

Application No: 21/3100M

Location: Land East Of, LONGRIDGE, KNUTSFORD

Proposal: Outline planning permission with some matters reserved - Residential development of up to 225 dwellings and a building for Class F2 use (with access considered).

Applicant: Dewscope Ltd

Expiry Date: 26-Aug-2022

SUMMARY:

The application seeks outline planning permission for residential development of up to 225 dwellings and a building for Class F2 use. Matters of Access are also sought for approval.

Part of the application site is allocated by LPS 38 within the Cheshire East Local Plan Strategy (CELPS) for the provision of around 225 dwellings along with public open space within the site, pedestrian and cycle linkages and a landscape buffer to Booths Mere Local Wildlife Site (LWS).

A proportion of the application site extends beyond the land allocated for development by the CELPS. This includes a larger parcel of land to the north-east and a smaller parcel of land to the south-west. Both of these incursions are into Green Belt land. In the case of the incursion to the south-west, this is also into land designated as Protected Open Space. The land to the south-west has been included within the submission primarily to allow vehicular access to the site due to the presence of a restrictive covenant elsewhere. The land to the north-east has been included to provide additional areas of Public Open Space.

The proposal would result in inappropriate development in the Green Belt as a result of the incursion to the south-west required to create the vehicular access and associated footpaths any cycleways. It is deemed that this provision results in harm to the openness of the Green Belt and a degree of encroachment. Paragraph 148 of the NPPF details that when considering any planning application. Local Planning Authority's (LPAs) should ensure that substantial weight is given to any harm to the Green Belt. Substantial weight has also been afforded to the loss of much of the recently designated Local Wildlife Site (LWS). Moderate weight is afforded to the loss of some trees that would be associated with the LWS.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this instance, the other considerations are that the development would result in 30% affordable dwellings where there is an identified need. This is afforded moderate to substantial weight. Significant additional, managed public open space would be provided by the application proposals. This is afforded moderate to substantial weight. Moderate weight is applied to the delivery of off-site Biodiversity Net Gain. Limited weight is afforded to the economic benefits derived through such a development which include employment during the construction phase and benefits for local businesses. Limited weight is also afforded to the provision of a community building.

Finally, but most importantly, substantial weight is afforded to the delivery of an allocated site and the associated benefits it would bring. It is deemed that these benefits represent Very Special Circumstances that clearly outweigh the harm identified. Subsequently, the application is recommended for approval, subject to securing all the necessary requirements of the permission.

RECOMMENDATION:

APPROVE, subject to a S106 agreement to secure; commuted sums towards highway improvements, education, health, indoor and outdoor sport provision, on-site affordable housing and open space and a community building and associated car park, and conditions.

DESCRIPTION OF SITE AND CONTEXT

The application site extends 16.28 hectares and is located on undeveloped land to the east of Longridge on the north-eastern side of Knutsford.

CELPS Policy LPS 38 identifies that a large portion of the site is to be removed from the Green Belt in order to deliver an allocation for 'around 225 dwellings', public open space, improvements to pedestrian and cycle linkages and a landscape buffer adjacent to the nearby Booths Mere Local Wildlife Site.

The application site extends the full extent of the site allocation, but also significantly beyond. The land beyond extends primarily to the north-east incorporating woodland (including Ancient Woodland) and grasslands upto the boundary with Birkin Brook. The land beyond the site allocation also comprises of a small section of protected open space, an open grassed area, to the south-west.

All of the land subject to this application that extends beyond the boundary of the site allocation lies within the Green Belt. The small parcel of open space aside, the site currently comprises of a mixture of woodlands, scrubland and grasslands.

The vast majority of the application site has been designated as a Local Wildlife Site during the course of the application process. An Ancient Woodland forms part of the application site to the north and a Public Right of Way (FP13) passes through the site.

PROPOSAL

Outline Planning Permission is sought for the residential development of up to 225 dwellings and a building for F.2 (local community) use. Matters of access are also sought for determination. Matters of layout, scale, appearance and landscaping are reserved for subsequent consideration.

Revised plans, further/revised statements and updated letters were received from the applicant during the application process on numerous occasions for various reasons including to clarify certain matters for officers, address expert consultee comments where concerns or issues were raised, or to address changes in circumstance that arose.

A re-consultation exercise was undertaken on two separate occasions to ensure all interested persons and groups had the opportunity to comment.

PLANNING HISTORY

23/1463S - EIA Screening Opinion: Proposed erection of up to 225 dwellings and delivery of a Class E community building – Not EIA 12th June 2023

29740P – (Outline) Residential Development and Associated Community Amenity Uses – Withdrawn 15th January 1983

29739P – (Outline) Residential Development and Associated Community Amenity Uses – Appeal (non-determination) dismissed 23rd September 1983

21880P – (Outline) Residential Development (25 Acres) Public Open Space (13.5 Acres) – Refused 5th February 1981

19188P – (Outline) 250 houses & bungalows & public open space – Refused 1st October 1979, Appeal dismissed 10th March 1981

ADOPTED PLANNING POLICY

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS), the Cheshire East Site Allocation and Development Policy Document (SADPD) and the Knutsford Neighbourhood. More specifically:

Cheshire East Local Plan Strategy 2017 (CELPS)

LPS 38 – Land South of Longridge, Knutsford

MP 1 – Presumption in favour of sustainable development, PG 1 – Overall Development Strategy, PG 2 – Settlement hierarchy, PG3 – Green Belt, PG6 – Open Countryside, PG 7 – Spatial Distribution of Development, SD 1 – Sustainable Development in Cheshire East, SD 2 – Sustainable Development Principles, IN 1 – Infrastructure, IN 2 – Developer contributions, SC 3 – Health and Well-Being, SC 4 – Residential Mix, SC 5 – Affordable Homes, 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, SE7 – The Historic Environment, SE 12 – Pollution, Land Contamination and Land Instability, SE 13 – Flood Risk and Water Management, CO 1 – Sustainable Travel and Transport and CO 4 – Travel Plans and Transport Assessments

Appendix C – Parking Standards

Cheshire East Site Allocations and Development Policies Document 2022 (SADPD)

PG9 - Settlement Boundaries, GEN1 - Design principles, GEN5 - Aerodrome safeguarding, ENV1 - Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV13 – Aircraft Noise, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, HER1 - Heritage assets, HER4 – Listed buildings, HER5 – Registered Parks and gardens, HER7 – Non-designated heritage assets, RUR6 - Outdoor sport, leisure and recreation outside of settlement boundaries, HOU1 – Housing mix, HOU8 – Space, accessibility and wheelchair housing standards, HOU12 - Amenity, HOU13 – Residential Standards, HOU14 – Housing density, HOU15 – Housing delivery, INF1 - Cycleways, bridleways and footpaths, INF3 - Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 - Utilities

Knutsford Neighbourhood Plan 2019 (KNP)

C4 – Utilities, D1 – The Knutsford Design Guide, D2 – Local Distinctiveness, D3 – Landscape in New Development, D4 – Sustainable Residential Design, E1 – Connections to the Countryside, E2 – Green and Blue Corridors, E3 – Habitat Protection and Biodiversity, E5 – Pollution, HW1 – Health and Wellbeing, HE1 – Landmarks, Views, Vistas and Gateways, HE2 – Heritage Assets, H1 –

Housing mix, SL1 – Open Space in New Developments, SL3 – New Sport and Leisure Facilities, T1 – Walking in Knutsford, T2 – Cycling in Knutsford, T3 – Public Transport and T4 – Parking

Other Material Policy Considerations

National Planning Policy Framework (NPPF) (2023 update)

Of particular relevance are chapters in relation to; Achieving sustainable development, Decision making, Delivering a sufficient supply of homes, Building a strong, competitive economy, Ensuring the vitality of town centres, Promoting healthy and safe communities, Promoting sustainable transport, Making efficient use of land, Achieving well design places, Protecting Green Belt land, Meeting the challenge of climate change, flooding and coastal change, Conserving and enhancing the natural environment and Conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning):

Head of Strategic Transport (CEC Highways) – No objections, subject to:

- A commuted sum of £750,000 for the delivery of a range of highway and cycle improvements on the A537/B5085/A50 corridor and also specific pedestrian/cycle links to the site. Funding will allow the completion to the Hollow Lane traffic signal improvement.
- The following conditions: Implementation of latest submitted Access plan & the submission/approval of a Construction Management Strategy. Note that it was also clarified during subsequent correspondence that a condition to secure the proposed footpath on the southern side of Longridge is also required.
- An informative that a 20mph speed limit Traffic Regulation Order (TRO) will be required on the internal road network and would form part of the S38 Agreement for the site.

Environmental Protection (CEC) – No objections, subject to a number of conditions including; Submission/approval of an acoustic report with reserved matters, submission/approval of a noise validation report prior to occupation, submission/approval of low emission boiler details; submission/approval of electric vehicle charging infrastructure; submission/approval of a Phase II contaminated land report; submission/approval of a contaminated land verification report; submission/approval of a soil verification report; works should stop should contamination be identified. A number of informatives are also recommended.

Public Rights of Way (PROW) – No objections, subject to conditions requiring the submission/approval of a PROW management scheme, that the line of the PROW be marked out prior to commencement and the submission/approval of pre-condition and post-development PROW condition surveys.

Environment Agency – No objections, subject to a condition requiring that the development be implemented in accordance with the submitted Flood Risk Assessment and that the mitigation measures be implemented prior to occupation.

Lead Local Flood Risk Authority (LLFA) – Support the Environment Agency condition (above) and subject to all of the built development being restricted to Flood Zone 1 land raise no objections,

subject to conditions including: requiring that the development be implemented in accordance with the submitted Flood Risk Assessment, the submission/approval of a detailed strategy/design limiting surface water runoff and an associated management and maintenance plan and the submission/approval of a groundwater monitoring scheme. A number of informatives are also proposed.

United Utilities – Recommend the following conditions: Reserved Matters application shall be accompanied by a foul water drainage details and the submission/approval of a sustainable drainage management and maintenance plan. A number of informatives are also proposed.

Children’s Services (CEC) – No objections, subject to a contribution of £136,500 towards offsetting the impact of the development upon Special Educational Needs (SEN) children.

Strategic Housing (CEC) – No objections, subject to the provision of 30% affordable housing being secured via S106 Agreement.

ANSA Greenspace (CEC) – Satisfied with the amount of on-site open space proposed, pleased about the inclusion of the sectioned-off kickabout space subject to the quality of the turf being controlled so it is to Sport England standards. Pleased that the allotments and/or community garden is being provided (as opposed to a contribution being proposed only as originally suggested). A S106 will be required to secure the provision of an Open Space Scheme, including LEAP and LAP designs. It will need to set-out the long-term management arrangements. It will also be required to secure a commuted sum towards off-site outdoor Recreational Open Space. To mitigate for the loss of open space as a result of the proposals, requires that a scheme be submitted with future Reserved Matters which seeks to enhance the residual protected open space not lost to the development. The officer advises that the enhancements could either be delivered by the applicant/future developer or a commuted sum be provided to allow the Council to implement.

Indoor Sport (CEC) – Require a contribution of £61,750 towards indoor leisure provision to offset increased need.

NHS Cheshire & Mersey ICB – Require a contribution of £387,182.50 to offset the impact of the proposed development based on set formula.

Historic England – No objections

Society for the Protection of Ancient Buildings (SPAB) – No comments received.

Manchester Airport Safeguarding Authority – No objections, subject to the following conditions: submission/approval of a Bird Hazard Management Plan to cover any wetland areas, additional or opened up ponds and wet SuDS features, submission/approval of full details of any ecological mitigation, submission/approval of any SuDS features and predicted drain down times. A number of informatives are also proposed.

Cheshire Constabulary – Encourage the applicant/developer follow the guidance within the ‘secured by design’ section of the Cheshire East Design guide in the formulation of the Reserved Matters application.

Cheshire Archaeology Planning Advisory Service – Recommend a condition requiring the submission/approval of a programme of archaeological work in accordance with a written scheme of investigation.

Cheshire Garden's Trust – *'It is regrettable that this further development and fragmentation of the Booths Hall estate which, if permitted, is likely to result in increased pressure on the designed parkland.'*

The Gardens Trust – Do not wish to comment.

Natural England – No objections.

Cheshire Wildlife Trust – No comments received in relation to revised plans

Previous comments: Object to the proposed development for the following reasons:

Procedural matters

- *Knutsford Neighbourhood Plan should be updated to show the site as an area of High Habitat Distinctiveness (rather than medium).*

Ecology

- *Significant impact of Local Wildlife Site (LWS)*
- *Proposals are contrary to the NPPF (paras 174a, 174d, 175, 179a, 179b, 180c), CELPS (SE3), Neighbourhood Plan Ecology policy E3 and draft SADPD Policy ENV1*
- *Impact on Church Wood Ancient Woodland, including impact of drainage*
- *Unclear if footpaths through woodland would be artificially lit*
- *Disagree with aspects of the BNG metric/assessment*
- *Not satisfied that the Phase 2 Ecological Survey has fully established the ecological baseline within and adjacent to the site in relation to: Botanical interest, Invertebrates and Wintering birds*

Cadent Gas Ltd – No comments received.

Knutsford Town Council – Object to the proposal for the following summarised reasons:

- Principle/Green Belt
 - No exceptional circumstances for the use of Green Belt and Local Green Space land
- Design
 - Proposals contrary to CEC design guide as they do not successfully integrate into the existing neighborhood/community.
 - High density resulting in overdevelopment.
- Ecology
 - Ecological value of the site miscalculated. Local Wildlife Site, area of high distinctiveness and a 'non-designated asset'. Contrary to Local Plan Policies SE3 and ENV1 and Knutsford Neighbourhood Plan policy E3

- Proposals result in significant habitat loss, including fen
- Proposals will not result in a positive contribution to the biodiversity as per Policy SE3 of CELPS, E2 & E3 of KNP
- Trees & hedgerows
 - Loss of a large volume of trees, including A-category trees
 - Loss of sections of Important Hedgerows
- Infrastructure/highways
 - No agenda to improve access or infrastructure of the town as current infrastructure will fail to meet demands

Notwithstanding these objections, in the event of approval, the Town Council seek:

- Ensure the community building is retained as such via S106 Agreement
- Conditions imposed for detailed ecological mitigation during development.
- Phasing of the delivery should ensure open space such as kick-about area be provided upon first occupation of housing to mitigate loss of open space.
- Ensure contributions towards active travel schemes, education, NHS and sport improvements are secured.

OTHER REPRESENTATIONS:

The application has been subject to three formal periods of consultation. The very latest changes to the scheme were minor in nature. These included amending the Access Plan (Rev C) altering the route of the proposed footpath/cycleway associated with the new access road following discussion with the Council's Highway's Officers and clarifying the extent of the matters of 'Access' sought for approval. The Green Infrastructure (GI) Parameters Plan was also updated to include a kickabout space, along with small changes to the quantum of proposed Open Space. The Parameters Plan was updated to reflect these changes and to align with the GI Parameters Plan. It was not deemed that these latest changes warranted a further re-consult.

The final set of notable revisions were re-consulted upon between the 20th June 2023 and the 11th July 2023. In response, letters/e-mails of representation have been received from approximately 102 addresses (including community groups, interested organisations and a councillor), all of which raise either concerns or objections to the proposals. A summary of these objections are detailed below. These have all been read and considered as part of this assessment and the report seeks to address all of the key planning matters raised.

Procedural matters

- Issues with updated application form – Form updated, but date of declaration has not been, Q.12 re: Trees is incorrect as there are trees on adjacent land which could be impacted. Certificate B is not evidence of notice being served to Cheshire East Council as the landowner and no person at Cheshire East has been named. Certificate B has not been signed.
- What is the process for the disposal of the additional Public Open Space in the event of approval?
- Green Parameters Plan appears not to have been updated (Rev D, November 2022)

- Cannot view the Counsels Opinion re: the covenant, the case reference, the Tyler Grange reports or the arboricultural reports as well as other consultee responses
- Consider the proposals should be treated as EIA development / disagree with the Council's conclusions
- The legal advice provided is 5-years old and out-of-date
- Cheshire East Council has a conflict of interest as it stands to benefit financially from the sale of protected open space to allow the development
- How can community building be secured if it's not CIL complaint?
- Development should be considered by the Secretary of State
- Cannot view e-mail correspondence submitted regarding communication between agent/applicant and the Town Council and the Welcome Trust
- Latest information provided should be formerly re-consulted upon
- Latest Parameters Plan conflicts with latest Green Infrastructure Parameters Plan in terms of wetland/pond positions
- Issues with updated application form – Form updated, but date of declaration has not been, Q.12 re: Trees is incorrect as there are trees on adjacent land which could be impacted. Certificate B is not evidence of notice being served to Cheshire East Council as the landowner and no person at Cheshire East has been named. Certificate B has not been signed.
- What is the process for the disposal of the additional Public Open Space in the event of approval?

