

## 1. Application under consideration:

|                                   |                                                                                                                                                                                                                                                          |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application No:</b>            | 22/03297/S73                                                                                                                                                                                                                                             |
| <b>Location:</b>                  | Land Off Chester Road Malpas                                                                                                                                                                                                                             |
| <b>Proposal:</b>                  | Residential development for up to 57 dwellings, the provision of a Community Health Hub and open space - Removal of conditions 18 (future connection) and 19 (BREEAM completion) and vary condition 5 (phasing plan) of planning permission 17/04664/OUT |
| <b>Consultation Deadline Date</b> | 14 <sup>th</sup> October 2022                                                                                                                                                                                                                            |

## 2. Executive summary: *(Delete which statements are not appropriate and add reasons.)*

1/ Malpas Parish Council supports this application because:

**2/ Malpas Parish Council strongly objects to this application after careful consideration of the observations given below.**

3/ Malpas Parish Council would make the observations as documented below:

4/ If the Cheshire West Council Planning Authority is minded to approve the application the Parish Council would request that the following conditions be included:

|            |                                                                                                                                                                                      |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>i/</b>  | That a significant contribution be sought for the expansion of the Laurel Bank Medical Practice.                                                                                     |
| <b>ii/</b> | That the proposed contribution for the loss of the link road to Highways be used for highway improvements only in Malpas and in particular to help facilitate car parking in Malpas. |

## 3. Background Factors:

|                                      |                                     |                                       |                          |                   |                          |
|--------------------------------------|-------------------------------------|---------------------------------------|--------------------------|-------------------|--------------------------|
| Open countryside                     | <input checked="" type="checkbox"/> | Within settlement boundary            | <input type="checkbox"/> | Conservation area | <input type="checkbox"/> |
| Listed Building                      | <input type="checkbox"/>            | Tree Preservation Order               | <input type="checkbox"/> |                   |                          |
| Relevant Neighbourhood Plan Policies |                                     | <b>Neighbourhood Plan Policies???</b> |                          |                   |                          |

## 4. Positive aspects of development

|                                     |                 |
|-------------------------------------|-----------------|
| Potential benefits to the community | None identified |
|-------------------------------------|-----------------|

## 5. Material considerations against development (visual, noise, pollution etc.)

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Potential impact on neighbours      | None identified                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Potential impact on wider community | <p>The removal of the link road will lose the potential benefit of a reduction of traffic entering the town centre via the Tilston Road and then proceeding up Chester Road</p> <p>This link road would negate any traffic travelling into the town centre by new residents of the recently approved application for 31 dwellings on land off Tilston Road (Application 19/03521/FUL) who would wish to access the Bishop Heber School, the A41 Trunk road and towns and cities beyond.</p> |

## 6. Other relevant information for consideration

The applicant is seeking removal of some of the conditions (5, 18 and 19) set when permission of the Outline Application (17/04664/OUT) was granted.

This development site which lies partially outside the authorised settlement boundary was granted permission on the grounds that there would be clear benefits to the local community.

These benefits included the delivery of a much-needed new Community Health Hub and the inclusion of a link road to the adjacent development site.

This original outline application was unique in the fact that a number of dwellings within the plan were recognised as being located outside the authorised settlement boundary. As such the Parish Council and the local community were required to agree to support the application. This was the case on the benefits agreed at the time.

This application seeks to remove those benefits.

Indeed, the original application received considerable support from the local community based on these benefits. Without them there would have been no appetite for the original application.

**At the time it was concluded that without the benefits of the new Community Health Hub and a link road the harm caused by this development would outweigh the benefits.**

It is recognised that the finance previously arranged and earmarked for the construction and equipping of the new Community Health Hub was subsequently withdrawn by the Clinical Commissioning Group (CCG) before the site landowners signed the section 106 agreements.

A 2010 Cheshire West and Chester Council assessment of Malpas as a Key Service Centre determined that its infrastructure could accommodate some 200 new dwellings by 2030.

The dwelling permissions granted are now 100% over that sustainability figure i.e. over 400 new dwellings now granted. The cumulative effect of all this overdevelopment of Malpas has been to put a server strain on the local infrastructure which has not received any additional investment for the additional houses granted permission.

This takes the town into an unsustainable situation, and any loss of subsequent improvements in infrastructure should be resisted.

