

# Strategic Planning Board

## Updates

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**Date:** Wednesday, 21st November, 2018  
**Time:** 10.30 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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

**Planning Updates** (Pages 3 - 42)

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Please contact Sarah Baxter on 01270 686462  
E-Mail: [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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**APPLICATION NO:** 18/1369N

**PROPOSAL:** Demolition of redundant outbuildings and the erection of a 6 storey multi-storey car park with up to 243 spaces including a car wash to the rear.

**LOCATION:** ROYAL HOTEL, 7, NANTWICH ROAD, CREWE

## **REPRESENTATIONS**

### **Crewe Town Council**

Further comments have been received after consideration of revised plans:

*“Crewe Town Council has looked at the revised plans it received in September 2018. It considers that the comments made on the original submission remain valid. The Council sought assurance that there will be no detrimental impact on Air Quality Management Areas. It notes that the revised Air Quality Assessment submitted by the applicant concludes that there will be moderate adverse impact on receptors R3 and CE203. It believes that no worsening of air quality is acceptable in areas already exceeding safe limits, and therefore remains of the view that the development would only be acceptable if it sits within a new scheme to manage congestion in this area.*

*The revised proposals are still too dominant and, if approved, a further height reduction of 1 storey is required to minimise impact on the Hotel which is an important locally listed building, and probably the first public building in Crewe. The heritage impact study is incorrect about the age of the Hotel. The building was first constructed in the early 1840s and subsequently extended.*

*It is noted that the highways officer has referred to the dedication of land to the adopted highway as mitigation. It is not clear what land is being referred to or how it relates to the submitted plans. The Town Council would like to know precisely what is being proposed, given the existing traffic problems in this area”*

## **OFFICER COMMENTS**

### **Air Quality**

The impact on air quality is covered on pages 53 of the Agenda Reports Pack. The Council’s Environmental Protection Officer advises that the updated air quality assessment relating to the revised proposals shows a smaller predicted increase in concentrations due to the reduced number of traffic movements. It is considered that that the provision of electric vehicle charging points for 5% of the proposed parking spaces (12 spaces) will be sufficient to offset the predicted increase in nitrogen dioxide and future proof the development.

Therefore the impact on local air quality arising from the proposals can be mitigated.

### **Design and Built Heritage**

The impact of the proposals on the historic significance of the Royal Hotel which is a locally listed building is fully addressed on pages 50 & 51 the Agenda Reports Pack. As set out, the amended proposals have significantly reduced the massing and scale of the original scheme, principally through the reduction in height of the building by two full storeys. The Council's Urban Designer has advised that the reduced scale and modified design of the building would not compromise the character or setting of the locally listed building, or constitute an unduly dominant feature within the local townscape.

### **Highways**

A small parcel of land within the applicant's ownership and adjacent to Pedley Street is identified within the revised Transport Assessment to be dedicated as public highway. As set out on page 52 of Agenda Reports Pack a land dedication agreement has been entered into between the applicant and Cheshire East Council, allowing the land to be released on the granting of planning permission.

The Mill Street / Nantwich Road / South Street junction has been identified within the Infrastructure Delivery Plan as requiring upgrading to alleviate the congestion and delay that takes place. Part of this scheme to upgrade the junction includes directing more traffic through Pedley Street. The existing sharp bend on Pedley Street would make this undeliverable and the dedication of the land as public highway will therefore assist in the delivery of this highways scheme.

**RECOMMENDATION Approve as per the recommendation on pages 54 - 55 of the Agenda Reports Pack.**

**APPLICATION NO:** 18/4439N

**PROPOSAL:** Change of Use to include Golf Driving Range with associated parking

**ADDRESS:** Land on the East Side of, MAIN ROAD, WORLESTON

**APPLICANT:** Mr & Mrs Need

### **ADDITIONAL COMMENTS**

Additional representation has been received from the adjacent neighbour based on the amended plans and officer report. The material planning issues raised are;

- Consider that the proposal fails policy SC1 as the site is not sustainably located
- Consider the need for netting unacceptable and will have a detrimental impact on the character and appearance of the area in the open countryside
- Consider there is an alternative layout that would avoid the need for netting and would have no impact on the neighbours
- Plan submitted to show driving range to the furthest south position away from the boundary with The Grange
- The existing layout would still allow for 1% of all balls hit would go beyond the 'safety zone'
- Has had a technical review of the Noise report carried out and there are shortcomings in the results, report is based on original scheme not amended, background noise is based on 2hr period on one single day, noise level taken at 140m away driving range, a noise shielding reduction of 10 dB(A) but no provision of shielding is shown on plans. Report concluded that revised acoustic report carried out in line with amended plans as current report does not conclude that the development would not have an unacceptable impact on neighbouring amenity
- Relocation of the driving range would remove the lighting impact

*[full versions of the comments are available to view on the planning website]*

### **OFFICER COMMENT**

The majority of the issues raised have already been considered within the main officer's report, which was based on the amended plans. The neighbour's original comments (as noted in the main report) were based on a previous scheme.

It is accepted within the report that the site is not easily accessible by public transport and although there may be some opportunities for cycling to the proposal site, the large majority of movements will be by car.

It is noted that the applicants Golf Architect report states that the amended plans with a safety zone of 40 degrees 'would make the probability of golf balls existing the applicants property to the left would be extremely unlikely'. However, the Officer recommendation includes the submission of netting details to add an additional element of safeguarding of the neighbours land.

The Golf Architects report suggested that if netting was required it would be required to be 15m for a length of 200m and then reduced to 10m thereafter. It is not unusual to see netting associated with recreational proposal in the rural area, including previously at the Driving Range at Alverston Hall which is only 750m away from the application site. It is therefore not considered that the netting would have a significantly detrimental impact on the wider open countryside, due to its relatively lightweight appearance.

The Noise report has been considered by the Council's Environmental Health Officer, who confirmed that the methodology for assessing the Noise was acceptable. The report was carried out on a Sunday morning when the background noise would likely be at its lowest. Although the report was based on the previous plan, the proposed intensity of development has not changed only the orientation of the driving range away from the neighbours land. It is not considered that the proposal would have any more impact on neighbouring amenity in terms of noise as a result of the amended plan.

### ***Other matters***

It is noted that the hours of operation are important given the rural location and potential impact on neighbouring amenity, and therefore an additional condition is proposed to restrict the operational times to those proposed within the application, Monday – Friday 9.00hrs to 21:00hrs, and Saturday, Sundays and Bank Holidays 07:00hrs to 19:00hrs.

