

Application No: 14/2155N

Location: Land at Former Stapeley Water Gardens, London Road, Stapeley

Proposal: Full planning permission for the erection of 171 dwellings, public open space, alterations to existing access off London Road, and plot substitutions for two dwellings (Plot 49 and 50, approved under planning permission ref: 12/1381N)

Applicant: David Wilson Homes (North West)

Expiry Date: 24-Jun-2014

**APPROVE subject to conditions and the completion of Section 106 legal agreement to secure the following:-**

- 1. Provision of 30% affordable housing units – 50% to be provided as social rent/affordable rent with 50% intermediate tenure**
- 2. The provision of Public Open Space and maintenance and management details**
- 3. Financial Contribution of £314,542 towards Primary School Education**
- 4. The developer will provide a capital sum of £25,000 for the upgrade of two local bus stops to quality partnership designs.**

**MAIN ISSUES:**

- **Principal of development;**
- **Sustainability of the site;**
- **Design Standards;**
- **Landscape and Open Space;**
- **Private Amenity Space/Density;**
- **Residential Amenity;**
- **Affordable Housing**
- **Noise;**
- **Air Quality;**
- **Contaminated Land;**
- **Public Open Space;**
- **Highways;**
- **Ecology;**
- **Education;**
- **Landscape;**
- **Drainage;**
- **PROW**
- **Flooding; and**
- **CIL Regulations**

## REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a housing development of 171 dwellings on land which is 6.91 hectares in area.

## SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application seeks full planning permission for 171 dwellings offering a mix of apartments, mews, semi-detached and detached dwellings from 1-bed to 5-bed accommodation. The application site measures approximately 6.91 ha and is predominately flat. The site is accessed via the existing access arrangements off London Road which served the former garden centre. Phase 1 of the development is located immediately to the south of the application site and is currently under construction. A Public Right of Way Stapeley No.1 crosses the site along the existing driveway from London Road before turning north at the western part of the site towards Peter Destaplegh Way.

The application site forms part of the wider former Stapeley Water Gardens which is located within the Settlement Boundary for Nantwich as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The site is also allocated as a Mixed Use Regeneration Area which is covered by Policy S.12.5 of the Local Plan. The land to the north of the access road forms the former Stapeley Manor curtilage and grounds and contains a large number of number of trees covered by TPONo.200.

## PREVIOUS RELEVANT DECISIONS

**12/1381N** - Erection of 146 Dwellings, Public Open Space, Access and Associated Works – Approved – 8<sup>th</sup> November 2012

**09/4017N** – Planning permission approved for The Construction of Two Newt Mitigation Areas and Associated Connection Corridors on 23<sup>rd</sup> April 2010.

**P06/1001** – Outline Planning Permission was approved for the redevelopment and relocation of the existing garden centre facilities, A1 and A3 retail units, construction of Class C3 residential development, B1 office development, car parking, and ancillary facilities and infrastructure on 21<sup>st</sup> May 2010.

## PLANNING POLICIES

### National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

### Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.5 (Nature Conservation)  
NE.9 (Protected Species)  
NE.17 (Pollution Control)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.6 (Development on Potentially Contaminated Land)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)  
TRAN.9 (Car Parking Standards)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.9 (Footpaths and Bridleways)  
S.12.5 (Mixed Use Regeneration Areas - Stapeley Water Gardens)

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Cheshire East Development Strategy  
Cheshire East SHLAA  
SPD Development on Backland and Gardens  
Stapeley Water Gardens Development Brief Supplementary Planning Document (2006)

### **Cheshire East Local Plan Strategy – Submission Version**

MP1 – Presumption in Favour of Sustainable Development  
PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland

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 3 - Biodiversity and Geodiversity  
SE 9 – Energy Efficient Developments  
SE12 – Pollution and Unstable Land  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions  
C01 – Sustainable Travel and Transport  
C04 – Travel Plans and Transport Assessments  
Site CS22 - Stapeley Water Gardens, Nantwich

## **OBSERVATIONS OF CONSULTEES**

**Network Rail:** No objections

**Natural England:** No objections

**PROW:** No objections subject to the standard informative

**SUSTRANS:** No objections subject to the following comments

- 1) We are pleased to see the proposal for the footway/cycle track linking the site entrance to the London Road/Peter Destapleigh Way junction;
- 2) Can a site of this size make a contribution to the improvement of the wider pedestrian/cycle network on the south side of Nantwich?
- 3) We would like to see the design of any smaller properties include storage areas for residents' buggies/bikes.
- 4) We would like to see travel planning set up with targets, monitoring and a sense of purpose.

