrian crossing facility on Peter Destapleigh Way, provision/upgrading of bus stops in the vicinity and towards the funding of a bus service to the site.

In addition, there is a separate approval (21/1703N) for the main internal spine road serving the mixed-use site which connects with the southern end of the approved access road leading to the junction with Peter Destapleigh Way (12/3746N). However, this reserved matters application only considers the internal design and road layout of the application site, as access has already been approved.

#### Access

There is a single priority access proposed that connects with the internal spine road, the priority junction design provided adequate capacity to serve the 188 units proposed. Whilst a secondary access point is always beneficial, there is no requirement to provide one given the number of dwellings being served by the single access point. The Highway Officer advises that the priority junction design is acceptable given the predicted level of traffic generation arising from the development and also the number of turning movements at the junction.

#### Design

The Highway Officer considers road design to be acceptable internally, with the rear part of the site having good road connectivity and there are no long stretches of straight road alignment in the design, traffic calming features have been included on the main collector roads. The internal roads are a mix of standard design roads with two separate footways and also shared surface roads and private drives.

Swept paths have been provided to indicate that refuse and delivery vehicles can access all the units with turning facilities being provided. The parking provision for the dwellings proposed in the development accords with the CEC parking standards.

### Accessibility

Amended plans include the provision of pedestrian/cycle routes up to the north site boundary and to the western site boundary with an area of POS of the Bishops Wood estate.

However, given existing third-party ownership of the strip of land between the northern site boundary and the highway, pedestrian/cycle connections cannot be made through to Peter Destapleigh Way at this time. Consequently pedestrian/cycle movements will need to use the route alongside the main access and spine road to exit the site to the north. Whilst less than ideal, this route still allows for reasonably direct access from a large part of the residential development to the primary school and local centre located off Pear Tree Field via pedestrian crossing facilities at the traffic light-controlled crossroads junction which will be improved in accordance with planning approval 12/3746N.

### Summary

Access to the site from the principal highway network has already been approved along with any associated traffic impact of the site on the highway network. The internal layout is for consideration in this application.

The submitted road design is acceptable to serve the proposed residential development and as such raises no objections. Although no direct links to/from the site cannot currently be provided from the northern site boundary to Peter Destapleigh Way, it is acknowledged by the Highway Officer that there are suitable pedestrian and cycle facilities provided along the site access road linking to Peter Destapleigh Way.

Overall, the Highway Officer concludes that the proposals are acceptable and no objections are raised.

### **Ecology**

There are various ecology matters to consider and these are broken down into the following subsections and assessed accordingly.

The Ecologist has provided comments to reflect the revised Landscaper Master Plan and Ecological Mitigation Plan.

A number of conditions of the outline approval concerning ecological issues are relevant to the consideration of this application as follows;

#### Condition 5 - 8 metre wide buffer zone alongside the watercourse on the northern boundary.

This a pre-commencement condition, however based upon the submitted layout plans the required buffer zone has been incorporated into the proposed development.

#### Condition 18 - Detailed Ecological Mitigation Strategy

An updated ecological mitigation strategy (ECUS July 2022) has been submitted as required by this condition. This is supplemented by further bat and barn owl survey information (17<sup>th</sup> November 2022).

The submitted assessment states that no trees with potential to support barn owl would be lost as a result of the proposed development. T2 (as identified by the submitted arboricultural report) was initially to be removed, but is now retained under the revised layout due to the relocation of the foul/surface water pumping station. The Council's Ecologist advises if barn



owls were roosting within trees on site, the proposed development would likely have an adverse impact upon this species regardless of whether the trees were retained or not. However, a further assessment of the trees on site has been undertaken and no significant opportunities for this species identified.

The ecological mitigation strategy includes the provision of a new pond within the eastern ecological mitigation area. This is supported by the Council's Ecologist.

As the application site has been cleared of great crested newts under the terms of a Natural England license the proposed development is unlikely to result in an offence under the Habitat Regulations. The Council's Ecologist considers that the submissions are sufficient to address condition 18.

Condition 20 - Trees with bat roost potential as identified by the Peter Destaplegh Way Ecological Addendum Report shall be retained.

Tree T2 (as identified by the arboricultural report submitted in support of this application) has potential for roosting bats and was initially proposed for removal. This tree will now be retained under the revised layout as stated above.

### Hedgerows

Native Hedgerows are a priority habitat and hence a material consideration. As anticipated at the time the outline consent was granted the proposed development will result in the loss of existing hedgerows. The submitted Hedgerow Assessment identifies 2 sections of hedgerow to be removed under this application that are Important under the Hedgerow Regulations. Native hedgerow planting is shown on the revised landscape master plan, and the Council's Ecologist considers this sufficient to compensate for that lost.

### Grass snake

The Council's Ecologist advises that this species may occur on the application site on a transitory basis. The measures undertaken to safeguard great crested newt however would be sufficient to minimise the impacts of the proposed development upon this species.

### Lighting

Bats commute and forage around the site to some extent. Condition 19 of the outline approval requires details of external lighting to be submitted and approved by the Council. This condition specifically requires measures to avoid light spill upon bat roost features, boundary hedgerows and trees.

### Habitat Management Plan

The application is supported by a revised landscape and habitat management plan (rev C 15<sup>th</sup> December 2022). The Council's ecologist recommends that a condition be attached to secure the implementation of this plan.

