

# **Southern Planning Committee**

## **Updates**

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**Date:** Wednesday, 21st July, 2010  
**Time:** 2.00 pm  
**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 committee agenda.

**Planning Updates** (Pages 1 - 28)

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Please contact Julie Zientek on 01270 686466  
E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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**SOUTHERN PLANNING COMMITTEE – 21 JULY 2010**

**UPDATES**

**ITEM 5: 09/4240C – Marsh Farm, Newcastle Road, Congleton**

**PROPOSAL:** Residential Development of 52 Units on Marsh Farm. Congleton.

**ADDRESS:** Marsh Farm, Newcastle Road, Congleton.

**APPLICANT:** Bloor Homes & Jane Lowe

**DATE UPDATE PREPARED:** 16<sup>th</sup> July 2010

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**COMMENT**

**Amenity Greenspace**

Following discussions it was questioned as to where the contribution for amenity greenspace would be spent. It has been confirmed that the monies would be used for the existing Public Right of Way to Astbury Mere with any remaining funds being used for management of the wildlife habitat at the Mere.

**LEAP**

Following discussions with the developer, it was put forward that the Locally Equipped Area of Play could be run by a management company and this would negate the need to provide the sum of £51,044.

**Highways**

Following the site visit by members who considered the need for a pedestrian crossing on the A34, Nigel Curtis (Highways Officer) was asked for his views. He considers that the provision of a 2.0 metre wide footpath along the full frontage of the site with the A34 Newcastle Road, with tactile paving and dropped kerbs to both sides of the A34, at the northern most point along the site frontage, would be acceptable. This was the requirement placed on the care home. He did not consider that the pedestrian generation from the site would be sufficient to justify the provision of a 'Puffin' crossing at a cost in the region of £70,000. Also, he was asked to consider whether it would be possible to provide a central refuge on Newcastle Road. He is unsure whether the road is wide enough to accommodate a central refuge that would pass a safety audit.

**Drainage**

Concerns have been expressed relating to drainage and as stated in the updated committee report this can be dealt with by condition. Both the Environment Agency and United Utilities were consulted on the application. United Utilities had no objections provided that the site is drained on a separate system and that surface

water is drained into the adjacent watercourse. The Environment Agency stated that the development would only be acceptable if conditions relating to flood prevention were included and these have been recommended should members resolve to approve the application.

### **Public Footpath Congleton No.10**

The site layout includes a proposed link to public footpath Congleton No.10. The existing public footpath does not cross the application site; it is located adjacent to the south west boundary of the site. The Council's Public Rights of Way Team has commented that the development is unlikely to affect the public right of way. A plan is provided to show the line of the public footpath.

### **RECOMMENDATION**

After consideration of the additional information received, it is recommended that:

#### **The recommendation to approve stands as follows:**

'Approve with conditions, subject to the completion of a Section 106 Agreement relating to affordable housing and public open space provision.'

### **SEE BELOW FOR e-mail from Mr Robert Davies and letter from Mrs J Unsworth**

#### **(A) E-mail from Mr Robert Davies**

-----Original Message-----

From: Robert Davies

Sent: 19 July 2010 11:04

To: TOWNSEND, David K (Development Management)

Subject: Objection to Planning Application 09/4240C Residential Development at Marsh Farm, Newcastle Road, Congleton

Dear Sir,

Further to my previous letter of objection, dated 24th February 2010, I would like to add the following comments for consideration at the Southern Planning Committee meeting on the 21st July.

1. I am very concerned to note that active steps are being taken by the agents for this development in promoting the sale of said units, when no such approval or suggestion of such has been given by the Planning Committee. In similar vein, the active and extensive demolishing of outbuildings at Marsh Farm itself continues apace and for what possible reason? The very procedure for approval of such developments is suddenly very questionable as it would appear that the role of the Planning Committee is merely to nod through their agreement once the technical issue raised by other objectors have been investigated appropriately. The committee should set out to re-assure all interested parties that they stoutly defend all the

proper and lawful procedures leading to the granting or otherwise of all Planning applications.

Where there is reasonable doubt that this has not been followed to the letter, then I propose that this application be rejected or at the very least, that it reverts to the start point again and call on the public and other interested parties to air their views with a brand new timetable.

2. It is a fact that housing builds across the UK and very likely across the East Cheshire district are exceeding the demand for new housing.