**Environmental Health:** No objection subject to the following being conditioned

- Environmental Management Plan;
- External Lighting;
- Noise Mitigation Scheme; and
- Standard Informative

**Air Quality:** No objection subject to the following conditions Travel Planning, Electric Vehicle Infrastructure and Dust Control

**Contaminated Land:** No objection subject to the standard contaminated land condition and the standard informative

**Environment Agency:** No objections subject to conditions relating to surface water run off and manage the risk of flooding.

**United Utilities:** No objection subject to standard drainage condition.

**Ecology:** No comments at the time of writing this report

**Landscape:** No objections

**Highways:** No objection subject to the imposition of the following conditions

1. The developer will provide a suite of detailed design and construction drawings for the revised site access junction and the off-site junction improvement at the A51 Newcastle Road/A51 Elwood Way junction, prior to first development.
2. The developer will provide a capital sum of £25,000 for the upgrade of two local bus stops to quality partnership designs.
3. Prior to first occupation the developer will provide MOVA control at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions.
4. Prior to first occupation the developer will provide a UTC system at the A5301 Peter Destapleigh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions in order to link the signal operation together.
5. Prior to first occupation the developer will provide the identified junction improvement at the A51 Newcastle Road/A51 Elwood Way junction.

and the following informatives:

1. The developer will enter into and sign a Section 278 agreement under the Highways Act 1980 for all identified off-site highway works.
2. The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the formal adoption of the proposed internal highway network.

**Public Open Space:** No comments received at time of writing report

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

No comments received at the time of writing this report

#### **OTHER REPRESENTATIONS:**

1 letter of representation has been received from Mosaic Estates raising the following points:

We refer to previous Planning Documents adopted by the Council and particularly the *Stapeley Water Gardens Development Brief, Supplementary Planning Document adopted on 27 July 2006*. The SPD was consulted on over a wide area and identified that there would be safeguards should the application be approved particularly with regards to traffic movement - *'5.6 Access to the allocation site would be taken from Peter Destapleigh Way'* within the same clause it also referred to how the area would be developed from *'the new roads – off Peter Destapleigh Way'*.

Further under Clause 5.21 the SPD refers to and states – *'Access for the whole site would be from Peter Destapleigh Way and the existing access off London Road would be closed'. 'There will only be one access to the site via the new signal controlled junction off Peter Destapleigh Way'*.

Elsewhere within the document under *ENV 4 under both option 1 + 2 – they refer under Transport and Accessibility to the need to reduce traffic conflict on the London Road and both are positive over the proposal the use of Peter Destapleigh Way as the preferred and only alternative'*.

We also as you will appreciate, objected to any residential access from London Road for the originally approved development, but were assured that the proposal for only up to 120 units from London Road would be acceptable from a highways view, especially as there where to be no access other than cycle and footpath from the new dwellings in to the balance of the site. It now appears that this safeguard is to be breached in spite of the numerous objections (not only ours) you received and in particular the one registered by Bob Hindhaugh Associates Limited.

The traffic light controlled access of Peter Destapleigh Way was constructed as part of the Audlem Relief Road within the Cronkinson Farm development; it was designed and constructed as the future access in to the Water Gardens recognising even at that time that the London Road and the traffic light junction with Elwood Way/Peter Destapleigh Way was at capacity.

We object most strenuously to the proposal to allow further development off the London Road access, especially as there is the perfect answer in the already constructed traffic light controlled junction from Peter Destapleigh Way which is immediately available. We as adjoining land owners have already shown our willingness to assist with the use of this access by signing the Section 106 associated with approved application P06/1001 submitted by NJL Consulting on behalf of the owners on 29<sup>th</sup> March 2011, identifying the perfect sense of using the properly designed and already constructed access.

## **APPLICANT'S SUPPORTING INFORMATION:**

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

### **Flood Risk Assessment (Produced by MEC Dated April 2014)**

**Ecological Survey and Assessment (Produced by CES Ecology)**  
**Transport Statement (Produced by CBO Transport dated April 2014)**  
**Noise Assessment (Hepworth Acoustics dated April 2014)**  
**Air Quality Assessment (Produced by URS dated April 2012)**  
**Utility Statement (Produced by Multi Utility UK)**  
**Tree Survey**  
**Desk Study and Ground Investigation (Produced by Hydrock dated April 2014)**

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary for Nantwich and forms part of a larger mixed use regeneration allocation for the former Stapeley Water Gardens site. Current Local Plan Policy S.12.5 covers the former Stapeley Water Gardens site and includes the application boundary. That Policy seeks to ensure the regeneration of the site to provide a mixture of employment (B1 uses), leisure, tourism and housing of up to 120 dwellings.