### Conditions

In summary, the Council's Ecologist has advised that issues raised in earlier comments have been satisfactorily addressed, and therefore has no objection to the development subject to the following conditions being attached;

- Updated badger survey prior to commencement

- Attenuation ponds to be designed to hold an area of permanent open water in accordance with the submitted ecological mitigation strategy.
- Implementation of landscape and habitat management plan.

## **Trees**

The site is subject to a Tree Preservation Order (Stapeley Land South of Peter Destapeleigh Way - Tree Preservation Order 2013.) The TPO essentially covers the row of Oak trees running north/south through the centre of the application site and within the man areas of POS, and also individual trees (Oaks and a sycamore) within the western part the site.

In response to issues raised by the Council's Tree Officer an updated Arboricultural Impact Assessment & Method Statement (1391-AMS-V1-E – Rev E) takes account of the latest drainage strategy. The Tree Officer considers that the AIA is now satisfactorily and demonstrates the impact of the development in respect of existing tree is acceptable subject to planning conditions being attached.

Tree T2 a protected Oak, is now confirmed to be retained in the amended layout, which is welcomed and reflected on corresponding plans. The original drainage layout drawing had indicated that the drainage route would run through the root protection area of tree T2 and was formally shown to be removed and which is now to be retained. The location of the foul /surface water pumping statement has been revised to allow for the retention of tree T2, as reflected in the updated AIA.

Whilst the applicant's arboricultural consultant advises that technical drainage details are still being prepared, it has been confirmed that works within the vicinity of protected trees will relate to lightly constructed footpaths. The site is generally level in these locations and footpaths will follow the existing ground contours which will accommodate the no-dig construction where footpaths are indicated within the RPAs of retained trees.

As requested by the Tree Officer, tree protection and special construction measures are identified in the Arboricultural Impact Assessment and method statement.

The tree officer has advised that the site layout and associated relationship between protected tree T6 and Plot 34 has been amended, and while the spatial relationship between the closest elevation and the tree has not been increased, no construction in the RPA is now proposed and the layout has made provision for an increased area of outside garden space which will only incur very minor overhang from the trees to the north.

A Hedgerow Assessment has confirmed that part removal of 3 hedgerows considered to be 'important' would be required to accommodate the development. These include (HE, H2 and H3) of the hedgerow survey which translate as group G5, H2 and H3 of the AIA, which broadly equates to a loss of approximately 208m of hedgerows deemed to be important under the Hedgerow Legislation. The assessment states that new hedgerows to be planted would be of greater value as shown on the Landscape Master Plan. Supplementary information has confirmed that 585m hedgerow of species rich hedgerows is proposed to mitigate for this loss and the proposed replanting is also considered to have the potential to increase biodiversity in the longer term.

The use of no-dig engineer designed surfacing is now confirmed around trees T3, T4 and those within G2. The Tree Officer considers that further to the arboricultural information proposed footpath links indicated to pass through group G9 (Scrubby dense unmanaged hedge line) adjacent to the northern site boundary and G10 (off-site Field maple & Common Ash) along the western boundary with POS of Bishops Wood can be installed without the loss of trees or significant vegetation loss.

The Tree Officer raises no objection to the proposals subject to the following conditions being attached ;

- Retention of retained trees,
- Development to take place in accordance with the tree protection and special construction measures of the Arboricultural Impact Assessment & Method Statement and tree protection plan
- Site specific engineer designed no dig hard surface construction specification for any area of hard surfacing within the root protection area of retained trees
- Detailed Levels Survey which provides for the retention of trees on the site.

### **Landscape**

The Landscape Officer considers that the principles of the Cheshire East Design Guide have been referred to and reflected in the design of the scheme. Many existing trees and hedgerows have been retained, and where loss will occur this will be adequately compensated by new hedgerow planting.

The POS and community orchard are well placed at the centre of the proposed housing development and act as a focal point. The amendment to the orchard and growing area with the inclusion of the Pergola Archway feature leading to accessible and defined area of raised beds storage shed is considered acceptable.

The Landscape Officer welcomes the amendments to boundary treatments which now include the siting of Cheshire railings at the entrance to the site and not alongside hedges within the housing areas, which would appear inappropriate and be more problematic to maintain.

Areas of landscaping and open space are subject to management arrangements secured under the S106 agreement and need to accord with maintenance details as set out within a landscape management plan. The submitted landscape management plan is considered broadly acceptable although following further assessment clarification is advised by the Landscape Officer in terms of its schedules and timings for all aspects of Landscape and Ecology management including trees, with a focus on a 15-year schedule to be monitored, reviewed, and amended (if needed) preferably 'in perpetuity'. A condition is therefore recommended to secure the approval and implementation of a long-term landscape and habitat management plan.

It is understood that the landscape buffer to the future development area to the north-western boundary is temporary in nature and to improve the aspect of the housing area when entering the site. A future reserved matters application for the development of this adjoining part of the mixed- uses scheme (employment units) will need to identify and ensure an appropriate level of buffer screening.

Condition 22 of the outline approval (12/3747N) requires that, *‘Prior to the commencement of each phase of development a scheme for landscaping shall be submitted to the Local Planning Authority and approved in writing. The approved landscaping scheme shall include details of any trees and hedgerows to be retained and/or removed, details of the type and location of Tree and Hedge Protection Measures, planting plans of additional planting, written specifications (including cultivation and other operations associated with tree, shrub, hedge, or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.’*

The Landscape Officer considers that the submitted application documents include a landscape masterplan and a more detailed suite of landscape plans which provide acceptable overall landscaping scheme for the site. However it is considered that insufficient details of the planting specifications for trees, shrubs and hedgerows have been provided. A condition is therefore recommended that notwithstanding the submitted plans, additional details of planting specifications are provided and approved.