What possible advantage is there to Congleton or to any of its residents by pursuing this extensive housing development? Is there a serious need for this? Where is the loss if the application does not succeed? The owners of Marsh Farm and the builders and their agents have a clear interest in furthering this development but who else?

The Congleton Town Council and East Cheshire Council have both expressed there concern that the North West Regional Development Agency were focussing on larger towns than Congleton in Cheshire in identifying and promoting additional employment land. There is little or no logic in proceeding with this unwanted housing development that would become a blot on our country side and a blot adjacent to our own graceful Country Park at Astbury Mere.

I submit that this application be rejected for these reasons amongst many others.

Thank you for your consideration,

Yours faithfully,

Mr R Davies

**(B) Letter from Mrs J Unsworth**

To Mr D. Townsend, Planning Officer, Cheshire East Borough Council

By email

Copied to Paul Moore, Adrian Fisher, David Topping, David Brown

18<sup>th</sup> July 2010

**RE: Application 09/4240C Erection of 52 houses on Astbury Marsh, Congleton**

Dear Mr Townsend

As a result of a conversation with Mr Fisher on Friday afternoon I am writing to give you further information and to comment on your revised submission. I ask you to make my comments available to members of the Southern Planning Committee before the meeting on 21<sup>st</sup> July.

## 1. Drainage and flooding

The drainage on the A34, Fol Hollow and the road from Astbury Mere is inadequate at times of heavy and prolonged rain. In my previous letter I dealt exhaustively with the many factors which determine flood conditions in the area. My information on this point has been obtained from correspondence and discussion over the years with the Environment Agency, the Local Authority and United Utilities.

It is my understanding that the Marsh is at the end of the sewer and rainwater drain system which runs the length of Padgbury Lane. It is also the lowest point in all directions for some distance and therefore rainwater makes its way to the Marsh from all the surrounding land. Since the rainwater drain serves the whole of the 'Lake District' housing estate to the north of the Marsh, in times of heavy rain the rainwater drains in the Marsh become full. When the A34 floods, and I refer you again to the photographs and other evidence presented previously, the excess water decants onto the land and buildings on either side of the road. **The houses below the road on the southern edge of the proposed development do not have separate rainwater and sewage drains.** All the flood water therefore runs into the main sewer which, at the Padgbury Lane end of the bridle path between Marsh House and 81 Padgbury Lane, culminates in a double chamber. **In addition the road and rainwater drains also run through this chamber which is designed so that if the rain water drain is incapable of holding the volume of water flowing into it, the excess water will flow into the foul sewer.** The intention is that the sewer will then carry away both the sewage and the excess rain water. **When the critical point is reached so that rainwater floods the foul sewer, the system starts to back up, lifts the sewer covers, and contaminated water flows into our gardens and our houses.** Mr and Mrs Lewis at XXX have a septic tank rather than a connection to the sewer but, nevertheless, in 1999 and 2000 they experienced flooding from contaminated water up to 2 feet in both their garden and their house. The families at Portland and 81 Padgbury Lane also experienced considerable flood damage to their houses and, whilst we had only a small amount of flooding inside our house, our garden and driveway were completely covered with contaminated water. When this flood water finally drained away, and it took several days for the flood in our lower garden to subside, we had to clear away large quantities of stinking black mud which covered our land to a depth of 2". Since these events there has been flooding but fortunately the rain has stopped before the critical overflow provision was breached.

United Utilities have assured us that technically the sewer has the capacity to carry extra sewage but it is my understanding that it does not have the capacity to carry **any** extra road or land drainage water. Indeed, it needs to carry much less. As we have shown, the capacity breaks down in the instance of flood and we believe that there has been no remedial work in the area since the latest flooding events in the summer of 2008. However, since this last flood event, the sewage from the 60 bed care home now flows through this main sewer and the proposal that you are so firmly supporting will mean the addition of sewage from 52 family homes. If the sewer flooded before it had all this waste to carry away it is highly likely that it will, in instances of extreme or prolonged rainfall, flood our homes again, this time with even more sewage.

The experiences further along the road in both directions are different, but they also seem to stem from serious inefficiencies of the road and land drainage system and contribute to the overall flood event position. I have the permission of Mr and Mrs Moore of XXX to share with you some of the correspondence about this vexed issue from both the Environment Agency and the Highways Engineer. These comments, together with extremely helpful work from the engineers from United Utilities, have helped to inform our understanding of the flooding problems and perhaps they might help to inform you. Perhaps I might also ask you to consider the relative levels of these properties and of the site. During flood events I have seen flooding on the field and roadway on the proposed site but I have no evidence to support this.