Need for development

- No evidence of need for more homes in Knutsford

Green Belt

- Loss of protected land

Nature conservation/Ecology

- Change in circumstance since site allocation - Site is now a Local Wildlife Site (LWS) and an area of High Habitat Distinctiveness as detailed by Cheshire Wildlife Trust
- Mitigation for loss of LWS should be based on 'High distinctiveness', not 'Medium distinctiveness' within neighbourhood plan.
- Land should be protected for nature conservation (flora and fauna)
- One of the last really wild and natural habitats left on the perimeter of Knutsford
- UK one of the most nature depleted countries in the world. Need to respond to the climate change emergency.
- Area has rewilded over 50 years
- Home to 90 species of birds, 7 species of bats
- Native
- Brown Trout found in River Birkin which would be threatened
- Loss of Great Crested Newts and hedgehogs
- Loss of wildlife corridor between St John's Wood and Spring Wood
- Off-site mitigation will not be sufficient and has not been evidenced, and will not benefit Knutsford

- Contrary to the Council's Environment Strategy
- Contrary to Wildlife policies in Knutsford Neighbourhood Plan including High Habitat Distinctiveness and Wildlife corridor (E3)
- Required Phase 1 Preliminary Risk assessment has not been provided
- No Ecology surveys appeared to inform the Council's decision to allocate this site

Amenity

- Impact of loss of green space upon physical and mental health. Site currently allows people to connect with nature
- Children enjoy playing on the site
- Dog walkers enjoy using the site
- Runners enjoy using the site
- Space used by school for their 'Forest School' lessons & social clubs
- Concerns regarding the impact of construction due to its length (over 6 years) & given that the site is land-locked and nearby roads are narrow and include schools
- Noise and air pollution from additional traffic
- Noise issues from aircraft
- Light pollution

Trees

- Lack of detail about how many trees will be lost, downplays the impact
- Change in circumstance since site allocation – part of site is now Ancient Woodland (1km stretch of Birkin Brook)
- Buffer Zones to Ancient Woodland should be 15 metres, not the 5 metres indicated
- Loss of trees (approx. 500 according to third party comment). Not clear from submission
- Loss of carbon store as a result of lost trees
- Loss of 25 different species of tree
- Not satisfied that a sufficient Protected Hedgerow survey has been carried out. Not clear how much hedgerow would be removed
- Impact on Trees as a result of new footpath proposed along Longridge frontage

Infrastructure & locational sustainability

- Lack of infrastructure to support growth including doctors, dentists & schools
- Access to local facilities in not practical
- Any proposed affordable housing will not be affordable
- Some of the services in the Travel Plan drafted in 2019 are no longer in operation (e.g. Supermarket with Post Office on Mobberley Road)

Flooding / drainage

- Capacity concerns regarding the nearby sewerage plant
- Site is boggy and floods during winter and autumn with the Greenspace adjacent being underwater for most of the end of the year

Highways

- Traffic data provided is from 2013, so is out-of-date and should be re-done
- Insufficient access to the site
- Proposed site access is potentially hazardous
- Proposed single access cannot cope with the level of traffic
- Proposed single access could cause problems for the emergency services
- Proposed access point is on a hill
- Pay to have a 2nd vehicular access across 'ransom strip'
- Roads to site cannot support extra cars and trucks, especially at school times
- 3 Schools nearby
- Will result in congestion, at least an extra 400 cars
- Longridge and Higher Downs is already used as a 'rat run'
- Roads not suitable for HGV's
- Higher Downs often used as a car park during pick-up and drop-off times
- Proposed access is dangerously close to a bus stop and outdoor gym
- 2 metre footpaths should be a requirement on internal roads
- Trees are proposed on the main foot/cycle way into the site
- Is sufficient parking available for the community building and allotments?
- New Access Plan is Rev C, what has changed?
- Why is footpath along Longridge to Birch Grove, through POS necessary?

Public Open Space

- Unjustified loss of POS due to access
- Knutsford NP designated the land as Local Green Space
- Proposed open space amount should be conditioned to ensure its policy compliant
- Where will the required Recreational Open Space be provided off-site?
- Proposed open space is of an unacceptable design
- Confusion over the proposed pocket parks in terms of whether they are LAP's or amenity space.
- Is size of allotment/community garden acceptable?
- Who will manage the allotments
- Why is the proposed kickabout area 58 x 27m?

Public Right of Way

- Object to the loss of
- Diversions and fenced off areas will be unsightly/unsafe

Heritage & Design

- Overdevelopment / proposed density is too great and contrary to the CEC Design guide being 39 dwelling per hectare as opposed to 20 per hectare. Neighbourhood Plan 25-35 dph. As edge of settlement, should be lower
- Impact of tranquil ancient monument of St Helena's opposite
- Single access has 'gated community' effect

Manchester Airport

- Flight safety concerns

F2 building

- Desire is for a community hall fit for many functions. The Welcome charity is dependent on grant funding and unable to take the responsibility and money to design and build
- Use of the building as a Welcome Café would be welcomed
- Not suitable to offer this as a 'benefit' at the last minute to secure planning permission.
- No formal agreements in place between the relevant groups/organisations for its proposed end use

Other matters

- No carbon offset scheme

In response to the previous re-consultation which ran between the 30th January 2023 and the 2nd March 2023, letters/e-mails of representation were received from approximately 75 addresses (including community groups interested organisations, a school and a councillor), all of which raise either concerns or objections to the proposals.

In response to the original proposals, letters of representation were received from approximately 156 addresses (including community groups & neighbouring Parish Council's), all of which raised concerns or objections.

OFFICER APPRAISAL

Procedural matters

Secretary of State 'Call-in' request

The Department for the Department for Levelling Up, Housing & Communities (DLUHC) received a request to 'call-in' this planning application so it can be determined by the Secretary of State (SoS). If the application was 'called in' there would be a Public Inquiry chaired by a Planning Inspector, or lawyer, who will make a recommendation on the planning application to the Secretary of State (SoS). The SoS would then make a final decision on the proposals.

The DLUHC officials considered this 'call-in' request and after review, on the 9th January 2023, formerly determined not to 'call-in' the application. Following the receipt of revised plans, the DLUHC were contacted by the Council in March 2023 to ask whether the revisions made to the scheme would alter their position on the 'call-in'. The DLUHC subsequently confirmed to the Council that they would not. Although a further set of revised plans have subsequently been received by the Council, the changes to these are deemed relatively minor and as such, the DLUHC were not re-approached. This application will not be called-in by the DLUHC for the SoS to consider.

Restrictive covenant and possible conflict of interest

There is a narrow strip of land that extends the full extent of the western boundary of the site allocation, parallel to Longridge. This land is owned by Cheshire East Council but is subject to a restrictive covenant which states that the land should be kept and maintained as open space and should be unbuilt upon save for any buildings which may from time to time, be required in connection with or ancillary to the use of the land as open space. It is understood that there are in excess of 50 interested parties to the covenant.

Having obtained extensive legal advice on this matter, which was tested and re-tested, it became clear to the Council that there was (and is) no realistic prospect of achieving a principal means of access across the land affected by the covenant.

There has been a suggestion that there is a conflict of interest with the planning application because part of the site relates to Council owned land. The suggestion is that the Council are set to benefit financially from the granting of planning permission as they intend to sell the covenanted land referred to above, as well as a parcel of protected open space, in the event planning permission is granted.

The council has many distinct and legally separate functions, all of which operate within their own separate rules and regulations. The Local Planning Authority is one of those functions identified in both national legislation but also within the council's constitution. The Local Planning Authority independently determines the merits of planning applications in the context of legal requirements, planning policy, consultees' response and any relevant representations – irrespective of land ownership. This is particularly relevant where the council is itself the applicant or landowner, which is not uncommon. For these reasons, there is no conflict of interest.

Other procedural matters raised by residents

Concerns relating to the incorrect answers being provided on the application form have been rectified with the submission of an updated form. This clarifies the land subject to the application comprises of a mix of agricultural land and protected open space. In addition, evidence of the ownership notice served on the Council has been provided, along with the submitted cover letter and is deemed satisfactory. The Council's Estates department are aware of the application. The Green Infrastructure (GI) Parameters Plan has been updated to address Officer concerns.

All reports submitted in association with the application should be viewable on the Council's website along with consultee responses.

An application to consider whether the development represented 'EIA development' was assessed, and it was concluded that it did not (23/1463M). Details of this application can be viewed on the Council's website.

Principle of development

This application seeks permission for development which includes the site allocated for housing within the CELPS, referred to as 'Land South of Longridge, Knutsford' (LPS 38) but partly extends beyond into the Green Belt.

The principle of residential development is acceptable on the allocated part of the site subject to all other matters being satisfied.

Policy LPS 38 sets out what the development plan seeks to achieve on the allocated part of the site:

- The provision of around 225 dwellings
- Provision for public open space within the site, as well as improving pedestrian and cycle linkages
- Provision of a landscape buffer adjacent to Booths Mere Local Wildlife Site

A large portion of the site sought for permission by this application extends beyond the land subject to LPS 38. The additional land extends to the north-east and south-west of the site allocation.

Whether or not the proposals represent Inappropriate development in the Green Belt

Policy PG3 of the CELPS seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy. Policy PG3 also sets out that other forms of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The weight afforded to this policy depends on its alignment with the more up to date NPPF (2023). Consideration, therefore, needs to be given as to whether any of the development proposed beyond the scope of the site allocation falls within exceptions to inappropriate development in the Green Belt as set out firstly within Policy PG3 and if inconsistent with the NPPF, in line with the NPPF.

There are two notable locations where the application site projects into the Green Belt beyond the extent of land allocated for development by Policy LPS 38. Firstly, where the proposed vehicular access is proposed to the far south-west (which also incurs into protected open space) and secondly, to the north-east where the Parameters Plan shows that the existing trees & woodland would be retained, and recreational footpaths created.

Proposed vehicular access & pavement.

The creation of this main and only vehicular access into the site would result in the development of a parcel of Green Belt land (used as Public Open Space) to the far south-west of the site.

The amount of Open Space/Green Belt lost to this part of the development relates to the parcel of land required for the access road and associated footpaths only. The updated Parameters Plan clarifies that the effectively 'land-locked' parcel of remaining Open Space between the new access road and the development site would be retained as both Green Belt and Open Space with it forming part of the proposed on-site open space to be managed by a private management company. The development would also require the incursion of a narrow strip of land extending parallel with Longridge within the Green Belt in order to create a new pavement along Longridge.

The agent of the application sets out that they consider that this incursion into the Green Belt would represent an exception to 'inappropriate development' within the Green Belt and would therefore be acceptable as a matter of principle. More specifically, they consider that it falls within exception 4(iii)

of Policy PG3 of the CELPS. This exception sets out that *'local transport infrastructure that can demonstrate a requirement for a Green Belt location'* can be deemed not to be inappropriate development so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This is wholly consistent with the exception listed with paragraph 150 of the NPPF so is afforded full weight.

The applicant sets out that the proposed access road is required because:

'...there is a covenant preventing direct vehicular access to Site LPS38 from Longridge. The Council has taken legal advice, and it has been established that there is no realistic prospect of achieving a principal means of access across the land affected by the covenant.'

Indeed, this is all evidenced within the submission which includes a previous Cheshire East Portfolio holder report and cabinet resolution. Also, as part of the Council's consideration was alternative options for access. It was deemed that there were no other viable alternative options. As such, it is deemed necessary to make this incursion through the Green Belt *'for local transport infrastructure'*.

The next consideration is how this aspect of the scheme meets or otherwise the pre-cursor requirements of the exception, namely whether the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Openness is the absence of built form and has a visual and spatial aspect as well an aspect that considers the degree of activity.

At present, the parcel of Green Belt land to the south of the allocation comprises of open mown/kept grass and forms part of a larger parcel of land of the same character that forms designated Public Open Space. The proposed works would comprise of the installation of a length (approximately 87 metres) of access road, with pavement on either side with a grass verge between the highway and the footpath to the north. The full width of the highway, minus the grass verge, would be approximately 10.6 metres according to the submitted Proposed Site Access Plan (SCP/16132/F02 Rev B). The road would exit the site subject to LPS 38 and enter Green Belt land at a point approximately 70 metres away from Longridge itself and then curl round and link into Longridge approximately 21 metres away from the allocated site boundary. Beyond the point of access onto Longridge, extending parallel with Longridge but in a south-westerly direction, a footpath extension is then proposed extending all the way along the periphery of the protected open space down to Birch Grove.

In consideration of visual harm, there would be a degree of harm as green field is replaced by hardstanding. However, this harm would be limited due to its being at ground level only although it would be visible. In spatial terms, the degree of openness harm would be more significant due to the extent of hardstanding required to be laid. In terms of the degree of activity likely (such as traffic generation), it is considered that the proposals would indeed result in a greater degree of harm to openness compared to the existing use.

The agent for the application has advised that the proposal seeks to minimise the amount of Green Belt land used through the alignment and orientation of the access road. It is advised that although it would be urban in nature, the site and its surrounding context are urban already. For this reason, along with the low-level nature of the development proposed would mean that the openness would

be preserved. This conclusion is not agreed with by Officers. It is not deemed that openness would be preserved for the reasons already set out.

In consideration of whether the proposals would conflict with the purposes of including the land within the Green Belt, below are the purposes to consider as taken from the NPPF.

- a) To check the unrestricted sprawl of large built-up areas
- b) To prevent neighbouring towns merging into one another
- c) To assist in safeguarding the countryside from encroachment
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

In response, in its wider context, there is existing built form on the opposite side of Longridge to the west and the allocation for housing on the application site on land to the north-east of the proposed access road. To the south-west is open Public Open Space (POS) beyond which is Booths Mere, which is enclosed by a belt of trees and to the south-west further open POS and then residential development.

It is considered that the site allocation aside, the proposals would result in a minor extension of the built-up form of Knutsford to the south-east, also resulting in a degree of encroachment.

For the above reasons, the proposed access road and associated footpaths are deemed to represent inappropriate development in the Green Belt. Although it is classed as development for local transport infrastructure, the works are not deemed to preserve openness and would conflict with the purposes of including land within the Green Belt.

Proposed Open Space to north-east

A large portion of land subject to the application falls within the Green Belt to the north-east, outside of the land allocated for development by Policy LPS 38 of the CELPS.

The submitted Parameter's plan shows that this space would all become Public Open Space in the event of approval and the only development proposed within this space would be the creation of recreational footpaths. The plan shows an extensive network of such routes. No detail of these have been provided at this stage, other than suggested routes, as matters of 'Landscape' are not sought for approval by this application.

The precise routes and surfaces of the paths through the Green Belt land and woodland areas can be agreed via condition discharge and will depend upon context and constraints within each part of the site. However, the agent for the application has advised that these will either be natural trodden earth, potentially with some reprofiling in areas to provide better drainage, or some form of gravel (unbound to naturally binding). The latest Parameters Plan also confirms that the footpaths through the ancient and semi-natural woodland will simply be the retention of existing informal paths. It was noted during the officer site visit that this parcel of private land was already being used informally for this purpose as many members of the public were spotted walking along numerous relatively well trodden pathways which intersected one another.

In consideration of the exceptions to inappropriate development within the Green Belt, it is deemed that the footpath creation/improvement works would fall within the category 'engineering

operations'. The pre-cursor to this exception is that any development should preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

As the Parameters Plan suggests that many of the existing 'informal' footpaths would be utilised, albeit re-profiled where necessary, and the suggested material choice of surfacing materials would be relatively low key along with the screening afforded by existing woodland and vegetation, any impact upon openness and encroachment would be nominal. The exact routes and materials and any associated works can be controlled by planning condition in the event of approval to ensure they are appropriate.

As such, it is deemed that this element of the scheme would be sufficiently limited to conclude that it would preserve the openness of the Green Belt and not conflict with the purposes of including land within it and would subsequently represent appropriate development in the Green Belt.