### **Public Open Space**

The Council’s Leisure Officer is satisfied that the overall quantum of public open space (1.25 hectare) proposed to serve the residential development accords with CELPS Policy SE6 (Table 13.1). The scheme includes a NEAP, village green area and community orchard and growing area.

The main open space which also contains the NEAP is set in the heart of the development with the “village green “ to the south providing much needed informal kick about recreational space. The “village green” shown by the indicative masterplan was illogically located on the eastern periphery of the scheme remote from the housing phase. Its relocation to the heart of the development and act as the principal area of public open space is therefore entirely appropriate. In particular the layout of the proposed housing scheme frames and overlooks public open space and importantly ensures good levels of natural surveillance. It is not considered that the proposals will result in a loss of overall open space within the wider mixed-use scheme, given that significant opportunities for the provision of open space remain available within the later commercial phases.

In addition this central location is in line with the recommendations set out in the Council’s Green Space Strategy given its accessibility by resident of the development. The Leisure Officer advises that the NEAP accords with Fields in Trust standards and its design has greatly improved, however further details of its specification are required.

The SUDs attenuation pond will be deep enough to permanently hold water with appropriate landscaping giving extra benefit to wildlife whilst creating a visual amenity for the community to relax and enjoy. Habitat information/interpretation boards/way markers are also indicated to be provided around this feature, with seating and accessible picnic benches proposed throughout the site. A condition is recommended requiring further details of the location and design notice/habitat/interpretation boards and way markers.

A good pathway network has been proposed throughout the site with connections to the northern boundary and also to the south-western boundary with existing open space of the

Bishops Wood estate. Although for the reasons already set out earlier in this report these links cannot connect through to Peter Destaplegh Way at this time. The proposed paths are currently self-binding gravel however for maximum accessibility and inclusivity it is recommended the paths are resin bound.

The outline approval's indicative masterplan showed allotments located within the southwestern finger of the site located to the east of Nos. 2 -18 Bishops Wood. However, following detailed consideration, it has been concluded that providing allotments on this part of the site would not be feasible. This is because the indicated allotment's location was isolated from rest of the site, the potential conflict between allotment tenants and neighbouring residents which needs careful consideration particularly around the management of the site, boundary treatments/fencing and supporting facilities such as water supply, parking, and storage facilities for both tools and rotting material/manure.

The Council's Green Space Strategy allows for not only formal allotments but also general food production space and community gardens/orchard. In this case it is considered that a more informal community orchard and growing area would give more scope to include the wider community thereby bringing increased community cohesion, as the space would be for all not just individual allotment holders. This would also decrease the intrusion which could be caused with allotment odour, disturbance and parking issues. A condition is recommended to control the provision of the community gardens including further details of the water pump specification.

The community orchard will have inclusive paths with a feature Pergola Archway leading to accessible raised beds. Fruiting trees, edible herbs will form the basis of this area however areas for wildlife including bug hotels and log piles will be present. Wildflower spaces to encourage pollinators will also be incorporated along with formal and informal seating, information boards and informal play.

Although not a requirement of the S106 legal agreement, negotiations have taken place with the applicant and a green gym has been incorporated into the southern area of open space. This grouping of equipment gives an all-round body work out. This will further increase the sites capacity, creating maximum activity improving health and wellbeing of the community.

The S106 Agreement accompanying the outline approval, does not require contributions for the provision of off-site sports or recreational facilities.

The Council's Leisure Officer raises no objections to the overall provision of public open space and associated recreational facilities proposed within the scheme, subject to the conditions recommended above. The proposals are therefore considered to comply with the open space requirements of policies SE 6 of the CELPS and Policy REC 3 of the SADPD.

### **Noise**

In support of this application, the applicant has submitted a noise impact assessment (NIA) which relates to the proposed site layout .

The Council's Environmental officer has advised that the impact of the noise from road traffic on the proposed development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Building
- Department of Transport document 'Calculation of Road Traffic Noise' (CRTN), 1988

An agreed methodology for the assessment of the noise source.

This NIA recommends a noise mitigation measures so that future occupants of the properties are not adversely affected by noise. This includes the use of windows/doors of well-fitted standard thermal double glazing and acoustic trickle vents serving habitable rooms or plots facing towards Peter Destapaleigh Way, in addition the provision of a screen, boundary wall (2m) is required for two identified plots within the northern part of the site adjacent to Peter Destapeleigh Way

The Council's Environmental Protection Officer has advised that the mitigation measures recommended by the NIA are acceptable in safeguarding the amenities of future residents of the development from road traffic noise.

The proposed development would comply with Policies HOU12 and HOU13 of the SADPD.

### **Air Quality**

Policy SE12 of the CELPS 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.

The impact on Air Quality from the mixed-use development was considered at the outline stage. To mitigate the impact on air quality, conditions were imposed on the outline approval requiring the approval of travel plan by the LPA prior to the first occupation of the development (Condition 13) and also the provision of Electric Vehicle Infrastructure for each property prior to first occupation on (Condition15)

As part of this reserved matters application the developer has submitted information relating to electric vehicle charging points and a travel plan.

