

Strategic Planning Board

Updates

Date: Wednesday 22nd February 2017
Time: 10.30 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the committee agenda.

6. **16/1922C - Residential development, site access points, public open space, green infrastructure and associated works; together with the realignment of the western end of Back Lane, Land To The East Of Black Firs Lane And To The South of Back Lane, Back Lane, Somerford for The Richborough Estates Partnership LLP (Pages 3 - 4)**
8. **16/5156C - Residential Development for 170 houses & associated works, Land off Black Firs Lane, Somerford, Congleton for Mr Taylor, Barratt & David Wilson Homes North West (Pages 5 - 8)**
9. **16/2583C - Outline planning permission for residential development to include details of access, Land West of, Bradwall Road, Sandbach for Site Plan UK LLP (Pages 9 - 10)**
10. **15/4865M - Full planning permission for erection of logistics warehouse (6728sqm Use Class B8) and ancillary trade sales, with associated access, parking, ecological wildlife corridor, landscaping and external works, Land at Adlington Business Park, Adlington for Euroscape Securities & Arighi Bianchi Ltd, c/o Euroscape Developments Ltd (Pages 11 - 12)**
11. **16/4436M - Proposed Poynton Relief Road, Chester Road, Poynton (Pages 13 - 16)**

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APPLICATION NO: 16/1922C

LOCATION: LAND TO THE EAST OF BLACK FIRS LANE AND SOUTH OF BACK LANE SOMERFORD, CONGLETON, CHESHIRE

PROPOSAL: Residential development, site access points, public open space, green infrastructure and associated works; together with the realignment of the western end of Back Lane.

REPORT CORRECTION

The description of development on page 42 refers to the site access from the re-aligned Back lane to be provided prior to the development commencing.

The Strategic Highways Manager advised that there is no requirement for re-alignment to occur prior to commencement. He advises that this can be constructed by the developers by the occupation of the 80th dwelling, it is not required prior to commencement of the development

CONCLUSION:

There are no changes to the recommendation or the Heads Of Terms

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APPLICATION NO: 16/5156C

LOCATION: LAND OFF BLACK FIRS LANE, SOMERFORD, CONGLETON, CHESHIRE

PROPOSAL: Residential Development for 170 houses & associated works

CONSULTATIONS:

Housing: Raise no objections to the application, but note that following discussions with the applicant who raised concerns about the wording referenced in the recommendation concerning Section 106 requirements:

“I have no objection to the references to Lifetime Homes and CSH Level 3 being removed from the report. Neither standard actually exist anymore, although they probably did when the Outline application was approved.”

Education: Under the representations section (P86) the figure of £300,901 is given as the required Education contribution. This was the original figure, and has since been amended, and should read £272,748 as set out in the Education section of the appraisal at P108, and the Recommendation on P112.

REPRESENTATIONS:

The resident at no. 12 Chelford Road has raised a number of concerns. Firstly the report, under the amenity section references properties 6, 8 & 10 Chelford Road. This is incorrect the three new properties with boundaries to the development are no. 6, 8 & 12 Chelford Road, the numbers not running in sequence. The resident also specifically raises the boundary issue, where a 1.8m high fence is proposed on-top of a retaining feature accommodating the level difference at this point, amounting to a height difference of some 3m. The resident also feels a wildlife corridor should be created along the site boundary to create a buffer between the new and existing houses.

KEY ISSUES

Amenity: It is accepted the house numbers quoted in the report are incorrect, they are new houses and not yet plotted on any map base. The reference to 8 & 10 Chelford Road should be to 6 & 8, and the reference to 6 should be no. 12 Chelford Road. The relationships and impacts however as set out remain unchanged.

Dealing with the specific issues. The fence has been discussed with the applicant and they have suggested lowering it to some 900mm with of course the level difference amounting to some 2.1m. This would lessen the visual impact from the side passageway of the house, but lead to some loss in privacy at this point.

The wildlife corridor again has been discussed with the applicant. They do not consider it appropriate or needed, and there is some sympathy for this view. Firstly it is not considered necessary for amenity reasons as, set out in the report the relationships are considered acceptable. Secondly for ecological reasons as it would only lead to the main road, not creating any corridor links off site as would normally be the intention of such links. Thirdly it runs along the south side of new properties and as such tall planting would not be appropriate leading to a low hedge type feature which would have less screening or ecological value. Finally it would be difficult to maintain and experience of such features is that they are likely to be absorbed into the adjoining gardens. A hedge along the boundary could be stipulated, and approved as part of the landscaping condition as this would reduce the visual impact of a 1.8m fence.

