

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 29th March, 2023</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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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 making meetings are audio recorded and the recordings will be uploaded to the Council's website

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

- 1. Apologies for Absence**
- 2. Declarations of Interest/Pre Determination**

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

- 3. Minutes of the Previous Meeting** (Pages 3 - 8)

To approve the minutes of the meeting held on 1 March 2023 as a correct record.

- 4. Public Speaking**

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For requests for further information

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

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

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

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

5. **22/3170N - LAND AT 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 (Pages 9 - 46)**

To consider the above application.

6. **22/3338C - LAND TO THE EAST OF VIKING WAY, CONGLETON - Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way (Pages 47 - 62)**

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

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 1st March, 2023 in the The Capesthorpe Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

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

Councillors S Akers Smith, C Browne, S Edgar, D Edwardes, P Groves,  
S Hogben, B Murphy, B Puddicombe and J Weatherill

**OFFICERS IN ATTENDANCE**

David Malcolm, Head of Planning  
Adrian Crowther, Principal Planning Officer  
Paul Hurdus, Highways Development Manager  
James Thomas, Principal Planning & Highways Solicitor  
Jennifer Ashley, Democratic Services Officer.

**42 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A Critchley.

**43 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness the following declarations were made:

Councillor C Browne - Non Pecuniary - In respect of application 22/2819M and application 22/3512M, Councillor C Browne declared a non-pecuniary, personal and prejudicial interest that in his capacity as Deputy Leader of the Council he sat on the Board at Alderley Park and as this position gave him a conflict of interest he would leave the meeting prior to consideration of the applications.

Councillor P Groves – Non Pecuniary – In respect of application 22/2819M and application 22/3512M Councillor Groves declared he had previously been a member of Macclesfield Chamber Commerce and had held discussions with the Alderley Park Board about the site, however a number of years had passed since this appointment and he had had no involvement with any discussions relating to the applications being considered.

Councillor S Ackers Smith – Non Pecuniary - In respect of application 22/2819M and application 22/3512M Councillor Ackers Smith declared she knew a member of the applicant group from a previous application.

**44 MINUTES OF THE PREVIOUS MEETINGS**

**RESOLVED:**

That the minutes of the meetings held on 13 January 2023 and 25 January 2023 be approved as correct records.

*Councillor Craig Brown left the meeting prior to the consideration of the applications and did not return.*

**45 PUBLIC SPEAKING**

The public speaking procedure was noted.

- 46 22/2819M - LAND AT HEATHERLEY WOODS, ALDERLEY PARK, CONGLETON ROAD, NETHER ALDERLEY - FULL PLANNING APPLICATION PROPOSING REDEVELOPMENT OF THE SITE TO CREATE A SINGLE INTEGRATED RETIREMENT COMMUNITY (USE CLASS C2) COMPRISING 159 NO. EXTRA CARE UNITS; ASSOCIATED HEALTHCARE, WELLBEING, SUPPORT AND AMENITY FACILITIES; PEDESTRIAN AND VEHICULAR ACCESS; WITH ASSOCIATED PARKING, LANDSCAPING, UTILITY INFRASTRUCTURE AND OTHER ASSOCIATED WORKS.**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:

Councillor Paul Findlow (Ward Councillor), Nether Alderley Parish Councillor Dave Clarke, Mr Elis Mottershead – Crawford (objector) and Mr Conor Vallely (agent).

**RESOLVED:**

That the application be REFUSED for the following reasons:

- (1) Inappropriate development in the Green Belt
- (2) Scale and massing and design of development
- (3) Loss of amenity for neighbouring properties
- (4) Lack of affordable housing

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 Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

*This decision was contrary to the recommendation in the report.*

- 47 **22/3512M - LAND AT MERESIDE CAMPUS, ALDERLEY PARK, CONGLETON ROAD, NETHER ALDERLEY - HYBRID PLANNING APPLICATION COMPRISING FULL PLANNING FOR THE DEMOLITION OF BUILDINGS ON SITE AND GROUND CLEARANCE; AND OUTLINE PLANNING FOR THE DEVELOPMENT OF LIFE SCIENCE USES COMPRISING TWO OFFICE/ LABORATORY BUILDINGS (USE CLASS E(C) AND E(G)) WITH ANCILLARY RETAIL AND CAFÉ PROVISION (USE CLASS E(A) AND E(B)) WITH ALL MATTERS RESERVED INCLUDING (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE)**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:  
Mr Conor Vallelly (agent).

**RESOLVED:**

For the reasons set out in the report and update report, the application be APPROVED subject to the following conditions:

OUTLINE (New build)

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. 3 year submission of reserved matters
3. Reserved matters to be approved
4. Approved Plans
5. Materials
6. Full hard and soft landscape details for the public realm works, including boundary treatment
7. Implementation of landscaping
8. A landscape management plan to ensure that the public realm and landscape setting of the development is maintained in the long-term.
9. Existing levels and contours - to illustrate the large change in levels across the site & proposed levels, cross sections and long sections to illustrate the height, mass and scale of the proposed development in relation to the existing Mereside buildings.
10. As part of any reserved matters application accurate visual representations from agreed viewpoints – to show how the development would sit within the landscape of Alderley park and the wider study area & street-scenes of the southern and northern sides of the development
11. Tree Protection and Construction Specification / Method Statement
12. Approval of surface water drainage scheme
13. Approval of sustainable drainage management & maintenance plan
14. CEMP
15. A post demolition Phase II ground investigation and risk assessment

16. Contaminated land verification report
17. Soil tests for contamination
18. Measures to deal with unexpected contamination
19. Full details of existing and proposed levels
20. Bat mitigation in accordance with recommendations
21. Additional lighting to be agreed with the LPA
22. Delivery of BNG at the reserved matters stage.
23. Submission of an ecological enhancement strategy
24. Safeguarding of nesting birds.
25. Design Code to be submitted with any reserved matters application.