The Environmental Protection Officer has nevertheless advised that the contents of the submitted travel plan are considered acceptable in meeting the requirements of condition 13. It is further advised that additional information is required demonstrating the types of charging points intended for use within the scheme to ensure they comply with the requirements of the condition.

However these details are required to be approved under Conditions 13 & 15 of the outline approval and therefore form no part of this application.

### **Flood Risk/Drainage**

Drainage and flood risk issues were addressed at the outline stage. Condition 4 was imposed on the outline approval requiring that development shall not commence until details of a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the LPA.

The Council's Flood Risk Manager has raised no objections in principle to the Reserved Matters Application and proposed Drainage Strategy. Although detailed issues are still required to be addressed in respect of the design of elements of the drainage system .

In addition the submitted preliminary levels plan indicates a 200-600mm level increase across the development. Whilst these increases in level are relatively small, further information is necessary to demonstrate the change between existing and proposed ground levels adjacent to the site boundaries to avoid surface water flooding.

The LLFA also point out that a Surface Water public sewer runs along the development's western boundary. Appropriate treatment measures and required easements are required to be agreed with United Utilities prior to construction. Additionally, any potential conflict with the existing public sewer and open watercourse will need to be addressed.

The drainage scheme for the development is controlled by Condition 4 imposed on the outline approval (12/3747N) and is required to be discharged prior to the commencement of development. The detailed and technical matters raised by the LLFA will need to be addressed through an application to discharge Condition 4.

A consultation response has been received from United Utilities objecting to the application on technical grounds . The primary issues raised by United Utilities (UU) relate to the detailed design of the surface water drainage system as no surface water flow rate is shown for the connection to the existing surface water sewer and a connection for the foul rising main needs to be specified. The information requested by UU, which includes an updated drainage strategy has been submitted, and a response from UU and is awaited. The applicant has also advised that discussions are continuing with UU and are confident that the issues raised can be resolved. An update of the drainage position will be presented at the SPB meeting.

### **Other issues**

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

### **Construction Method Statement**

Representations raise a series of concerns about the impact of the development during the construction phase including the need to mitigate the impact of construction traffic in the locality and nearby primary school.

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. However, issues have been raised by the Council's Environmental Health Office as regards working hours and delivery hours. Nevertheless, the details of such a construction method statement are required to be approved under Condition 42 of the outline approval and therefore form no part of this application.

### **Pre-Application Public Consultation**

The Councils Statement of Community Involvement SPD (January 2022) states that for, “For significant or major applications, developers will be encouraged to carry out pre-application consultation with interested local parties and community bodies”.

In response to issues raised by Stapeley Parish Council, the applicant has advised that pre-application engagement was undertaken as described in the submitted Statement of Community Involvement (‘SCI’) prepared by UK Networks which accompanied the planning application. In particular it is stated that, “Extensive consultation was undertaken including 4 briefings/meetings (MP Kieran Mullan, Nantwich South and Stapeley Ward, Stapeley Parish Council, Local Residents). A meeting was undertaken on site with UK Networks, Muller, DWH and Stapeley Parish Council on 3rd May 2022”.

Although it is understood that the Parish Council would have preferred a formal meeting with the applicant to discuss the proposals, there is no planning or legislative requirement for such a meeting. Similarly there is no requirement for developer’s pre-application consultation exercise to undertake extended community engagement such as the provision of feedback etc. to individual residents. In addition, whilst there is disagreement concerning the issues and details addressed in the applicants “SCI” document, this is not however a relevant matter which is material to the consideration of the planning application.

## **CONCLUSIONS**

The principle for the erection of up to 189 dwellings within this site as part of a wider mixed-use development with access via Peter Destaplegh Way has already been permitted under outline approval 12/3747N and also full approval 12/3746N (Access Road). This application considers the approval of Reserved Matters, including layout, scale, appearance, and landscaping

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. The submitted Design Code provides a design-led framework which essentially set out the parameters to guide future reserved matters applications in delivering the components of the mixed-use scheme and ensure overall co-ordination and consistency between development parcels.

The development subject to conditions is supported in design terms and accord with CELPS policies SD1, SD2 and SE1, Policy GEN 1 of the SADPD, and Policy H4 of the SNP in relation to design quality.

The development will deliver 30% affordable housing in accordance with the requirements of S106 Agreement with units pepper-potted throughout the site, and also secures an acceptable overall housing mix. The proposals are therefore in accordance with policies SC4 and SC5 of the CELPS, Policy HOU 1 of the SADPD and SNP Policies H2 and H3.

The scheme 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. As a result the development would comply with Policies HOU 12 and HOU 13 of the SADPD and policy H4 of the SNP.



The impact on the wider highway network arising from the development of this site was addressed with during the consideration of the outline application. The internal road network meets relevant highways design standards and adequate car parking is provided in accordance with parking standards identified in the CELPS. Therefore 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 CELPS Policies CO2 & CO4, SADPD Policy INF 3 and Policy T1 of the SNP.

Appropriate public open space for the scheme will be provided including a Neighbourhood Equipped Area for Play (NEAP) and community gardens and orchard as a suitable alternative to the provision of conventional allotments shown on the indicative layout of the outline approval.

With regard to ecological impacts, subject to conditions, it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policy SE 3 of the CELPS. The impact on Tree and hedgerow is acceptable and would be mitigated by the proposed landscaping of the site, and recommended conditions to protect retained trees

The Council's Flood Risk Officer considers that subject to technical details being addressed, the proposed surface water drainage system will satisfactorily serve the development.