Green Belt conclusions

The parts of the development proposals subject to Green Belt assessment includes land beyond the extent of the site allocation in the CELPS (LPS 38). This includes where the vehicular access is proposed to the far south-west (which also incurs into protected open space) and secondly, to the north-east where recreational footpaths would utilised & created as part of the formalisation of this area as Public Open Space.

It is deemed that the creation of the access road and its associated pavements would not preserve the openness of the Green Belt, due to the increased degree of activity that would occur, spatially and to a lesser extent visually. There would also result in a small degree of encroachment. As such, this aspect of the scheme is assessed as being inappropriate development in the Green Belt.

It is concluded that because the proposed footpaths to the north-east would partially utilise the routes of existing, informal footpaths, because many of these are well screened by existing trees and vegetation and because it has been indicated that works would involve the laying of sympathetic low-key materials (where necessary) and minor re-grading (also where necessary), details of which can be expressly controlled by condition, it is deemed that these works would preserve the openness of the Green Belt and the purposes of including land within it. As such, this aspect of the scheme is assessed as being appropriate development in the Green Belt.

Provision of a building for F.2 Use (Local community)

On the proposed Parameters Plan, a portion of the site between the proposed new dwellings and Longridge itself is shown for 'F2 Uses'. Within the Town and Country Planning (Use Classes) Order 1987 (as amended), F.2 Uses are classed as 'Local Community' uses. These include:

- a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where-
 - i. the shop's premises cover an area not more than 280 square metres, and
 - ii. there is no other such facility within 1000 metre radius of the shop's location,
- b) a hall or meeting place for the principal use of the local community,
- c) an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms,
- d) an indoor or outdoor swimming pool or skating rink.

There is no such requirement within the LPS 38 allocation for such a use to be provided on this site.

A building in the same location as the proposed community building was originally sought to provide a medical facility. However, after a reluctance from the NHS to take this on (as it does not align with their strategic priorities for the area), the applicant was left with the options to either remove the building from the scheme altogether or provide another form of building that would serve the local community. The applicant has chosen to provide a community building.

Whereas previously a commuted sum was proposed, the applicant has subsequently agreed that the building be provided by the future developer. The agent for the application details that upon completion, this could be transferred to either Cheshire East Council or whichever community organisation is specified by Cheshire East at the time of the transfer (e.g., Knutsford Town Council or the end occupier). Although nothing formal is in place, the agent for the application advises that the Town Council have indicated they would likely agree to hold the property and lease it for a nominal rent to the current likely end occupier should the application be approved. This is evidenced within submissions submitted to the Council.

In consideration of an end occupier, the agent advises that they have approached 'The Welcome', a local charity since 2011, who currently operate out of an older premises on the opposite side of Longridge to the application site, to ascertain whether they would have interest in occupying the proposed community building. In response, it is advised that The Welcome have expressed an interest with their current premises no longer being fit for purpose. Again, this is evidenced within submissions of e-mail exchanges.

The Welcome provides accessible support and links to services for those who need it. The Charity Commission for England and Wales, details the activities of the Welcome as:

'The Welcome is a fully functioning community centre offering a wide range of activities, services and support to the people of Longridge and Shaw Heath in Knutsford. Our activities include a youth cafe; adult education; fun times for children and families; mental and physical exercise for the elderly and support for those trying to return to work.'

The Welcome have provided a specification of the building requirements to suit their needs. It results in a 350m² floorspace and includes spaces such as a kitchen/café, toilets, storage, meeting spaces.

In the event of approval, it is proposed that a condition be included that requires the detailed design of the community building come forward with the first reserved matters application. In addition, it is proposed that a S106 Agreement secure the requirement that the building and associated car park is built-out and transferred prior to the occupation of no more than 50% of the total number of dwellings. The S106 Agreement advises that in the event that there is no demand for the proposed community building from an end user, they propose a mechanism is included within the Section 106 agreement which would enable the land to be re-purposed. However, the agent advises that given the correspondence with both Knutsford Town Council and The Welcome, it is believed this to be highly unlikely given the clear appetite for a new community building within the area.

The proposed community building would be located (as per the Parameters Plan) close to Longridge itself, and not far from the existing premises of the Welcome. It is considered that this siting is acceptable as it will assist in encouraging movements and interactions between the areas.

In policy terms, the site has been removed from the Green Belt as part of the site allocation. This allocation was primarily chosen in order to allow for the provision of housing (Policy LPS 38 of the CELPS). It is considered that based on the parameters plan (which would be conditioned in the event of approval), and the other plans provided, that this housing allocation can be met on site, subject to it being design-led, in addition to this further facility. It is deemed that this further facility would be of benefit to the local community and the scheme overall as it would be grouped with the proposed allotments/community garden and children's play areas. In the event of approval and subject to the provision being deemed CIL compliant, it is recommended that the use of the building be restricted by planning condition to F.2(b) use - a hall or meeting place for the principal use of the local community, to ensure other potential uses within F.2, such as retail, cannot move into the site without restriction.

Highways (Matters of 'Access')

This an outline application that also seeks approval of matters of 'Access'.

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

Policy CO2 refers to enabling business growth through transport infrastructure. It states that the Council will support transport infrastructure that will mitigate the potential impact of development proposals including; supporting measures to improve walking, cycling and sustainable travel environment on routes relieved of traffic and by supporting schemes outlined within the Transport Delivery Plan. Policy T1 of the KNP relates to walking in Knutsford, Policy T2 relates to cycling, T3 public transport and T4 parking. SADPD Policy INF3 considers highways safety and access and Policy INF1 considers cycleways, bridleways and footpaths.

Access

The type of access arrangement to serve the development has been discussed between the applicant and the Council's Highway's Officer's and given the reasonably low traffic flows on Longridge, a priority junction arrangement was deemed sufficient to accommodate the development traffic generation. A capacity assessment for the junction has been submitted with the application which indicates that the site access would operate well within capacity at 2024.

A revised access plan has been agreed between the applicant and the Council's Highway's Officers to address updated guidance on providing improved cycling facilities. This is shown on Dwg SCP/16132/F02 rev B which the Highways Officer advises should be approved as a condition to be constructed as part of this application.

A 5.5m carriageway has been indicated which is an acceptable width to serve the proposed 225 units within the site. The access road has a 3m shared footway/cycle path provided on one side and also a 2m footway on the other. Visibility splays of 2.4m x 56m have been provided in both directions. This is an acceptable level of visibility for a 30mph speed limit.

Longridge has an existing bus service (88) which is an hourly service between Macclesfield and Knutsford. The site can be considered accessible by public transport. The current bus stops and shelter will require relocating due to the access alterations and also the design and location of the southern side bus stop needs to be provided. This is shown on the latest Access plan which will be approved in the event of approval. The requirement for these bus stop works to be provided and the trigger point for their implementation is proposed to be secured by condition.

Development Traffic Impact

The traffic generation has been assessed using 'Trics' based upon other similar residential sites. The Council's Highway's Officer advises that the estimated traffic generation arising from the development is accepted following a Council assessment of the trips rates being used. A development of 250 units could generate 111 two-way AM trips and 114 two-way PM trips.

The agent for the application has submitted figures showing the likely distribution of trips on the road network as a result of the proposed development. The scope of impact has been agreed between the applicant and Council's Highways Officer. A number of capacity assessments at nearby junctions have also been undertaken. The principal concern of the Council's Highways Officer relates to the possible traffic impact at the Adams Hill/Brook St/Hollow Lane junctions which have historically had congestion problems and will be impacted upon by this development and already committed development sites.

Capacity assessments have been undertaken along the A537 corridor that include the Adams Hill, Brook St and Hollow Lane junctions. These have been undertaken assuming an opening year of 2024 on the existing layout 'without development' and also using a 'with development' scenario, all with committed development included. The results show that the junctions have congestion problems and resultant queuing with and without the development in place.

An improvement scheme developed by the Council is proposed for these junctions and indeed a number of contributions have been secured from other development towards the scheme. The capacity assessment of the development including the improvement schemes indicates that whilst there will be some congestion remaining, the junctions will operate significantly better with improvement schemes in place. Therefore, this development will need to provide a S106 contribution towards the planned improvement schemes at these junctions.

Accessibility

There are currently no footways on the eastern side of Longridge and no designated cycle tracks in place. It is proposed to provide as part of the development a new footpath along North Downs to tie into Birch Grove and also a dropped crossing at the access to the existing footways on the opposite side of Longridge. However, whilst internally a 3m shared/footway is being provided, there is no external link to existing cycling facilities.

There is a bus service that routes past the site on Longridge. Service 88 runs between Macclesfield and Altrincham and routes past Knutsford Railway station on the A537.

Overall however, the Council's Highways Officer advises that the site lacks pedestrian and cycle links and improvements to accessibility are required. It is intended that a number of pedestrian and

especially cycle facilities are introduced that link the site to the town centre along the B5085 Mobberley Road that can improve connectivity of the site by way of active travel modes. This will be secured partly by S106 Agreement, partly by condition. In order to secure the proposed new footpath that extends along the southern edge of Longridge from the application site to Birch Grove, a condition is proposed to ensure that this is provided prior to occupation of any of the hereby approved development.

Highway summary

The priority junction access proposed is sufficient to cater for the level of traffic generation by the development. There are sufficient gaps in the Longridge traffic flows for all movements to occur at the junction without causing congestion or safety problems.

The internal layout of the site is not for determination in this application as is the level of parking to be provided, these are considered in the reserved matters application.

A highway and transport contribution strategy has been agreed with the applicant based on traffic impact (AM trips) relative to previous agreed developer contributions in Knutsford. This figure has been agreed as £750,000, the contribution would allow for the delivery of a range of highway and cycle improvements on the A537/ B5085 / A50 corridor and also specific pedestrian/cycle links to the site.

This funding will allow the completion of the Hollow Lane traffic signal improvement, but also make a significant contribution to improving the sustainable accessibility of the site. The Council has undertaken a high-level assessment showing how cycle access between the site and the town centre can be significantly enhanced.

In summary, the application is acceptable in highways terms, subject to S106 contribution of £750,000 for accessibility and highway improvements on the local highway network, a condition requiring the implementation of the latest site access plan, a condition to secure the bus stop works, a condition to ensure the off-site footpath is provided, a condition requiring the submission/approval of a Construction Management Strategy and an informative. Subject to securing these, the proposals are deemed to adhere with the requirements of the highways policies of the development plan.

Design

All matters of design (layout, scale and appearance) are not sought for permission as part of this application. The acceptability of this detail, including residential mix, position of affordable housing, appearance etc, would be considered at Reserved Matters stage only.

This early assessment is made based upon Building for a Healthy Life and categorises the acceptability of the various design considerations into colour codes, with green being 'go ahead', amber meaning 'try to turn green' and red meaning 'stop and rethink'. This assessment has been undertaken by the Council's Principal Design Officer and accounts for the fact that much of the detail of the scheme is not for consideration at this time.



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



*1 subject to Grampian condition and delivery of pedestrian connections at the detailed stage

As this is an outline proposal only a certain level of information can reasonably be required, supplemented by the spatial design code, and this is reflected in the assessment for certain considerations with a more detailed design focus. Consequently, although this is a positive scheme in a number of respects, there remain several ambers in the assessment.

A thin strip of covenanted, undeveloped land that runs parallel with Longridge on the application side of the highway has been excluded from the 'red edge' of this application. It is essential that the pedestrian linkages through this land can be secured in order to ensure suitable connectivity and interaction and movement of people from the application site to the rest of the built-up part of Knutsford. Although excluded from the 'red edge', as the land is within the ownership of the Council, in the event of approval, it is proposed to add a Grampian condition which requires the provision of multiple pedestrian linkages through this covenanted land. Subject to this condition, considerations relating to 'Natural Connections' and 'Walking, cycling and public transport' can be adjusted to green.

Further information is included in the coding regarding the street design and materiality, with a focus upon the creation of the avenue along the spine of the site and therefore the 'Healthy Streets' consideration is now considered green, although it will require further design development in the detailed coding/design of the scheme.

Considerations relating to 'Homes for Everyone', 'Cycle and Car Parking' and 'Back of Pavement, front of home' are more detailed design matters that would be considered at the reserved matters stage. Consequently, any issues arising from this assessment should be able to be resolved then so only amber can be awarded presently.

However, the consideration with regards to 'Memorable Character' also has an important spatial aspect, in establishing the urban design structure via parameters and coding information, including establishing an appropriate density. Whilst noting the additional explanatory justification submitted by the agent re: planning policy, the varied density character areas proposed within the submission and the density comparison drawn with the existing Longridge estate, a degree of concern remains as to how the proposed number will translate at the detailed design stage and ultimately impact upon the quality and success of the development.

The Longridge estate is of its time, with different design standards/objectives to those required now, for example the NPPF requirement for tree lined streets and also meeting modern parking requirements. Furthermore, this is a transitional site, set between the Longridge estate, sensitive natural assets and the countryside.

Therefore, the Council's Principal Design Officer advises that it does need to be highlighted to prospective developers that the final number/mix at reserved matters stage should be led by the detailed character coding/design, responding to these considerations, and an adjustment to the number of units may be necessary at the detailed stage to achieve the desired design outcome. This will be made clear and added as an informative in the event of approval.

Overall, the Council's Urban Design Officer advises that the proposal can now be supported in design terms but subject to a condition which requires the detailed reserved matters to accord with the requirements set out in the DAS/spatial code and parameters drawings hereby approved. For the avoidance of doubt, this shall specifically provide for a tree lined primary street (avenue) through the site following the principles set out in the spatial code and enable a degree of flexibility in regard to density to ensure that the detailed coding and design can appropriately respond to achieve a high quality, contextually appropriate, design. This is in addition to an informative that the final number/mix at reserved matters stage should be led by the detailed character coding/design, responding to these considerations, and an adjustment to the yield may be necessary at the detailed stage to achieve the desired design outcome.

Subject to the above, the proposals are deemed to adhere with the requirements of the design policies of the development plan.

Heritage & Archaeology

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

Policy HE2 of the KNP relates to Heritage Assets. The crux of this policy is that application which result in the loss of, cause unacceptable harm to, or negatively impact on the significance of heritage assets will be resisted. Policy HER1 of the SADPD refers to heritage assets and sets out what should be included in submissions that possibly impact heritage assets. Policy HER8 of the SADPD refers to Scheduled Monuments. It sets out that development proposals that affect such features should be considered in line with national policy and Policy SE7 of the CELPS. Policy HER8 sets out that proposals should preserve those elements that contribute to their significance.

The proposed development has the potential to impact upon the settings of two scheduled monuments. Such monuments are defined as designated heritage assets. These comprise of National Heritage List for England entry numbers 1014378 (Site of St John's Church and surrounding burial ground, 400m NW of Booth's Mere) and 1011668 (Norbury Booth's Hall moated site, fishponds and connecting channels). The first lies about 150 metres to the west of the application site, the second about 500 metres to the south.

The site of St John's Church is an area of grassland, with the only sign of its former use being a number of 17th century gravestones laid flat in the grass. The moat fishponds and connecting channels of Norbury Booth's Hall moated site survive as visible features, with the moat platform under grass. Both sites are screened by belts of trees around them, and any views out of them towards the application site are further obstructed by modern housing development. Historic England, in response to the original submission, advised that there is virtually no intervisibility between the scheduled monuments and the application site and have advised that there will be little or no impact on the settings of the scheduled monuments as a result.

Historic England and the Council's Heritage Officer have raised no objections to the application proposals with regards to the impact of the proposals on the setting of the proposed designated heritage assets. However, both consultees recommended that archaeology be consulted.

The estate of Booths Hall itself is not designated as a 'Local Park and Garden'. It is of local significance only and the Council's Heritage Officer has confirmed that the development would have a neutral impact upon it due its distance away from the site in conjunction with the screening afforded.

With regards to archaeology, the relative stability of the field systems suggests that whilst there are no structures within the proposed development area, there may be deposits of alluvium and peat containing the remains of pollen and microfossils which could provide information on the past environment. The presence or absence of such deposits, however, is unclear at present and it may be that, even if they do occur, they lie in areas that will be preserved as open ground within the development. In these circumstances, the Cheshire Archaeologist recommends a condition be imposed in the event of approval requiring an implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Subject to this condition, the application proposals raise no heritage or archaeological concerns and would adhere with the relevant policies of the development plan.