**FULL (Demolition)**

1. Standard 3 year consent
2. Approved plans
3. Tree Protection and Construction Specification / Method Statement
4. All trees/landscaping to be retained at demolition stage unless agreed
5. CEMP
6. A post demolition Phase II ground investigation and risk assessment
7. Soil tests for contamination
8. Measures to deal with unexpected contamination
9. Full details of existing and proposed levels
10. Safeguarding of nesting birds.

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

**48 PLANNING ENFORCEMENT UPDATE REPORT**

The committee received a report from the Head of Planning and Principal Planning Officer (Enforcement) that detailed the performance of the Planning Enforcement Services during the period 2021 – 2022, including a status report on those cases where formal enforcement action had already been taken.

**RESOLVED:**

That the report be noted.

The meeting commenced at 10.00 am and concluded at 1.50 pm

Councillor M Hunter (Chair)

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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**

### **REASONS FOR DEFERRAL**

This application was deferred by Cheshire East Council's Strategic Planning Board on the 25<sup>th</sup> January 2023 for the following reasons;

1. *further consideration to be given to:*

- *the location of the POS and NEAP*
- *the provision of allotments*
- *footpath connections*
- *review layout next to 28 Bishops Court*

2. *to enable a site visit to be undertaken.*

## **Revised Plans**

In response to the issues raised by Members, the site layout has been amended in terms of the main area of POS serving the development including the relocation of the NEAP to a more southerly and central position, and the replacement of the originally proposed community/orchard gardens with a secure allotment site within the north-western part of the POS.

The site layout has also been amended to ensure an improved relationship with existing properties of Bishops Wood (Nos 26 & 28) through the inclusion of a planted buffer area between courtyard parking and the southern site boundary.

## **Public Open Space**

### NEAP and Recreational provision

In response to the concerns raised by Members, the applicant has amended the site layout to enable the Neighbourhood Equipped Play Area (NEAP) to be re-located to a more central position within the public open space well to the south of the attenuation ponds and closer to plots overlooking the POS.

The layout of the proposed housing scheme frames and overlooks the principal area, of POS located at the heart of the development. The amended layout will ensure increased levels of natural surveillance of the relocated NEAP. Whilst the Council's Leisure Officer does not object to the revised positioning of the NEAP, it is recognised that the buffer zone between the play area and the nearest properties to the west of the POS (plots 137 -139) is slightly below that recommended by the Fields in Trust standard (30m) by approximately 6m.

As set out in the original recommendation, a planning condition is required for further details of the design and specification of the NEAP.

Importantly the revised layout of the POS still provides a good sized informal kick-about area which is now located to the north of the repositioned NEAP. Furthermore, and although not a requirement of the S106 legal agreement, a green gym is still incorporated within the POS. The Leisure Officer however recommends the siting of equipment is repositioned on the eastern side of north/south footpath to improve the relationship with the NEAP and maximise the kickabout area. A condition is recommended requiring the approval of details of the design, specification and implementation of the green gym.

### Allotments

Members considered that the proposed provision of community orchard and gardens did not provide a suitable alternative to the provision of allotments and therefore not meet the expectations of the development for this site which is subject to outline approval 12/3747N.

In response to these concerns, the layout has been amended with the community orchard/gardens element of the POS being replaced with an allotments site. The allotments are sited within the north-western part of the POS to include a dedicated parking area and be secured with 1.8m high, perimeter weldmesh fencing. The allotment site will include 5no. 75sqm starter plots as well as some raised beds. It is considered that location of the allotment site will minimise its visual impact within the POS and will also share the vehicular access to the pumping station required by United Utilities.

The Leisure Officer considers that the proposed allotment provision is acceptable and manageable, with potential flexibility for size of individual allotment plots to suit different resident's needs. However, a condition is recommended to control the provision of the allotment site, including details of its design/ layout.

The applicant has advised that a meeting has been arranged with Stapeley Parish Council early next week to discuss the allotment site proposals. It is understood that a summary of the outcome of these discussions will be provided by the applicants, and the position will be set out in an update to SPB.

### Summary

The Council's Leisure Officer raises no objections to the amended provision of public open space and associated recreational facilities including the NEAP, village green area and allotments, subject to the planning 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.

### **Layout / Design**

#### footpath connections

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 the original report, these links cannot connect through to Peter Destapleigh Way at this time given that a strip of land located between the northern site boundary and highway is in third party ownership.

It is considered that the proposed pedestrian/cycle links to the northern boundary as shown on the site layout should be implemented as part of the development, and thereby enable future connections to be secured from the scheme to Peter Destapleigh Way. However, to address concerns raised by members, a condition is recommended requiring suitable barriers to be installed along the northern boundary to prevent unauthorised and unsafe routes being created from the ends of the pedestrian /cycleways prior in advance of appropriate infrastructure being provided to Peter Destapleigh Way.

The site layout has also been updated to show that the footpath route running through POS alongside the northern site boundary will connect through to the main access boulevard linking the development to Peter Destapleigh Way.

## Amenity

### Relationship with 28 Bishops Court

The proposed parking court adjacent to 28 Bishops Wood serving plots 43- 48 has been revised to include a landscape buffer area between the courtyard and the southern site boundary. This ensures a greater distance will be provided between parking spaces and the site boundary with the rear gardens of Nos 28 and 26 Bishops Wood as well as providing additional screening to the proposed 1.8m boundary fencing. This will improve the relationship of the development with No.28 Bishops Wood and sufficiently mitigate the impact on the amenities of adjacent properties from the use of this relatively small courtyard parking area.