Urban Design: The applicant has looked at the proposed houses on the site frontage as discussed in the officer's report, and has amended the house types to introduce more of a mix of house types, roofs and materials. The proposals are considered an improvement, and whilst it will never replicate the variety of properties on Chelford Road and Blackfirs Lane it is considered acceptable.

Housing: Following receipt of housings comments, it is recommended that the 106 requirements set out in the report are amended in line with Housing's comments.

Trees: The Tree Officer has looked at the arboricultural Impact Assessment and Tree Protection Report submitted and comments:

"The Assessment identifies the removal of four individual moderate (B) category trees, a moderate (B) category group, part of a moderate B category group and two Low (C) category groups to accommodate the proposed access and housing. This equates to approximately 161 trees, of which most comprise of a semi and early mature Birch copse many of which are in decline. An assessment of the site in 2014 resulted in a new Tree Preservation Order being made on woodland to the north of Holmes Chapel Road and a group of trees to the rear of 15-21 Black Firs Lane. The remaining trees, included those identified for removal in this application were evaluated at the time and were not considered to be of sufficient amenity value to warrant protection within the new TPO.

The design of the plots in terms of their relationship/social proximity to retained protected trees and woodland located immediately offsite is considered to be sustainable with no significant long term future conflicts anticipated.

Hedgerows along the eastern and western boundaries of the site have been identified as important under the Hedgerow Regulations and it is noted that sections of the eastern boundary hedgerow will require removal to accommodate proposed access into the site. It should be noted that sections

of this hedgerow were recently cut down in the proposed access positions (Enforcement Ref 17/00151E). The offence para 7 under the Hedgerow Regulations is for removal. As the hedgerows have been cut down and not removed, no offence has been therefore committed.”

A condition requiring the development to be carried out in strict accordance with the Impact Assessment and Protection Plan is recommended. This is picked up in Condition 6.

Landscape: The applicant has submitted an amended landscape plan, but with the Landscape Officer’s concerns regarding planting within the housing areas it is not recommended this is approved, and instead the detailed landscape plans should be subject to a condition. This is picked up in condition 4.

Public Open Space: The applicant has submitted a plan showing the extensive areas of Amenity Green space on the site. Whilst the comments of ANSA are awaited on this it needs to be highlighted that the application follows the outline approval in provision, and whilst there may be detailed issues with regards to the proposed LEAP this can be subject to 106 requirements as set out in the officers report.

Jodrell Bank: It should be noted that, should Members approve the application, the Council would have to notify Jodrell Bank of the intention to grant planning permission under the existing Jodrell Bank Direction for a period of 21 days prior to the issuing of a Decision Notice.

CONCLUSION:

There are no changes to the recommendation, however as noted above the decision should be Subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

In addition it is recommended that the wording set out above under Housing is removed from the 106 Section. Finally Members may want to consider whether a boundary hedge should be provided adjoining no. 6, 8 and 12 Chelford Road.

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STRATEGIC PLANNING BOARD UPDATE - 22nd February 2017

APPLICATION NO: 16/2583C

PROPOSAL: Outline planning permission for residential development to include details of access

ADDRESS: Land West of Bradwall Road, Sandbach

APPLICANT: Site Plan UK LLP

Corrections

The officer report states within the summary and planning balance section that; '*An update will be provided in relation to the impact upon the highways network and the setting of the Listed Building at Abbeyfields*'. This is incorrect and is not relevant to this planning application.

Within the planning balance section it states that '*The improvements to the Wheelock Rail Trail*'. This is incorrect and it should state '*The improvements to Sandbach FP6*'.

Reason for refusal 3 contains a minor spelling error and should state '*landscape character of the area*'.

RECOMMENDATION:

No change to the recommendation other than to correct the spelling mistake listed above.

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STRATEGIC PLANNING BOARD – 22 February 2017

UPDATE TO AGENDA

APPLICATION NO.