Landscape

All matters of 'Landscape' are not sought for permission as part of this application. The acceptability of this detail would be considered at Reserved Matters stage. However, certain landscaping matters can be considered based on the Parameters Plan.

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area. Policy SE4 of the CELPS specifically relates to landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness. Policy D3 of the KNP relates to landscape in new development. Policy ENV3 of the SADPD is largely reflective of this policy. Policy ENV5 of the SADPD sets out what should be included in landscaping plans.

The allocation (LPS 38) includes the following landscape related requirements:

- *'3. Provision of a landscape buffer adjacent to Booths Mere Local Wildlife site'*
- *g. Reinforcing but sensitive boundary treatments to ensure an enduring Green Belt boundary. This will include the retention and enhancement of the existing woodland belt to the south east of the site*

The application, as originally submitted, is supported by a Visual Impact Appraisal (April 2020). Since this date, further landscape information has been submitted including a letter from Appletons Landscape Architects.

In response to the original Impact Appraisal, the Council's Landscape Officer has advised that they are in broad agreement with these documents except for the valuation placed on the magnitude-of-change of certain viewpoints. However, the Landscape Officer has advised that any such changes could be mitigated at reserved matters stage.

The subsequent Appletons letter sets out proposals for avoiding, reducing and mitigating any remaining unavoidable adverse landscape effects on woodland and wetland features.

With regards to the LPS 38 requirement that a landscape buffer should be provided adjacent to the Booths Mere LWS, the Parameters Plan shows that the proposed development parcels and internal roads would be inset from the application site boundary to Booths Mere LWS by approximately 15 metres, beyond which is a parcel of woodland between the LWS and the application site. The Parameters Plan show this space to form part of the green infrastructure for the development. The Council's Landscape Officer advises that this buffer is deemed sufficient. Its depth would be controlled by the conditioning of the Parameters Plan in the event of approval.

In the event of approval, the Council's Landscape Officer recommended a number of conditions including: submission/approval of a Landscaping scheme, implementation of landscaping scheme and the submission/approval of a 30-year landscape management plan. The Council's Landscape Officer advises that these comments still stand based on the latest information provided.

Subject to these conditions, it is considered that the proposal would adhere with the relevant landscaping policies of the development plan.

Trees & Hedgerows

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted. This is except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

Policy ENV6 of the SADPD sets out that development proposals should seek to retain and protect trees, woodlands and hedgerows. It details that where the loss of significant trees is unavoidable, replacement tree planting should be provided. This policy also considers Ancient Woodland and veteran trees.

The CLEPS policy which allocates this site for housing (LPS 38), identifies Site specific principles. These include the following tree related consideration:

- *'g. Reinforcing but sensitive boundary treatment to ensure an enduring Green Belt boundary. This will include the retention and enhancement of the existing woodland belt to the southeast of the site.'*

The site is located to the southeast of Longridge and is close to historic parkland associated with Booths Mere Local Wildlife Site to the south, and an area of public open space (North Downs Playing Field). A woodland stands adjacent to Birkin Brook which forms part of the north and northeast boundary to the site and is identified as Ancient and Semi-Natural Woodland (ASNW)

and a Priority Woodland on the Natural England Inventory. The extent of this is shown on a plan within the latest Arboricultural Statement (March 2023).

A number of scattered mature individual trees can be found within the site comprising predominantly of Oak, Sycamore and Poplar, the majority of which, are located close to Longridge Road. In addition, there are various cohesive groups of young to early mature trees comprising of a mix of Oak, Ash, Hawthorn, Horse Chestnut and Goat Willow located across the site. Emerging natural regeneration of Oak and occasional Hawthorn and Willow has also become established within the central and south-western sections of the site following the cessation of agricultural use. The Council's Tree Officer advises that these trees do not currently make a significant contribution to the visual amenity of the wider area.

The application is supported by various tree-related documentation and plans, including an updated Arboricultural Assessment. Consideration of the various tree and hedgerow impacts are assessed below.

Ancient and semi-natural woodland (ASNW)

A woodland stands adjacent to Birkin Brook which forms part of the north and northeast boundary to the site and is identified as Ancient and Semi-Natural Woodland (ASNW). Parts of this ASNW fall within the application site and parts extend beyond (W1 and W2).

Policy ENV6 of the SADPD details that appropriate buffers must be provided adjacent to/around ancient woodland to avoid any harm to it arising from new development. It is advised that development proposals on any site adjacent to ancient woodland must be supported by evidence to justify the extent of the undeveloped buffer proposed.

On the submitted Parameters Plan, the extent of the residential parcels, streets, lanes and footpaths are shown. This shows that the residential parcels, streets and lanes would, at their closest juncture, be at least approximately 50 metres away from the ASNW. Indeed a 50-metre buffer is shown on a plan within the Ecology Letter ref: PB/1881-03. This buffer is deemed significant enough to avoid harm to these trees as a result of the main aspects of the development.

'Recreational footpaths' are shown on the Parameters Plan which would extend close to and into parts of the ASNW. It is not clear whether the 'recreational footpath' that extends into the ASNW follows the route of an existing informal footpath. However, as set out within the Green Belt section of this report, the exact routes of these footpaths, materials and any associated works can be controlled by planning condition in the event of approval. This could also include a requirement to provide updated Arboricultural information that specifically considers the impact of these recreational footpaths on trees.

Within the NPPF, ASNW is considered to be an irreplaceable habitat. Any further impact by the proposed development on the ASNW is considered within the Council's Nature Conservation Officer's consultation comments.

Impact on Trees

The submitted updated Arboricultural Assessment (March 2023) has assessed trees as individuals, groups, areas and woodlands within the site, identifying five individual trees, twenty-three groups, two areas and four woodlands. Two hedges (H1 and H2) have also been identified within the site.

Trees have been categorised in accordance with the criteria in Table 1 of BS5837:2012 which sets out those trees considered for retention as High Quality (Category A), Moderate Quality (Category B), Low Quality (Category C) and trees unsuitable for retention (Category U).

Expected tree losses have been evaluated and are set out at Section 8.3 of the Assessment. In the high quality (A category) one individual tree (T2) and four groups of trees have been identified for removal (G8, G16, G18 and G20). Two individual trees (T3 and T4), five groups of trees (G6, G13, G14, G19 and G21) and most of another group (G15) and part of a further group (G17) in the moderate quality (B Category) are also identified for removal. In addition to two groups (G11 and G12), part of a further group (G5) and an Area of trees (A1) assessed as low quality (C category) trees.

It was originally proposed that western sections of woodland would also be sought for removal (W1 and W3). The amended plans and updated tree documentation now show that this is to be retained.

The reasons stated as to why these trees need to be felled is in order to accommodate the development to be able to deliver a strategic site.

Policy SE5 of the CELPS details that trees that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted. This is except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

In consideration as to whether the trees to be felled provide a significant contribution needs to be considered in the context of their amenity value, biodiversity value, landscape or historic character. There is no definition of what constitutes the surrounding area, so conclusions may differ depending on the view taken in relation to this point.

Although there are some high-quality individual trees that would be felled, there are no trees subject to a Tree Protection Order. The Council's Tree Officer considers that overall, much of those that would be lost to the development relate to naturally colonised trees, many of which are small regenerated trees. There is no reference within LPS 38 to significant trees or the specific protection of any particular individual or group of trees on site. The only tree reference is the retention and enhancement of the existing woodland belt to the south-east of the site.

Given the general nature of the trees to be lost and the well contained nature of the site with tall natural boundary treatment along Longridge, woodland to the north and the wooded periphery of the Booths Mere LWS to the south-east, other than from viewpoints from the Public Open Space to the south-west and from the Public Right of Way that passes through the site, wider viewpoints of the tree losses would be relatively limited. Although multiple informal footpaths run throughout the application site, these are on private land and when used, are being trespassed. As such, the visual significance of the tree losses is deemed to be moderate at most. The site does not fall within a

designated landscape, nor within a Conservation Area and as such, the tree losses would not have any historical impact and any landscape impact would be localised and therefore limited.

With regards to the biodiversity value of the trees to be impacted, the majority of the site forms a Local Wildlife Site (LWS). Within the list of reasons as to why the site was designated was the presence of 'Woodland (mixed deciduous)'. Comparing the location of the woodland habitat on the Habitat Survey Maps within pages 43-45 of the originally submitted Ecological Appraisal with the parameters plan, whilst most of these woodlands falls beyond the parcels of residential development, some of this woodland would still be lost to the development. As such, it is deemed that the trees that would be lost and impacted by the proposed development do provide a significant contribution to the biodiversity of the surrounding area when considered in the same context as the area used to assess the amenity contribution.

As such, Policy SE5 details that development will not normally be permitted except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

In consideration of suitable alternatives, this application proposes development on a site which has been allocated for housing as part of an adopted development plan. Due to the constraints of the borough, it is unlikely that another site of this scale would be able to provide the number of houses allocated by the development plan within this particular Key Service Centre. Numerous other sites were considered during the site selection process, however this site was selected as the preferred option. It was assessed as adhering with the majority of the site selection criteria. As such, it is not deemed that there are any suitable alternatives.

Whether there are clear and overriding reasons for allowing the development will be considered as part of the planning balance.

Policy SE5 continues to detail that where such tree losses are unavoidable, development proposals must satisfactorily demonstrate net environmental gain by appropriate mitigation, compensation and offsetting. ENV6 of the SADPD details that where the loss of significant trees is unavoidable, replacement planting should be provided, of a commensurate amenity value to the trees that are lost and to secure environmental net gain.

Para 8.7 of the Arboricultural Report refers to proposed mitigation for the loss of trees and states this will comprise of new planting within residential parcels, across the wider site and off-site to provide a biodiversity net gain and management of retained woodlands but provides no specific detail. Reference is made to the provision of a tree lined avenue which will provide some benefit in arboricultural terms.

The tree losses as a result of this development have been factored into the Biodiversity Net Gain calculations. Note that this is calculated by area as opposed to specific tree numbers. As such, the necessary environmental gain for this unavoidable loss would be achieved through a combination of off-site mitigation, on-site planting and woodland management.

If planning permission is granted, the Council's Tree Officer recommends a number of conditions including: that any future reserved matters be accompanied by an Arboricultural Impact Assessment in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations that shall include a Tree Protection (TPP) and Arboricultural Method Statement (AMS) in accordance with the aforementioned British Standard. A condition is also proposed requiring the reserved matters to be accompanied by a landscaping plan that provides new native

tree planting in public spaces. In addition, a detailed woodland management plan for a minimum 10-year period is recommended.

Hedgerows

Hedgerow H1 and H2, which run along Longridge Road qualify as 'Important' under the Hedgerow Regulations. A proposal to remove a relatively small section of H1 is proposed in order to allow connectivity with Longridge (opposite the public house).

The removal of such a small section in order to strike a balance between hedgerow protection and connectivity in design terms is deemed acceptable in order to deliver a holistically better scheme. Mitigation for the small loss would be controlled by condition (as part of a landscaping condition) in the event of approval.

Reinforce sensitive boundary treatments (LPS 38)

As detailed, CELPS Policy LPS 38 requires the reinforcement of boundary treatments to ensure an enduring Green Belt boundary. The policy continues that this will include the retention and enhancement of the existing woodland belt to the south-east of the site.

Matters of 'Landscape' are not sought for approval as part of this application. Nonetheless, the application is supported by a Parameters Plan which shows the retention of trees and woodlands along the south-east and eastern side of the site. In addition, a submitted Green Infrastructure Parameters Plan, along the south-east of the site, shows a parcel of land put aside for 'Ecological Grassland & Woodland Edge Habitats' and 'Ecological Woodland Habitat'. The detail of what is contained within these parcels of land would be determined as part of the reserved matters application and as part of an Open Space scheme. As such, for the purposes of satisfying this tree criteria of LPS 38, it is deemed that the submitted Parameter Plans are sufficient at this stage in providing confidence that such a required enhancement can be achieved.

Ecology

Policy SE3 of the CELPS states that developments that are likely to have a significant adverse impact on a site with legally protected species or priority habitats (to name a few), will not be permitted except where the reason for or benefits of the proposed development outweigh the impact of the development. Policy ENV1 of the SADPD relates to ecological networks and Policy ENV2 relates to ecological mitigation.

The allocation (LPS 38) identifies what the allocation should achieve. As well as the provision of around 225 dwellings, open space and cycle linkages, also required is:

'3. Provision of a landscape buffer adjacent to Booths Mere Local Wildlife site'

Site specific principles include:

- *'c. New development will be expected to respect any existing ecological constraints on the site and where necessary provide appropriate mitigation particularly with respect the setting of Booths Mere Local Wildlife Site and Birkin Brook'*

- *'i. The site will be developed only where it can be demonstrated that there is no adverse impact on the Midland Meres and Mosses Phase 1 Ramsar (Tatton Mere and The Mere SSSI) particularly in relation to changes in water levels and quality and recreational pressures. This should include Habitat Regulations Assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure no adverse effects on the integrity of these sites.'*

Policy E3 of the KNP refers to Habitat Protection and Biodiversity. Appendix 3 of the KNP identifies the majority of the application site as a site of 'Medium Habitat Distinctiveness'. In such areas, it is advised that development will only be considered acceptable where, following, a thorough ecological assessment, any harm is avoided, mitigated, or as a last resort, compensated for.

The acceptability of the various elements of the development in ecology terms is considered below:

Policy LPS 38 requirements

In consideration of the required landscape buffer adjacent to Booths Mere LWS, LPS 38 policy does not specify how wide or deep the buffer needs to be. The Parameters Plan shows an undeveloped buffer in the south of the site which includes footpaths and Green Infrastructure. There is an area of woodland between the LWS and the development site in the south, which would also serve to reduce potential disturbance of Booths Mere. As such, broadly speaking, the Council's Nature Conservation Officer advises that the buffer would be sufficient to reduce disturbance of the Mere.

Site specific principles within Policy LPS 38 include that *'New development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation particularly with respect the setting of Booths Mere Local Wildlife Site and Birkin Brook'*.

The submitted *Ecology Letter* (Appletons, ref: PB/1881-03, 20/12/2021) includes a Local *'Wildlife Site Impact Assessment and Mitigation Strategy'* which includes measures for disturbance/pollution avoidance and mitigation measures for Booths Mere, Birkin Brook and Spring Wood to Marthall Wood Local Wildlife Sites.

The assessment includes the observation that signage at Booths Mere warning of blue algae is likely to be effective in encouraging dog owners to keep dogs on leads. The Council's Nature Conservation Officer advises that he does not think there is strong evidence to suggest this will likely be the case, however the strategy makes sufficient additional arguments and proposals that are considered adequate. As such, in the event of approval, the Council's Nature Conservation Officer recommends that the recommendations within section 1 of the referred to Ecology letter, which relate to protecting Birkin Brook from contaminants during construction & noise and light pollution controls through the complication of a Construction Environmental Management Plan (CEMP), are conditioned for implementation.

In response to the 2nd LPS 38 requirement (above), it is confirmed that the site does not fall within Natural England's Risk Zones which trigger the need for a Habitat Regulations Assessment and subsequently, the proposals would not harm the Midland Meres and Mosses Phase 1 Ramsar site.

Local Wildlife Site

From the date of the *Local Wildlife Steering Group* meeting on the 23/11/2022, the application site has been designated as a Local Wildlife Site (LWS) during the course of the application assessment period. The site was designated due to its lowland mixed deciduous woodland, wet woodland, neutral grassland, restorable grassland, wildlife corridors, accessible natural greenspace, mammals and amphibians (Local Wildlife Site Citation – Criteria for selection).

CELPS Policy SE3(4) sets out that development proposals which are likely to have a significant adverse impact on sites, including LWS, will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

The Council's Nature Conservation Officer predicts that the development will result in a 'significant adverse' impact on the Local Wildlife Site as a consequence of the proposed development. As such, the proposals would breach this policy unless the reasons for or benefits of the scheme proposed development outweigh its impact. This matter is considered within the planning balance of this report.