The details of buffer planting will be secured through the planning condition already recommended which requires the planting specifications for trees, shrubs and hedgerows for the landscaping scheme of the development to be submitted and approved.

## OTHER MATTERS

For completeness, matters referred to in the update to the previously considered officer Report presented on 25<sup>th</sup> January 2023 are set out below:

### **Additional Representations**

Stapeley Parish Council: Object, further to re-consultation in relation to the amended proposals. The grounds of objection essentially reiterate those already summarised within the previous report which were made to the original proposals, but the Parish Council has added that

- *As a statutory consultee the Parish Council is appalled that the applicant has not even acknowledged the substantive concerns raised previously and submitted to CE Planning on 14 September 2022, sent on behalf of over 4,000 residents in the parish.*
- *Further, the Parish Council is dismayed that the comments submitted on 14 September 2022 appear to have been largely, or completely, unaddressed by the revised plans submitted by the applicant in December 2022.*
- *The Parish Council strongly urges Cheshire East Council to hold the applicant accountable for addressing the comments made.*

United Utilities : No objection following review of the revised documents and confirm the proposals are acceptable in principle.

Since publication of the original SPB report, 3 further representations were received objecting to the proposals and following the re-consultation undertaken on 3rd January 2023 in relation to amended proposals. The grounds of objection of these representations have reiterated those summarised within the report which were made to the original proposals, but further add that;

- There is inadequate infrastructure to support the development with local secondary

school already oversubscribed, and exacerbate the difficulties in accessing local doctors' surgery

- over-development of the area is destroying the natural beauty and green'

(These issues relate to the principle of development and are addressed within the original SPB report)

## **Housing**

### Space, accessibility, and wheelchair housing standards

Policy HOU 8 of the SADPD states that;

1. In order to meet the needs of the borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standards will be applied.

i. For major developments:

a. at least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and

b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

Determining compliance with the accessibility and wheelchair adaptable standards is the role of Building Control. At the planning stage, the Council needs reassurance that the applicant is aware of the standards and committed to meeting them at the Building Control stage.

The applicant has reviewed the extent of M4(2) and M4(3) properties that can be delivered on the site. Against the requirement of at least 30% M4(2) properties the scheme is proposed to deliver:

- 188 Dwellings Proposed – 100%
- 69 Dwellings Proposed are fully M4(2) compliant – 37%
- 43 Dwellings Proposed are partially M4(2) compliant – 23%

The requirement of Policy HOU8 will therefore be exceeded through the delivery of 37% M4(2) properties. In addition, there are 43 dwellings designed to partially meet M4(2) standards. Although the applicant has stated that no specific M4(3) properties are proposed, this is a misunderstanding of the requirements of Policy HOU8, which relates to these standards being applied to house types of the scheme.

Accessibility and wheelchair standards are applied through the Building Regulations. Planning conditions are recommended to be attached to ensure the standards of 30% Accessible Dwellings M4(2) and 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) are achieved within the development.

## **Drainage/Flood Risk and Amenity**

Further to its consideration of additional information including an updated drainage strategy and details of connections to the sewerage system an updated consultation response has been received from United Utilities confirming that the proposals are now acceptable in principle and no objections are raised.

As set out in the drainage section of the original report, levels need to be raised throughout the site by 200 – 600m to facilitate the operation of the surface water drainage system. A series of indicative site sections have been submitted which demonstrate that the relationship with existing properties of Judson Close, Audlem Road and Bishops Wood will be acceptable. Where site levels have increased, care has been taken to ensure that the proposed levels at site boundaries will tie into existing levels. The difference in levels is not substantial and will not cause any drainage or ponding issues, and the applicant states that land drains will be installed in rear gardens as appropriate.

The impact of the increased levels proposed on the amenities of adjacent properties will be satisfactorily mitigated through the separation distances achieved between existing and proposed dwellings, and land drainage will be provided as necessary to ensure surface water does not drain onto adjoining properties. However, to safeguard the amenities of adjacent properties a condition is recommended for the submission and approval of full details of levels within the development relative to the those of the adjoining dwelling and garden areas prior to the commencement of development.

### **Ecology**

Updated comments have been received from the Council's ecologist in respect of the issues set out below;

#### Boundary Treatments

No boundary treatment is proposed for the southern boundary of the northern mitigation area (adjacent to phase 3) or the western boundary of the eastern mitigation area. However, Phase 3 will remain as open land until developed, and the Council's Ecologist has advised that it is acceptable for the southern boundary treatment of the northern mitigation area to be provided as part of Phase 3 of the development. It is considered that the extent of the eastern mitigation area does require demarcation 'on the ground'. The Council's Ecologist considers that a post and rail fence, with a locked gate to allow access for monitoring and management, be provided here. Boundary treatment for each phase of the development is controlled under condition 24 of the outline approval which requires that prior to the commencement of development full details of boundary treatment will need to be submitted and approved by the LPA

#### Phasing

The submitted phasing plan combines the two ecological mitigation areas with the broader open space to be provided as part of the proposed development, which is proposed to be delivered at the time of the completion of the 90th dwelling (within Phase 2 of mixed-use scheme). However, the Council's Ecologist considers that this should be delivered at an earlier stage in the development, to ensure that the loss of

habitat resulting from the development is addressed in a timely manner. Therefore, notwithstanding the submitted phasing plan, an additional condition is recommended to ensure that the ecological mitigation areas are provided concurrently with the commencement of development within Phase 2.