It is perfectly understandable to me that it is possible, on paper evidence and as a result of drilling core samples, to reach the conclusion that the site is not in danger of flooding. **That does not mean that the conclusion is correct. It means only that the compiler of the report did not have access to all the existing information** and was not perhaps asked to supply a flood risk assessment for the surrounding properties and the road. This information was, however, made available to the planning officers who appear to have ignored the implications of it.

## 2. Transport Assessment and Site Accessibility

As I pointed out in my previous letter, the Transport Assessment attached to this proposal was full of inaccuracies, evasions and false conclusions. I note that you have accepted it at face value and accept the claim that the “site is accessible by non-car modes”. I deduce from this that either no officer has bothered to check this information or that for some reason you wish to accept the conclusion regardless of lack of validity. I note that the SHM has “scrutinized and accepted” the Transport Assessment in spite of its obvious deficiencies and I intend to take this point up with his manager. It is a pity that when permission was given for the Church and the Care Home no thought was given to the necessity to provide a footpath along the whole width of the eastern side of the carriageway. Nobody can leave that site without crossing the A34 or walking around the country park and it is nonsense to say that the site is easily and safely accessible or that people will not need to use cars.

## 3. Highways and Road Safety

There is a long history of correspondence with the Highways Department because residents have serious concerns about the state of the road surface and the effects of this on existing housing stock and the health of residents. The Highways Department has acknowledged that the road surface is seriously degraded and is therefore causing problems for residents because of noise and vibration from the volume of heavy goods traffic on this road. Additionally, previous development has left serious damage on the road surface. No further development should be allowed unless the road surface is replaced and the roadside drainage issue sorted out. I do not believe that it is impossible to request E106 money for this process at this stage. Residents of Congleton have serious doubts about the safety of the A34 and I remind you of the proviso made by Congleton Town Council in their response to this proposal. The Strategic Highways Manager may not have raised objections on grounds of road safety but has any member of staff visited the site and has he used up-to-date information to inform his judgment? I note that the drawing presented with

the application is inaccurate. Residents reasonably feel that the proposal put forward with regard to a crossing would be dangerous.

#### 4. Impact of the Development on Existing Residents in respect of Environmental Health

I note that the statement from Environmental Health has totally ignored the impact of this development on existing residents, in particular, those of us whose houses are sited in zone D as defined in PPG24. In addition to the intolerable levels of noise that we currently experience we shall, if this development is permitted, have to endure additional noise from banging of car doors, starting up of engines, car and house alarms and all other normal noise to be expected from a development of this size. I note also that there will be a significant increase of light, again in an area where light pollution is already very high. I claim that this development will mean serious loss of amenity for existing residents on these grounds.

#### 5. Housing Density and Local Plan

I note your point that “there are no policies in the local plan specifically precluding development on this type of land” and that “the proposal should be assessed against the other relevant policies in the local plan. These policies state that there is a presumption in favour of development provided that the development is in character with the area, does not have an adverse impact on residential amenity and is in compliance with wider environmental requirements”. You conclude that none of these conditions apply. I disagree with you and question why you are making such a statement in the light of the evidence before you.

#### 6. Affordable Housing

I note your recommendation that the shortfall in affordable housing should be tolerated because of the “current economic climate”. This is not rational. If times are hard then more, not less, affordable housing should be provided. If the developer is going to benefit from this development he should be prepared to invest in the community. I also question why, if an economic argument is to be advanced in support of this proposal, no assessment of the economic viability of this project has been made.

Yours sincerely, Jenny Unsworth



Our ref: Non/Astbury Marsh/MM

Your ref:

Date: 3 January 2001



ENVIRONMENT  
AGENCY

Mrs J Moore



Dear Mrs Ashcroft

**FLOODING ~ ASHBURY MARSH, CONGLETON**

Thank you for your letter dated 10th December 2000, addressed to Congleton Borough Council and copied to Mr J Lawrenson, Regional Flood Defence Manager, at the Agency.

I am sorry to hear the problems that you experienced during the recent prolonged period of heavy rain and have now received a suitable response from the borough council. From the content of your letter I already believe that you are aware of the responsibility that the borough authority have towards highway drainage issues.