Criterion 2 of Policy ENV2 of the SADPD sets out the mitigation hierarchy. It details that all development proposals must make sure that significant harm to biodiversity is;

- i. *Firstly avoided; then*
- ii. *If impacts cannot be avoided, identify and implement measures to acceptably mitigate these impacts; then*
- iii. *Finally, and as a last resort, if impacts are unavoidable and cannot be acceptably mitigated, compensation measures should be provided. This may include off-site provision where adequate on-site provision cannot be made. To maximise its benefits, off-site habitat provision should be prioritised firstly towards those areas identified on the adopted policies map as nature improvement areas and those areas identified by the ecological network map as delivering the most benefit for biodiversity.*

In response to ENV 2 2(i), whether the harm could be avoided. The only way to avoid the harm in this instance is to not approve the development. This is because the majority of the LWS forms the application site. This application proposes development on a site which has been allocated for housing as part of an adopted development plan. The LWS status was afforded to the site post-allocation. Due to the constraints of the borough, it is unlikely that another site of this scale would be able to provide the number of houses allocated by the development plan within this particular Key Service Centre. Numerous other sites were considered, however this site was selected. It was assessed as adhering with the majority of the site selection criteria. As such, it would go against the principles of the development plan should it be concluded that the development of this site should be avoided.

ENV 2 2(ii) then considers whether the any harm that would be created by the development could be mitigated. In its true meaning 'mitigation' means measures that can be employed to reduce impacts. Whilst some mitigation is provided, such as woodland retention, the full impacts of the development cannot be fully mitigated.

ENV 2 2(iii) advises that as a last resort, compensation measures should be provided. The loss of a LWS can be compensated for by providing replacement habitat. In this instance, as referred to

later in this section, adequate habitat replacement at an off-site location to be secured by a legal agreement is being proposed in the event the application is approved. As such, it is deemed that this final criterion is satisfied. However, whilst this can be proposed, this does not remove the policy protection for a designated site. As such, the impacts on a designated site are still a material consideration even when compensation is being proposed.

Grassland

As per the *Local Wildlife Site Selection Criteria for the Cheshire region*, the site's semi-improved neutral grassland meets the required selection criteria according to the species list provided in the submitted *Ecological Appraisal*. As such this site should be considered a 'non-designated asset' and the CELPS Policy SE3(6) applies, requiring the need for mitigation and compensation for impacts.

The Council's Nature Conservation Officer advises that it is unlikely that appropriate mitigation will be possible on site. This is because the amount of space available for is highly unlikely to be large enough to provide the necessary compensation. The applicant has proposed an off-site mitigation approach. The acceptability of this can be assessed using the biodiversity metric (see BNG section).

Fen

Fen is a priority habitat considered an irreplaceable habitat in the NPPF. A small area of fen habitat (0.01ha) would be lost under the proposed plans. This is located centrally within the site on part of the site proposed to be developed upon.

As part of the biodiversity metric process (see BNG section), any loss of fen habitat requires that bespoke compensation be agreed. The applicant has submitted an outline *Fen compensation Plan* (Appletons, Letter Ref: PB/1881-06 Rev A, 10/02/2022). This shows a parcel of replacement fen habitat creation (0.03ha) elsewhere on the site. The Council's Nature Conservation Officer has advised that in the event of approval, a condition should be applied requiring a detailed habitat creation strategy for compensatory fen habitat in support of any future reserved matters application.

Ancient and semi-natural woodland habitat

Ancient woodland is a priority habitat considered an irreplaceable habitat in the NPPF. Church Woods runs along the north/north-east margin the site and is categorised as ancient and semi-natural woodland on the Ancient Woodland and Priority Woodland Inventories.

The agent for the application has advised that the proposed development will not result in the direct loss of habitat within the ancient woodland site. However, the submitted indicative layout plan shows a footpath which appears to enter the ancient woodland, and residential gardens backing near the woodland. Consequently, the proposed development has the potential to have an adverse impact upon the ancient woodland in a number of well evidenced ways:

- The tipping of garden waste from adjacent residential properties
- The introduction of non-native invasive species from adjacent gardens
- Contamination resulting from garden pesticides and herbicides
- Increased predation from domestic cats
- Light pollution

- Disturbance impacts occurring during the construction phase
- Disturbance from the installation and use of a footpath

The Council's Nature Conservation Officer is therefore of the view that the proposed development, as indicated by the submitted illustrative master plan, has the potential to have an adverse impact upon this irreplaceable habitat.

The footpath which is shown as entering the woodland on the illustrative masterplan is labelled as 'Recreational Footpaths and/or cycleways'. While any path creation through this habitat would be harmful to it and should be avoided, should any path be approved, the Council's Nature Conservation Officer advises that it should be limited to an informal foot path, not a formal cycle path.

An assessment of woodland habitats, including proposals and justification for a 50m buffer zone have been submitted. In the event of approval, the Council's Nature Conservation Officer recommends a condition be imposed which requires the adherence with the recommendations made within Section 2 of the Ecology letter ref: PB/1881-03. The Council's Nature Conservation Officer also recommends a condition that no works are carried out inside the ancient woodland or buffer zone agreed at outline (apart from the informal footpaths), as part of any future reserved matters applications.

With regards to the impact on biodiversity as a result of the tree losses proposed as a result of the development, this loss has been entered into the biodiversity metric by its habitat type and this has been done by area. As such, this loss, from a biodiversity perspective, would be compensated for.

Hedgerows

Hedgerow 1 and 2, which run along Longridge Road qualify as *important* under the *Hedgerow Regulations*. Sections of this and other hedgerows will be lost under the submitted plans. The impacts to hedgerows have been considered in the ecological submissions and will inform the required Biodiversity Net Gain calculation.

Amphibians

The submitted ecology reports detail that 5 species of amphibian were recorded on site. As per the *Local Wildlife Site Selection Criteria for the Cheshire region* the site meets the LWS selection criteria. As such this site should be considered a 'non-designated asset' and the Local Plan Policy SE3(6) applies, requiring the need for mitigation and compensation for impacts.

Given the notable value of the site for amphibians, provisions will be required for amphibians.

The Council's Nature Conservation Officer advises that the amphibian mitigation measures detailed in section 6 of the submitted *Ecology Letter* (Appletons, ref: PB/1881-03, 20/12/2021) and the proposed additional on-site pond creation for amphibians, separate from the GCN mitigation and attenuation ponds, as detailed in the drawing 1881-BOSc (Rev: A) is acceptable and likely to maintain the favourable conservation status of amphibians on site. As such, in the event of approval, it is proposed that it be conditioned that any future reserved matters application should be accompanied by a detailed amphibian mitigation strategy.

Great Crested Newt (GCN)

GCN presence has been confirmed on site. The proposed development on this site in the absence of mitigation is likely to have a medium impact on GCN.

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

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

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

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

The Habitat Regulations require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

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

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

Overriding Public Interest

Given that the application site is allocated for housing under LPS 38, this represents an overriding public interest. The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

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

- No development on the site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would not be beneficial to the species.

Confirmation has been received via the ecologist that the applicant intends to use the GCN mitigation licence process with regards to the known GCN population on the site.

An outline Great Crested Newt Mitigation Strategy has been submitted as part of the *Ecological Appraisal* (Appletons, November 2019) which includes proposals for amphibian fencing, underpasses and kerbs, as well as precautionary working methods and compensatory habitat proposals. The Council's Nature Conservation Officer advises that the proposals are acceptable. The Officer advises that in the event of approval, a condition should be included that requires a GCN mitigation strategy, informed by the outline strategy, to be submitted as part of an ecological mitigation strategy in support of any future reserved matters application.

The Council's Nature Conservation Officer recommends that an updated GCN survey be subsequently undertaken, including population size assessments within the year prior to a Natural England EPSM licence application for GCN. This can be conditioned in the event of approval.

Bats

Roosts directly impacted

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within a tree on site. The usage of the tree by bats is likely to be limited to small-medium numbers of animals using the tree for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present on site. The Council's Nature Conservation Officer advises that the loss of the roost feature on this site in the absence of mitigation is likely to have a low impact on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted Ecological Appraisal report includes a Bat Mitigation Strategy (Appendix 5) which makes recommendations including bat boxes on trees and new builds and lighting proposals. It also makes recommendations around the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

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

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

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

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“Ipas”) to have regard to the directive’s requirements

The Habitat Regulations require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

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

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

Overriding Public Interest

Given that the application site is allocated for housing under LPS 38, this represents an overriding public interest. The provision of mitigation would assist with the continued presence of Bats.

Alternatives

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

- No development on the site

Without any development, specialist mitigation for bats would not be provided which would not be beneficial to the species.

The Council’s Nature Conservation Officer advises that if planning permission is granted, the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

As such, if planning consent is approved, a condition requiring that the development proceed in accordance with the recommendations within Appendix 5 of the submitted Ecological Appraisal be implemented unless varied by a European Protected Species licence is recommended. Also, that any future reserved matters applications be supported by an updated bat survey, impact assessment and mitigation strategy.

Roosts indirectly impacted

A soprano pipistrelle maternity roost which accesses the site for foraging purposes, was considered likely to be located along the southern edge of Longridge Estate.

An assessment of how this roost, and others identified as likely being situated near the site, will be impacted by the proposed development and consideration whether a disturbance offence (under the habitat regulations) is likely, is included within the submitted Ecological Appraisal (Appletons, November 2019).

In the event of approval, the Council's Nature Conservation Officer advises that a condition be included requiring a detailed bat mitigation strategy, informed by the ecological appraisal be submitted as part of an ecological mitigation strategy in support of any future reserved matters application.

Bat surveys of trees

In 2019 the 2017 tree assessment for bat roost potential (BRP) was updated and several trees were found to have changed their BRP. During the 2019 dawn/dusk surveys of trees on site, significant bat activity, including a potential emergence was recorded.

In 2023, updated tree assessments were carried out and some trees were deemed to have further increased their bat roost potential. Emergence surveys were carried out which did not identify any roosts. An update activity transect survey was also carried out. The results of the surveys are discussed in the submitted Update Ecological Assessment report (Tyler Grange, 31/05/2023) which concludes that the current status of bats likely remains unchanged from the previous survey data and report.

The Council's Nature Conservation Officer advises that further update surveys should be carried out in 2025 or sooner if a commencement date is agreed before then. This will form a condition in the event of approval.

Mammals

As per the Local Wildlife Site Selection Criteria for the Cheshire region, the site far exceeds the required selection criteria for mammals according to the species detailed as recorded using the site in the Ecological Appraisal.

As such this site should be considered a 'non-designated asset' and the CELPS Policy SE3(6) applies, requiring the need for mitigation and compensation for impacts to mammals. Provided sufficient compensatory habitat is provided as assessed by the BNG metric (see BNG section), the Council's Nature Conservation Officer advises that would be sufficient to address the impacts of the development on mammals.

Breeding/nesting birds

The site supports an assemblage of birds including species which are a material consideration. The ecologist has provided an *Ecology Letter* (Appletons, 07/09/2022) which adds to existing breeding bird survey data and justifies the extent of survey effort undertaken so far. The Council's Nature

Conservation Officer advises that provided sufficient compensatory habitat is provided as assessed by the BNG metric (see below), that would be sufficient to address the impacts of the development on birds. In the event of approval, a nesting birds survey is also required.

Kingfisher

Kingfisher is a Schedule 1 species in the Wildlife and Countryside Act 1981. During the 2020 surveys potential kingfisher nesting sites were observed along Birkin Brook. While there were no sightings of kingfishers using the potential nest sites, one individual was sighted on the brook during the surveys. Proposed surface water drainage outfalls are proposed, the locations of which are >80m from the potential nest sites. Disturbance avoidance recommendations are made within the submitted report.

In the event of approval, the Council's Nature Conservation Officer advises that a condition be imposed to ensure works are carried out in accordance with the recommendations made within the submitted Water Vole & Kingfisher Survey report.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development.

In the event of approval, the Council's Nature Conservation Officer advises that a condition should be imposed requiring the adherence to the recommendations made within the submitted Hedgehog Mitigation Strategy.

Water vole

Water vole surveys were carried out in 2020 and concluded that water voles were not currently present on the site.

Update surveys

An updated survey for otter and water vole was carried out in May 2023. While some inconclusive signs of potential prints and burrows were observed, it was deemed reasonably unlikely that both species are currently absent from the site. If the reserved matters application is not received by 1st September 2025, the Council's Nature Conservation Officer advises that an update inspection of the brook would be required in support of the reserved matters application to confirm continued absence. This could be conditioned in the event of approval.

'Other protected species'

There is a known sett in the area. In the absence of mitigation, works pose a potential impact upon the local 'other protected species' population. However, the Council's Nature Conservation Officer is satisfied that the impacts can be mitigated by the conditioning of the recommendations in the method statement detailed in section 6 of the submitted *Survey Report* (Appletons, April 2019) including a pre-commencement check within 2 months of commencement.

Biodiversity Net Gain (BNG)

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with CELPS policy SE3(5). The applicant has submitted a *Biodiversity Offsetting Report* outlining the results of an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3, which predicts a significant loss of biodiversity units.

The metric calculator predicts a loss of 35.6 habitat units. As it would be highly likely that the scheme will be unable to deliver BNG on site due to the space available and the applicant has not provided details of a BNG habitat unit provider or a proposed location, size, habitat type etc for off-site compensation, but has advised that an overall net gain would be achieved.

The Council's Nature Conservation Officer and the Council's Legal Officers have advised that to ensure the appropriate level of compensation is provided and in the absence of a confirmed unit provider, the requirement to provide offsite BNG be secured through a planning condition, which requires the submission/approval of a plan that sets out how the BNG is going to be delivered, secured and maintained, as well as the detail of what it is that is going to be provided, how it will be managed, how it will be funded initially and for the maintenance period, how the land will be accessed for monitoring etc. This will also include a requirement to provide a S106 at a later date for this to be secured.

The Council's Nature Conservation Officer has also requested an additional planning condition in the event of approval which requires the future reserved matters application to be supported by an on-site habitat creation method statement and a 30-year management and monitoring strategy for any retained or proposed on-site habitat as entered into a biodiversity metric submitted with the reserved matters application.

Ecological Enhancement

CELPS Policy SE3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The Council's Nature Conservation Officer therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy with any future reserved matters application.

Other ecology matters

Natural England have confirmed that they raise no objections to the development because based on the information submitted, they consider that the proposals will not have a significant adverse impact on designated sites and raise no concerns relating to Nutrient Neutrality, a recently introduced ecology consideration.

Policy E3 of the KNP refers to Habitat Protection and Biodiversity. Appendix 3 of the KNP identifies the majority of the application site as a site of 'Medium Habitat Distinctiveness'. In such areas, it is advised that development will only be considered acceptable where, following, a thorough ecological assessment, any harm is avoided, mitigated, or as a last resort, compensated for.

CELPS Policy SE3(6) details that development proposals that have a significant impact on a site valued by the local community identified in a Neighbourhood Plan will only be permitted where

suitable mitigation and/or compensation is provided to address the adverse impacts of the proposed development, or where any residual harm following mitigation/compensation, along with any other harm, is clearly outweighed by the benefits of the development.

As advised, the Council's Nature Conservation has advised that the impact of the development on the LWS is 'significant adverse'. Even though compensation is proposed through BNG, the loss of the LWS needs to be outweighed by the benefits of the development.

Ecology conclusions

Subject to various mitigation and compensation measures, the majority of the ecology impacts identified by the application proposals can be addressed/compensated for. Although off-site, a 12% Biodiversity Net Gain represents a planning benefit.

However, the proposals would result in 'significant adverse harm' to the designated Local Wildlife Site and Policy SE3 sets out that such an impact will not normally be permitted. However, the policy goes on to state that an exception should only be made where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site. This matter will be considered as part of the planning balance.

Amenity

SADPD Policy HOU12 sets out that proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to: loss of privacy, sunlight and daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution or traffic generation, access and parking. Policy HOU13 sets out residential standards.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties. Policies ENV12 (Air quality), ENV13 (Aircraft noise), ENV14 (Light pollution) and ENV15 (New development and existing uses) of the SADPD consider environmental amenity matters.

Neighbouring amenity

Issues relating to a loss of privacy, light and an overbearing impact upon existing nearby neighbouring dwellings will be addressed as part of any reserved matters application. However, the indicative layout suggests that the level of development proposed could be erected on site without impacting existing neighbours with respect to the above considerations.

Amenity of future occupiers

Again, issues relating to a loss of privacy, light and an overbearing impact, this time upon the future occupiers of the site, will be addressed as part of any reserved matters application when matters of layout, scale, appearance and landscaping will be considered.