### **RECOMMENDATION**

**APPROVAL WITH CONDITIONS (as per main report) with an additional condition:**

#### **16. Hours of operation**

**APPLICATION NO: 18/2104M**

**LOCATION: Land North of Parkgate Industrial Estate, Parkgate Lane, Knutsford**

**PROPOSAL: Reserved matters application pursuant to outline planning consent 13/2935M for siting, design, appearance and landscaping details for residential development (C3 Use Class)**

## **CONSULTEES**

**Environment Agency** - Insufficient information to address the conditions attached to outline planning application 13/2935M

**Natural England** – No objection

**ANSA** – Insufficient information supplied

**Knutsford Town Council** – Object on the following grounds:

- The current layout and house designs do not concur with the Submitted Neighbourhood Plan policies
- Street scene has an over regimented appearance
- Lack of space around the apartment blocks exacerbates this regimented appearance, offering a lack of amenity space for occupants, and whilst rear parking is provided, the layout invites additional parking on street.
- Apartments have no lift access, meaning limited opportunity for older residents to inhabit the development.
- Space should be made available for more playing pitches, with the current provision being straddled across the sewer easement.
- No visual impact assessment provided which is of increased importance due to the impact on Tatton Park.
- the layout of the parking provision creates challenges for charging electric vehicles

## **APPLICANTS SUBMISSION**

The applicant has submitted a letter requesting that the application is withdrawn from the agenda to allow them time to overcome the issues raised within the Committee report, with amendments to the submitted plans.

## **KEY ISSUES**

### **Open space**

Comments have now been received from ANSA, who reiterate the point in the Committee report that insufficient information has been provided. Other more detailed concerns include:

A Hoggin path is proposed throughout the site however for DDA inclusivity and maintenance reasons a resin bound gravel path is recommended. The outline permission requires combined footpaths and cycle ways, but little detail has been provided. A combined footpath/cycleway should be a minimum of 3m wide.

A sports pitch is shown at the entrance to the site however this would be better more centrally located. Adequate parking needs to be provided adjacent as lack of parking can cause conflict with local residents. Further infrastructure may need to be considered in line with the Council's adopted Playing Pitch Strategy.

The grass mounds around the formal play area are not necessary as they create a "bowl" effect. For site safety/security the play facility should be mostly level and enjoy clear site lines from neighbouring dwellings for natural surveillance. The area is also shown as "mulched" which is not acceptable. A DDA inclusive material in line with manufacturing recommendations should be used such as eco mulch to give a natural feel or wetpour for even greater inclusivity. Further informal open space adjacent to the play facility is required for informal play. The facility should be in line with Fields in Trust standards ensuring buffer zones for adjacent properties are adhered to. As this facility combines a LAP and a LEAP a buffer of 30m from the activity zone to the boundary of the nearest property is recommended. If the layout is reviewed, then consideration should be given to locating the play facility more centrally, away from ponds, possibly adjacent to the football facility.

A small trim trail is located in the north east of the site amidst tree planting. Consider relocating away from planting again for maintenance reasons and set at a greater distance apart. A further 3 items would enhance the trail greatly.

Recommended reason for refusal number 11 covers these points.

### **Ecology**

Condition 29 of the outline permission requires a phasing plan showing the details of the ecology, landscape and open space works to be submitted as part of the first reserved matters application. Whilst a phasing plan for the housing has been submitted, the specific detail required by the condition has not been provided, and therefore there is conflict with condition 29 of the outline consent. A further reason for refusal is recommended to reflect this.

Condition 39 requires a further badger survey to be submitted concurrently with the application for approval of reserved matters. A badger survey has been submitted as part of discharge of conditions application 18/2105D, and whilst some clarification is required on the proposed badger mitigation, it is considered that this matter can be dealt with as part of the discharge of conditions application.

Condition 41 requires the reserved matters applications to be supported by a revised ecological mitigation method statement. This has been provided and



provides mitigation strategies for amphibians, badgers and nesting birds. The nature conservation officer advises that the submitted mitigation strategy is acceptable.

This information also meets the requirements of condition 43, which requires a GCN mitigation strategy to be submitted. This will also be dealt with as part of current or future discharge of conditions applications together with conditions 23, 24, 39 (as noted above), 40, and 44, which all relate to ecological matters.

### **Environment Agency Comments**

The Environment Agency object to the application as submitted due to insufficient information having been submitted in relation to conditions 22, 23 and 24 of the outline permission.

As noted above, conditions 23 and 24 will be addressed as part of the discharge of conditions application. This is following the receipt of revised details, which should address the EA's concerns.

In terms of condition 22, this requires *“floor levels of proposed buildings to be set 600mm above the 1 in 100 years plus climate change flood level”*. Submitted (levels) drawings for this Reserved Matters application show finished floor levels of the proposed buildings (as required by condition 6 of the outline permission). However, these levels cannot be fully considered until the *“1 in 100 years plus climate change flood level”* is identified on the plan. Whilst condition 6 requires details to be submitted concurrently with the reserved matters, and condition 22 requires details to be submitted prior to commencement of development, the details required by both conditions need to be considered together to ensure that it is acceptable. Accordingly insufficient information has been submitted to demonstrate that the proposed levels are acceptable. A further reason for refusal is therefore recommended.

### **CONCLUSION**

As in the original report a recommendation of refusal is made, subject to the following additional reason for refusal:

- 13. Insufficient phasing details have been submitted to demonstrate compliance with condition 29 of the outline permission.**
- 14. Insufficient information has been submitted to demonstrate that the proposed levels are acceptable, having regard to the requirements of conditions 6 and 22 of the outline permission and the 1 in 100 years plus climate change flood level.**

A copy of the decision notice for the outline permission 13/2935M is attached below for information.

Mr Jon Suckley,  
HOW Planning  
40, Peter Street  
Manchester  
Lancashire  
M2 5GP

Development Management  
PO Box 606  
Municipal Buildings  
Earle Street  
Crewe  
CW1 9HP

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## DECISION NOTICE

## SUBJECT TO S106 AGREEMENT

Application No: **13/2935M**

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

**Outline application with all matters reserved except for means of access, for the erection of a high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces**

Location

**LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE, KNUTSFORD, CHESHIRE**

for **Mr Henry Brooks, The Tatton Estate**

In pursuance of its powers under the above Act, the Council hereby GRANTS outline planning permission for the above development referred to in the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall commence before whichever is the later of the following dates:
  - (a) within three years of the date of this permission, or
  - (b) within two years of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application(s) for approval of reserved matters for each phase shall be made within three years of the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. The development hereby approved may be carried out in phases. Before any work is commenced in a phase of development, approval of

the details of the internal access, appearance, landscaping, layout and scale (the reserved matters) for that phase shall be obtained from the Local Planning Authority in writing.

Reason: This is an outline planning permission with these matters reserved for subsequent consideration.

4. The reserved matters application(s) shall be in accordance with the parameters as set out on the following hereby approved:

BB\_00\_001 Rev B (titled Site Plan Parameters Plan) date received 29<sup>th</sup> February 2014.