Air quality and contaminated land matters were addressed at the outline stage, and subject to planning conditions of the outline approval which are required to be formally discharged.

The proposals are therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the SADPD, the Stapeley & Batherton Neighbourhood Plan and the advice of the NPPF.

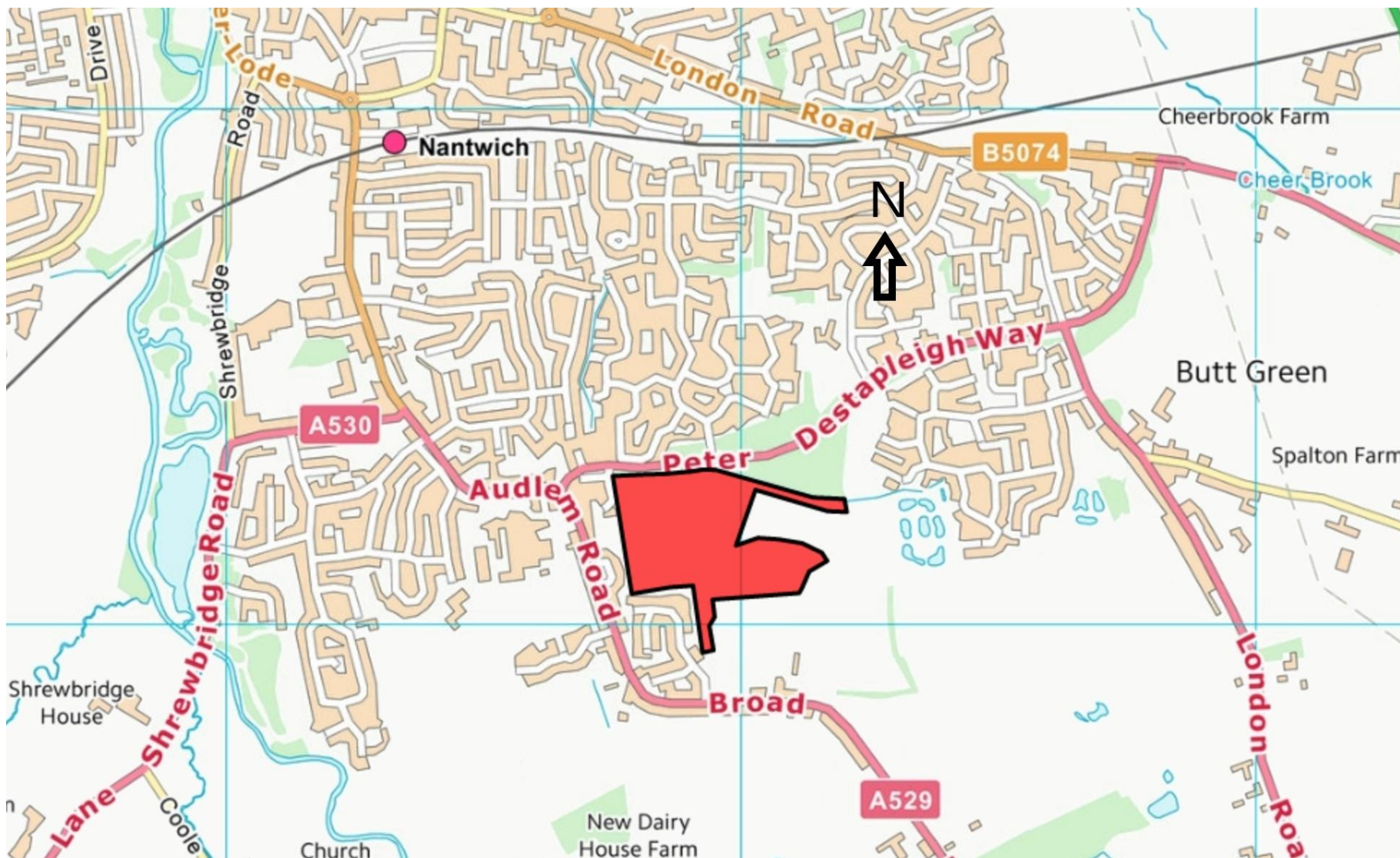
## **RECOMMENDATION**

**APPROVE subject to the following Conditions:**

- 1. In accordance with outline permission**
- 2. In accordance with approved plans**
- 3. Submission/approval of facing and roofing materials**
- 4. Submission/approval of details of hard surfacing treatments**
- 5. Submission/approval of ground level and finished floor levels**
- 6. Submission/approval of planting specification**
- 7. Implementation Noise mitigation**
- 8. Design detail, specification and implementation of NEAP and green gym**
- 9. Provision of the community gardens including further details of the water pump specification.**
- 10. Details and provision of notice/habitat/interpretation boards and Waymarkers**
- 11. Retention of retained trees,**
- 12. Development in accordance with tree protection and special construction measures of AIA & Method Statement and tree protection plan**
- 13. Submission/approval of no-dig hard surface construction specification**
- 14. Submission/approval of Detailed Levels Survey providing for retention of trees**

15. Updated badger survey prior to commencement
16. Submission of working design/details for attenuation basin
17. Approval and Implementation of landscape and habitat management plan
18. Provision of Cycle Storage
19. Obscure glazing to first floor bathroom windows in side elevations of plots 27 & 61

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: 22/4684M

Location: Land Between Chelford Road And Whirley Road, HENBURY

Proposal: Variation of Condition 9 on approval 17/4277M for Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space

Applicant: Mr Jonathan Penrose, Bellway Homes Limited (Manchester)

Expiry Date: 27-Feb-2023

### **SUMMARY**

The construction of 134 dwellings on the site has already been approved under outline planning approval ref; 17/4277M and reserved matters approval ref; 19/3098M. Works to implement the scheme have already begun.