With reference to the Agency's responsibilities, I can advise you that the Agency is responsible for flood warning and flood defence operations on certain watercourses. The Agency has an interest in ensuring that the rivers run freely and do not constitute a flood risk. We have the powers (but not the responsibility) to carry out maintenance works and improvement works with the objective of reducing or minimising the risk of flooding.

I have taken the opportunity to speak with Mr Derek Sewell of Congleton Borough Council regarding your recent correspondence with them. I was advised that it was their belief that the highway drainage system was overwhelmed due to the levels in the Loach Brook, the watercourse that the highway drainage is believed to outfalls into, rising to such a level that effective drainage could not be achieved. It is my belief that the highway drainage for the section of carriageway that was flooded on this occasion outfalls into a tributary of Howty Brook, not Loach Brook. This tributary, designated as an ordinary watercourse, is the responsibility of the borough authority and the riparian owners to maintain. I can also confirm that the Agency have no powers for the design and maintenance of the drainage infrastructure on public or private roads and highways.

Notwithstanding the above, one of my officers has visited Loach Brook recently and advise me that water is flowing freely along its length. I can advise you that the Agency, under its annual routine maintenance programme had planned maintenance work to commence during January 2000 on this brook. This operation entails the clearance of bed weed, but leaving a narrow margin to enable the natural environment to be encouraged.

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Environment Agency  
Appleton House  
400 Birchwood Boulevard  
Birkenhead  
Warrington WA1 7WD  
Tel: 01925 810000 Fax: 01925 852260

I can also advise you that I have written to Congleton Borough Council requesting information on the highway drainage outfalling into both the above stated watercourses. I must also state that as the Agency were not advised of this specific flooding event during its occurrence by yourselves or the borough authority. Therefore I unfortunately cannot confirm definitively on the reason for this flooding occurrence but suggest that it was not due to any blockage on the watercourses that the Agency has permissive powers to undertake maintenance or improvement works.

I hope this clarifies the division of responsibility between the Agency, Local Authority and the Riparian Owner(s). Please do not hesitate to contact Mike Middleton at this office if you require further information or advise on this matter.

Yours faithfully



**LYN HENSMAN**  
Team Leader ~ Operations and Enforcement (West)



## JOINT HIGHWAYS SERVICE

Congleton  
Borough  
CouncilWestfields, Middlewich Road,  
Sandbach, Cheshire CW11 1HZTel : ( 01270 ) 505334  
Fax : ( 01270 ) 505348

Our Ref :	Your Ref :	Enquiries Please Ask For :	Tel No :
DS/KH/Drain		Mr D Sewell	01270 505327

16 January 2001

Mrs J Moore



Dear Mrs Moore

## ASTBURY MARSH, CONGLETON

I was sorry to hear about the difficulties you encountered on the 6<sup>th</sup> November 2000. However, I am unable to agree with your conclusion that an efficient road drainage system would prevent future flooding and have the following comments to make on the issues you have raised:-

- 1.) On the 6<sup>th</sup> November 2000, serious flooding occurred at numerous locations on the highway network throughout Cheshire following the prolonged heavy rainfall conditions experienced on the 5<sup>th</sup> and 6<sup>th</sup> November 2000. In many cases the natural watercourses could not cope with the volumes of water in these exceptional weather conditions. This resulted in localised flooding of property and the reduce efficiency or failure of surface water drainage systems.
- 2.) On receipt of your initial telephone call to Congleton Borough Council's emergency line our staff visited the A34 to ascertain the cause of the flooding. This investigation identified the following:
  - a) The majority of water flooding your property was flowing from land behind Astbury Garage and land adjacent to Fol Hollow.
  - b) The culvert under the A34 was operating at full capacity which prevented the surface water drainage system on the A34 from operating effectively.
  - c) Localised flooding had occurred adjacent to the watercourse, on the A34 Newcastle Road and Padgbury lane. This prevented the use of pumping equipment to relieve the flooding around your property.
- 3.) The decision to close the A34 between Kids Grove and Congleton because of the flooding at Astbury Marsh and Red Bull traffic lights was made at 5.30am. This followed consultation with Staffordshire County Council and an inspection of the diversion route. The gathering of the diversion signs and their erection along Padgbury Lane, A534, A50 and A5011 took approximately two hours. This diversion successfully removed the majority of vehicular traffic which travels along the A34. However, traffic continued to travel northbound through the flood outside your property by accessing the A34 from the side roads in Scholar Green and Moreton areas. The Highway Authority were unable to manage this traffic because alternative routes could not be provided in the time available.