BB\_00\_000 (titled Site Location Plan) date received 12<sup>th</sup> July 2013.

And in broad accordance with the following plans hereby approved:

1779/P14i (titled Indicative Sections 1 and 2) date received 24<sup>th</sup> February 2014-10-14

1779/P11d (titled Illustrative Landscape Masterplan) received 12<sup>th</sup> December 2013.

In relation to the heights of each building, two and a half storey properties shall have a ridge height no higher than 9m.

Reason: This is an outline planning permission and compliance with the parameters is required to provide certainty and ensure the impact of the development on planning interests is acceptable.

5. The approved scheme shall secure a reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies). A report for each phase of the development, confirming the achievement of specified design fabric for that phase of development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that phase of the development. The development shall be implemented in accordance with the approved details

Reason: Having regard to policies with the National Planning Policy Framework.

6. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs in relation to each phase of the development shall be submitted concurrently with the application for the approval of reserved matters for that phase of the development.

Reason: To ensure that any change in ground level is acceptable given the nature of the site and adjoining uses.

7. The landscaping scheme which shall be submitted as part of the Reserved Matters application(s) for each phase of development shall include details of hard landscaping, boundary treatment, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme for that phase of development. The landscape plan should also include the following:
- Existing and proposed levels and contours
  - Proposed levels, cross sections and construction details for any mound along the boundary with the industrial estate including details for the position and height of any acoustic fencing.
  - Details for planting on the earth mound (which should include larger nursery stock) along the boundary with the industrial estate shall be accompanied with a timetable for implementation with the aim of achieving screening and impact at an early stage in the build phase.
  - Existing boundary vegetation and proposed soft landscape design including: woodland, scrub, parkland trees, hedgerows, wildflower grassland, mown grassed areas, ponds/SUDS (number and location to be agreed) and ornamental trees and shrubs.
  - Full details of proposed species and plant mixes for all open space compartments and for the housing area.
  - Full details for all hard landscape elements within the open space compartments i.e. footpath/cycleway surfacing materials, street furniture, play equipment, public art and interpretive material. Plus varied, high quality hard surfacing materials within the housing area.
  - Details for boundary walls, fencing and railings. Prominent side and rear garden boundaries should be brick rather than timber fencing.
  - The development must include at least three links between the housing area and the woodland buffer which must be a approximately 20 metres in width and must include a footpath/cycleway link.
  - A permanent diversion route for public footpath (Knutsford FP11).

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

8. The approved landscaping plan for each phase of development shall be completed in accordance with the following:-
- a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme for that phase of development, within the first planting season following completion of the phase of development hereby approved, or in accordance with a programme agreed in writing with the Local Planning Authority.
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock.

All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition, and Construction Recommendations.

d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

9. Lighting shall be provided within each phase of the development to light all highways, driveways, footpaths, cycle ways and parking areas, in accordance with a scheme of details which has previously been submitted to and approved in writing by the Local Planning Authority for that phase of development. The lighting scheme is to be designed so as not to conflict with any safeguarding criteria and shall specify that lighting is of flat glass, full cut of design with horizontal mountings and no light spill above the horizontal. The approved scheme, shall be implemented prior to the approved phase of development being occupied and shall be retained in this way at all times thereafter.

Reason: In the interests of highway safety and to ensure that the lighting does not confuse or distract pilots in the vicinity of the aerodrome and to ensure the safe operation of aircraft.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A to F of Part 1 Schedule 2 of the Order shall be carried out.

Reason: To ensure continued control over the extent of further building on the site and ensure that any further extensions and/or alterations comply with the policies contained within the Development Control chapter of the Macclesfield Borough Local Plan.

11. If piling work is found to be necessary on the site as part of the development, then the contractors shall be members of the Considerate Construction Scheme and shall also consider and select a piling system which would result in the least disturbance to nearby

residents in terms of both levels of noise and vibrational effects consistent with the satisfactory completion of the piling. .

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

12. All noise generative activities (including demolition and site clearance) which are likely to generate noise audible to residential properties beyond the site boundary shall be restricted to the following hours:

Monday – Friday: 08:00 – 18:00

Saturday: 08:00 – 14:00

Sunday & Public Holidays: No noise generative construction works

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

13. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase of the development.

Reason: To reduce the impacts of dust disturbance from the site on the local environment

14. Prior to the development commencing:

(a) A Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).

(b) If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out.

(c) If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Reason: The Phase I contaminated land report recommends that a Phase II investigation is required to assess any actual/potential contamination risks at the site including ground gas risks. To ensure the development is suitable for its end use and the wider environment

and does not create undue risks to site users or neighbours during the course of the development and having regard to policy DC63 of the Macclesfield Borough Council Local Plan.

15. Notwithstanding the means of access from Parkgate Lane as shown on the 'Proposed Access Arrangement from Parkgate Lane' plan (dwg ref CBO-0047-006 Rev A) hereby approved, prior to commencement of development full design and construction details of the access shown on the approved drawing shall be submitted to and approved in writing by the Local Planning Authority. The agreed access shall be completed and the required visibility splays shall be provided prior to the occupation of the first dwelling. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.0m above the level of the adjacent carriageway at all times.

Reason: In the interests of highway safety and in accordance with Macclesfield Borough Local Plan policy DC6.

16. Notwithstanding the proposed roundabout shown on the Potential Roundabout Improvement Scheme Mobberley Road / Parkgate Lane plan (dwg ref CBO-0047-004 Rev B) hereby approved, prior to commencement of development full design and construction details of the roundabout improvement shown on the approved drawing shall be submitted to and approved in writing by the Local Planning Authority. The agreed improvement shall be completed prior to the occupation of the first dwelling on the site.

Reason: In the interests of highway safety and in accordance with Macclesfield Borough Local Plan policy DC6.

17. Prior to the commencement of any phase of development a construction method statement shall be submitted to and approved in writing by the Local Planning Authority, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park in respect of that phase of development. The development shall then be constructed in complete accordance with the method statement.

Reason: In the interests of highway safety to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents and in accordance with Macclesfield Borough Local Plan policy DC3.

18. Prior to the commencement of a phase of development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority for that phase of development. The approved scheme shall be available for use prior to that phase of

development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interests of public health, visual amenity and highway safety.

19. Any phase of development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system for that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority. This should demonstrate that surface water discharge rates and volumes do not exceed pre development levels (5.6 l/s/ha as given in the Integra FRA July 2013) and that attenuation is provided to cater for the 1 in 100 yr event climate change.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

20. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a watercourse and may require the consent of the riparian owner. For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment and in accordance with Macclesfield Borough Local Plan policy DC17.