15/4865M

LOCATION

Land at Adlington Business Park, Adlington

UPDATE PREPARED

17 February 2017

CONSULTATIONS

Environmental Health (Air Quality) – No objections subject to conditions relating to a travel plan and electric vehicle infrastructure

Contaminated Land – No objections subject to conditions relating to contaminated land

Adlington Parish Council - No objections subject to tree planting and other appropriate measures being taken to mitigate the impact of the development on nearby dwellings

REPRESENTATIONS

Two further letters of representation has been received from neighbouring properties objecting to the proposal on the following grounds:

- Noise assessment does not take into account 24/7 operation (only hours between 7.45 and 19.00).
- Noise levels are harmful to public health.
- Sound barrier will not remove this risk
- The grade II listed buildings have always had a rural setting and the proposed development will destroy that.
- Take issue with the assertion that the Industrial Estate was always going to extend into this field. Apart from its designation as Green Belt, the previous Preferred Route for the Poynton bypass would have completely cut off access and made the field impossible to develop.

APPLICANT'S SUBMISSION

The applicant has sought to address the issues raised in the report with the following submissions:

Other sites

Handforth sites zoned for retail

Position of acoustic fence

Old layout submitted, new layout now within updated noise report shows fence on boundary.

Public benefits of proposal

Public benefits outweigh harm to setting of listed building by some distance. More employment, less traffic in Macclesfield Town Centre and 3 further sites for much needed affordable housing.

Tests of Habitats Directive

Impact can be mitigated and Council's ecologist is satisfied with proposals.

Ancillary Trade Sales

This is a quarterly sale of old stock as Arighi Bianchi do at their existing warehouses, and takes place on a Saturday only 4 times per year. They are also carried out with far less staff than on weekdays so there is no increase in the parking requirement.

Access onto Bridleway

There is no vehicular access proposed onto the Bridleway.

RESPONSE TO APPLICANT'S SUBMISSION

The other sites that could be considered in Handforth are not allocated for retail use. They are employment sites.

It is not considered that the updated noise report can be accepted at this late stage as insufficient time remains for any re-consultation of interested parties. Furthermore, the revised fence position brings it very close to the front elevation of the listed barns, and their windows. The revised position may therefore raise more issues than it solves.

The public benefits identified are noted, but are still not considered to be sufficient to outweigh the harm to the designated heritage asset.

Whilst the Council's ecologist is satisfied with the mitigation, two of the three tests of the Habitats Directive are not adequately met – overriding public interest and no satisfactory alternative – for reasons explained in the original report.

The ancillary trade sales are not considered to result in any significant highways issues, and given that no access is proposed onto the Bridleway, the impact upon this right of way is considered to be acceptable.

CONCLUSIONS

As in the original report a recommendation of refusal is made.

Strategic Planning Board – 22nd February 2017

UPDATE TO AGENDA

APPLICATION No.

16/4436M – Construction of Poynton Relief Road, incorporating: a two way single carriageway; combined cycleway and footway on the western side of the carriageway; modifications to existing road junctions; new public rights of way/accommodation bridges; balancing ponds for drainage purposes; and associated landscaping, lighting; ancillary operations, engineering and infrastructure works.

Within Cheshire East the scheme comprises construction of the proposed Poynton Relief Road from the A523 London Road, at its southernmost point, continuing in a generally northerly direction before its interception with the Cheshire East/Stockport Boundary (located approximately 800m south of the A5149 Chester Road). The relief road within Cheshire East would incorporate: A two way single carriageway; Combined cycleway and footway on the western side of the carriageway; Modifications to existing road junctions; A new road junction; A new structure over the road; New public rights of way; A pedestrian and cycle route adjacent to the road; Balancing ponds for drainage purposes; off site works; and associated ancillary, landscaping; lighting; engineering and infrastructure works.

LOCATION

Proposed Poynton Relief Road, CHESTER ROAD, POYNTON

UPDATE PREPARED

20th February 2017

OFFICER REPORT

Representations:

Since publication of the agenda for this meeting, 2 representations have been received.

In response to the officer report, a further representation has been made by Jacobs, the agent acting on behalf of the applicant. They reiterate that the land that the replacement golf course would occupy would be entirely outside of the control of the applicant and on that basis, would be contrary to Section 72 of the 1990 Town & County Planning Act which only allows for planning conditions to be imposed in relation to land that is “under the control of the applicant (whether or not it is land in respect of which the application was made)”. They also comment that the proposed condition no. 40 would not meet the tests for conditions outlined in para 206 of the NPPF.