The Stapeley Water Gardens: Adopted Development Brief Supplementary Planning Document also covers the site. The Brief reiterates the Policy requirements of S.12.5. In summary, the Brief requires a comprehensive design approach for the site and requires three chief uses for the site as a whole, the replacement water gardens, business and housing. Two development options for the site are identified both of which identify the three principle uses to occupy approximately 1/3 of the site. Both options for the redevelopment of the site identify the site in its entirety to be serviced off Peter Destapleigh Way with the existing access off London Road to be closed.

The proposed development is not in complete accordance with the Local Plan Policy S.12.5 or Stapeley Water Gardens Development Brief in terms of proposed housing numbers proposed as the proposed scheme is for 171 dwellings (the previous scheme which is currently under construction was for 146 dwellings). In addition the proposed access arrangements are not in compliance with the Development Brief which requires the site to be accessed in its entirety from the access spur from Peter Destapleigh Way. Notwithstanding this, the site is located within the settlement boundary for Nantwich where there is a clear presumption in favour of development.

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Section 11 of the NPPF sets out the need to conserve and enhance the natural environment and outlines 'Planning policies and decisions should encourage the effective use of land by re-using land which has previously been developed (brownfield land), provided that it is not of high environmental value'. Section 6 expands further on delivering high quality homes. Paragraph

48 states that applications should be considered in the context of the presumption in favour of sustainable development.

The Local Plan policy (RES.2) for unallocated residential development requires the consideration of design and amenity. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

In addition to the above, the submission version of the Cheshire East Local Plan Strategy Policy CS 22- Stapeley Water Gardens, Nantwich states that the application site as suitable for the delivery of 150 new homes. This also adds to the weight to pursue a wholly residential scheme over the current policy and development brief. Whilst it is acknowledged that the proposal is not completely in accordance with policy CS22 of the emerging plan - being 171 dwellinghouses the site is a brownfield site and therefore suitable for development under the NPPF. It is not considered that the additional plots would represent over development of the site.

Overall, it is considered that the proposal broadly accords with saved policies within the Local Plan and with guidance advocated within the NPPF and the NPPG.

### Sustainability of Site

It is necessary to consider the three dimensions of sustainable development: economic, social and environmental. The economic dimension is clear with the requirement for housing within the Borough together with the need to secure the provision for infrastructure. The environmental role in terms of biodiversity, natural resources and climate change is considered in the sections below. Furthermore, the proposal does not result in the loss of a Greenfield site outside of the settlement boundary. In terms of the social role the proposal would help to provide for the housing needs (including affordable housing) of the Borough in a location which is well connected to the existing settlement, services and facilities of Nantwich.

It is considered that in this case that the proposed development is a deliverable brownfield site, would not conflict with the three dimensions of sustainable development.

The main considerations therefore are whether the proposed development is of appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties, highway safety or nature conservation.

### **Design Standards**

The National Planning Policy Framework support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.



The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

Furthermore, the importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The proposed dwellings would have pitched roofs and include features such as projecting gables, canopies, header and sill detailing. The proposed dwellinghouses will be constructed out of a small palette of materials including facing brick, tiles and render and these will be secured by condition, in the event that planning permission is approved. The proposal includes various types including 2 storey terraced, semi detached and detached properties. Furthermore, there will be 2 no. 3 storey apartment blocks located on the periphery of the application site. It is considered that the detailed design of the dwellings would be appropriate and would not raise any design issues. Furthermore, the proposed development reinforces the properties constructed as part of Phase 1 and the use of materials etc help to marry the two phases and is considered that this is a more holistic approach.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

The layout retains a small group of trees at the main arrival space and 2 isolated trees in the south western part of the site. The development will therefore result in the loss of hedging and other trees. The scheme incorporates a modest amount of usable open space for the number of units proposed and this is further reduced by the inclusion of the apartment block on the southern edge of the site (with associated parking). A small area of space (defined as POS) is located to the west of that building, but to all intents and purposes this would not function as such.

Concerns have been raised by the Council's Principal Design Officer to ensure that there should be more 'greening' of the street environment to help link the green spaces and form a connection with the countryside beyond. However, while these comments are noted it is considered that the development is similar in design terms to Phase 1 and there is insufficient justification to warrant a refusal on design grounds.

### **Private Amenity Space/Density**

According to the submitted plans the dwellinghouses would have a proportion of private amenity space located to the rear. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m<sup>2</sup> per dwelling. The 50m<sup>2</sup> garden area excludes any parking provision which may have been made

for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m<sup>2</sup> and would be commensurate with other properties in the immediate locality.