## **CONCLUSION**

It is considered that the proposed amendments to the layout including the relocation of the NEAP, provision of allotments and improved relationship of car parking with neighbouring properties of Bishop Wood, addresses the reasons for the Deferral of the application by SPB on 25<sup>th</sup> January 2023,

The recommendation therefore remains the same as set out in the main, original SPB report, although amendments are needed to conditions, as set out above.

A condition is recommended to control the provision the allotments and to require the provision of suitable barriers to prevent the creation of informal access routes from the end of cycle/pedestrian links to Peter Destapleigh Way in advance of appropriate highway infrastructure being provided.

Two further conditions are recommended to ensure that standards of 30% Accessible Dwellings M4(2) and 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) are achieved within the development in accordance with SADPD Policy HOU 8.

A condition is also required to ensure the loss of habitat resulting from the development is addressed in a timely manner with ecological mitigation areas delivered concurrently with the commencement of development within Phase 2.

The application is recommended for approval, subject to conditions detailed below.

## **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 and detailed design of allotments**
- 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
20. Provision of 30% Accessible Dwellings M4(2) within the development
21. Provision of 6% Wheelchair Adaptable Dwellings M4 (3)(2)(a) within the Development
22. Provision of ecological mitigation areas at the commencement of development within Phase 2
23. Installation of barriers to prevent informal routes/access to Peter Destapleigh Way

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Previously considered Committee Report below (incorporating updated recommended 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 Destaplegh 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)

## 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 Destapleigh 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 Destapleigh 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 Destapleigh 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 show 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 Destapleigh 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
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
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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 Destapleigh 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 for Reserved Matters

RECOMMENDATION:



Application No: 22/3338C

Location: Land to the East of, VIKING WAY, CONGLETON

Proposal: Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way.

Applicant: -, Clowes Developments (North West) Limited

Expiry Date: 23-Nov-2022

## **SUMMARY**

This full planning application proposes the erection of an employment building (Use Class B2, B8 and ancillary E(g)), and has been submitted in full as it does not comply with the height parameter on the outline, although in all other respects it does comply with the other parameters set at outline.

Highways have raised no objections but have asked how this will align with the contributions required through the original 106 on the outline.

Both the Landscape and Design officer raised several issues and made a number of recommended changes to the original proposals. The applicant has sought to address these issues and it is considered that most of these concerns in relation to landscaping and design have been met. The main issue however is considered to be that of building height. The height of the proposed building is now 14.8 metres to ridge, some 2.8 metres higher than the maximum parameter set out in the approved design code at outline. The proposed building will therefore have more visual impact than originally envisaged; however the finished floor level of the building has been lowered, and in its context of adjoining commercial uses, with the residential development behind not significantly affected, it is not considered this impact is harmful. It is hoped some of the minor design matters can be addressed by committee.

The Council's Ecologist, looking at this application in the context of the overall development – which deliver most of the mitigation, has raised no objections subject to conditions.

The Tree Officer has raised some proximity issues which ideally should be addressed but has raised no objections to the application.

Issues of amenity, contaminated land and flood risk/drainage can be addressed through conditions, although it is hoped comments from the LLFA will be reported to Members.

Members will be updated how the Highways contributions will be secured through the Section 106.

Whilst there are some concerns about building height and tree proximity issues, it is considered on balance that the proposals are acceptable.

## **RECOMMENDATION**

**Approve with conditions and to a Deed of Variation to the Section 106 agreement attached to application 19/5596C**

## **SITE DESCRIPTION**

This application relates to a 2.71ha site, to the east of Viking Way. It forms part of a larger site which has the benefit of outline planning permission under reference 19/5596C, but also included a residential development that is subject to a reserved matters application reference 22/0670C recently approved by Members. The residential element forms the eastern boundary to the site whereas the southern boundary adjoins a recent development for commercial units which is nearing completion. To the north is a parcel of land which has outline permission for a retail development.

The site is relatively flat adjoining Viking Way, but then has a step to a terraced area above and then rises more steeply to the eastern boundary. There are trees along the eastern boundary and a small area of woodland to the south eastern corner, which lies outside the site.

There are no public footpaths crossing the site and no listed buildings or conservation areas affecting this site.

## **PROPOSAL**

This full planning application proposes the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way.

The application has not been submitted as a reserved matters application as the proposed building would exceed the height parameter set as part of the outline approval. The height set was up to 12m on the main part of the site.

The proposed building is a typical modern warehousing type structure with a series of 4 barrel vaulted roofs running east-west across the site. The building would measure 134m x 71m x 14.8m high and create 9,537 square metres gross internal floorspace.

The submitted Design and Access Statement sets out the rationale for the design for the building, and how cutting the building into the site will keep its overall height down. The supporting statement states:

“The proposed building height is 14.8m to the highest point of the barrel roof. However, the plateau level on the site has been lowered to + 80.200 and this was approved by the enabling works planning application which was granted in February. This allows the finished floor level to be lowered from the assumed illustrative masterplan FFL of + 83.30 to a proposed FFL of 80.50. Consequently, by lowering the building and the plateau further into the site, the highest point of the roof is brought down to the same relative height as one of the two units previously in its place within the outline proposals, which will reduce its impact on the landscape. Additionally, the eaves of the proposed building will be at 12m, which is lower than the eaves level of the original masterplan unit closest to Viking Way. Furthermore, a barrelled



roof is proposed to soften the building mass within the landscape with its undulating form and to play on the natural gradient of the site, which slopes down towards Viking Way and flows towards the green buffer to the west of the site. “

The building would run at right angles to Viking Way with the eaves Viking Way, keeping the perceived height down, with access to the building being from an area of hardstanding to the northern side. Landscaped areas would be provided to the front and rear of the building.