21. Prior to the commencement of each phase of development hereby permitted, a scheme to manage the risk of flooding from the overland flow of surface water for that phase of development shall be submitted to, and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

22. A phase of development hereby permitted shall not be commenced until such time as a scheme has been submitted to and approved by the Local Planning Authority that ensures that finished floor levels are set no lower than 600 mm above the 100 year climate change flood level for that phase of development. Development shall be accord with the approved scheme.



Reason: To reduce flood risk to the proposed development and future users.

23. No development shall take place until a scheme for the provision and management of off-site compensatory habitat creation has been submitted to and agreed in writing by the local planning authority. The scheme shall have reference to the Ecological Assessment Report (Ref: 1779/R05) and the Illustrative Landscape Masterplan (Ref: 1779/P11d) hereby approved. Thereafter each development phase shall be implemented in accordance with the approved scheme.

Reason: To enhance and protect the off-site ecological value and compensate for habitats lost to the approved development.

24. No development shall take place until a scheme for the provision and management of on-site habitat creation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall have reference to the Ecological Assessment Report (Ref: 1779/R05) and the Illustrative Landscape Masterplan (Ref: 1779/P11d) hereby approved and shall include the buffer zones associated with the adjoining watercourse and the Local Wildlife Site. Thereafter each development phase shall be implemented in accordance with the approved scheme.

Reason: To enhance and protect on-site ecological value and compensate for habitats lost to the approved development.

25. As part of the finalised layout for each phase of the development including Open Space, the plot detail for that phase of the development should concur with the requirements of BS5837:2012 Trees in Relation to Construction and the Councils Trees and Development Guidelines. A detailed Arboricultural Implication Study will be required as part of any future reserved matters planning application(s). Adequate space should be made available to retain existing mature trees, whilst allowing early mature specimens to reach maturity. Suitable space should also be established to retain and promote existing hedgerows in the form of green corridors.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area and in accordance with policy DC9 of the Macclesfield Borough Local Plan 2004.

26. No occupation of any phase of the development shall take place until a verification report for that phase of development demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a

"long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent the pollution of controlled waters from potential contamination on site.

27. If during development of a phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent the pollution of controlled waters from potential contamination on site.

28. No phase of the development approved by this planning permission, shall take place (unless another date or stage in development has been submitted to and agreed in writing with the Local Planning Authority), until a scheme for that phase of the development that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent the pollution of controlled waters from potential contamination on site.

29. A Phasing Plan showing the details of the ecology, landscape and open space works at the site shall be submitted to for the approval of the Local Planning Authority as part of the first reserved matters application.

Reason: To ensure that adequate access is provided to the Open Space areas and in accordance with Macclesfield Borough Local Plan policy DC15.

30. If during development, piling should be required for any phase of development, prior to the commencement of any piling activity, a piling method statement for that phase of the development, shall be submitted to and agreed in writing by the Local Planning Authority, which includes the method of and timings and duration of any pile driving required, together with on site monitoring and standards to be met. Any piling shall be carried out in accordance with the agreed details.

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan.

31. No phase of development shall not commence until a fully detailed landscaping scheme (which includes details of the pond design, ecological mitigation area, woodland buffer, rural gateway, residential park, green lungs, and other area of open space) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Safeguarding Authority for Manchester Airport. The detail of the landscaping scheme will require assessment of the potential to attract bird species that are a risk to air safety, and should be designed so as not to increase the level of bird activity at the site. The landscaping scheme shall have particular regard to such matters as pond design, species mix and density and planting and any mitigation and management (including post development management) required to reduce the attraction to large water birds. Development shall be carried out in accordance with the approved scheme.

Reason: To avoid endangering the safe operation of aircraft through the attraction of birds.

32. Prior to the commencement of a phase of development, a Site Construction Environmental Plan for that phase of development shall be submitted to and approved by the Local Planning Authority and it shall be complied with during the construction of that phase.

Reason: To avoid occupants of the first houses constructed being adversely affected by later stages of the construction.

33. All residential habitable rooms shall be acoustically insulated as outlined in the acoustic report submitted with the application (SRL, Ref: C/41423/R01V4/JDH) including provision of acoustic glazing, acoustic insulation to upper floor ceilings and whole room mechanical ventilation and heat recovery (MHVR) systems to avoid the need to open windows for ventilation.

Reason: To protect the occupants of the dwellings from aircraft noise and noise from the adjacent industrial estate.

34. The development shall not commence until details of a continuous fence (or wall) to be erected along the southern boundary of the site with the Parkgate Industrial Estate point X and Y shown on the approved Noise Mitigation Plan (dwg. Ref 05202/BB\_00\_004 or such later revision as approved) has been submitted to and approved in writing by the LPA. The development hereby permitted shall not be occupied until the approved wall or fence has been constructed in accordance with the agreed details. The approved wall or fence shall have a surface density not less than 8KG/m<sup>2</sup> and shall not be less than 2.5m height (relative to the ground level on the industrial estate side of the boundary). The approved wall, or fence shall be maintained, and retained throughout the occupation of the site.

Reason: To protect the occupants of the dwellings from noise from the adjacent industrial estate.

35. Any reserved matters application proposing dwellings with outdoor amenity spaces to be constructed in the area shown in yellow on the approved Noise Mitigation Plan (dwg. Ref 05202/BB\_00\_004 or such later revision as approved) shall be accompanied by a scheme of noise mitigation to be approved in writing by the LPA. The scheme of mitigation shall be sufficient to ensure that noise from the industrial estate does not exceed the following criteria in outdoor amenity areas:

- 55 dBLA<sub>EQ</sub> (16 Hour) , and
- Noise shall not regularly exceed 50 dB LAF<sub>MAX</sub>

No dwellings with outdoor amenity space erected (wholly or partially) within the area hatched in yellow on the Noise Mitigation Plan shall be occupied until the approved scheme of mitigation has been implemented fully in accordance with the agreed details.

Reason: To protect the occupants of the dwellings from aircraft noise and noise from the adjacent industrial estate.

36. Prior to the development coming into use, a residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options. The plan shall be monitored and enforced throughout the occupation of the development.

Reason: To improve the sustainability of the site, having regard to the guidance in the NPPF.

37. One electrical socket will be provided in the garages of the proposed residential properties. These electrical sockets will be suitable for use in the charging of electric vehicles and shall be maintained throughout the use of the development.

Reason: To safeguard residential amenity, public health and quality of life and provide sustainable transport modes in accordance with policies contained within the National Planning Policy Framework.

38. No development shall take place within the area indicated on Sites 6 and 7-12, as depicted on Figure 5 of the CgMs Report, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: Having regard to the designation of the site and in accordance with Policy BE21, BE22, of the Macclesfield Borough Local Plan 2004 and in accordance with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework.

39. A further badger survey shall be submitted concurrently with the application for approval of reserved matters. The survey shall be carried out by a suitably qualified person and approved in writing by the Local Planning Authority. The report shall include measures for the protection of badgers during development and for the retention of existing or provision of alternative accommodation, including mitigation and compensation measures. These approved measures shall be implemented in strict accordance with the approved details.