### **Residential Amenity**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In terms of the surrounding residential properties the majority of the application site is located to the rear of phase 1, it is noted that there is a heavily landscaped and Newt mitigation area, which separates a large section of these two phases. The remainder of the site is accessed via two internal access roads, which connect both phases and the properties on Phase 2 are either at an angle or face the properties on Phase 1. The layout of the scheme in the main satisfies spacing standard guidance and it is considered that there would be no significant harm on the amenity of future occupants of the scheme through overlooking, overbearing, daylight or privacy. However, there are some very minor breaches of spacing standards between some facing principal elevations. Notwithstanding this, it is considered that this would not result in an unacceptable level of amenity for future occupants.

The existing dwellings to the north of the site on the opposite side of Peter Destaplegh Way are a sufficient distance away to also satisfy spacing standards. The northern boundary to the site will also be landscaped (as conditioned) and this will help to mitigate any negative externalities. Furthermore, the intervening road will help to alleviate any problems associated with the proposed development.

No. 92 London Road would be sited adjacent to new dwellings at the entrance to the overall site, plots 172 and 173. The proposed development would not result in any significant harm to the amenities of this property through loss of daylight, loss of privacy, overlooking or overbearing.

With regard to the disturbance impact during the construction phase of development Environmental Health have suggested that conditions be attached to any approval relating to hours of construction, pile driving and dust control.

### **Affordable Housing**

The Interim Planning Statement on Affordable Housing identifies that on allocated sites there will be a minimum requirement to provide 30% affordable housing within the scheme. The

normal expected ratio between social rented accommodation and intermediate housing is 65/35.

The proposed scheme includes the provision of 171 dwellings, of which 51 would be dedicated to affordable housing. This equates to 30% on site affordable housing provision, of which it is proposed that 25 (50%) would be for affordable or social rented and 26 (50%) would be shared ownership/home buy properties. The scheme would deliver a proportion of affordable housing in line with the Policy requirement of 30%. However the ratio is not in line with the guidance and concern has been expressed by the Housing officer in this respect. Notwithstanding this, the ratio of affordable housing is in line with the agreed level of for affordable housing within the phase 1 development of Stapeley Water Gardens which is a material consideration. In addition, a change to the level of affordable housing provision has been required in order for the scheme to deliver improved off site highway improvement. The proposed affordable housing provision is considered to be acceptable.

The proposed mix of unit type is proposed to be:

### **Rented Units**

18 x 1 bedroom flats for Affordable or Social Rent (6 more than the current proposals)  
6 x 2 bedroom flats for Affordable or Social Rent  
1 x 3 bedroom house for Affordable or Social Rent

### **Intermediate Sale Units**

13 x 2 bedroom houses  
13 x 3 bedroom houses

The mix is considered to be acceptable as it will meet housing need for the area. The planning layout showing the proposed locations of the affordable units has been provided and the affordable units are spread across the site in clusters and show a degree of integration into the Open Market housing.

### **Noise**

The applicant has submitted a Noise Survey as part of their application and the report states that an attended daytime and night-time noise survey has been carried out at the site to establish existing noise levels outside the proposed dwellings most exposed to road traffic noise and at a position further back from Peter Destapleigh Way. In order to achieve the adopted noise criteria, a scheme of noise mitigation has been recommended including an enhanced standard of glazing and ventilation for some properties, and acoustic fencing for some gardens. There has been no objection raised from Environmental Health with regard to noise impact and this can be secured by condition.

### **Air Quality**

An Air Quality Impact Assessment has been submitted to support the application which has been assessed by Environmental Health. The report is considered to be satisfactory and its conclusions accepted. However, they have highlighted that dust during the construction

phase of development needs to be considered and have suggested that a condition be attached to any permission to require the submission and approval of an Environmental Management Plan to outline sources of dust and suggest mitigation measures.

In addition, the proposal due to its size and its proximity to the Hospital Street AQMA it is essential to consider the impact of transport related emissions on Local Air Quality. The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan. Additionally, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties

### **Contaminated Land**

The site was formerly a garden centre and therefore the land may be contaminated which needs to be fully considered as the application proposals are for a sensitive end use. A geo-environmental report has been submitted to support the application. This has recommended that further investigation works are carried out to fully assess identified possible pollution linkages within the site. The Councils Contaminated Land Officer has suggested that this can be assessed through the implementation of a contaminated land condition for a Phase II investigation to be carried out and if contamination is found then remediation measures be carried out.