### **RELEVANT PLANNING HISTORY**

#### Congleton Link Road:

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

#### Relating specifically to this site:

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

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

22/0670C Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline. Land East of VIKING WAY, CONGLETON – APPROVED at October SPB.

22/2338C Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment. Land to the East and West of VIKING WAY, CONGLETON – APPROVED Feb 2023

22/2350C Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C LAND TO THE WEST OF VIKING WAY, CONGLETON – APPROVED March 2034

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

### **POLICIES**

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

PG1 – Development Strategy

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure  
IN2 – Developer Contributions  
SC1 – Leisure and recreation  
SC2 – Indoor and outdoor recreation  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 13 - Flood Risk and Water Management  
CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

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

GEN1 - Design principles,  
ENV1 - Ecological network,  
ENV2 - Ecological implementation,  
ENV3 - Landscape character,  
ENV5 - Landscaping,  
ENV6 - Trees, hedgerows and woodland implementation,  
ENV7 - Climate Change,  
ENV12 - Air quality,  
ENV14 - Light pollution,  
ENV15 - New development and existing uses,  
ENV16 - Surface water management and flood risk,  
ENV17 - Protecting water resources,  
INF1 - Cycleways, bridleways and footpaths,  
INF3 - Highways safety and access,  
INF6 - Protection of existing and proposed infrastructure  
INF9 – Utilities.

### **Neighbourhood Plans:**

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

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

ECON1 – Rural Economy  
INF1 – Infrastructure

### **Other Material Considerations**

The National Planning Policy Framework

National Planning Practice Guidance

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

**Environment Agency** – Have no objections

**United Utilities** – No objection subject to a condition concerning approving development to be carried out in accordance with the submitted drainage design.

**CEC Head of Strategic Infrastructure:** No objections

**CEC Environmental Health:** Amenity and Air Quality comments are discussed within the report, but in short they raise no objections subject to conditions. Contaminated Land comments are awaited.

**CEC Flood Risk Manager:** Comments awaited

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

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

Make no comment on the application.

## **OTHER REPRESENTATIONS**

No comments received

## **OFFICER APPRAISAL**

### **Principal of Development**

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

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

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

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation.

### **Highway Implications**

Whilst no objections are raised, Highways have noted that there were a number of S106 requests and conditions tied to the commercial development in the outline application and asked how they could be secured under this full application. In addition, they note that showers and changing facilities will be provided and that cycle parking is provided in excess of recommended CEC standards.

### **Landscape**

The Landscape Officer, commenting on the original submission, recommended that the comments/actions listed below are given further consideration.

#### Landscape Masterplan/Planting Plan

- Consider extending the proposed tree and scrub planting to the north to help further screen the proposed bin store at the north-east corner. The gap in planting may present views towards this feature from the proposed Phase 1 residential development to the east.
- Relocate the proposed wet well away from the site access/public frontage and towards the west of the site (e.g., near the proposed pump house). This is likely to be a visual detractor from Viking Way and would be best served away from the public highway/high-traffic areas.
- There are opportunities for additional tree planting within the site, especially along Viking Way and the site entrance. Explore opportunities to further increase tree planting along the public frontage and around the carpark.
- Breakup proposed parking bays so they don't dominate the landscape. Ensure that the design encourages the greater use of landscape strips between parking areas.
- Include the location/extent of the proposed retaining walls. Consider opportunities to soften the appearance of proposed retaining features through the inclusion of planting.
- Review proposed planting and possible conflicts with WG4\* and the proposed retaining walls at the south-east corner of the site.

#### Boundary Treatment Plan

1. Consider changing security fence to dark green colour. Reducing the height of the proposed fencing to 2m would also make boundary features less visually intrusive.

#### Habitat Creation and Management Plan

1. Consider adding a management operations schedule to the end of the document.
2. Ensure proposed hard landscape elements (e.g., street furniture and play equipment etc.) are included within this document or covered by a separate management plan.

The applicant has sought to address these comments through the submission of revised landscaping plans including a Landscape Management Plan which would appear to address the majority of the comments made, although it is hoped this can be confirmed by the landscape officer.

If the application is to be approved without amendment, the landscape officer recommended conditions relating to Landscaping - Implementation and submission of a Landscape Management Plan are applied.

## Design & Building Height

The Council's Design officer raised the following Issues and outlined the solutions reached:

- Encroachment of ancillary use/space into the SuDS corridor and its impact on landscape design/screening:

It is still considered there is still some encroachment into the ancillary space which should be landscaped, but the access for fire service is explained in the context of Building Regs requirements. The landscape scheme has also been amended to soften the approach and is an improvement on the original design.

- Quality of landscape information, particularly for the Viking Way frontage but also more generally:

A revised landscape scheme has been produced which promotes additional soft landscaping across the scheme. With regards to the Swales on the Viking Way frontage it has been explained why these cannot permanently hold water but appropriate marginal wetland planting forms part of the landscape proposals for the Viking Way frontage. SuDS management proposals are also specifically set out in the wider Landscape Management Plan. This is accepted, albeit with a degree of disappointment.

- Scope to get more tree lining of the footpath route including by an inner line of trees on the car park side by moving things around/shunting the parking area eastwards. Also make much more of the entrance to the building linked to enhanced architecture of its north-western corner.

Revised proposals for the pedestrian entrance into the building have been enhanced through better surfacing

- Planting zones are a bit pinched in size. Scope for these to be designed as rain gardens perhaps as part of the SuDS. Also scope for additional tree planting in tree pits within the parking area:

Planting areas have been extended in certain areas, but they aren't rain gardens. This is explained in relation to the limitations imposed by the drainage for the building. Additional trees have been included in the parking area.