Environmental amenity

In consideration of environmental amenity (noise, air and land pollution), the Council's Environmental Protection Team have advised that they have no objections, subject to a number of

conditions including; Submission/approval of an acoustic report with reserved matters, submission/approval of a noise validation report prior to occupation, submission/approval of low emission boiler details; submission/approval of electric vehicle charging infrastructure; submission/approval of a Phase II contaminated land report; submission/approval of a contaminated land verification report; submission/approval of a soil verification report; works should stop should contamination be identified. A number of informatives are also recommended.

With specific regards to noise, the impact of aircraft noise on the future residents is a consideration for this site. This is because the site falls within defined noise contours from Manchester Airport. Policy ENV13 of the SADPD identifies that new dwellings within certain noise contours should achieve a certain level of internal ambient noise. In addition, a reasonable proportion of outdoor private amenity space should not exceed a certain noise guideline level. Upon review of the application in this context by the Council's Environmental Protection Officer, the Council are satisfied that because the site falls between the significant and lowest noise levels, that with suitable acoustic design, the requirements of Policy ENV13 can be achieved. As such, in the event of approval, the Officer recommends a condition that the future reserved matters application be accompanied by an acoustic report which demonstrates how the developer will achieve the noise requirements of Policy ENV13. In addition, it is proposed that a condition be imposed that requires the submission/approval of a noise validation report to ensure that the any agreed acoustic measures are achieving the predicted levels of acoustic insulation.

Subject to conditions, the proposal would adhere with the amenity policies of the development plan.

Flood Risk and Drainage

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation in line with national guidance. Policy ENV16 of the SADPD seeks to manage surface water drainage effectively and reduce the risk of flooding elsewhere. Policy ENV17 of the SADPD seeks to protect water resources.

According to the Environment Agency flood risk maps, whilst the majority of the site falls within a Flood Zone 1, the lowest of the flood risk categories and means that the land has less than a 1 in 1,000 annual probability of river flooding. The parts of the site adjacent to Birkin Brook are either Flood Zones 2 or 3, Flood Zones of a higher probability of flooding.

There is no requirement to undertake a sequential test given that the application is for development on an allocated site of which the proposed use is consistent with the allocation.

The application is accompanied by a Flood Risk Assessment (FRA) and other drainage documentation. This has been reviewed by the Council's Lead Local Flood Risk Officer, the Environment Agency and United Utilities.

The Environment Agency have reviewed the proposals and raised no objections to the proposals, subject to a condition that the development be carried out in accordance with the submitted FRA and a set of specific mitigation measures.

The Council's LLFA Officer has reviewed the proposals and advised that they would support the above condition recommendation proposed by the Environment Agency. In addition, the LLFA Officer recommends a condition requiring the submission/approval of an overall detailed strategy/design limiting surface water generated by the development and an associated management and maintenance plan. A further condition is proposed requiring the submission/approval of a groundwater monitoring scheme. A number of informatives are also proposed.

In consideration of drainage, United Utilities have recommended the following conditions: Reserved Matters application shall be accompanied by a foul water drainage details and the Submission/approval of a sustainable drainage management and maintenance plan. A number of informatives are also proposed.

Subject to the above conditions, combined where suitable, the application proposals are not deemed to create any flood risk or drainage concerns and would adhere with the requirements of the flood risk and drainage policies of the development plan.

Public Rights of Way (PROW)

One of the site-specific principles of LPS 38 is that development on this site should achieve:

'e. Provision of pedestrian and cycle links and retention of existing public rights of way.'

During the application process the alignment of Public Footpath No.13 Knutsford, which passes east-to-west through the site, was corrected to reflect the definitive line. In addition, a wider landscape buffer either side of this footpath was introduced. Whilst the Council's PROW Officer still has concerns that the footpath would be sandwiched within the developed area of the site and would potentially result in new road crossings, they do not raise an objection to the development proposals. This is subject to a condition requiring the submission/approval of a PROW management scheme, that the line of the PROW be marked out prior to commencement of development and during the development and the requirement to undertake pre-commencement and post-completion condition surveys.

On a separate matter, the Council's PROW Officer has advised that that the proposed development directly affects several 'claimed' footpaths which have been formally registered under Schedule 14 of the Wildlife & Countryside Act 1981. The claim asserts that a circular route of the site with linking paths to Longridge and FP13, have come into existence through long usage. The use covers a period in excess of 20 years and could therefore meet the requirements of Section 31(1) of the Highways Act 1980. It might also be the case that a lesser period of use could have resulted in the acquisition of rights under Common Law.

This application has not yet been investigated however, as the proposed development would directly affect almost the entirety of these routes, the developer should be aware of the potential consequences of this claim being proven and public footpaths shown to exist and factor in their possible impact on the development. In response, the agent for the application is aware of this risk and its potential to impact development on site. However, this is not a planning consideration at this time.

Health

Knutsford Medical Partnership (KMP) is a GP partnership, currently working across 4 sites to deliver care to 22,950 patients of Knutsford and its surrounding areas. The sites are referred to as Toft Road, Manchester Road, Annandale and Town Lane (Mobberley).

The NHS advise that these Practices operate from buildings that do not meet the modern-day healthcare standards and are non-compliant in many areas, with access to some consulting rooms on the upper floors being restricted due to steep staircases and lack of lift access, together with the usable space in the buildings falling well below the recommendations set out in the Department of Health Primary and Community Care Health Building Note 11-01: Facilities for primary and community care services.

The 2019 NHS Long Term Plan and Primary Care Network contract both identify the need for primary and community care providers to work together even more effectively to best support the health and well-being of our population. The Department of Health and Social Care priorities include the development of a social care strategy to address sustainability, quality and fairness. Responding to this challenge, NHS Cheshire CCG and KMP are working with partners to develop a place-based care model to provide more proactive, better coordinated care with expanded and integrated primary and community services, focused on promoting wellbeing throughout life.

The NHS Officer advises that patients are currently limited in terms of their accessibility to the building and the services that are available to them, since the existing buildings are working at full capacity, so with a growing population in this geographical area, the future accommodation for developing healthcare, will be unsustainable. By investing in a new, fit for purpose, Health Centre, this would not only improve the primary care services provided for patients in this area, but would also start to meet the Regional and National NHS Policies, as well as also meeting local aims and objectives.

The Practices are now working as a successful partnership, but within the confines of unsuitable accommodation, so the purpose of this is to highlight the key constraints in respect of the current premises, in order to provide further justification as to why the consolidation of these Practices into an Integrated Primary and Community Care setting, is essential, in order to facilitate the effective delivery enhanced patient services, at scale, for the patients within this locality.

The existing premises occupied by Knutsford Medical Partnership have been documented as being unable to support the current and future provision of services by the GP Practices therein. The condition of the various GP premises involved requires significant improvement, as there are numerous aspects of the premises that are noncompliant with modern regulatory requirements, and the available space is restricting the amount and type of services that can be provided. The Lease of one of the existing premises is also due to expire in 2024 with no options to extend.

The national and regional drive is now for new Primary Care developments to be publicly owned assets that are free at the point of use for operators. This removes the circular payment process, reduces the increasing revenue cost for GP Premises, negates the need for rent reviews, and keeps the long-term ownership of the facility in public ownership. Annandale is one of the four sites occupied by KMP. These are leased premises with the current property lease due to expire in July 2024 with no opportunity for an extension to the lease terms with the landlord. This will be a significant fixed milestone point that must be considered in the programme for the development of

new premises. The sites at Toft Road, Manchester Road, and Town Lane do not have the same restrictions created by Lease terms but are presenting continued compromises to the provision of services due to a lack of appropriate infrastructure.

The NHS Officer has advised that space utilisation analysis across all three Knutsford GP premises has demonstrated a significant shortfall of space, to adequately provide primary care services to the existing patient population across the locality. Additional growth in patient numbers will add further pressures to the GP Partnership, with an increase in clinical and nonclinical staff required in order to meet these future patient needs. Such an increase in clinical and non-clinical staffing numbers requires expansion and development of suitable accommodation for the three GP practices involved.

Building size estimates have been provided based on using the NHS Project Appraisal Unit Primary Care Consulting/Examination and Treatment Room Estimator Tool, however further space analysis will be undertaken with the GP's should this new build development gain approval, as it is anticipated that there may be some areas for economies of scale within the new building.

The NHS Officer advises any further development in Knutsford will significantly compound the overall capacity and the ability to provide good quality care/appointments to newly registered patients in the area. An outline business case is in development surrounding the reprovision of Healthcare services in Knutsford and it has identified works to the existing sites will not be sufficient to support this, and other developments identified within the Local Plan. To support this, the NHS are requesting Section 106 monies under the following stipulations:

- Necessary - the existing GP practice infrastructure within Knutsford will struggle to accommodate additional patients as a result of the development proposals.
- Directly related to the development - the impact will affect GP and community services as a direct consequence of the development.
- Reasonable - the request is deemed to be fair and reasonable, with Section 106 health funding calculations based on guidance provided to other CCG areas by NHS Property Services.

In order to determine the required contribution to offset the impact of the development upon local health infrastructure, an existing formula is used as per below.

Size of Residential Unit	Developer contribution per unit at April 2023
Health Infrastructure - 1 bed unit	£713.00 per 1 bed unit
Health infrastructure - 2 bed unit	£1,019.00 per 2 bed unit
Health infrastructure - 3 bed unit	£1,426.50 per 3 bed unit
Health infrastructure - 4 bed unit	£1,783.00 per 4 bed unit
Health infrastructure - 5 bed unit	£2,445.50 per 5 bed unit

As the final number of dwellings proposed ('upto' 225 dwellings) or the housing mix not yet identified at this outline stage, it is proposed to include the above table to determine the ultimate figure required to offset the impact of the development upon local health provision.

The applicant has confirmed that they are satisfied with the proposed contribution.

As a further note the NHS have requested that within the S106, that the contribution is index linked. They have also stipulated that the trigger point for the money being provided should be prior to the occupation of the first dwelling.

Education

The development of 225 dwellings is expected to generate:

42 - Primary children (225 x 0.19) (-1 SEN)

33 - Secondary children (225 x 0.15) (-1 SEN)

3 – Special Educational Needs (SEN) children (225 x 0.51 x 0.023%)

A housing impact assessment has been carried out and it has been concluded that no contribution is required for Primary or Secondary pupil places. This is due to there being sufficient school capacity, in the locality, to accommodate the expected children coming from the development.

SEN provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Council's Childrens Services acknowledges that this is an existing concern, however the 3 children expected from the Land East of Longridge, Knutsford application will exacerbate the shortfall. As such, to alleviate forecast SEN pressures, the contribution will be required.

$3 \times \text{£}50,000 \times 0.91 = \text{£}136,500$ (SEN)

Without a secured contribution of £136,500, the Council's Children's Services raise an objection to this application.

Given that the application proposals are for 'upto' 225 dwellings, it maybe that at reserved matters stage, less dwellings are sought and/or required and therefore in the event of approval, it is proposed to include the formula used to establish the contribution amount for education to ensure an accurate contribution is secured based on the final scheme.

The applicant has advised that they are agreeable to the requirement which would be secured as part of a S106 Agreement.

Open Space

The proposed development will be subject to the Open Space requirements of the development plan, the specific requirements of the Strategic Site Allocation and the policies relating to the protection of existing open space. These considerations are broken down as follows.

Open Space in new developments (SE6, REC3 and SL1)

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space. Policy REC3 of the SADPD sets out that there is an expectation that all open space provision be provided on site. It details that a contribution towards off-site provision may be acceptable in limited instances. The policy specifies that management of the open space should be in perpetuity and the applicant should demonstrate this.

Policy SL1 of the KNP details that Open Space is required in line with the CELPS. It details that for all new development, the open space should be of high-quality design and provide improvements in the connection between people and nature and should meet the 10 principles of Active Design set out by Sport England or other relevant guidance. For new residential development in particular, proposals should demonstrate how they will complement existing spaces and facilities within the Town in line with Policy SL3. It details that all proposals should demonstrate how these spaces will be maintained and managed in the long term and retained in public use in perpetuity.

On-site provision

In order to assess the adequacy of the open space proposed by the application, table (13.1) is provided within the subtext of Policy SE6 which sets out open space requirement standards.

	Children's Play Space	Amenity Green Space	Allotments	Outdoor Sports Facilities	Green Infrastructure Connectivity
Quantity (per 1,000 population)	0.8ha	0.8ha	0.2ha	Developer Contribution	0.8ha
Quantity (per family home)	20m ²	20m ²	5m ²	Developer Contribution	20m ²

Table 13.1 Open Space Standards

It should be noted that a 'family dwelling' referred to in this table was defined as being of 2 bedrooms or more within the former Macclesfield Local Plan. Although this plan has now been deleted, it is referenced within the Macclesfield Borough Council SPG on S106 Agreements. The same definition is detailed within the draft SPD on Developer Contributions. As such, this definition of a 'family dwelling', although not firmly fixed in policy at this current time, is accepted.

The above table sets out that for every 'family home', 20m² of Children's Play Space (CPS), 20m² of Amenity Green Space (AGS), 5m² of Allotments and 20m² of Green Infrastructure (GI) Connectivity should be provided, along with a developer contribution towards Outdoor Sports Facilities.

As it is unknown until reserved matters stage what the total amount of dwellings will be on this site and what the make-up of these dwellings will be and therefore what the number of 'family dwellings' will be, it is not yet known what the numerical required amount of Open Space will yet be. Based on the event that all 225 dwellings will be provided and the unlikely scenario that all 225 would be classified as 'family homes', therefore a worst-case scenario, this would equate to a requirement to provide 4,500sqm of CPS, 4,500sqm of AGS, 1,125m² of 'Allotments' and 4,500sqm of GI.

The submitted Parameters Plan shows residential and F.2 use parcels along with 'Green & Blue Infrastructure' and details that there will be 10.36ha of 'Green Infrastructure'. A supporting Green Infrastructure (GI) Parameters Plan shows that the scheme will provide 0.462ha (4,620sqm) of CPS, adhering to the policy minimum requirement, 1.436ha (14,360sqm) of AGS, significantly in excess of the policy requirement, 0.135ha (1,350 sqm) of Community Kitchen Garden (or allotments), in excess of the policy requirement, and 0.2874ha (2,874sqm) of Green Corridors along with approximately 8ha (80,000sqm) of woodland, woodland edge, wetland and grassland habitat, well in excess of the GI policy requirement. As such, this demonstrates that the proposed development should comfortably be able to adhere to the required minimum Open Space requirements on-site as detailed by Policy SE6 of the CELPS. In the event of approval, subject to being CIL compliant, this provision should be secured by S106 Agreement.

With regards to the Childrens Play Space (CPS), a larger equipped play area is proposed largely centrally within the site where it is envisaged that a LEAP will be provided. This is shown on a submitted 'Testing Layout'. A LEAP is a Local Equipment Area for Play, created for children who are beginning to go outside and play independently. In addition, the submitted plan show the provision of two smaller areas of play, one located centrally within the northern development parcel, the other centrally within the southern development parcel. Within these, a LAP is proposed. A LAP is a Local Areas for Play, primarily designed for young children.

There was some discussion during the application process about the inclusion of a 'kickabout' space being provided centrally located within the development that would be useable and accessible for all. The applicant agreed to this inclusion and has annotated this on the GI Parameters Plan. This has also been annotated to make it clear that this sectioned-off space would be kept clear of SuDS, trees and any ancillary structures, at the Council's request. To ensure that this space will be useable for its intended purpose, the Council's ANSA Greenspace Officer would like this sectioned off space to be conditioned so its turf is to Sport England standards.

LPS 38 requires the provision for '*formal open space including children's play facilities...*'. Policy REC3 of the SADPD clarifies that the provision of open space will be sought on a site-by-site basis, taking into account the location, type and scale of the development. The Green Space Strategy is extensively referenced in the supporting text of policies SE6, REC3 and LPS 38. As such, the request to provide a kickabout area that will be useable, unobstructed and provide an area of formal open space within a development of this size that will also be accessible to the existing residents nearby is deemed to be justified. In the event of approval, a condition is proposed that will require the submission/approval of an Agronomy Report and the implementation of any necessary recommendations to ensure it will appropriate for its intended use and sustainable.