Alistair Haydock BA BSc C Eng FICE FIHT  
County EngineerDavid W. Dingle, B.Sc., Dip. Arch. ( Hons ), R.I.B.A.  
Operations and Community Director

- 4.) It stopped raining at 7.00am and consequently the volume of water running off the fields and in the watercourses reduced.  
The drainage system on the A34 at Astbury Marsh was now able to discharge efficiently into the brook and the flood subsided. At 10.00am the A34 was opened to free flowing traffic.

You will be able to see the severity of the flooding was caused by a number of factors. To prevent flooding occurring again in similar weather conditions the following must be carried out:

- 1.) Increase the capacity of the watercourse which runs adjacent to Fol Hollow and Padgbury Lane into the Loach Brook.
- 2.) Improve the surface water drainage system on the land around Fol Hollow and behind Astbury Garage.
- 3.) Improve the surface water drainage system on the A34.

This work must be undertaken by a number of landowners with the consent of the Environment Agency to ensure these additional volumes of water do not cause flooding elsewhere. To progress this matter I will write to the agency to seek their advice.

Yours sincerely



FOR DISTRICT ENGINEER





**Highway Service**

Congleton Area Highways Office  
Phoenix House  
Clough Road  
Winsford  
Cheshire CW7 4BD

Mr S.W. Moore



Date 03 October 2008

Our Ref: JAT/Congleton – 96

Your Ref: JAT

Dear Mr Moore

**RE: Flooding A34 Astbury Marsh.**

Thank you for your letter dated 11<sup>th</sup> September 2008.

Please accept my apologies for the late reply.

In the short term we have recently carried out some drainage investigation, consisting of having the system jetted and any blockages found, we attempted to repair, unfortunately we will only know the effectiveness of these repairs as and when we have the next heavy rain fall.

In the long term we will be trying to secure funding in order for a more permanent solution to be implemented.

If you wish to discuss this matter further, or would like to meet me on site, please do not hesitate to contact me.