- Design of the building including dealing with its mass, and particularly enlivening the section closest to Viking Way, potentially with some living walling – fenestration, form, massing, materiality of the corners etc:

The design and scale of the building essentially stays the same as previously, but the materiality has been altered to reflect that for phase 2, taking account of Member aspirations. This does help to break up the mass of the building by exaggerating the base and making the roof more recessive. However, it is highlighted that the building is 14.8 metres to ridge, some 2.8 metres higher than the maximum parameter set out in the approved design code at outline. It should also be noted that the footprint of this building is considerably larger than any shown on the illustrative masterplan submitted at outline to accompany the design code.

It is noted that the visualisations do not show the building in its wider context and that information should be provided to enable those impacts to be illustrated. The additional information submitted says the corner has been enhanced with additional glazing but glazing was already present on the western elevation so it is unclear where additional glazing has been provided, but this could have included glazing of the stairwell in addition to that for the entrance lobby and landing area. The use of a singular colour of cladding in dark green and the signage zone will assist in defining the NW corner of the building. Block paving has been used to define the pedestrian entrance. In essence therefore, whilst there has been some improvement, it could have gone further and been a little more imaginative.

- Need for updated site levels in the form of sections including final building outline superimposed:

Sections have been provided including the building, also showing the building in its wider context in respect to existing and proposed development. Inevitably the proposed building will be the most strident of buildings in the locality as illustrated in comparison to recently constructed employment area and phase 4

- Providing more discreet utility infrastructure:

The pumping station is now subterranean, but the substation is retained in its original position. It is to be finished in green to help it integrate but there is no landscaping shown to help screen it on the Viking Way frontage

- Potential for enhanced sustainable design – water harvesting, passive and active design e.g. ground source heating, promoting natural light, solar PV/thermal etc. as part of enhancing building performance. The sustainable design of the building has been explained in the supporting information, including performance beyond Building regs and 10% renewable/de-centralised energy. The amendments do not include any further measures around active and passive sustainable design however.

- Boundary fencing needs to be as discrete/high quality as possible

Paladin fencing is now green as suggested in Landscape comments. However, it is proposed as 2.4 metres high when landscape recommended it be 2 metres. It is suggested that 2 metres is appropriate here and the applicant has been asked for clarity here.

### Other issues

Clarity is required on whether the gabion wall is to be a stone structure or a living treatment to enable vegetation to establish on it.

### Conclusions

The design officer feels there has been some improvement to the scheme in terms of the building and external areas and landscape, but the amendments could have gone a little further, especially for the NW corner of the building with strongest interface with Viking Way. Explanations have been given as to the practical considerations in relation to certain aspects of the scheme, not least the SuDS design, and this is accepted, albeit with a degree of disappointment.

The building is going to be taller than the approved coding parameters at outline, and that, combined with the size of the footprint, will make for a strident building, notwithstanding the changes to the design and materiality. The set back and associated landscaping on the Viking Way frontage will help soften the relationship between the building and Viking Way but it will still be pretty dominant in the area. Consequently, although it is a balanced position having regard to the sensitivities expressed at the outline stage and the departure from the outline code, there is no design objection.

### Trees

This application has been supported by a document titled; Viking Way – Supplementary Advice for the Phase 3 planning submission. The area is contained with land which is subject to consent for development under Outline application 19/5596C. The trees proposed for removal with this application, TG7 a group of semi mature low quality C Category trees were formally shown on the landscape

masterplan within a dashed line as requiring removal to accommodate development on this area of the site. Changes of levels and the construction of a retaining wall are shown to the west of WG4 but outside the RPAs of retained trees and it's noted that this feature is subject to consideration with the enabling works application. The footprint of the building is considered to present an inferior relationship to WG4 to that formally indicated on the approved Outline Plans and consideration should be given to provide for greater separation between the building and the tree cover to provide for a more sustainable relationship in the longer term.

The submitted arboricultural information has indicated constraints arising from this element of the wider development and has also identified the position and type of tree protection fencing for the duration of any approved construction period. The note suggests that adequate compensatory planting will be provided which is anticipated to arise in a net gain although the detail is indicative and would be subject to the requirement to provide more information as stated in comments submitted by the Council's Landscape Officer.

Should the application be recommended for approval a condition is recommended requiring Tree protection and construction measures.

## **Ecology**

This is a full planning application and so is not subject to the conditions of the outline consent (19/5596c).

### **Badgers**

The application is supported by a badger survey. No setts were identified on site, but badgers are active in this locality. It is advised that the proposed development is likely to have a low-level adverse impact upon this species as a result of the loss of potential foraging habitat.

As the status of badgers can change within a short time scale, it is advised that if planning consent is granted a condition should be attached which requires the submission of an updated badger survey prior to the commencement of development.

### **Common Toad**

This priority species was recorded during surveys undertaken to inform the outline application at this site. The proposed development will result in a minor adverse impact upon this species as a result of the loss of distant terrestrial habitat. This loss would be compensated for through the creation of ponds within the River Dane Corridor as secured under the outline consent for the development of the wider site.

### **Lighting**

There is some light pollution onto the habitat creation area on the eastern proportion of the site. The light spill does not extent onto the open space/habitat creation provided as part of the residential development. Impacts for lighting are therefore no greater than anticipated during the determination of the outline application.

### **Breeding birds**

A number of species of breeding birds were recorded throughout the wider site subject to the outline planning consent. This included a small number of priority bird species, which are a material consideration for planning. Only a single potential breeding pair was recorded breeding in vegetation within or immediately adjacent to the application site boundary.