The detail of the children's play areas will be secured through a requirement to provide an Open Space scheme as part of a S106 Agreement in the event of approval. It is proposed that it be specified that this will need to come forward in line with the GI Parameters Plan.

With regards to the proposed allotments and/or community garden, following discussions during the application process, the applicant has agreed to provide these in the event of approval, as opposed to providing a commuted sum only.

The applicant advises within a letter to the Council in January 2023, that, following a consultation with Knutsford Town Council and the Knutsford Allotment Society, it has been confirmed that there is a need for allotments in this location. However, the Town Council also suggest a hybrid model

could be suitable e.g., allotments, but with the intention that part of it is given over to a community garden. The Council's ANSA Greenspace Officer has no issues with this as a proposal. As such, in the event of approval, the S106 agreement could be structured in such a way that provision is made for allotments and/or a community garden, along with details of its transfer upon completion.

The 10 principles of active design relating to Open Space produced by Sport England, referred to in Policy SL1 of the KNP include: Activity for all, walkable communities, providing connected active travel routes, mixing uses and co-locating facilities, network of multi-functional open spaces, high quality streets and spaces, appropriate infrastructure and active buildings, maintaining high-quality flexible spaces and activating spaces.

In response, the scheme will include a variety of open space types for all to enjoy. It will include recreational footpaths, will provide pedestrian linkages to Longridge itself, it would group community facilities (community building, allotments and/or community building and children's play). Matters in relation to the quality of streets and spaces and active buildings would be considered at Reserved Matters stage.

No comprehensive detail regarding how all of the on-site space will be managed and maintained has been provided. In the event of approval, a requirement to provide a management and maintenance plan is required as is a requirement to establish a private management company who will manage the relevant aspects of open space in perpetuity. This is to be secured by S106 Agreement.

Subject to a S106 Agreement to secure the proposed open space and its management, the proposals are deemed to adhere with the requirements of principles of active design as required by Policy SL1 of the KNP.

Off-site provision

With regards to a contribution towards off-site outdoor sports facilities as required by Policy SE6 of the CELPS, this will be achieved by way of a commuted sum at a rate of £1,000 per family dwelling and £500 per 2+ bed apartment. This is currently set out within the former Macclesfield Borough Council Supplementary Planning Guidance on S106 (Planning Agreements). The commuted sum shall be used to make additions, improvements and enhancements in line with the Council's adopted Playing Field Strategy or subsequent adopted policies.

In relation to indoor sport, Policies SC1 and SC2 of the CELPS provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation.

The Indoor Built Facility Strategy has identified that for Knutsford, there should be a focus on improvement of provision as set out in the Strategy. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand may not be sufficient to require substantial indoor facility investment through capital build (although some of the new population may use the existing swimming pool and sports hall facilities at Knutsford Leisure Centre), there is currently a need to improve the quality

and number of health and fitness provision to accommodate localised demand for indoor physical activity.

Using a set formula, it has been calculated that a development of 225 dwellings would require a contribution of £61,750. As with the other open space contribution, this would be included as a formula, secured via S106 Agreement in the event of approval as the figure would be dependent on the final number of dwellings that come forward.

The agent for the application has agreed to these financial contributions.

Overall, subject to the detail being secured through a S106 Agreement and a condition, the proposed open space provision as detailed on the submitted plans is deemed to adhere with the requirements of policies SE6 of the CELPS, REC3 of the SADPD and SL1 of the KNP.

LPS 38 requirement adherence

Policy LPS 38 of the CELPS sets out that the following will be achieved:

- *'2. Provision for public open space within the site...'*
- *'b. Provision should be made for formal recreation space including children's play facilities and informal public open space within the site, supplementing existing green infrastructure.'*

As already specified, public open space is to be provided throughout the site in line with the requirements of Policy SE6, REC3 and SL1. This includes formal recreation space, with the provision of a kickabout area and children's play facilities and informal public open space within the site (and beyond). As such, the open space requirements of LPS38 are deemed to have been satisfied.

Loss of Public Open Space

To facilitate the vehicular access to the application site, a new access road is required to extend through an area of Protected Open Space. The road, footpaths and cycleways would amount to the loss of no more than 0.2ha.

Policy E4 (along with map in Appendix 4) of the KNP designates the wider parcel of land from which the new vehicular access/road is proposed as a Local Green Space, more specifically, as Downs/Longridge Playing Fields (LGS-32). Policy E4 identifies the site as designated. Within the supporting subtext of the policy, it is detailed that *'once designated, these areas are afforded strong protection against any further development which may be proposed for them.'*

It should be noted within paragraph 4.40 of the KNP Examiners Report (January 2019), that the Examiner advised that:

'Representations questioned the inclusion of LGS 32 on the basis that the land is an option for an access into the CELPS strategic housing allocation LPS 38. The NPPF states that local policy for managing development within a LGS should be consistent with the policy for Green Belts. Local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development, provided it preserves the openness of the Green Belt and does not

conflict with the purposes of including land within the Green Belt. Therefore, on that basis, given the significance of the strategic housing allocation, it seems to me that an access through to LPS 38 through LGS 32 would not be precluded should it be required and that the LGS status of the remainder of the land could be maintained.'

As such, there was an acknowledgement that a parcel of protected open space could be lost to the strategic allocation before Policy E4 came into force.

Policy REC1 of the SADPD specifically refers to the protection of open space. Criterion 1 of this policy details that development proposals that involve the loss of open space will not be permitted unless:

- i. An assessment has been undertaken that has clearly shows the open space is surplus to requirements; or*
- ii. It would be replaced by equivalent or better open space in terms of quantity and quality, and it is in a suitable location; or*
- iii. The development is for alternative sports and recreational provision, and the benefits of which clearly outweigh the loss*

As advised, the amount of protected open space that would be lost to development in order to provide the new access and associated footpaths would not exceed 0.2ha (2,000sqm). The classification of what type of open space that would be lost and impacted has been confirmed by the Council's ANSA Greenspace Officer as being Amenity Green Space (AGS).

As part of the proposed development, 13,360sqm (1.336ha) of AGS is proposed, 197% more than the policy requirement. The agent for the application therefore considers that this is more than sufficient to provide the policy required provision and compensate for the loss.

Be that the case, the Council's ANSA Greenspace Officer advises that the impact of the loss isn't just the quantum, but it's also the impact the road has on that area of green, taking traffic into the open space rather than alongside it and all the infrastructure it brings. As such, the Council's Greenspace Officer thinks that it is reasonable that there be a requirement for the applicant/developer to submit a scheme with the future Reserved Matters application/s which seeks to enhance the residual protected open space not lost to the development. The officer advises that the enhancements could either be delivered by the applicant/future developer or a commuted sum be provided to allow the Council to implement.

In response, there is no policy requirement to make improvements to the remaining, residual open space and this remaining land falls outside of the scope of the application. In addition, the application is more than compensating for the small loss POS elsewhere on-site. How the remaining open space would integrate with the new development would be established at Reserved Matters stage.

Open Space Conclusions

The proposed development would provide in excess of the necessary open space provision required for a development of this size and would also provide the necessary contributions towards off-site indoor and outdoor sports facilities. The main Children's Play Space would be provided within a large, central space that would be of sufficient scale to accommodate a formal kickabout area and an equipped children's playground. In addition, two smaller play areas are proposed within the

development parcels to accommodate Local Areas for Play. Parcels of Amenity Green Space are shown on the GI parameters plan which equate to 197% of the policy requirement. An area in excess of the minimum requirements for allotments is set aside to provide allotments and/or a community kitchen garden. Green Infrastructure well in excess of the requirements is also proposed.

As such, it is considered that the development proposals adhere with the requirements of policies SE6, REC3 and SL1, in terms of the required on-site provision, subject to this being secured.

With regards to the loss of protected open space, this loss is an unfortunate requirement in order to accommodate the proposed vehicular access. It has been demonstrated that this loss would be more than compensated for by the provision proposed elsewhere by the application proposals. Subsequently, the proposed development is deemed to adhere with the requirements of policy REC1.

The proposals are subsequently deemed acceptable with regards to the open space policies of the development plan.

Affordable Housing

Policy SC5 of the CELPS states in Settlements with a population of 3,000 or more the percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. A ratio of 65/35 between social rented and intermediate housing is required.

This application triggers the requirement to provide 30% on-site affordable housing unless otherwise justified. Based on the delivery of 225 dwellings, this would amount to a requirement of 67.5 units, which would be rounded up to 68 units on site to ensure the 30% policy required provision is met in line with the Cheshire East Council Housing SPD requirements. In the latest Design & Access Statement the agent for the applicant confirms that 30% affordable housing will be provided in line with the Council's policy.

Based on the policy referenced split, this would amount to 43 (43.2) units being provided as affordable/social rent and 25 units being intermediate tenure.

A full detailed Affordable Housing Statement will be required at Reserved Matters stage.

In consideration of need, Cheshire Homechoice has a list of those waiting for an affordable dwelling. At the time of the updated consultation response, there were 368 people waiting for such a home in Knutsford. Of these, the demand is for 1-bed (199 people), 2-bed (84 people), 3-bed (55 people), 4-bed (17 people) and 5-bed (13 people).

The Council's Housing Officer has advised that they would be looking to have some 1-bedroom dwellings (Cottage style flats and or Bungalows) as well as the 2 to 5 bed units proposed. However, this would be finalised at Reserved Matters stage.

Given that this application proposes 'up to' 225 dwellings, the final number of dwellings that may eventually gain approval may not be 225 exactly which in turn, would impact the affordable housing requirement and its subsequent tenure split. The agent has confirmed a commitment to providing

the policy required provision and this would be secured via a S106 Agreement in the event of approval.

Manchester Airport

SADPD policy GEN5 of the SADPD sets out that development which would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar will not be permitted. The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

The Safeguarding Authority have advised that they have no objections, subject to the following conditions: submission/approval of a Bird Hazard Management Plan to cover any wetland areas, additional or opened up ponds and wet SuDS features, submission/approval of full details of any ecological mitigation, submission/approval of any SuDS features and predicted drain down times. A number of informatives are also proposed.

In the event of approval, conditions to ensure these concerns are addressed by conditions will be imposed.

Cheshire Constabulary

The Cheshire Constabulary have reviewed the application proposals and have raised no objections but encourage the development to apply the principles of 'Secured by Design' as set out within the Cheshire East Design Guide SPD. Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the design, specification and building of new homes to adopt crime prevention measures. This will be a requirement of any future reserved matters application, it's not a matter for consideration at this stage.

Heads of Terms

If the application is approved, a Section 106 Agreement will be required to secure the following:

- Contribution of £750,000 to allow for delivery of a range of highway and cycle improvements on the A537/B5085/A50 corridor and also specific pedestrian/cycle links to the site. Funding will allow the completion to the Hollow Lane traffic signal improvement.
- Contribution towards offsetting the impact of the development upon Special Educational Needs children (Education).
- Contribution towards offset the impact of the proposed development upon the NHS (Health).
- Provision of 30% affordable housing provided entirely on-site (affordable housing).
- Secure appropriate on-site Open Space provision through:
 - Submission/approval of an Open Space Scheme (Parameters Plan/s) to secure on-site provision and detail
 - Provision & transfer arrangements of allotments and/or Community Garden

- Submission/approval of an Open Space Management & Maintenance Plan and establishment of a private management scheme to manage Open Space in perpetuity.
- Contribution towards mitigating the increased demand upon Outdoor Sport (Open Space).
- Contribution towards mitigating the increased demand upon Indoor Sport (Open Space)
- Delivery & transfer arrangements of an F.2 (b) use building & car park

Levy (CIL) Regulations

Policy IN2 of the CELPS details that developer contributions will be sought to make sure that the necessary physical, social public real, economic and green infrastructure is in place to deliver development. The policy continues, to say that contributions will be used to mitigate the adverse impacts of the development (including any cumulative impact).

Paragraph 57 of the NPPF clarifies that Planning Obligations must only be sought where they meet all of the following tests as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010:

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

Highways

With regards to the development's impact, the principal concern is the additional traffic impact on the Adams Hill/Hollow Lane junctions, which have historically had congestion problems and will be impacted on by the proposed development.

An improvement scheme developed by the Council is proposed for these junctions and a number of contributions have been secured from other development towards the scheme.

The capacity assessment of the development including the improvement schemes indicates that whilst there will be some congestion remaining, the junctions will operate significantly better with improvement schemes in place. Therefore, this development will need to provide a S106 contribution towards the planned improvement schemes at these junctions.

The Council's Highways Officer advises that in addition, the site lacks pedestrian and cycle links and improvements to accessibility are required. It is intended that a number of pedestrian and especially cycle facilities are introduced that link the site to the town centre along the B5085 Mobberley Road that can improve connectivity of the site by way of active travel modes.

As such, it is accepted that part of the required contribution is necessary to mitigate the additional traffic impact that would be generated by the development. It would directly relate to the development as the scheme would commence on the opposing side of Longridge to the proposed development and it is deemed to be reasonably related in scale and kind.

Despite being accepted as being locationally sustainable, the site lacks pedestrian and cycle links and improvements to accessibility are required. As such, it is also accepted that this aspect of the

contribution is necessary to make the development more accessible by foot and cycle, therefore acceptable, would directly relate to the development as the scheme would commence on the opposing side of Longridge to the proposed development and is deemed to be reasonably related in scale and kind.

Education

It has been calculated by the Council's Children's Services that the proposal to construct up to 225 dwellings is expected to generate 42 primary school children, 33 secondary school children and 3 Special Educational Needs (SEN) children. The Council's Children's Services have advised that a housing impact assessment has been carried out and it has been concluded that no contribution is required for primary or secondary pupil places, but there is a shortage of SEN places available within Cheshire East with 47% of SEN children currently educated outside of the borough. Whilst this is an overall issue for Cheshire East, the Council's Children's Services advises that the additional 3 SEN children that would be generated by the proposed development would exacerbate this issue. As such, a commuted sum is required to offset this impact.

For this reason, this sought contribution is deemed to directly relate to the development and mitigate the impact of the proposed development upon local SEN provision, it is deemed that it is indeed necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind.

As the final number of the proposed dwellings is yet to be identified until Reserved Matters stage, it is proposed that the Council's Children's Services contribution requirements be added to a S106 Agreement based on the set formula used to establish the contribution amount for education to ensure an accurate contribution is secured based on the final scheme.

Health

Knutsford Medical Partnership (KMP) is a GP partnership, currently working across 4 sites to deliver high quality care to 22,950 patients of Knutsford and its surrounding areas. The sites are referred to as Toft Road, Manchester Road, Annandale and Town Lane (Mobberley). The NHS have advised that these Practices operate from buildings that do not meet the modern-day healthcare standards and are non-compliant in many areas, with access to some consulting rooms on the upper floors being restricted due to steep staircases and lack of lift access, together with the usable space in the buildings falling well below the recommendations set out in the Department of Health Primary and Community Care Health Building Note 11-01: Facilities for primary and community care services. Space utilisation analysis across all three Knutsford GP premises (Toft Road, Manchester Road and Annadale) has demonstrated a significant shortfall of space, to adequately provide primary care services to the existing patient population across the locality. Additional growth in patient numbers will add further pressures to the GP Partnership, with an increase in clinical and nonclinical staff required in order to meet these future patient needs. Such an increase in clinical and non-clinical staffing numbers requires expansion and development of suitable accommodation for the three GP practices involved.

For the above reasons, the NHS have advised that the existing GP practice infrastructure within Knutsford will *'struggle to accommodate additional patients.'* They have advised that a contribution request would be directly related to the proposed development as the impact of the application scheme would affect GP and community services. It is deemed that the contribution request is fairly

and reasonably related in scale and kind to the development because the funding calculations are based on a set formula.

As the final number of the proposed dwellings is yet to be identified until Reserved Matters stage, it is proposed that the NHS contribution requirements be added to a S106 Agreement based on the set formula used to establish the contribution amount for Health to ensure an accurate contribution is secured based on the final scheme.

Affordable Housing

The proposed development triggers the requirement to provide 30% affordable housing provision (Policy SC5 of the CELPS). Based on the indicative 225 units proposed, the development would, based on Policy SC5 of the CELPS, trigger a requirement to provide 67.5 units, which would be rounded up to 68 units on site to ensure the 30% policy required provision is met in line with the Cheshire East Council Housing SPD requirements.