### **Public Open Space**

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

According to the submitted plans the POS will be located within the centre of the site and another parcel at rear of the site. Colleagues in Greenspaces have been consulted but no comments have been received at the time of writing this report to verify whether the location of the POS as shown on the layout plan is acceptable. Members will be updated in the update report once a response is received.

### **Highways**

Highways issues and the ability to access the entirety of the site from London Road has previously been the subject of much debate and local concern. The detailed comments from the Strategic Highways Manager are therefore included below.

The application has been subject to extensive pre application negotiations. David Wilson Homes wish to access Phase 2 of this development from the A51 London Road and opened a

pre-application dialogue with the Strategic Highways Manager in 2014 with a view to exploring this access option.

As a result the S.H.M required the highway consultant representing David Wilson Homes to provide a significant and in depth analysis of the London Road access, its capacity and its relationship with the traffic signals at the junction of Peter Destaplegh Way.

This analysis was agreed to be developed from first principles and involved: extensive site surveys, video survey, flow counts and turning movement counts at the signal junction.

In addition a full analysis of the proposed traffic generation from the Phase 2 development was required and this included for an assessment of the above junction plus the Elwood Way/A51 Newcastle Road junction to identify whether a solution in terms of traffic capacity could be identified which would allow the Phase 2 proposal to be accessed from the A51 London Road.

This analysis identified necessary options to improve both of these signal junctions and improve available traffic capacity and accommodate the traffic generated from the proposed development.

These improvements identified the need for the two signal junctions to be linked (so that they work together) and improved again by the provision of a system which improves the junction intelligence with regard to the ranking of traffic priority through advanced approach sensor systems.

In addition some geometric changes to the existing site junction with the A51 London Road are proposed which would improve turning movements and ensure that emergency access is maintained in any event.

A Road Safety Audit has also been provided for the revised access into the site to prove safe turning movements for both access and egress and this analysis has been verified by the S.H.M.

The object of the pre-application highway analysis was to determine whether a viable access could be achieved from the London Road access for the second phase of the development.

It was also noted at the time that this analysis was conducted against a proposed number of 194 residential units rather than the 171 units which are the subject of this application.

The Technical Note which presented the assessment work was scrutinised by the Strategic Highways Manager and was accepted as a viable solution to access the site via the London Road access.

Subsequent to the pre-application highway technical note, the S.H.M. agreed a scope for the Transport Assessment which accompanies this planning application.

This included for the junctions assessed in the pre-application work and also additional junctions on the strategic highway network.

The additional assessment junctions included in the TA are:

- A5301 Peter Destapleigh Way/Pear Tree Field signal junction.
- A51 Newcastle Rd/Nantwich By-pass/Cheerbrook Rd/A500/Newcastle Rd roundabout (Cheerbrook roundabout)
- A51 Nantwich By-pass/A534 Crewe Rd/Park Rd roundabout (Peacock roundabout)
- B5074 London Road level crossing.

Traffic flow data for these junctions was collected from a variety of sources including: CEC, recent transport assessment work and new traffic counts. This baseline data was approved by the S.H.M. and formed the basis on which the TA assessment was based alongside approved trip rates for traffic generation.

Transport Assessment findings.

Sustainability is a key issue for development sites and this site is shown to have good sustainable links for: pedestrian, cycle and bus travel. The site is also within reasonable distance of the railway station at Nantwich which is just 14 minutes by bus travel from the site. The S.H.M. accepts that this site is in a sustainable location. Any development should seek to promote the use of sustainable transport modes and to this end the S.H.M. will require a contribution for the upgrade of local bus stops in the local area.

The trip rates have been derived from the TRICS database in line with industry recognised standards and are very robust at over 0.7 trips per dwelling.

This means the derived flows for traffic generation from the site demonstrate what is considered to be a true impact on the local highway network and the proposed junction improvements show sufficient capacity to manage the proposed flows.

The interaction between development traffic accessing the site either for access or egress have been the subject of much analysis and site observations have been taken by the Strategic Highway Managers representative together with the applicants highway consultant to verify the first principles approach including extensive video record.

It is clear from the operation of the junction that turning movements into and out of the site are comfortable for the highway user and that at any time when queuing reaches the development junction that driver courtesy is sufficient to allow appropriate operation.

The queue analysis completed from the Peter Destapleigh Way signals past the site entrance show that with the offered improvements, future queuing with growth and in the future assessment year will not unnecessarily impede the operation of the junction.

Road Safety Audit assessment has verified the operation of this junction arrangement.