Reason: To safeguard wildlife in accordance with the NPPF and in the interests of nature conservation in accordance with policy NE11 of the Macclesfield Borough Local Plan 2004.

40. Prior to the commencement of any phase of development, detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrows and swifts shall be submitted to and approved in writing by the Local Planning Authority for

that phase of the development. The proposals shall be installed in accordance with approved details throughout the occupation of the development and retained thereafter.

Reason: To secure an enhancement for biodiversity in accordance with the NPPF and in accordance with Macclesfield Borough Local Plan policy NE11.

41. The Reserved Matters application for each phase of development shall be supported by a revised ecological mitigation method statement for each phase of development. This revised statement shall take account of any changes to the site layout for that phase of development and shall be in accordance with the mitigation and compensation approved by this outline permission.

Reason: To safeguard wildlife in accordance with the NPPF and in the interests of nature conservation in accordance with policy NE11 of the Macclesfield Borough Local Plan 2004.

43. No development shall commence until a mitigation strategy in respect of great crested newts and a programme for its implementation have been submitted to and agreed in writing by the Local Planning Authority. The mitigation strategy shall be in accordance with the mitigation strategy described in Section 5 of the Ecological Assessment hereby approved (dated 11th July 2013 and prepared by Tyler Grange). The approved mitigation strategy shall be implemented in full in accordance with the agreed programme for implementation.

Reason: In the interests of nature conservation and to ensure the protection of legally protected species

44. Prior to commencement of each phase of the development, if any trees shall be removed or tree works undertaken then update surveys of trees for bats shall be undertaken and a report submitted to and approved in writing by the Local Planning Authority for that phase of development. If a bat roost is identified, prior to commencement of each phase of development, a mitigation strategy shall be agreed in writing with the Local Planning Authority for that phase of development. The approved mitigation strategy shall then be implemented in full.

Reason: to In the interests of nature conservation and to ensure the protection of legally protected species

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures in, under, over or within 8 meters of the top of the bank of a main river.

The applicants attention is drawn to the contents of the letters from the Environment Agency dated 9<sup>th</sup> August 2013 and United Utilities dated 3<sup>rd</sup> December 2013.

Cranes, whilst they are temporary, can be a hazard to air safety. Should any cranes or tall construction equipment be required during the construction process, a separate assessment of crane operations shall be required. The developer or crane operator must therefore notify Manchester Airport Airfield Operations at least one month in advance of intending to erect a crane or tall construction equipment to determine whether there are any regulatory procedures or operating restrictions that need to be agreed before work commences, and whether a Tall Equipment Permit would need to be obtained in advance. This is to ensure compliance with the British Standard Institute Code of Practice for the safe use of cranes, BS7121 – 1:2006 and to ensure that Manchester Airport's Obstacle Limitation Surfaces are protected to avoid endangering the safe operation of aircraft.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA 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.

**Please Note:** This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and

beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

(b) Variation to the approved plans will require the submission of a new planning application.

Dated: 23<sup>rd</sup> June 2015

Signed

A handwritten signature in black ink, appearing to read 'J. G. A. S.', written in a cursive style.

**Authorised Officer for  
Cheshire East Borough Council**



**APPLICATION NO: 18/2996M**

**LOCATION:** Land North of Parkgate Industrial Estate,  
Parkgate Lane, Knutsford

**PRPOSAL:** Reserved matters application pursuant to outline  
planning consent 13/2935M for siting, design,  
appearance and landscaping details for residential  
development (C3 Use Class)

**CONSULTEES**

**Environment Agency** - Insufficient information to address the conditions attached to outline planning application 13/2935M

**Natural England** – No objection

**ANSA** – Insufficient information supplied

**Knutsford Town Council** – Object on the following grounds:

- The current layout and house designs do not concur with the Submitted Neighbourhood Plan policies
- Street scene has an over regimented appearance
- Lack of space around the apartment blocks exacerbates this regimented appearance, offering a lack of amenity space for occupants, and whilst rear parking is provided, the layout invites additional parking on street.
- Apartments have no lift access, meaning limited opportunity for older residents to inhabit the development.
- Space should be made available for more playing pitches, with the current provision being straddled across the sewer easement.
- No visual impact assessment provided which is of increased importance due to the impact on Tatton Park.
- the layout of the parking provision creates challenges for charging electric vehicles

**APPLICANTS SUBMISSION**

The applicant has submitted a letter requesting that the application is withdrawn from the agenda to allow them time to overcome the issues raised within the Committee report, with amendments to the submitted plans.

**KEY ISSUES**

**Open space**

Comments have now been received from ANSA, who reiterate the point in the Committee report that insufficient information has been provided. Other more detailed concerns include:

A Hoggin path is proposed throughout the site however for DDA inclusivity and maintenance reasons a resin bound gravel path is recommended. The outline permission requires combined footpaths and cycle ways, but little detail has been provided. A combined footpath/cycleway should be a minimum of 3m wide.

A sports pitch is shown at the entrance to the site however this would be better more centrally located. Adequate parking needs to be provided adjacent as lack of parking can cause conflict with local residents. Further infrastructure may need to be considered in line with the Council's adopted Playing Pitch Strategy.

The grass mounds around the formal play area are not necessary as they create a "bowl" effect. For site safety/security the play facility should be mostly level and enjoy clear site lines from neighbouring dwellings for natural surveillance. The area is also shown as "mulched" which is not acceptable. A DDA inclusive material in line with manufacturing recommendations should be used such as eco mulch to give a natural feel or wetpour for even greater inclusivity. Further informal open space adjacent to the play facility is required for informal play. The facility should be in line with Fields in Trust standards ensuring buffer zones for adjacent properties are adhered to. As this facility combines a LAP and a LEAP a buffer of 30m from the activity zone to the boundary of the nearest property is recommended. If the layout is reviewed, then consideration should be given to locating the play facility more centrally, away from ponds, possibly adjacent to the football facility.

A small trim trail is located in the north east of the site amidst tree planting. Consider relocating away from planting again for maintenance reasons and set at a greater distance apart. A further 3 items would enhance the trail greatly.

Recommended reason for refusal number 11 covers these points.

### **Ecology**

Condition 29 of the outline permission requires a phasing plan showing the details of the ecology, landscape and open space works to be submitted as part of the first reserved matters application. Whilst a phasing plan for the housing has been submitted, the specific detail required by the condition has not been provided, and therefore there is conflict with condition 29 of the outline consent. A further reason for refusal is recommended to reflect this.

Condition 39 requires a further badger survey to be submitted concurrently with the application for approval of reserved matters. A badger survey has been submitted as part of discharge of conditions application 18/2105D, and whilst some clarification is required on the proposed badger mitigation, it is considered that this matter can be dealt with as part of the discharge of conditions application.