The latest published Cheshire East Annual Monitoring Report (AMR) 2021/2022, reports on the number of completed affordable dwellings each year up to the end of the 2021/2022 reporting period. It details that there have been 5,376 completions since 2010/2011, averaging 448 dwellings per year. As such, despite high delivery to date, the LPA are still short of 1,724 affordable dwellings based on the latest published figures.

To summarise, there is a policy requirement for the provision of 30% affordable housing triggered by Policy SC5 of the CELPS due to the number of dwellings sought. Despite the latest published evidence showing a strong delivery of affordable housing in the borough, their still remains a need. Furthermore, not many residential strategic sites have been developed in Knutsford itself, suggesting that the strong delivery of affordable housing in Cheshire East to date has been achieved elsewhere in the borough.

For a combination of the above reasons, the proposed 30% on-site affordable housing requirement is deemed necessary, directly related to the application scheme and fairly and reasonably related in scale and kind.

Open Space

The submitted Parameters Plan and associated GI Parameters Plan demonstrate that the required on-site open space requirements as detailed within policies SE6, REC3, SL1 and LPS38 of the development plan are achievable. Securing the required provision would be achieved through the S106 Agreement which would be linked to the relevant submitted parameter plan/s. An Open Space Scheme will also be required to secure the detail of the open space provision and in particular, the detail of the children's play equipment.

This requirement is deemed necessary to make the development acceptable, would be directly related to the development and would be fairly and reasonably related in scale and kind.

In consideration as to whether the additional open space proposed above and beyond the minimum policy requirements is necessary to make the development acceptable, it has already been assessed that the development represents inappropriate development in the Green Belt. As such, the development should not be approved unless very special circumstances clearly outweigh the

harm by reason of inappropriateness and any other harm. The provision of this additional open space could be deemed to form part of the very special circumstances. Under this scenario, the additional open space would be deemed necessary to make the development acceptable in planning terms. This will be considered later in this report.

A requirement to provide a management and maintenance plan for all open space and to establish a private management company to manage and maintain the open space in perpetuity is also necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind. Without such a regime, the open space could fall into disrepair and result in unusable open space.

The securing the requirement to provide the allotments and/or community garden, along with details of their transfer is necessary to make the development acceptable in order to meet the policy requirements of SE6. It too would be directly related to the development and reasonably related in scale and kind.

The requirement for a commuted sum towards off-site outdoor and indoor sports would be required to mitigate the impact of the development upon local provision and adhere with relevant development plan policy. It would be directly related to the development as it would assist in alleviating the impact on this local provision by the additional people that would move into the area. It would also be reasonably related in scale and kind.

Community building

The proposed community building forms part of the application proposals. It is not a requirement of the site allocation.

In consideration as to whether this is necessary to make the development acceptable, it has already been assessed that the application proposals represent inappropriate development in the Green Belt. As such, the development should not be approved unless very special circumstances exist that clearly outweigh the harm by reason of inappropriateness and any other harm. The provision of this community building could be deemed to form part of the very special circumstances. Under this scenario, the community building would be deemed necessary to make the development acceptable in planning terms. This is considered later in this report.

The end user of the building is not confirmed at this stage. Whilst the building would be built by the future developer and likely to transferred to the Knutsford Town Council, interest being shown, there is no formal agreement in place. This reduces the likelihood of its delivery. Whilst the planning permission and the S106 agreement could be worded to ensure the use of the building be a flexible community use, and in the worst-case scenario the land re-purposed should no ultimate end user materialise, unless deemed to represent a Very Special Circumstance, it is not deemed that the building would be necessary to make the development acceptable in planning terms.

The community building is deemed to be directly related to the development given that it would assist in the regeneration of the Longridge Estate, creating linkages with the opposite side of the established part of Longridge where the Welcome, who are earmarked to move into this building, currently operate. Regeneration is part of the justification for the allocation (paragraph 15.466 of CELPS) Inspector's report, paragraph 241). It is also reasonably related in scale and kind to a development for up to 225 dwellings.

Planning Balance

The application seeks outline planning permission for residential development of up to 225 dwellings and a building for Class F2 use. Matters of Access are also sought for approval.

Part of the application site is allocated within the CELPS for the provision of around 225 dwellings along with public open space within the site, pedestrian and cycle linkages and a landscape buffer to Booths Mere LWS.

Aside from the land allocated for development, the remainder of the application site is either Green Belt land or Green Belt land which is also designated as Protected Open Space (POS). This includes land where the sole vehicular access is proposed and a new footpath link, both to the south-west (which is also POS), and land to the north-east, where land currently informally used for recreational purposes would be retained and used as Open Space where recreational footpaths would be utilised & created and the space formerly managed.

It is deemed that the creation of the access road and its associated footpaths/cycleways would not preserve the openness of the Green Belt spatially and to a lesser extent visually but also with regards to the increased degree of activity that would occur. There would also be a resultant small degree of encroachment. As such, this aspect of the scheme is assessed as being inappropriate development in the Green Belt. The land to the north-east is deemed to be appropriate development in the Green Belt due to the minor nature of the works proposed in this location.

Paragraph 148 of the NPPF states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

As such, any considerations in favour of the proposed development would need to be, either individually or cumulatively, of sufficient magnitude to *clearly outweigh* all harm identified in order for Very Special Circumstances to exist.

However, before any Very Special Circumstances are considered, as well as the identified harm to the Green Belt, 'other harm' also needs to be weighed into the balance. It should be noted that the weighting applied below is based on the circumstances of this particular application.

With regards to ecology, the proposals would result in 'significant adverse' harm to a recently designated Longridge Local Wildlife Site (LWS) which covers the vast majority of the site. Whilst the harm is to be compensated for in the event of approval, this does not remove the policy protection for a designated site. As such, the impacts on a designated site are still a material consideration even when compensation is being proposed. This LWS was designated during the course of the application assessment, post the sites selection as an allocated site. This is a material change in circumstance. However, the ecological condition and ecological benefits of the site have not significantly or materially altered since before it was designated as a LWS or since the site was designated as an allocated site. However, the effective loss of a LWS is afforded substantial weight.

With regards to tree loss, the proposed development would result in the loss of, or threat to, the continued health and life expectancy of trees that provide a significant contribution to the biodiversity of the surrounding area. Whilst this harm can be compensated for through appropriate compensation and offsetting, the loss of trees which form part of the reason why the LWS was designated, is an important consideration. However, the majority of the woodland on the site falls beyond the scope of the development parcels as detailed on the parameters plan and would be retained. For this reason, this impact is tempered and subsequently given moderate weight in the context of the benefits and harm of this application.

All other harm created by the development is deemed to be effectively mitigated either through on-site or off-site mitigation or S106 provisions.

In consideration of the benefits of the scheme and whether these amount to Very Special Circumstances to clearly outweigh all of the harm identified, substantial benefits are derived through the delivery of a strategic site.

As part of the site selection process, it was deemed that the development of the application site for residential dwellings would enhance the vitality, viability and accessibility of the town centre, would directly benefit rural businesses and capitalise on the accessibility of the borough, would assist in creating sustainable communities as there was scope to provide or enhance conveniently located community services and opportunities to link with nearby neighbourhoods through sustainable transport modes. Development would link to the adjacent Longridge estate and help improve the scope for improving community facilities, such as improved protected open space.

As part of the CELPS examination process, which considered the suitability for the site as an allocation, the Planning Inspector concluded in paragraph 241 that the site may have some regeneration benefits to the adjoining housing area and that the allocation was effective, deliverable and justified, in sufficient detail to ensure the sustainable development of the site. The benefits of delivering this strategic housing site and the associated benefits are afforded substantial weight.

The proposals will provide the full 30% affordable housing requirement (up to 68 units) where there is an identified need. Due to the need, this is afforded moderate to substantial weight.

Open Space above and beyond policy requirements would be provided in the main by formalising and managing a large area of open space beyond the site allocation, which includes Ancient Woodland, which has previously been trespassed upon and is unmanaged. Due to the extent of the land that this applies to, this is also afforded moderate to substantial weight in the context of the application.

A further benefit is an ecology benefit. The proposals seek to provide a 12% biodiversity net gain. Although this will be off-site, the legislation for a 10% requirement has not yet come into force and as such, at this time, this is afforded moderate weight.

Another benefit would be the economic benefits derived through such a development which include employment during the construction phase and benefits for local businesses. These are afforded limited weight.

A social benefit would be the proposal to provide a community building. This would be grouped together with the allotments and/or community garden and the larger area of children's play as

shown on the parameters plan. Together they would effectively create a community hub that would be positioned close to the existing Longridge development which will assist with movements and connections between the old and new and possibly assist with future regeneration. If delivered, it would represent a notable planning benefit to the scheme. However, due to it not being a requirement of the site allocation and because there are no formal agreements in place from either the Town Council or the end user, the likelihood of this being provided as envisaged is reduced, which in turn, reduces the weight that this can be afforded as a planning benefit. This is subsequently afforded limited weight.

As already detailed, it is deemed necessary to provide the vehicular access through the Green Belt and Open Space as there is no alternative available due to the presence of a covenant that affects Council owned land along the site's boundary with Longridge. The Council has acknowledged this by resolving to dispose of the land where the proposed access is sought, to facilitate the proposed development. As such, the only way this strategic site can realistically be delivered is by taking the proposed access through this protected land.

To conclude, the proposal would result in inappropriate development in the Green Belt as a result of the impact of the proposed new vehicular access and associated footpaths any cycleways sought beyond the site allocation to the south-west. Paragraph 148 of the NPPF details that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. Substantial weight has also been afforded to the loss of much of the recently designated Local Wildlife Site (LWS). Moderate weight is afforded to the loss of some trees that would be associated with the LWS.

Alternatively, the development would result in 30% affordable dwellings where there is an identified need. This is afforded moderate to substantial weight. Significant additional, managed public open space would be provided by the application proposals. This is afforded moderate to substantial weight. Moderate weight is applied to the delivery of off-site Biodiversity Net Gain. Limited weight is afforded to the economic benefits derived through such a development which include employment during the construction phase and benefits for local businesses. Limited weight is also afforded to the provision of a community building.

Finally, but most importantly, substantial weight is afforded to the delivery of an allocated site and the associated benefits it would bring. It is deemed that these benefits combined represent Very Special Circumstances that clearly outweigh the harm identified. Subsequently, the application is recommended for approval, subject to securing all the necessary requirements of the permission.

RECOMMENDATIONS

APPROVE subject to a S106 Agreement to secure:

S106	Amount	Trigger
Affordable Housing – on-site provision	<ul style="list-style-type: none"> - 30% of total number of dwellings shall be affordable (rounded up) - Affordable Housing split 65% and Affordable Rented Housing and 35% Intermediate Dwellings - Retained as Affordable 	To be completed before 50% of the market housing is sold or let
F.2 Community Building delivery	Construction of a community building & car park and transfer to either Knutsford Town Council or Cheshire East Council.	Prior to occupation of no more than 50% of the dwellings
Education – Commuted sum	Contribution towards Special Educational Needs (SEN) provision. Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval	Prior to commencement
Health – Commuted sum	Amount to be determined based on standard formula and by number of dwellings that ultimately gain approval (indexed linked)	Prior to first occupation
Highways – Accessibility and capacity improvements on the local highway network	Contribution of £750,000 to allow for the delivery of a range of highway and cycle improvements on the A537/B5085/A50 corridor and also specific pedestrian/cycle links to the site. Funding will allow the completion to the Hollow Lane traffic signal improvement.	Before the occupation of 100 th dwelling
Open Space – On site delivery	<ul style="list-style-type: none"> - Submission/approval of an Open Space Scheme in accordance with Parameters Plan/s - Provision of allotments and/or community garden, management & maintenance and subsequent transfer 	<p>Prior to commencement</p> <p>Prior to occupation of no more than 50% of the dwellings</p>

Open Space – management	<ul style="list-style-type: none"> - Submission/approval of Management and Maintenance Plan - Establishment of a private management company to manage & maintain the relevant POS in perpetuity. 	<p>Prior to commencement</p> <p>Prior to first occupation</p>
Recreational Open Space - commuted sum	£1000 per family dwelling and £500 per 2+ bed apartment towards additions, improvements and enhancements in line with the Council's Playing Field Strategy or subsequent adopted policies	Prior to first occupation
Indoor Sport – Commuted sum	Indoor Sport commuted sum - Calculated using Sport England Facility Calculator model and used in line with the Indoor Built Facilities Strategy and REC2. Amount to be determined number of dwellings that ultimately gain approval	Prior to first occupation

And the following conditions:

- 1. Outline (commencement of development)**
- 1. Requirement to submit Reserved Matters application**
- 2. Time limit on submission of Reserved Matters**
- 3. Approved plans**
- 4. First Reserved Matters - Submission/approval of a development Phasing Plan**
- 5. Implementation of access plan & detail of extent of access approved**
- 6. Reserved Matters shall include details of the exact routes, materials and any associated works required for the proposed recreational footpaths**
- 7. Reserved Matters to include details of F.2 community building and car park**
- 8. Community building use restricted to F.2(b) Use Class**
- 9. Bus stop works to implemented prior to use of approved vehicular access**
- 10. No occupation of any dwellings until new footpath along southern side of Longridge from application site to Birch Grove is provided**
- 11. No development shall commence until multiple pedestrian linkages onto Longridge come forward as part of first reserved matters**
- 12. The detailed character coding and design for the reserved matters shall generally accord with the requirements set out in the DAS/spatial code and parameters drawings hereby approved**
- 13. Submission/approval of a scheme of archaeological work**
- 14. Submission of Landscaping Scheme with Reserved Matters (*to include native hedgerow planting and native tree planting mitigation within public spaces*)**
- 15. Landscaping – implementation**
- 16. Submission of levels details with Reserved Matters**
- 17. Reserved Matters shall include an updated Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS)**

18. The following ecological measures shall be adhered to: (a) recommendations in Section 1 of the Ecology Letter (PB/1881-03) – Strategic Site Requirements (*including CEMP requirement*) (b) recommendations within Section 2 of the Ecology Letter (PB/1881-03) – Ancient Woodland (c) recommendations within Appendix 5 of the Ecological Appraisal – Bats (d) Sections 4.15-4.17 of the Water Vole and Kingfisher Survey report (e) recommendations within the Hedgehog Mitigation Strategy (f) recommendations within Section 6 of the submitted Badger Survey report
19. Reserved Matters shall be supported by an on-site habitat creation method statement
20. Reserved Matters shall include habitat creation strategy for Fen habitat
21. No works (*other than agreed recreational footpath works*) shall be carried out inside the Ancient Woodland or Buffer Zone
22. Reserved Matters shall include a detailed Ecological mitigation strategy which include sections for Amphibians, Great Crested Newts and Bats
23. Reserved Matters shall be accompanied by updated Bat Survey(s)
24. Nesting birds
25. Submission/approval of updated Water Vole survey if works are delayed beyond 1st September 2025
26. No works shall commence on site until a Biodiversity Net Gain plan, which includes a S106 requirement, has been submitted and approved in writing by the LPA.
27. Reserved Matters shall incorporate features to enhance the biodiversity value of the site
28. Reserved Matters shall include an acoustic report
29. Acoustic validation report submitted and approved prior to first occupation
30. Submission/approval of electric vehicle charging infrastructure
31. Submission/approval of a Phase II contaminated land report
32. Submission/approval of a contaminated land verification report
33. Submission/approval of a soil verification report
34. Works should stop should contamination be identified
35. Development be implemented in accordance with the submitted Flood Risk Assessment and that the mitigation measures be implemented prior to occupation
36. Reserved Matters to be accompanied by an overall detailed drainage strategy (including foul) and limiting surface water generated by the development and an associated management and maintenance plan
37. Submission/approval of a groundwater monitoring scheme
38. The line of the PROW be marked out prior to commencement of development and during
39. Submission/approval of a) pre-commencement and b) post-completion condition surveys of the PROW
40. Submission/approval of an Agronomy Report of the kickabout area & requirement to implement recommendations.
41. Submission/approval of the following Management Plans (*which should not conflict*):
 - a) Construction Management Plan (CMP)
 - b) 30-year landscape management plan
 - c) 10-year woodland management plan
 - d) 30-year management and monitoring strategy for any retained or proposed on-site habitat
 - e) PROW management scheme
 - f) Sustainable drainage management and maintenance plan
 - g) Bird Hazard Management Plan
42. Submission/approval of any SuDS features and predicted drain down times

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.