In order to ensure safe and adequate access to the site, including for emergency access Drawing No:CBO-0163-001 Rev B demonstrates improvements to the existing site access

which will provide for the increased traffic demand and will provide the footway cycle link into the site.

In addition to the above analysis the TA notes that the proposed development site has an extant permission for an office development and the replacement Stapeley Water Gardens facility from 2011 which was proposed to take access from the signal junction stub off Peter Destaplegh Way. This development proposal would generated circa 600 trips onto the immediate highway network in both the morning and evening peak hours.

This current proposal to develop the site for residential development would replace the extant 2011 permission and generate significantly less traffic at circa 130 trips in the morning and evening peak hours. This is approximately 470 less trips onto the existing network in the peak hours.

The crucial difference between the extant permission and this new proposal is that the intention is to take access from the existing London Road junction rather than from the signal junction on Peter Destaplegh Way.

The evidence in the Transport Assessment endorses the pre-application investigations into this access strategy which proved conclusively that with the proposed junction improvements and the linking and upgrade of the signal junctions at each end of Elwood Way will mitigate for development impact and create traffic capacity at these junctions across the working day.

It is also noted by the Strategic Highways Manager that the extant 2011 permission did not propose any junction improvements on the existing highway network despite the heavier traffic generation.

The reason why this new development proposal requires the junction improvement is to absorb the generated traffic flow via the London Road route to and from the site.

It is therefore considered that this access strategy, as well as mitigating for the development proposal will in fact provide betterment to the local highway network.

#### Associated road improvements

The Transport Assessment has assessed the traffic impact at the following junctions:

- The A5301 Peter Destaplegh Way / Pear Tree Field signal junction
- The A51 Newcastle Road / A51 Nantwich Bypass / Cheerbrook Road / A500 / Newcastle Road roundabout (referred to from here on in as the “Cheerbrook” roundabout)
- The A51 Nantwich Bypass / A534 Crewe Road / Park Road roundabout (the “Peacock” roundabout)
- The B5074 London Road level crossing.

Detailed assessments at these junctions show that with the reduced traffic generation from this new proposal compared to the extant permission and allied to the junction improvements which will be provided by the scheme, the impact on the local network will be non-material in terms of junction operation both at the time of opening and in the future assessment year.

The Strategic Highways Manager agrees this position and will require a Section 278 agreement for the junction improvements and planning conditions to secure timely delivery.

#### *Internal site features.*

This is a detailed planning application and the proposed layout will carry a design which is consistent with Phase 1.

The development will include for a continuous cycle link through the site and pedestrian facilities will also give continuous access to all areas.

Parking provision will comply with the latest Authority guidance which is part of the new Draft Local Plan document.

The proposed layout will continue the design theme from phase 1 and this will be acceptable to the S.H.M.

Overall, this development proposal will give benefit to the existing highway network via both a significant reduction in generated traffic when compared to the extant permission on the site and through related and necessary highway junction improvements which are required to make the revised access strategy work in an acceptable way and the development is in accordance with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- 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

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."



## Reptiles

Grass snakes have previously been recorded on this site, however all amphibians and a single grass snake were removed and excluded from the footprint of the proposed development in 2011. The Councils Ecologist advises that reptile species are now no longer likely to be present or affected by the proposed development.

## Great Crested Newts

Great crested Newts were removed and excluded from the application site under a Natural England license in 2011. All amphibians removed from the site were translocated to an adjacent mitigation area. Consequently, the Councils ecologist states that this protected species is not reasonable and likely to be present or affected by the proposed development.

The adjacent mitigation area is however subject to on-going management and monitoring. I advise that it must be ensured that appropriate access to the mitigation area for management purposes is maintained. An appropriate access does not appear to have been provided as part of the submitted layout plan. The ecologist recommends that the proposed plans be amended to include the required access which have been requested from the Agent and Members will be updated accordingly.

In previous dry weather some of the ponds associated with the mitigation area have been subject to drying out. The possibility of utilising water from the roofs of the proposed houses to assist with the maintenance of the water levels of the ponds should be explored and this will be conditioned accordingly.

In order to minimise the risk of invasive non-native species being introduced into the ponds within the mitigation area measures must be put in place to deter public access into the mitigation area. The ecologist recommends that the applicant provide details of appropriate boundary treatment for the boundaries of the site adjacent to the mitigation areas, which will be secured by condition.

## Additional access proposed in east of the site.

The additional access proposed within the recently constructed eastern block of housing is proposed within an area allocated as a wildlife corridor forming part of the overall ecological mitigation strategy for the redevelopment of the site. Additional native species hedgerows are proposed adjacent to the cycleway to ensure the movement of great crested newts is not significantly hampered a new hedgerow is also proposed along the western boundary of the application site.