Condition no. 9 of the outline approval requires the construction of a zebra pedestrian crossing on Gawsworth Road prior to the first occupation of any of the dwellings. The zebra crossing was shown in detail as part of the highway improvement works submitted with the outline planning application. The location of the zebra crossing has since changed because of the s278 highway works approval process. As such, the drawing number referenced in condition no 9 needs to be amended to reflect the newly positioned zebra crossing.

The Council's Head of Strategic Infrastructure (HSI – Highways) has advised that the revised positioning of the zebra crossing would be preferable because it would be on a better desire line for pedestrians with sufficient space. The original zebra crossing does not meet technical standards. In highway terms there are no highways reasons to object to the proposed variation.

The newly positioned zebra crossing would be located closer to two Grade II Listed Buildings and would cause less than substantial harm to their setting. However, this harm would be outweighed by the public benefits of providing a safer pedestrian environment for users crossing Gawsworth Road than the consented scheme.

The proposal is not considered to have any significantly greater impact on the character and appearance of the area, noise impacts, air quality, contaminated land or the living conditions of residents compared to the existing permission.

The proposal is therefore considered to comply with the relevant development policies. The application is recommended for approval, subject to conditions and a formal deed of variation to the existing s106 legal agreement. The conditions will reflect those on the original consent amended to take account of those that have already been discharged.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and formal deed of variation to s106

## PROPOSAL

This application seeks approval to vary condition no. 9 of planning ref; 17/4277M, which granted outline planning permission for the construction of up to 135 dwellings on land between Chelford Road and Whirley Road. Condition no. 9 requires the construction of a zebra pedestrian crossing on Gawsworth Road prior to the first occupation of any of the dwellings. Condition no 9 is worded accordingly:

9. *“Prior to the first occupation of the development hereby permitted, the pedestrian crossing on Gawsworth Road as shown on plan reference 1916-F06 shall be carried out to the full written satisfaction of the Local Planning Authority.*

*Reason: To ensure the highway impact of the development is mitigated against.”*

The application seeks permission to vary this condition under s73 of the Town and Country Planning Act (1990) to reference a new drawing showing the zebra crossing in a different position to that shown at outline stage. As such, the drawing number referenced in condition no. 9 needs to be amended to reflect the newly positioned zebra crossing. Condition no. 9 would be reworded as follows:

*“Prior to the first occupation of the development hereby permitted, the pedestrian crossing on Gawsworth Road as shown on plan reference **2560-F01** shall be carried out to the full written satisfaction of the Local Planning Authority.”*

## SITE DESCRIPTION

This application relates to a housing development lying to the west of Macclesfield to the north of Chelford Road and to the South-West of Whirley Road and stretches between Macclesfield and Henbury. The site measures approximately 5.37 hectares in size and is positioned directly to the rear of properties fronting Chelford Road and Whirley Road. The site forms part of an allocated site for housing development under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPs). Works to implement the scheme has already begun and are being carried out by Bellway Homes.

## RELEVANT HISTORY

17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Approved 22-Jan-2019

19/3098M - Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works – Allowed on appeal - 05-Sep-2022

21/5403M - Advertisement consent for 3050 x 1500mm post mounted signage – Approved 01-Mar-2022

20/5442M - Removal of condition 6 on approved application 17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Withdrawn 25-Jul-2022

22/4888M - Non-material amendment to condition 9 on approved application 17/4277M: Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Pending

22/3602M - Non-material amendment to application 17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Pending

22/3159M - Advertisement Consent for double aspect V board to be displayed by entrance to development and 3 no. flags to be displayed along roadside by entrance to development off Chelford Road – Pending

22/1913M - Non material amendment to application 19/3097M - Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M - Pending

## **POLICIES**

### **Development Plan**

#### Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE10 Sustainable Provision of Minerals

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 18 Land between Chelford Road and Whirley Road, Macclesfield

Site Allocations and Development Policies Document – (SADPD)

PG 9 Settlement Boundaries  
GEN 1 Design Principles  
GEN 5 Aerodrome Safeguarding  
ENV 7 Climate Change  
ENV 12 Air Quality  
HER 1 Heritage Assets  
HER 4 Listed Buildings  
HOU 12 Amenity  
INF 1 Cycleways, bridleways and footpaths  
INF 3 Highway Safety and Access

**Other Material Considerations**

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

**CONSULTATIONS**

**Environmental Protection** - No objection

**Head of Strategic Infrastructure (Highways)** – No objection

**Manchester Airport** – No objection

**Natural England** – Comment that they cannot fully assess the proposals and it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies

**VIEWS OF THE TOWN AND PARISH COUNCILS**

**Macclesfield Town Council (MTC)** – No comments received at the time of report preparation.

**Henbury Parish Council** – No comments received at the time of report preparation.

**REPRESENTATIONS**

Letters of representation have been received from 7 addresses, 1 in support and 6 objecting to this application on the following grounds:

- All planning conditions should be met as agreed
- Safety of pedestrians should come before the sale of houses and increased traffic
- Narrowing of Princes Way will cause traffic to become significantly worse



- With the temporary traffic lights at Broken Cross, traffic has been massively backed up along Princes Way, making it almost impossible for those turning left and right onto Gawsworth Road
- The exit of Princes Way onto Gawsworth should be made wider than the existing exit, rather than narrower
- The whole area around broken cross and local environment will suffer with the increase of number of residents from this development.
- No consideration has been given to pollution, extra traffic, danger to children with-said traffic, the fact any green land has been sold off
- Plans drawn without the benefit of a site visit
- To obtain wider footpaths at the proposed location Gawsworth Road is being made narrower in order for the crossing to be accommodated next to a new wider footpath
- Cars will still drive over the extended verge to turn left off Princes Way
- The crossing has been placed at the junction of 5 intersecting roads
- There is no proposal on the submitted plans for a dropped kerb, wheel chair access tactile paving across Princes way
- The original approved location was far safer and far more visible
- There must be no vehicular access to this site from Whirley Road
- There is a significant body of water in the north west corner of the site
- The increased dwelling number will put a strain on school places
- Increased pollution close to an air quality management area, and in a pandemic setting a strain on already over-stretched medical facilities and the NHS
- Increased traffic flow from the sudden and inexplicably idiotic increase in dwellings
- Impact on health
- The new location is better than the original location especially in a Borough with a Walking and Cycling Champion

## **BACKGROUND**

The site received outline planning permission in early 2019 under planning ref; 17/4277M for the erection of up to 135 dwellings with details of access from Chelford Road and pedestrian access from Whirley Road. The access was agreed at outline stage and the access points remain as originally proposed. The outline consent also secured as scheme of highway improvement works to Broken Cross, which are currently being implemented under a s278 highways agreement.

As part of the Broken Cross Highway Improvement Scheme, a zebra crossing was shown to be delivered at a point 13 metres south of where Pexhill Road junctures with Gawsworth Road. This was secured by condition no. 9. However, as part of the s278 highways agreement, the scheme has been amended to show the same zebra crossing located in an alternative position. The new position would be located 30 metres north of where Pexhill Road junctures with Gawsworth Road and immediately south of Princes Way.

Condition no. 9 of that approval requires the zebra pedestrian crossing on Gawsworth Road to be built as per the original approved drawing prior to the first occupation of any of the dwellings. This application is to vary the condition to reference the amended plan and permit the new position to the north.

The principle of development has been accepted and the purpose of this application is to agree the revised pedestrian crossing detail of the scheme. It is not the purpose of this application to revisit the merits of developing the allocated site for residential purposes.

## **APPRAISAL**

### **Highways**

SADPD Policy INF 3 states that development proposals should:

- i. comply with the relevant Highway Authority's and other highway design guidance;
- ii. provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles;
- iii. make sure that development traffic can be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network;
- iv. incorporate measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities; and
- v. not generate movements of heavy goods vehicles on unsuitable roads, or on roads without suitable access to the classified highway network.

The original proposed location for the crossing on Gawsworth Road did not meet technical standards in terms of design and additionally was not located on the desire line for pedestrian movements. This is because there was a pinch point between the beginning of the crossing and the rear boundary of no. 4 Pexhill Road where it backs onto Gawsworth Road. Further, the crossing to the south of Pexhill Road would have meant pedestrians having to cross Pexhill Road to cross onto the opposite side of Gawsworth Road. By relocating it further north, this would no longer be the case.

The proposed amended location provides adequate footpath space and visibility to meet design standards and is also located on the desire line for pedestrians and children walking to school (e.g. to Broken Cross Primary Academy and Nursery). The pedestrian footpath width would be achieved by building out the footway into the carriageway as part of the approved s278 highway works. This would create safer pedestrian environment and accords with Policy INF 3

With respect to traffic impact, this proposal to relocate the crossing would not affect traffic generation and this has already been accounted for. The Council's Head of Strategic Infrastructure (HSI – Highways) has advised that there are no objections to the variation of condition 9. On this basis, it is considered that the proposal is acceptable in highways terms.

### **Heritage Assets**

The new location for the proposed zebra crossing would be adjacent to two designated heritage assets, no.s 3-5 Pexhill Road and no. 1 Pexhill Road. These are both Grade II listed buildings. The previously approved location was 60-70 metres further to the south. As such, the revised proposals would have a greater impact on the setting of these two assets.

No. 1 Pexhill Road is three storeys dating from the 1750s and is rendered over brick with a stone-flagged roof. No.s 3-5 Pexhill Road is a pair of houses, possibly formerly a row of 3 dating from the late C17th with early C19th additions. The building is rendered over brick with a possible timber-framed core and a heavy stone-flagged roof. Both properties frame the north side of Pexhill Road where the original alignment of Pexhill Road ran but now terminates for access only.

The position of the new crossing would be in front of these heritage assets (more so no. 1), with the impacts on no.3-5 partly softened by the presence of a cottage (no. 2 Pexhill Road) directly to the front. By virtue of the close relationship that the position of the new crossing would have on these 2 listed buildings, it is considered that there would be harm, but that this harm would be 'less than substantial' on the basis that the proposals would be highway works predominantly within the existing adopted highway i.e. changes to surfacing materials and road markings with the only above ground development comprising the zebra crossing posts.