The development of this site is likely to reduce the openness of the habitats and make them less suitable for ground nesting birds which were recorded in very small numbers across the wider site. It is advised that potential impacts of the proposed development on breeding birds is likely to be minor and is likely to be at least partially compensated for through the on-site planting and the incorporation of bird boxes.

### Biodiversity Net Gain

Biodiversity net gain as considered under the outline application for the wider site. The outline site was found to be capable of delivering a biodiversity net gain on the basis of habitat creation works both within the development plot and associated with land within the River Dane corridor.

This full application delivers a greater area of landscaping/habitat creation than anticipated for this phase under the outline consent.

Whilst this application is not a reserved matters application and so does not trigger the delivery of the River Dane habitat creation works, it is intended that the River Dane Corridor works would be triggered under the associated enabling works application (22/2338C). It can therefore be concluded that the proposed development of this site, under both this and the enabling works planning applications, would be likely to deliver a Biodiversity Net Gain.

If planning consent is granted a condition would be required to secure the delivery and maintenance of the habitat creation measures on site.

### Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. The application is supported by proposals for the incorporation of bat & house sparrow boxes, brush piles, and native species planting.

If planning consent is granted a condition is required to secure features to enhance the biodiversity value of the application site.

### Conditions

If planning consent is granted conditions would be required to secure the following:

- Updated badger survey prior to commencement.
- Implementation of submitted Ecological Enhancement
- Implementation of submitted Habitat Creation and Management Plan.

### **Amenity**

There are no residential properties on or immediately adjacent to the site, and the nearest properties are a farm complex of dwellings off the fishing club access, referred to as Home Farm/Sandylane Mews on the plateau above. Permission has been granted for residential development on the plateau above, although no major issues are anticipated.

Environmental Protection comment that in support of the application, the applicant has submitted an acoustic report (NIA).

The NIA relates to the proposed site layout is detailed at page 3 of the NIA and corresponds to the applicants Planning Layout. Any amendments to the planning layout must comply with the NIA or the NIA maybe required to be reviewed accordingly.



The impact of the noise from use of the development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings
- BS4142:2014 Methods for rating and assessing industrial and commercial sound

An agreed methodology for the assessment of the noise source.

The report recommends that no noise mitigation measures are required to achieve BS8233: 2014 and WHO guidelines; to ensure that occupants of nearby properties are not adversely affected by noise from use of the development.

The reports methodology, conclusion and recommendations are accepted.

## **Air Quality**

This proposal is for the erection of an employment building. In support of the application the developer has submitted a qualitative screening assessment. The report states that a detailed assessment into the impacts of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows, and concludes, therefore, that the development impacts on local air quality will be not significant. The report also concludes that the potential dust impacts during construction will also be not significant subject to appropriate dust mitigation measures.

That being said, there is still a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

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

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

Conditions relating to Electric Vehicle Infrastructure & Ultra Emission Boilers are recommended.

## **Contaminated Land**

The Contaminated Land team has no objection to the application subject to the following comments with regard to contaminated land:

- A Phase I Preliminary Risk Assessment dated August 2019 has been submitted for review.
  - o The Phase I report assesses a larger area than that of this planning application. Areas 5, 6 and 8 within the report are relevant to this application.
  - o The report identified a number of contaminant linkages, but these were for the wider site and the contaminant linkages pertaining to Areas 5, 6 and 8 were not specified.
- A geo-environmental report has been submitted in support of the planning application dated 4 August 2020.

- o The submitted report presents a desk based review of available information and a Conceptual Model for the site.
- o A ground investigation was undertaken to confirm the Conceptual Model.
- o Made ground was encountered at three exploratory hole locations, however only one sample of made ground was analysed. Further sampling may be required so the material can be characterised appropriately, however the contaminated land team are aware that this material may now have been moved elsewhere on the site.
- o Materials have been moved around the site in a cut and fill exercise. The impacts of the placement of material on the western area should be considered on the gassing regime.
- o Further investigation works are proposed, these should be undertaken and submitted to the contaminated land team for approval.

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, the contaminated land team recommends a number of conditions and informatives be attached should planning permission be granted.

### **Flood Risk/Drainage**

Whilst this was assessed at the time of the outline application, and looked at in detail for the enabling works application (22/2338C) the comments from the LLFA are important to ensure that the proposals do not compromise drainage proposals for the site as a whole, and lead to unforeseen impacts.

Comments from the LLFA are awaited and will need to be reported in an Update Report to Members.

### **SECTION 106**

Whilst there were Section 106 requirements on the outline, this application being a stand-alone Full application would not be subject to those requirements. Whilst most requirements under the 106 are not applicable to this application – affordable housing etc, the Highways contributions are. It is considered that the original 106 should be varied so that this application, pro rata contributes towards the Highway contributions. Members will be updated on this matter when further discussions have been held with the applicant and Highways.

### **CIL REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **CONCLUSIONS**

This full planning application proposes the erection of an employment building (Use Class B2, B8 and ancillary E(g), and has been submitted in full as it does not comply with the height parameter on the outline, although in all other respects it does comply with the other parameters set at outline.

Highways have raised no objections but have asked how this will align with the contributions required through the original 106 on the outline.

Both the Landscape and Design officer raised several issues and made a number of recommended changes to the original proposals. The applicant has sought to address these issues and it is considered that most of these concerns in relation to landscaping and design have been met. The main issue however is considered to be that of building height. The height of the proposed building is now 14.8 metres to ridge, some 2.8 metres higher than the maximum parameter set out in the approved design code at outline. The proposed building will therefore have more visual impact than originally envisaged; however the finished floor level of the building has been lowered, and in its context of adjoining commercial uses, with the residential development behind not significantly affected, it is not considered this impact is harmful. It is hoped some of the minor design matters can be addressed by committee.