If the cycleway is retained as part of the proposed development and planning consent is granted the ecologist recommends that a condition be attached requiring planting and aftercare details of the proposed hedgerows be submitted to the LPA prior to the commencement of the development.

## Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The proposed development is likely to result in some significant losses of hedgerow. The Councils ecologist recommends that existing hedgerows be retained wherever possible and that new hedgerows be incorporated into the landscaping scheme for the site to compensate for any losses.

### Bats

A number of mature trees are present on site a number of which appear likely to be lost as a result of the proposed development. No evidence of roosting bats was recorded during the submitted survey and the Councils ecologist advises that roosting bats do not present a constraint upon the proposed development

### Water Voles

An acceptable survey has been undertaken for this species. No conclusive signs of water voles was recorded during the submitted survey and I advise that this species is unlikely to be present or affected by the proposed development.

### Breeding Birds

The Councils Ecologist states 'If planning consent is granted standard conditions will be required to safeguard breeding birds', which will be conditioned accordingly.

### Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. The amphibian fencing erected around the site would limit the potential for hedgehogs to occur on site.

## **Education**

Colleagues in the Councils Education Department have been consulted and they state 'The applicant was made aware that there is no capacity forecast in the local primary schools, but there should be capacity within the local secondary schools'. The Education Officer notes that the application is for more than 161 dwellings, but he considers that only 161 can be considered as family properties. According to the Councils calculations there will be a deficit of 29 primary places as a result of this development. As such a contribution of £314,542 has been requested by the Education Officer to compensate for this deficit.

## **Landscape**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

The Councils Landscape Officer has no objections to the proposal subject to the imposition of the following conditions; tree and hedgerow retention and protection scheme, a detailed landscape scheme, full hard and soft landscape details, details of boundary treatments,

landscape implementation and 5 year replacement and a landscape management plan. These conditions will be attached in the event that planning permission is approved for the proposed development. Overall, it is considered that the development is in accord with policy NE.5 (Nature Conservation and Habitats).

## **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

## **PROW**

The development has the potential to affect Public Footpath Stapeley No.1, as recorded on the Definitive Map of Public Rights of Way held at this office (working copy extract attached). This footpath is currently the subject of a diversion Order which has not yet been confirmed. Colleagues in PROW have been consulted and raise no objection to the proposal subject to the standard informative. However, they have requested that other works in the area could be installed, which will help with improving pedestrian and other non car modes of transport in the locality. It is considered the majority of these works are located outside the area edged red on the site plan and are not on land owned by the applicant. Consequently, it is considered that these improvements are unreasonable and cannot be justified.

## **Flooding**

The applicant as part of the application has submitted a Flood Risk Assessment (FRA). The FRA states *'that the site lies in an area of Zone 1 Flood Risk and the development is located outside of the known flood extents'*. The FRA goes on to state that *'In order to achieve an overall drainage system suitable for adoption by United Utilities Ltd, flows from the Phase 1 sewers will be diverted from the former Stapeley Water Gardens drainage system into the proposed Phase 2 surface water drainage system, to mitigate the flood risk from sewer sources'*. Colleagues in the Environment Agency have been consulted and subject to the conditions previously cited no objections are raised. Therefore, it is considered that the proposed development is in accordance with policy BE.4 (Drainage, Utilities and Resources) and it is not considered a sufficient justification to warrant a refusal and sustain it at any future Appeal.

## **LEVY (CIL) REGULATIONS**

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

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

The development would result in increased demand for primary school places which has very limited projected spare capacity. In order to increase capacity of local school which would support the proposed development a contribution towards primary school provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

There are identified road capacity issues within the south Nantwich and the proposed Highways financial contribution towards upgrading bus stops in the locality would compensate for the increased movements resulting from this scheme.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The application site is located within the settlement boundary for Nantwich where there is a presumption in favour of development. The site is allocated within the current Local Plan as a mixed use regeneration scheme to deliver leisure and tourism facilities, business units and residential development. While the number of units proposed and access details differ from those specified in the Development Plan, it is noted that planning permission has already been granted for large parcel of the site for solely residential development, which is a material planning consideration. The Submission version of the Cheshire East Local Plan Strategy also identifies the site solely for housing and given the status of the plan this also carries weight to underline that the principle of housing development is acceptable.

It is considered that the proposed development is of an acceptable design and would not cause significant harm to the character and appearance of the area, or the amenities of neighbouring properties. In addition the proposed development could be carried out without having an adverse impact on great crested newts or other protected species.