Condition 41 requires the reserved matters applications to be supported by a revised ecological mitigation method statement. This has been provided and

provides mitigation strategies for amphibians, badgers and nesting birds. The nature conservation officer advises that the submitted mitigation strategy is acceptable.

This information also meets the requirements of condition 43, which requires a GCN mitigation strategy to be submitted. This will also be dealt with as part of current or future discharge of conditions applications together with conditions 23, 24, 39 (as noted above), 40, and 44, which all relate to ecological matters.

### **Environment Agency Comments**

The Environment Agency object to the application as submitted due to insufficient information having been submitted in relation to conditions 22, 23 and 24 of the outline permission.

As noted above, conditions 23 and 24 will be addressed as part of the discharge of conditions application. This is following the receipt of revised details, which should address the EA's concerns.

In terms of condition 22, this requires *"floor levels of proposed buildings to be set 600mm above the 1 in 100 years plus climate change flood level"*. Submitted (levels) drawings for this Reserved Matters application show finished floor levels of the proposed buildings (as required by condition 6 of the outline permission). However, these levels cannot be fully considered until the *"1 in 100 years plus climate change flood level"* is identified on the plan. Whilst condition 6 requires details to be submitted concurrently with the reserved matters, and condition 22 requires details to be submitted prior to commencement of development, the details required by both conditions need to be considered together to ensure that it is acceptable. Accordingly insufficient information has been submitted to demonstrate that the proposed levels are acceptable. A further reason for refusal is therefore recommended.

### **CONCLUSION**

As in the original report a recommendation of refusal is made, subject to the following additional reason for refusal:

- 13. Insufficient phasing details have been submitted to demonstrate compliance with condition 29 of the outline permission.**
- 14. Insufficient information has been submitted to demonstrate that the proposed levels are acceptable, having regard to the requirements of conditions 6 and 22 of the outline permission and the 1 in 100 years plus climate change flood level.**

A copy of the decision notice for the outline permission 13/2935M is attached below for information.

Mr Jon Suckley,  
HOW Planning  
40, Peter Street  
Manchester  
Lancashire  
M2 5GP

Development Management  
PO Box 606  
Municipal Buildings  
Earle Street  
Crewe  
CW1 9HP

email: [planning@cheshireeast.gov.uk](mailto:planning@cheshireeast.gov.uk)

## DECISION NOTICE

## SUBJECT TO S106 AGREEMENT

Application No: **13/2935M**

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

**Outline application with all matters reserved except for means of access, for the erection of a high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces**

Location

**LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE, KNUTSFORD, CHESHIRE**

for **Mr Henry Brooks, The Tatton Estate**

In pursuance of its powers under the above Act, the Council hereby GRANTS outline planning permission for the above development referred to in the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall commence before whichever is the later of the following dates:
  - (a) within three years of the date of this permission, or
  - (b) within two years of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application(s) for approval of reserved matters for each phase shall be made within three years of the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. The development hereby approved may be carried out in phases. Before any work is commenced in a phase of development, approval of

the details of the internal access, appearance, landscaping, layout and scale (the reserved matters) for that phase shall be obtained from the Local Planning Authority in writing.

Reason: This is an outline planning permission with these matters reserved for subsequent consideration.

4. The reserved matters application(s) shall be in accordance with the parameters as set out on the following hereby approved:

BB\_00\_001 Rev B (titled Site Plan Parameters Plan) date received 29<sup>th</sup> February 2014.

BB\_00\_000 (titled Site Location Plan) date received 12<sup>th</sup> July 2013.

And in broad accordance with the following plans hereby approved:

1779/P14i (titled Indicative Sections 1 and 2) date received 24<sup>th</sup> February 2014-10-14

1779/P11d (titled Illustrative Landscape Masterplan) received 12<sup>th</sup> December 2013.

In relation to the heights of each building, two and a half storey properties shall have a ridge height no higher than 9m.

Reason: This is an outline planning permission and compliance with the parameters is required to provide certainty and ensure the impact of the development on planning interests is acceptable.

5. The approved scheme shall secure a reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies). A report for each phase of the development, confirming the achievement of specified design fabric for that phase of development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that phase of the development. The development shall be implemented in accordance with the approved details

Reason: Having regard to policies with the National Planning Policy Framework.

6. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs in relation to each phase of the development shall be submitted concurrently with the application for the approval of reserved matters for that phase of the development.

Reason: To ensure that any change in ground level is acceptable given the nature of the site and adjoining uses.

7. The landscaping scheme which shall be submitted as part of the Reserved Matters application(s) for each phase of development shall include details of hard landscaping, boundary treatment, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme for that phase of development. The landscape plan should also include the following:
- Existing and proposed levels and contours
  - Proposed levels, cross sections and construction details for any mound along the boundary with the industrial estate including details for the position and height of any acoustic fencing.
  - Details for planting on the earth mound (which should include larger nursery stock) along the boundary with the industrial estate shall be accompanied with a timetable for implementation with the aim of achieving screening and impact at an early stage in the build phase.
  - Existing boundary vegetation and proposed soft landscape design including: woodland, scrub, parkland trees, hedgerows, wildflower grassland, mown grassed areas, ponds/SUDS (number and location to be agreed) and ornamental trees and shrubs.
  - Full details of proposed species and plant mixes for all open space compartments and for the housing area.
  - Full details for all hard landscape elements within the open space compartments i.e. footpath/cycleway surfacing materials, street furniture, play equipment, public art and interpretive material. Plus varied, high quality hard surfacing materials within the housing area.
  - Details for boundary walls, fencing and railings. Prominent side and rear garden boundaries should be brick rather than timber fencing.
  - The development must include at least three links between the housing area and the woodland buffer which must be a approximately 20 metres in width and must include a footpath/cycleway link.
  - A permanent diversion route for public footpath (Knutsford FP11).

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

8. The approved landscaping plan for each phase of development shall be completed in accordance with the following:-
- a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme for that phase of development, within the first planting season following completion of the phase of development hereby approved, or in accordance with a programme agreed in writing with the Local Planning Authority.
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock.

All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition, and Construction Recommendations.

d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

9. Lighting shall be provided within each phase of the development to light all highways, driveways, footpaths, cycle ways and parking areas, in accordance with a scheme of details which has previously been submitted to and approved in writing by the Local Planning Authority for that phase of development. The lighting scheme is to be designed so as not to conflict with any safeguarding criteria and shall specify that lighting is of flat glass, full cut of design with horizontal mountings and no light spill above the horizontal. The approved scheme, shall be implemented prior to the approved phase of development being occupied and shall be retained in this way at all times thereafter.