Jacobs comment that there are “already a large number of golf courses in the area, with an estimated eight alternate facilities within a five mile radius of Adlington Golf Centre (Avro Golf Club, Bramhall Golf Club, Bramhall Park Golf Club, Davenport Golf Club, Hazel Grove Golf Club, Stockport Golf Club, Styal Golf Club, and Prestbury Golf Club)”. They also go on to state that the principle of the relief road and its route is already established in emerging planning policy and that in their view, “the benefits of the scheme considerably outweigh the disbenefits, including (both cumulatively and in isolation) the potential impact on Adlington Golf Centre”.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decision must be made in accordance with the plan unless material considerations indicate otherwise. Specifically, Jacobs have commented that ‘material considerations can include matters that may in due course be dealt with by the CPO process’. Jacobs also say that “contrary to paragraph 3.9 of the update report, these material considerations do include the impact of the scheme on existing businesses and interests and members should give this due weight in their consideration of the application. Members should also bear in mind that approving the scheme without Condition 40 would conflict with paragraph 74 of the NPPF”.

Further representations have also been made by Emery Planning Partnership (EPP), who is the agent acting on behalf of Adlington Golf Centre and landowners Mr and Mrs Moss.

In addition to their earlier representations, EPP have stated that they consider the imposition of condition no. 40 to be necessary as without it (or an obligation), the scheme would otherwise be unacceptable in planning terms contrary to para 203 of the NPPF. They have stated that without condition no. 40, the proposal would have serious implications for the profitability of the golf centre and that it would lead to job losses, impacts on the local / rural economy as well as the health and wellbeing of the wider population. The impacts they have referenced are summarised as follows:

- the existing nine-golf course would be reduced substantially in size resulting in a maximum six-hole course, which is a wholly unproven concept
- a six-hole golf course would be significantly less attractive and not be of equivalence in quantitative or qualitative terms
- the golf centre’s loyal customer base would likely seek alternative facilities elsewhere
- impacts on the existing course which have not been fully assessed either in officer report or submitted Environmental Statement e.g. air pollution, dust, road noise and vibration and adverse visual and landscape impacts
- golf centre was recognised as an important facility for the health and wellbeing of the community when the Council considered the planning application 15/4406M for the replacement nine-hole golf course
- Proposal is contrary to para 74 of the NPPF

- There is no evidence to show that the condition is not feasible and to justify a departure from policy
- Highly unlikely that the storage compounds proposed on the existing 9 hole golf course will enable the land to be returned to its former condition once the relief road is constructed
- There must be a planning-related mechanism to ensure that the replacement facility is available for use prior to the loss of any part of the existing facility
- The use of a Grampian style condition would be wholly appropriate in this case and in line with para. 21a-008 of the NPPG

Officer Appraisal

In response to the comments made by the applicant's agent, it is important to note that Grampian conditions, (i.e. conditions requiring works on land that is not controlled by the applicant) can be imposed unless there are no prospects of the action required by the condition being performed within the time limit of the permission (NPPG Paragraph: 009 Reference ID: 21a-009-20140306).

In this case, the applicant would be reliant on the Golf Centre providing a replacement facility. This would be unreasonable insofar as it would preclude (effectively veto) the delivery of the whole Poynton Relief Road scheme should the Golf Centre decide not to implement a replacement facility. In this case, it is the view of officers that the proposed condition would not meet the tests for conditions as set out in the officer report and therefore should not be imposed.

Whilst the applicant's agent has referenced the existing golf course provision within the area, this does not constitute an assessment as required by para 74 of the NPPF. Accordingly, in the absence of condition no. 40 and in the absence of an assessment to show that the land is surplus to requirements, the proposal is contrary to para 74 of the NPPF. However, as stated within the original officer report and updated report, the benefits of the scheme are deemed to outweigh the dis-benefits in terms of the impact on the existing golf centre. This includes the future operation of golf centre in terms of air pollution, dust, road noise and vibration and adverse visual and landscape impacts. Such impacts, whilst attracting weight against the proposal, would not be enough to outweigh the significant social and economic benefits of the scheme as already highlighted in the committee report.

With respect to the CPO process, Para 3.9 of the officer report confirms that it is not the function or purpose of the planning system to financially compensate the landowners. Officers confirm that this is not a material planning consideration.

RECOMMENDATION

No change to recommendation on page 163 of the agenda reports pack.

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