The Council's Ecologist, looking at this application in the context of the overall development – which deliver most of the mitigation, has raised no objections subject to conditions.

The Tree Officer has raised some proximity issues which ideally should be addressed but has raised no objections to the application.

Issues of amenity, contaminated land and flood risk/drainage can be addressed through conditions, although it is hoped comments from the LLFA will be reported to Members.

Members will be updated how the Highways contributions will be secured through the Section 106.

Whilst there are some concerns about building height and tree proximity issues, it is considered on balance that the proposals are acceptable.

## **RECOMMENDATION**

**Approve subject to a Deed of Variation to the Section 106 agreement attached to application 19/5596C and to the following conditions;**

- 1. Standard 3 year consent**
- 1. Approved plans**
- 2. Tree Protection**
- 3. Landscape implementation**
- 4. Submission of a Landscape Management Plan**
- 5. Updated badger survey prior to commencement.**
- 6. Safeguarding of nesting birds**
- 7. Implementation of submitted Ecological Enhancement**
- 8. Implementation of submitted Habitat Creation and Management Plan.**
- 9. Electric Vehicle infrastructure**
- 10. Ultra Low Emission Boilers**
- 11. Noise measures recommended**
- 12. Submission of a supplementary Phase II ground investigation and risk assessment**

13. Submission and approval of a Verification Report prepared in accordance with the approved Remediation Strategy
14. Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use
15. Contaminated Land – unexpected findings
16. Construction & Environmental Management Plan to include hours of working
17. Implementation of drainage plans as submitted
18. Submission of sustainable drainage management and maintenance plan for the lifetime of the development

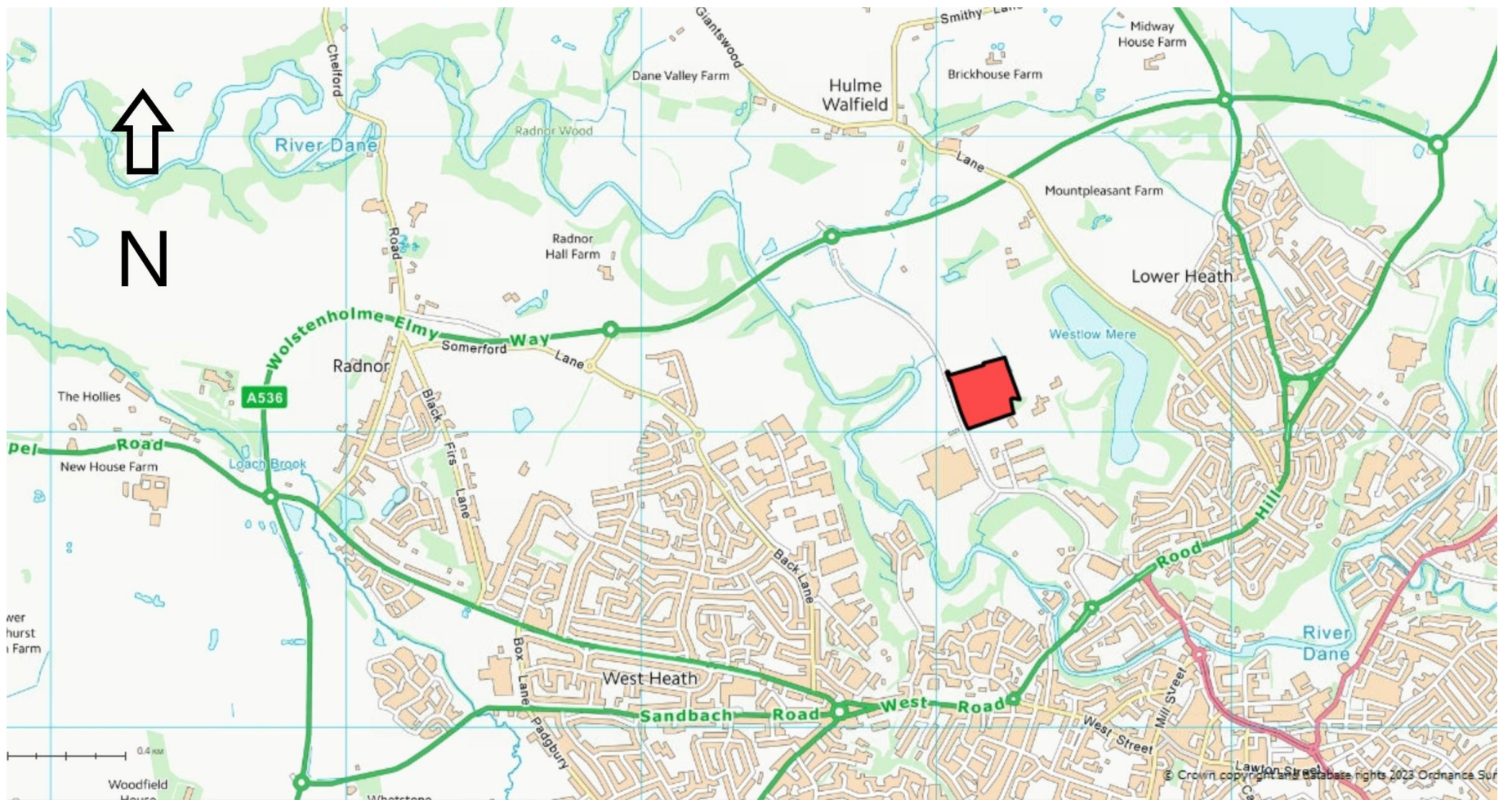
**Informatives;**

- Water Course & Bylaw 10
- EP Standard informs

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

Application for Full Planning

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



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