### Conditions set at the Outline Planning Application stage

5. The development hereby approved shall be carried out in accordance with a phasing plan to be submitted as part of the first reserved matters approval to be submitted. The phasing plan shall ensure that;

- a) No more than 22 of the dwellings hereby approved shall be occupied prior to the formation of the northern-most approved access (Plan ref CBO-0560-001 Rev A) and the installation of essential infrastructure and services comprising electrical supply, gas supply, water supply, foul and surface

water drainage connections (approved pursuant to condition 9 of this permission) and telecommunications for the Health Hub hereby approved;

b) No more than 43 of the dwellings hereby approved shall be occupied prior to the Health Hub being constructed and made ready for occupation for its intended purpose.

**Reason:** To ensure that the benefits of the proposed development are delivered at an appropriate time.

## Response

The application states that the Health Hub is no longer required and that they are unable to provide an access road to the Planning Application boundary due to a ransom strip which cannot be resolved with the land owner.

This statement is incorrect and the Health Hub is still required for Malpas and was fundamental to planning permission being granted on this site, part of which lies outside the authorised settlement boundary. See rational in 5b below.

The developer is subsequently looking to have Condition 5 amended to:

"The development hereby approved shall be carried out in accordance with a phasing plan to be submitted as part of the first reserved matters approval to be submitted"

The Parish Council would respond as below

5a) we recognise that the funding for the new Community Health Hub has currently been withdrawn by the CCG.

However in the current national government turmoil, with many changes in strategic and economic policies and direction, this funding may be subsequently be re-instated in the near future.

Therefore the Parish Council would object to the removal of condition 5a. on the basis that the infrastructure for the proposed Health Hub could be completed given its proposed location was on the North east section of the site and not in the area defined as phase 3 of the development.

5b) the purpose of the building of a new Community Health Hub was to ease pressure on the current patient pressure on the Malpas Laurel Bank Medical Practice. In this respect the provision of a new Health Hub is still required and essential for adequate health care in this remote area of Cheshire.

*(Ward population approximately 4000 residents. Patients on the surgery books equals approximately 7000 residents.)*

As stated above a new Community Health Hub on this site cannot currently be financed.

Condition 5b if retained would prevent the completion of the whole of the 57 approved dwellings on this site.

The Laurel Bank Surgery has been granted permission to extend their existing building on Old Hall Street, however finance is again the barrier to that extension being constructed.

Given that the crisis in our local health support for our local residents, the Parish Council would ask if a compromise could be reached by way of allowing the removal of condition 5b in exchange for a contribution to the proposed extension to the Laurel bank Surgery.

This approach would help to secure some of the benefit guaranteed under the conditions attached to permission of the Outline Planning Application.

18. The layout submitted as part of any reserved matters application for the residential development shall include details of a scheme for vehicular and pedestrian access routes to be provided through the site from the approved site access to the land to the west of the application site as shown for illustrative purposes on drawing 6341\_10 Revision C Framework Plan as 'Potential Connection'. The scheme shall be implemented in accordance with the approved details and in accordance with a timetable to be submitted to and agreed in writing prior to the first occupation of any dwelling hereby approved.

**Reason:** To ensure that the site can be suitably connected in future.

## Response

The application states that the Health Hub is no longer required and the developer is unable to provide an access road to the Planning Application boundary due to a ransom strip, which they cannot be resolved with the land owner.

This does not make logical sense. If this application is granted then the developer will be building their phase 3 (14 dwellings on the land that borders the boundary with the adjacent site.)

The imposition of a ransom strip is only going to penalise either Cheshire West or Malpas Parish Council if they want to see a connected link road in the future, as neither of the site developers would have interest in resolving the ransom strip once the houses on both sides of the boundary were built.

The Parish Council deems this link route as essential to help mitigate against town centre traffic congestion as highlighted in the potential impact on wider community in section 5 above; and therefore strongly objects to the removal of this condition.

19. Within twelve months of completion of the health hub development, the final BREEAM Certificate certifying that the buildings hereby approved have achieved (as a minimum) the rating attained at the interim BREEAM certificate stage (as approved under condition 10 of this permission) shall be submitted to the Local Planning Authority.

**Reason:** To maximise opportunities to incorporate sustainable design features within the development

## Response

The Parish Council has no objection to this condition being removed recognising that the Community Health Hub will not be built at this moment in time.

*Malpas Parish Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.*

**Signed:** Clerk Malpas Parish Council

**Dated:**