Reason: In the interests of highway safety and to ensure that the lighting does not confuse or distract pilots in the vicinity of the aerodrome and to ensure the safe operation of aircraft.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A to F of Part 1 Schedule 2 of the Order shall be carried out.

Reason: To ensure continued control over the extent of further building on the site and ensure that any further extensions and/or alterations comply with the policies contained within the Development Control chapter of the Macclesfield Borough Local Plan.

11. If piling work is found to be necessary on the site as part of the development, then the contractors shall be members of the Considerate Construction Scheme and shall also consider and select a piling system which would result in the least disturbance to nearby

residents in terms of both levels of noise and vibrational effects consistent with the satisfactory completion of the piling. .

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

12. All noise generative activities (including demolition and site clearance) which are likely to generate noise audible to residential properties beyond the site boundary shall be restricted to the following hours:

Monday – Friday: 08:00 – 18:00

Saturday: 08:00 – 14:00

Sunday & Public Holidays: No noise generative construction works

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

13. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase of the development.

Reason: To reduce the impacts of dust disturbance from the site on the local environment

14. Prior to the development commencing:

(a) A Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).

(b) If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out.

(c) If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Reason: The Phase I contaminated land report recommends that a Phase II investigation is required to assess any actual/potential contamination risks at the site including ground gas risks. To ensure the development is suitable for its end use and the wider environment



and does not create undue risks to site users or neighbours during the course of the development and having regard to policy DC63 of the Macclesfield Borough Council Local Plan.

15. Notwithstanding the means of access from Parkgate Lane as shown on the 'Proposed Access Arrangement from Parkgate Lane' plan (dwg ref CBO-0047-006 Rev A) hereby approved, prior to commencement of development full design and construction details of the access shown on the approved drawing shall be submitted to and approved in writing by the Local Planning Authority. The agreed access shall be completed and the required visibility splays shall be provided prior to the occupation of the first dwelling. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.0m above the level of the adjacent carriageway at all times.

Reason: In the interests of highway safety and in accordance with Macclesfield Borough Local Plan policy DC6.

16. Notwithstanding the proposed roundabout shown on the Potential Roundabout Improvement Scheme Mobberley Road / Parkgate Lane plan (dwg ref CBO-0047-004 Rev B) hereby approved, prior to commencement of development full design and construction details of the roundabout improvement shown on the approved drawing shall be submitted to and approved in writing by the Local Planning Authority. The agreed improvement shall be completed prior to the occupation of the first dwelling on the site.

Reason: In the interests of highway safety and in accordance with Macclesfield Borough Local Plan policy DC6.

17. Prior to the commencement of any phase of development a construction method statement shall be submitted to and approved in writing by the Local Planning Authority, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park in respect of that phase of development. The development shall then be constructed in complete accordance with the method statement.

Reason: In the interests of highway safety to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents and in accordance with Macclesfield Borough Local Plan policy DC3.

18. Prior to the commencement of a phase of development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority for that phase of development. The approved scheme shall be available for use prior to that phase of

development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interests of public health, visual amenity and highway safety.

19. Any phase of development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system for that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority. This should demonstrate that surface water discharge rates and volumes do not exceed pre development levels (5.6 l/s/ha as given in the Integra FRA July 2013) and that attenuation is provided to cater for the 1 in 100 yr event climate change.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

20. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a watercourse and may require the consent of the riparian owner. For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment and in accordance with Macclesfield Borough Local Plan policy DC17.

21. Prior to the commencement of each phase of development hereby permitted, a scheme to manage the risk of flooding from the overland flow of surface water for that phase of development shall be submitted to, and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

22. A phase of development hereby permitted shall not be commenced until such time as a scheme has been submitted to and approved by the Local Planning Authority that ensures that finished floor levels are set no lower than 600 mm above the 100 year climate change flood level for that phase of development. Development shall be accord with the approved scheme.

Reason: To reduce flood risk to the proposed development and future users.

23. No development shall take place until a scheme for the provision and management of off-site compensatory habitat creation has been submitted to and agreed in writing by the local planning authority. The scheme shall have reference to the Ecological Assessment Report (Ref: 1779/R05) and the Illustrative Landscape Masterplan (Ref: 1779/P11d) hereby approved. Thereafter each development phase shall be implemented in accordance with the approved scheme.

Reason: To enhance and protect the off-site ecological value and compensate for habitats lost to the approved development.

24. No development shall take place until a scheme for the provision and management of on-site habitat creation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall have reference to the Ecological Assessment Report (Ref: 1779/R05) and the Illustrative Landscape Masterplan (Ref: 1779/P11d) hereby approved and shall include the buffer zones associated with the adjoining watercourse and the Local Wildlife Site. Thereafter each development phase shall be implemented in accordance with the approved scheme.

Reason: To enhance and protect on-site ecological value and compensate for habitats lost to the approved development.

25. As part of the finalised layout for each phase of the development including Open Space, the plot detail for that phase of the development should concur with the requirements of BS5837:2012 Trees in Relation to Construction and the Councils Trees and Development Guidelines. A detailed Arboricultural Implication Study will be required as part of any future reserved matters planning application(s). Adequate space should be made available to retain existing mature trees, whilst allowing early mature specimens to reach maturity. Suitable space should also be established to retain and promote existing hedgerows in the form of green corridors.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area and in accordance with policy DC9 of the Macclesfield Borough Local Plan 2004.

26. No occupation of any phase of the development shall take place until a verification report for that phase of development demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a

"long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent the pollution of controlled waters from potential contamination on site.

27. If during development of a phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent the pollution of controlled waters from potential contamination on site.

28. No phase of the development approved by this planning permission, shall take place (unless another date or stage in development has been submitted to and agreed in writing with the Local Planning Authority), until a scheme for that phase of the development that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent the pollution of controlled waters from potential contamination on site.

29. A Phasing Plan showing the details of the ecology, landscape and open space works at the site shall be submitted to for the approval of the Local Planning Authority as part of the first reserved matters application.

Reason: To ensure that adequate access is provided to the Open Space areas and in accordance with Macclesfield Borough Local Plan policy DC15.

30. If during development, piling should be required for any phase of development, prior to the commencement of any piling activity, a piling method statement for that phase of the development, shall be submitted to and agreed in writing by the Local Planning Authority, which includes the method of and timings and duration of any pile driving required, together with on site monitoring and standards to be met. Any piling shall be carried out in accordance with the agreed details.

Reason: In the interests of amenity, having regard to the location of the site and to comply with policy DC3 of the Macclesfield Borough Local Plan.

31. No phase of development shall not commence until a fully detailed landscaping scheme (which includes details of the pond design, ecological mitigation area, woodland buffer, rural gateway, residential park, green lungs, and other area of open space) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Safeguarding Authority for Manchester Airport. The detail of the landscaping scheme will require assessment of the potential to attract bird species that are a risk to air safety, and should be designed so as not to increase the level of bird activity at the site. The landscaping scheme shall have particular regard to such matters as pond design, species mix and density and planting and any mitigation and management (including post development management) required to reduce the attraction to large water birds. Development shall be carried out in accordance with the approved scheme.