The National Planning policy Framework in paragraph 14 makes it clear that planning permission should be granted for sustainable forms of development. There are no adverse impacts resulting from this development which would *significantly* or *demonstrably* outweigh the clear benefits of the scheme.

Subject to the above it is recommended that the proposed development should be approved subject to the completion of a Legal Agreement to secure the delivery of affordable housing, open space, contribution towards primary school education, contribution towards off site highways improvements.

**APPROVE subject to completion of Section 106 legal agreement to secure the following:-**

1. A scheme for the provision of 30% affordable housing – 50% to be provided as social rent/affordable rent with 50% shared ownership/homebuy. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A financial contribution of £314,542 towards improved primary school provision
3. The developer will provide a capital sum of £25,000 for the upgrade of two local bus stops to quality partnership designs.
4. A scheme for provision of a Public Open Space to be maintained by a private management company. The scheme shall include:
  - Timing and delivery of POS and its phasing into the development
  - Long term maintenance and management

And the following conditions

1. Standard Time Limit (3 years)
2. Approved Plans
3. Submission of Materials
4. Full details of all surfacing materials
5. Full Landscaping scheme to be submitted, including details of replacement trees/hedgerows and aftercare
6. Landscaping Implementation
7. Full details of all boundary treatment. Boundary treatment onto newt mitigation land shall not be close board fence
8. Details of Pump Station to be submitted
9. Submission of 10 year habitat management plan including proposals for monitoring
10. Implementation of recommendation made by the submitted Protected Species Survey undertaken by CES Ecology.
11. Survey for breeding birds
12. Features for Breeding Birds to be submitted and approved in writing by the LPA
13. Details of newt tunnels to be submitted and agreed in writing by the LPA
14. Parking to be provided prior to first occupation of the dwelling
15. Method Statement for pile driving to be submitted. All piling operations shall be restricted to - Monday – Friday: 09:00 – 17:30 hrs, Saturday: 09:00 – 13:00 hrs, Sunday and Public Holidays: Nil
16. Noise mitigation measures to be carried out in accordance with Acoustic Statement including provisions for ventilation

17. Submission of an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation.
18. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
19. Removal of permitted development rights
20. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
21. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
22. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing
23. Details of phasing of development to be submitted and approved
24. Tree and hedgerow retention and protection scheme to be submitted and agreed in writing
25. A single Electric Vehicle Charging Point shall be provided in each property with designated parking spaces (including garages). Charge points to be suitable for overnight charging of electric vehicles.
26. A robust Travel Plan shall be developed for with the aim of promoting alternative / low carbon transport options. The plan shall be agreed with the LPA prior to the first occupation / use coming into effect and shall include suitable and measurable targets with the aim to reduce transport related emissions. The plan shall be implemented and enforced throughout the use, reviewed every 5 years, with a report provided to the LPA annually on achievements against the agreed targets.
27. Details of external lighting to be submitted and agreed in writing with the LPA
28. Full details of the footpaths/cycleways to be submitted and agreed in writing
29. The developer will provide a suite of detailed design and construction drawings for the revised site access junction and the off-site junction improvement at the A51 Newcastle Road/A51 Elwood Way junction, prior to first development.
30. Prior to first occupation the developer will provide MOVA control at the A5301 Peter Destaplegh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions.
31. Prior to first occupation the developer will provide a UTC system at the A5301 Peter Destaplegh Way / A51 London Road and A51 Newcastle Road / A51 Elwood Way junctions in order to link the signal operation together.
32. Prior to first occupation the developer will provide the identified junction improvement at the A51 Newcastle Road/A51 Elwood Way junction.
33. Drainage Scheme to be submitted and agreed in writing
34. Features for Hedgehogs to be incorporated into the scheme
35. Prior to the commencement of development detailed proposals for the incorporation of a suitable access to be provided to the adjacent great crested newt mitigation area.
36. Prior to the commencement of development details for a scheme for rainwater harvesting from the proposed residential properties to provide an additional source of water for ponds A2,A3 and A4 to be submitted to the LPA prior to the commencement of development.

## **INFORMATIVE(S):**

No change to the surface of the right of way can be approved without consultation with the PROW Unit. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- there is no diminution in the width of the right of way available for use by members of the public
- no building materials are stored on the right of way
- no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
- vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way
- no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
- no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- the safety of members of the public using the right of way is ensured at all times"

## **Hours of Construction**

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

*\*For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

The developer will enter into and sign a Section 278 agreement under the Highways Act 1980 for all identified off-site highway works.

The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the formal adoption of the proposed internal highway network.

**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 Development**

**Management and Building Control 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.**