NPPF para 202 states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". In this case, there are clear benefits of the scheme outweighing this harm, which are:

- Amended location of the zebra crossing would be better positioned and would meet highway technical standards. The approved crossing does not meet these standards.
- Improved pedestrian safety for users by being on the desire line and negating the need to cross Pexhill Road to use the crossing.
- Would improve pedestrian safety assisting in sustainability and accessibility.

Taking the above into account, the proposal is found to be in accordance with CELPS Policy SE 7 and SADPD Policies HER 1 and HER 4.

### **Residential Amenity**

Although a different location, the proposal would have a similar relationship with residential properties than the position of the consented crossing. There are no objections from Environmental Protection. The scheme is therefore found to be acceptable in terms of its impacts on residential amenity.

### **Other matters**

Given the highway specific nature of the proposed change, the proposal is not considered to have any significantly greater impact upon noise impacts, air quality, contaminated land, landscape and trees, ecology, design and the character of the area, the living conditions of residents or flood risk compared to the existing permission.

The comments received in representation relating to air quality are acknowledged. However, Environmental Protection have not raised any air quality concerns regarding the proposed variation. If there was any additional impact to local air quality arising from the proposal, this would be to a negligible degree.

Paragraph: 002 Reference ID: 21a-002-20140306 of the Planning Practice Guidance (NPPG) and paragraph 57 of the NPPF makes it clear that conditions should only be imposed where they are (i) necessary; (ii) relevant to planning and; (iii) to the development to be permitted; (iv) enforceable; (v) precise and; (vi) reasonable in all other respects. If a proposed condition fails to meet any of the 6 tests, then the condition should not be imposed. Condition no. 9 meets these tests in terms of its spirit in securing highway / pedestrian mitigation.

## **CONCLUSION**

The construction of 134 dwellings on the site has already been approved under outline planning approval ref; 17/4277M and reserved matters approval ref; 19/3098M. Works to implement the scheme have already begun.

Condition no. 9 of the outline approval requires the construction of a zebra pedestrian crossing on Gawsworth Road prior to the first occupation of any of the dwellings. The zebra crossing was shown in detail as part of the highway improvement works submitted with the outline planning application. The location of the zebra crossing has since changed because of the s278 highway works approval process. As such, the drawing number referenced in condition no 9 needs to be amended to reflect the newly positioned zebra crossing.

The Council's Head of Strategic Infrastructure (HSI – Highways) has advised that the revised positioning of the zebra crossing would be preferable because it would be on a better desire line for pedestrians with sufficient space. The original zebra crossing does not meet technical standards. In highway terms and there are no highways reasons to object to the proposed variation.

The newly positioned zebra crossing would be located closer to two grade II listed buildings and would cause less than substantial harm to their setting. However, this harm would be outweighed by the public benefits of providing a safer pedestrian environment for users crossing Gawsworth Road than the consented scheme.

The proposal is not considered to have any significantly greater impact upon on the character and appearance of the area, noise impacts, air quality, contaminated land or the living conditions of residents compared to the existing permission.

The proposal is therefore considered to comply with the relevant development policies. The application is recommended for approval, subject to conditions and a formal deed of variation to the existing s106 legal agreement. The conditions will reflect those on the original consent amended to take account of those that have already been discharged.

## **RECOMMENDATION**

**APPROVE subject to the completion of a S106 Deed of Variation to ensure that the obligations contained within the original S106 apply to this decision and the following conditions;**

1. Accordance with Approved Plans
2. Site access (either priority junction and ghost right turn or roundabout) to be constructed in accordance with approved plan prior to first occupation

3. The vehicular access to serve the development will be via the new junction onto Chelford Road with no vehicular access to Whirley Road
4. Implement Broken Cross highway improvements prior to first occupation of any dwelling on the site
5. Development shall be carried out in accordance with the Construction Management Plan approved under discharge of conditions ref; 20/5102D
6. Development shall be carried out in accordance with the Travel Plan approved under discharge of conditions ref; 20/5102D
7. Zebra crossing on Gawsforth Road to be provided in accordance with revised plan ref; 2560-F01
8. Development shall be carried out in accordance with the Scheme of Piling Works approved under discharge of conditions ref; 21/4032D
9. Development shall be carried out in accordance with the Dust Control Scheme approved under discharge of conditions ref; 20/5102D
10. Accordance with Noise mitigation scheme and Acoustic Report
11. Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation in accordance with detail approved under discharge of conditions ref; 21/4032D
12. Development shall be carried out in accordance with the Contaminated Land Remediation Strategy approved under discharge of conditions ref; 20/5102D
13. Verification of contaminated land
14. Development shall be carried out in accordance with the Drainage Strategy approved under discharge of conditions ref; 20/5102D
15. Development to be carried out in accordance with submitted Flood Risk Assessment
16. Development shall be carried out in accordance with the foul and surface water drainage scheme approved under discharge of conditions ref; 20/5102D
17. Accordance with updated Bat Survey
18. Accordance with management of invasive non-native plant species
19. Development to be carried out in accordance with in accordance with the recommendations of the submitted Ecological Report
20. Development shall be carried out in accordance with the new pond and detailed specification for the deepening and enhancement of the retained pond
21. Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season
22. Accordance with scheme of features suitable for use by roosting bats and nesting birds
23. Signage scheme directing users to local cycle and footpath routes to be submitted

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



