

**APPLICATION NO: 24/4242/FUL**

**LOCATION: Land Off Peter De Stapleigh Way, Stapeley**

**PROPOSAL: Full planning permission for the erection of a residential development (use class C3); public open space; green infrastructure; landscaping; access and associated infrastructure**

**APPLICANTS SUBMISSION**

The applicant has provided several comments in response to the Committee Report and recommended planning conditions;

- The application forms part of a wider masterplan which is in the process of being delivered. A large SUDS basin is being delivered as part of the previous consent and will be used to store the surface water for this scheme. It is considered sufficient SUDS provision has been implemented and no further measures are considered necessary.
- With regards to the 150mm freeboard, Lees Roxburgh have confirmed that there are no issues proposed floor levels and external levels design.
- The Applicant disagrees with the CEC Strategic consultation responses there is higher demand for 1 and 2 bed properties, and the overall mix is very strong comprising 20% 1-bed; 27.5% 2-bed; 22.5% 3-bed; and 30% 4-bed. (Affordable housing provision and housing mix is addressed within the report).
- The Education contribution requested should be adjusted to be based on 32 dwellings rather than 40 , as only 32 units are 2-bed+ dwellings. This results in a reduced total education contribution of £184,888.00.
- The design of the scheme is very high quality. The scheme has been subject to several iterations based on officer advice including revised layout in the north in response to the McCarthy and Stone scheme, provision of an acceptable gateway in to the wider site, new mix of house types to relate to the site's wider context; inclusion of a LAP within the parcel and improved landscaping strategy.
- The proposed landscaping proposes to deliver 57 new trees (in addition to the two trees being retained) and extensive hedgerow planting.
- The Applicant is willing to accept a suitably worded condition to review the southern boundary treatment.
- The open space in the western extent of the site is a substantial overprovision against policy. SE.6 and a surplus of 1,195sqm in POS is being delivered. The layout of this space will be a seamless large POS area combined with the POS proposed with the care scheme (being brought forward under a separate application 24/4228/OUT). The layout of this space has been driven by requests from the Parish Council for a large grassed area to hold community events and fetes. Guidance is requested on whether the requests for play equipment and orchard outweigh the requests of the Parish Council.
- All ecology matters have now been addressed with the Council's Ecologist.
- Condition 6 landscaping – a scheme has been submitted for approval rather than seeking a condition to resubmit the landscaping.

- Condition 8 boundary treatment – (as Condition 6 ) above.
- Condition 9 bin storage – this is submitted for detailed approval as per plan AH170-WM01-G Waste Management Plan Layout.
- Condition 11 POS features – Council guidance on preferred approach is requested.
- Condition 12 SUDS – A detailed drainage layout has been submitted for approval. No further SUDS measures are proposed.

## **OFFICER COMMENT**

The comments from the applicant's agent are noted, and where necessary are addressed below further to the consideration of further information and consultee responses which have been received.

## **KEY ISSUES**

### **Ecology**

Updated comments have been received from the Council's Ecologist in relation to updated BNG information and additional bat survey submitted in support of this application and also confirmation that amphibian exclusion fencing is in place around the site.

### Mandatory Biodiversity Net Gain

The application is subject to Mandatory Biodiversity Net Gain.

The BNG metric submitted in support of the application indicates that the proposed development would result in a net gain of 21.7% in respect of Area Based habitats and 31.04% in respect of Hedgerows.

The Council's Ecologist advises that achieving this level of BNG is however dependent upon the POS area being occupied by Scrub planting and 'other neutral grassland'. This treatment would require the POS area to be of long unmown grass for a significant proportion of the year. Whilst the landscape plans and metric spreadsheet are now consistent the BNG report still refers to the open space area as being amenity grassland and scrub.

The details for planting within the POS will be secured under Condition 6 which requires the submission and approval of landscape details for the application site, including areas of POS .

The Council's Ecologist further recommends that two further conditions be attached. The first of these conditions being the mandatory BNG condition introduced through the Environment Act. The second condition is required to secure the submission and implementation of a detailed habitat management plan and the recommendation will be amended accordingly.

### Great Crested Newts

This protected species is known to breed at a number of ponds within close proximity of the proposed development.