Reason: To avoid endangering the safe operation of aircraft through the attraction of birds.

32. Prior to the commencement of a phase of development, a Site Construction Environmental Plan for that phase of development shall be submitted to and approved by the Local Planning Authority and it shall be complied with during the construction of that phase.

Reason: To avoid occupants of the first houses constructed being adversely affected by later stages of the construction.

33. All residential habitable rooms shall be acoustically insulated as outlined in the acoustic report submitted with the application (SRL, Ref: C/41423/R01V4/JDH) including provision of acoustic glazing, acoustic insulation to upper floor ceilings and whole room mechanical ventilation and heat recovery (MHVR) systems to avoid the need to open windows for ventilation.

Reason: To protect the occupants of the dwellings from aircraft noise and noise from the adjacent industrial estate.

34. The development shall not commence until details of a continuous fence (or wall) to be erected along the southern boundary of the site with the Parkgate Industrial Estate point X and Y shown on the approved Noise Mitigation Plan (dwg. Ref 05202/BB\_00\_004 or such later revision as approved) has been submitted to and approved in writing by the LPA. The development hereby permitted shall not be occupied until the approved wall or fence has been constructed in accordance with the agreed details. The approved wall or fence shall have a surface density not less than 8KG/m<sup>2</sup> and shall not be less than 2.5m height (relative to the ground level on the industrial estate side of the boundary). The approved wall, or fence shall be maintained, and retained throughout the occupation of the site.

Reason: To protect the occupants of the dwellings from noise from the adjacent industrial estate.

35. Any reserved matters application proposing dwellings with outdoor amenity spaces to be constructed in the area shown in yellow on the approved Noise Mitigation Plan (dwg. Ref 05202/BB\_00\_004 or such later revision as approved) shall be accompanied by a scheme of noise mitigation to be approved in writing by the LPA. The scheme of mitigation shall be sufficient to ensure that noise from the industrial estate does not exceed the following criteria in outdoor amenity areas:

- 55 dBLA<sub>EQ</sub> (16 Hour) , and
- Noise shall not regularly exceed 50 dB LAF<sub>MAX</sub>

No dwellings with outdoor amenity space erected (wholly or partially) within the area hatched in yellow on the Noise Mitigation Plan shall be occupied until the approved scheme of mitigation has been implemented fully in accordance with the agreed details.

Reason: To protect the occupants of the dwellings from aircraft noise and noise from the adjacent industrial estate.

36. Prior to the development coming into use, a residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options. The plan shall be monitored and enforced throughout the occupation of the development.

Reason: To improve the sustainability of the site, having regard to the guidance in the NPPF.

37. One electrical socket will be provided in the garages of the proposed residential properties. These electrical sockets will be suitable for use in the charging of electric vehicles and shall be maintained throughout the use of the development.

Reason: To safeguard residential amenity, public health and quality of life and provide sustainable transport modes in accordance with policies contained within the National Planning Policy Framework.

38. No development shall take place within the area indicated on Sites 6 and 7-12, as depicted on Figure 5 of the CgMs Report, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: Having regard to the designation of the site and in accordance with Policy BE21, BE22, of the Macclesfield Borough Local Plan 2004 and in accordance with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework.

39. A further badger survey shall be submitted concurrently with the application for approval of reserved matters. The survey shall be carried out by a suitably qualified person and approved in writing by the Local Planning Authority. The report shall include measures for the protection of badgers during development and for the retention of existing or provision of alternative accommodation, including mitigation and compensation measures. These approved measures shall be implemented in strict accordance with the approved details.

Reason: To safeguard wildlife in accordance with the NPPF and in the interests of nature conservation in accordance with policy NE11 of the Macclesfield Borough Local Plan 2004.

40. Prior to the commencement of any phase of development, detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrows and swifts shall be submitted to and approved in writing by the Local Planning Authority for

that phase of the development. The proposals shall be installed in accordance with approved details throughout the occupation of the development and retained thereafter.

Reason: To secure an enhancement for biodiversity in accordance with the NPPF and in accordance with Macclesfield Borough Local Plan policy NE11.

41. The Reserved Matters application for each phase of development shall be supported by a revised ecological mitigation method statement for each phase of development. This revised statement shall take account of any changes to the site layout for that phase of development and shall be in accordance with the mitigation and compensation approved by this outline permission.

Reason: To safeguard wildlife in accordance with the NPPF and in the interests of nature conservation in accordance with policy NE11 of the Macclesfield Borough Local Plan 2004.

43. No development shall commence until a mitigation strategy in respect of great crested newts and a programme for its implementation have been submitted to and agreed in writing by the Local Planning Authority. The mitigation strategy shall be in accordance with the mitigation strategy described in Section 5 of the Ecological Assessment hereby approved (dated 11th July 2013 and prepared by Tyler Grange). The approved mitigation strategy shall be implemented in full in accordance with the agreed programme for implementation.

Reason: In the interests of nature conservation and to ensure the protection of legally protected species

44. Prior to commencement of each phase of the development, if any trees shall be removed or tree works undertaken then update surveys of trees for bats shall be undertaken and a report submitted to and approved in writing by the Local Planning Authority for that phase of development. If a bat roost is identified, prior to commencement of each phase of development, a mitigation strategy shall be agreed in writing with the Local Planning Authority for that phase of development. The approved mitigation strategy shall then be implemented in full.

Reason: to In the interests of nature conservation and to ensure the protection of legally protected species



The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures in, under, over or within 8 meters of the top of the bank of a main river.

The applicants attention is drawn to the contents of the letters from the Environment Agency dated 9<sup>th</sup> August 2013 and United Utilities dated 3<sup>rd</sup> December 2013.

Cranes, whilst they are temporary, can be a hazard to air safety. Should any cranes or tall construction equipment be required during the construction process, a separate assessment of crane operations shall be required. The developer or crane operator must therefore notify Manchester Airport Airfield Operations at least one month in advance of intending to erect a crane or tall construction equipment to determine whether there are any regulatory procedures or operating restrictions that need to be agreed before work commences, and whether a Tall Equipment Permit would need to be obtained in advance. This is to ensure compliance with the British Standard Institute Code of Practice for the safe use of cranes, BS7121 – 1:2006 and to ensure that Manchester Airport's Obstacle Limitation Surfaces are protected to avoid endangering the safe operation of aircraft.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA 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.

**Please Note:** This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and

beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

Dated: 23<sup>rd</sup> June 2015

Signed



**Authorised Officer for**  
**Cheshire East Borough Council**