The applicant's ecological consultant has confirmed that the site is covered by an extant Natural England protected species licence and it has been confirmed that amphibian exclusion fencing is in place around the site. I therefore advise that the proposed development would not be likely to result in an offence in respect of this species.

### Bats

Three trees on site have been identified as having bat roost potential. These trees would all be retained as part of the proposed development. Works are however likely to occur within close proximity to some of the trees. These trees have been subject to a further survey which did not record any evidence of roosting bats. The Council's Ecologist therefore advises that works in the vicinity of the trees are unlikely to affect roosting bats.

The application site was assessed as having Moderate potential for foraging/commuting bats. Consequently, two bat activity surveys were undertaken. These were completed in September and October, meaning only a limited range of seasonal activity was assessed during the surveys. A low level of bat activity was recorded in September and a moderate level of bat activity was in October focused around hedgerow 1 and 2.

The proposed development will result in the loss of existing hedgerows on site and so based upon the available survey information is likely to result in a localised adverse impact upon foraging bats. This impact could potentially be compensated for through the creation of replacement hedgerows as part of the landscaping of the scheme. Whether sufficient hedgerow planting is being provided to compensate for that lost can be assessed through the use of the BNG metric.

### **Education**

Updated comments have been received from the Council's Education teams reflecting that this is a development of 32 dwellings and also 8 one-bedroom flats which should be omitted from the calculation of a financial contribution. A development of 32 dwellings is therefore expected to generate:

- 9 - Primary children (32 x 0.29)
- 4 - Secondary children (32 x 0.14)
- 1 - SEN children (32 x 0.60 x 0.047%)

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

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The 1 child expected from the proposed development will exacerbate the shortfall.

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

4x £27,492.00 = £109,968.00 (Secondary)  
1 x £74,920.00 = £74,920.00 (SEN)  
Total education contribution: £184,888.00

This will be secured through a Section 106 Agreement as amended below.

## **NHS**

Further comments have been received from the NHS Cheshire and Merseyside ICB in response to the issues raised by the Legal Opinion disputing the justification for the requested NHS financial contribution. However, the NHS reaffirms its position that the calculated contribution is required for improving the physical infrastructure of the primary care services within the patient catchment area of this development to ensure the needs of the increased population are met.

The NHS set out that the contribution is required to ensure GP Practices that are at capacity with their patient provision, such as in the amount of sessions and appointments which can be accommodated within their existing space, are improved to mitigate the impact of this development. The NHS maintain that the requested capital funds will therefore be utilised to reconfigure and redevelop the Nantwich Heath Centre and Wrenbury Medical Centre as detailed in the report.

It therefore remains the position that the requested healthcare contribution is considered fair and reasonable in mitigating the impact of the proposed residential development on local health care provision.

## **Flood risk/Drainage**

The submitted surface water drainage strategy proposes to capture surface water within each parcel and discharge it into the drainage system which was approved to serve phases 1 and 2 of the mixed-use development. The LLFA and United utilities raised no objections in principle to the and the proposed Drainage Strategy supporting Reserved Matters Approvals.

The LLFA acknowledge this site is part of a larger scheme at Maylands Park and elements of SuDS provision are included elsewhere within the designed scheme. However, it is considered that SuDS features should still be provided within this residential site as part of the drainage system and could include rain gardens or tree pit planters in addition to parking spaces being permeable. The requirement to provide surface-based SuDs is also echoed by the Council's Design Officer who comments that although SuDS were included as part of the Phase 1 scheme to cater for the entire Maylands Park site, this is based upon below ground piped storage and conveyance to the SuDS basin. Such a solution does not meet the guidance set out in the CEC SuDS Design Guide and there is potential to design in bio-retention and permeable surfaces within this scheme.

Condition 12 is recommended to require the submission and approval of SuDs features within the scheme. It is however recognised by the LLFA that Suds provision will be subject to the ground conditions and what is therefore feasible. As previously proposed by the applicant, Condition 12 will be worded to require that

revised drainage strategy must be provided that incorporates Sustainable Drainage Systems measures, subject to their suitability based on detailed ground investigations.

## **Design**

The report sets out several of issues which needs to be addressed as regards the design of the scheme. These focus on the cramped nature of the layout within the southern part of the site and the provision of a softer edge to the southern edge of the site. Discussions have continued with the applicant and an amended layout plan has been received.

The principal amendment is the provision of a tree lined boundary alongside the site's southern boundary. Although as stated by the applicant, *"the green infrastructure boundary does not extend the full width as it responds to potential access locations to the south"*.

This amendment has been achieved through repositioning plots 34 and 35 to the north with plots 32 and 33 becoming semi-detached units rather than detached with accessway serving plots 11 and 12 now shared. The changes largely address the concerns raised in respect of the southern parcel of the scheme, and on balance, the siting and design of the development is now considered satisfactory when taking into account the constraints of the site.

Given that the changes to the layout, Conditions 6 and 8 requiring the approval of details landscaping and boundary treatment remain as recommended.

Although a "Waste Management Plan Layout" has been submitted this does not however provide details of bin Bin/cycle storage, particularly to serve the flats, and therefore Condition 9 remains as recommended .

## **Public Open Space**

No details have been submitted of the detailed design and layout of what is acknowledged to be a substantial area of POS at the centre of the Maylands Park development. Its is understood that provision of this space has involved consultation with the Parish Council who require a large grassed area to hold community events and fetes. Nevertheless, the Council's Leisure Officer recommendation for the provision of additional green gym equipment, some play elements for 8 - 11 years and a small orchard (200 sq m) to complement the adjoining POS being delivered by David Wison Homes would not undermine the uses of this space required by the Parish Council.

Condition 11 requiring the submission of details of the main POS to include orchard, play and green gym items, short mown area for informal games, paths and seating is considered necessary and reasonable.

## CONCLUSION

Further to the assessment above , the recommendation has been updated to include the education contributions to be secured by the S106 Agreement, and also the inclusion of additional and amended planning conditions.

## RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
Education (primary/secondary/SEN)	£184,888	50% prior to Commencement of a dwelling, then 50% Prior to occupation 20 <sup>th</sup> dwelling (or 50% percentile dwelling)
Affordable Housing	30%  (tenure split of 8 rented units and 4intermediate housing units ).	Not more than of 50% of open market dwellings (sale/rent) shall be occupied until all affordable units within have completed and made ready for immediate occupation and use.
Arrangements for transfer to management company of all areas of planting /landscaping, POS/incidental open space Childrens play space, allotments/orchards and ecological areas		Prior to first occupation of the development

Contribution to outdoor sports facilities	<p>£56,316</p> <p>The financial contribution is £1,564 per family dwelling or £782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment). The funds would be required on commencement of development and used in line with the Council's adopted Playing Pitch and outdoor Sports Strategy.</p>	50% prior to Commencement of a dwelling, then 50% Prior to occupation 20 <sup>th</sup> dwelling
NHS Healthcare	<p>Financial contribution of £36,160 (£904 per dwelling/ apartment)</p> <p>Calculated on following basis.</p> <ul style="list-style-type: none"> <li>- Population served by surgery = 7,000</li> <li>- Equivalent number of dwellings (at an average of 2.3 persons per dwelling) = 3,043</li> <li>- Total cost of required primary care floorspace = £2,752,367</li> <li>- Contribution cost per dwelling = £904</li> </ul>	Prior to occupation 20 <sup>th</sup> dwelling

And the following conditions.

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Details of facing materials
4. Details of hard surfacing treatments

5. Details of ground levels and finished floor levels
6. Submission of landscaping scheme
7. Implementation of landscaping
8. Details of Boundary treatment
9. Details for the provision of cycle storage and bin storage
10. Submission of Details for design of LAP
11. Submission of details of the main POS to include orchard, play and green gym items, short mown area for informal games, paths and seating.
12. Revised drainage strategy to incorporate SUDS measures, subject to their suitability based on detailed ground investigations.
13. Provision of Ultra Low Emission Boilers
14. Implementation of Residents travel plan
15. Contaminated land – soil testing
16. Measures to deal with unexpected contamination
17. Implementation of Construction Environmental Management Plan (CEMP)
18. Implementation of measures to minimise the risk of harm to Hedgehog and Brown Hare during works on site
19. Safeguarding of nesting birds
20. Details of lighting to safeguard bats
21. Provision of ecological enhancement features
22. Submission and implementation of a detailed habitat management plan

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