Yours Sincerely



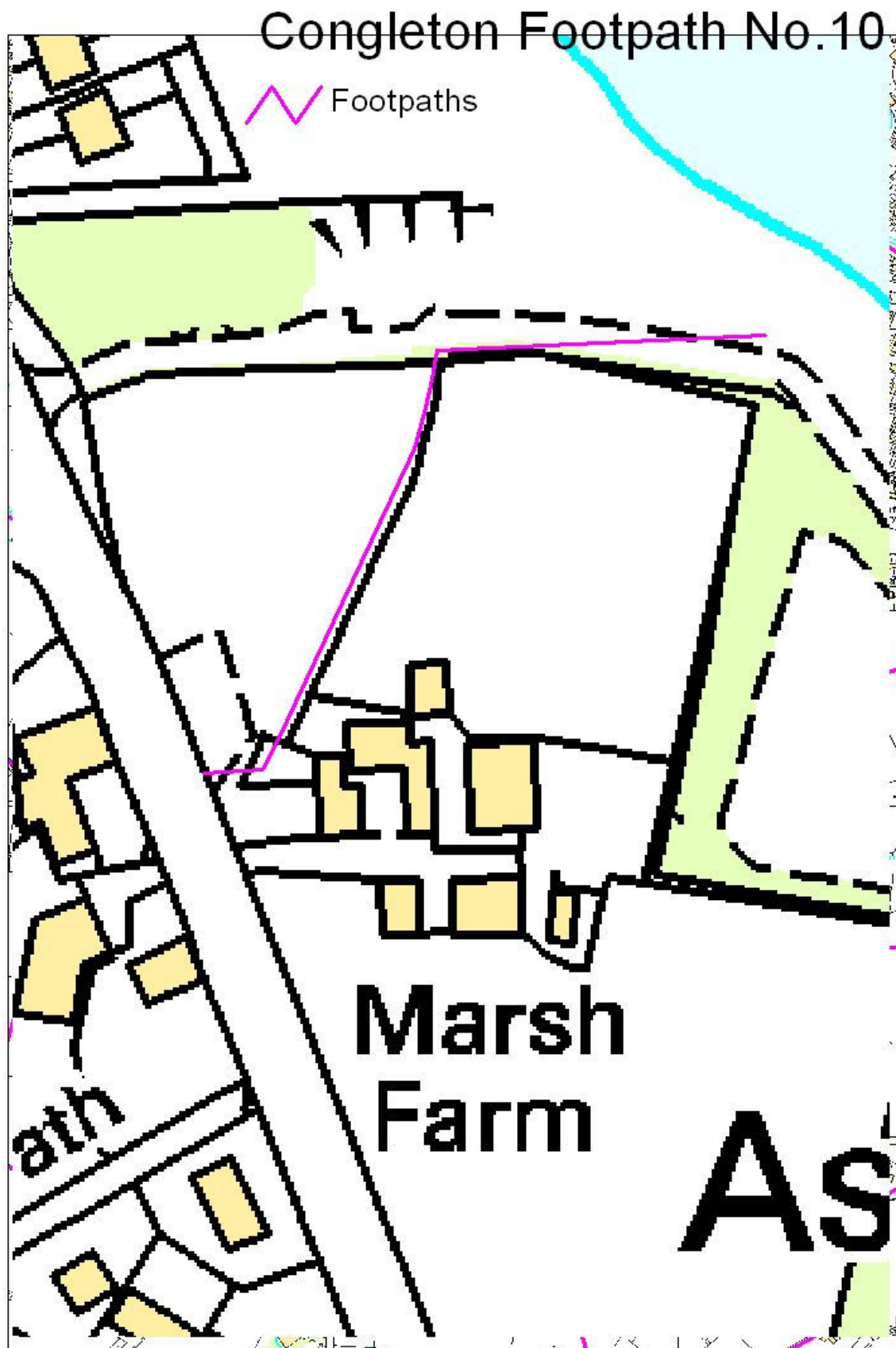
John Tickle  
Highways Superintendent

Phone: 0845 0020666  
Email: Engco@cheshire.gov.uk  
Fax: 01606 271889

If you have difficulty making contact  
please phone 0845 0020666  
Website: [www.cheshire.gov.uk](http://www.cheshire.gov.uk)

**TRAVELWISE.**





**ITEM 6: 14 Smithfield Lane, Sandbach**

**APPLICATION NO:** 10/1179C

**PROPOSAL:** Demolition Of Existing House And Erection Of 7No. 3 And 4 Bedroom Houses. Resubmission Of Application No. 09/3069C (Determined 13th November 2009).

**APPLICANT:** Brighthouse Homes (Sandbach) Ltd

**DATE UPDATE PREPARED:** 16<sup>th</sup> July 2010

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#### **COMMENT**

Members undertook a site visit on 16<sup>th</sup> July and questioned the distance to the boundary of the site with the new dwelling at Mount House. This was measured and is 8 metres.

The developers have pointed out an error in the report, namely plots 3-7 would be 4 bedroom and not 5 as previously stated.

The developers have also requested that members are also informed that: *“while the general plan arrangement has not changed, a significant number of discussions & meetings with the Planning Department have taken place to revise and refine the current appearance of this proposal which included a major change in the elevations and roof design to create a scheme which the Authority could support”*.

#### **RECOMMENDATION**

After consideration of the additional information received, it is recommended that:

**The original recommendation to approve and no amendments are made to the conditions/ reasons.**

**ITEM 7                      Aston Lower Hall, Dairy Lane, Aston-juxta-Mondum**

**APPLICATION NO: 10/1125N**

**Environmental Health:** As long as the proposed building is used solely for the storage of machinery and agricultural materials, such as feed, bedding and straw, Environmental Health have no objections.

**Nature Conservation Officer:** Whilst great crested newt absence cannot be concluded from the survey works undertaken it does not appear reasonably likely that the proposed works would have an adverse impact upon this species. No further action is therefore required in respect of this species.

**OFFICER COMMENT**

It is suggested that an additional condition restricting the use of the building is imposed in light of the comments from Environmental Health.

**APPROVE subject to conditions:**

- 1. Commence development within 3 years**
- 2. Development in accordance with the Approved Plans**
- 3. Materials as specified in application forms**
- 4. Recommendations of Protected Species Survey to be implemented**
- 5. Building not to be used for livestock housing**



**ITEM 8: Nova Court, West Street, Crewe. Construction of 18 new Town houses for Wulvern Housing****APPLICATION NO: 10/1409N**

**Landscape Architect:** If you are minded to go with an approval for this application, please apply the following landscape and tree conditions for information to be supplied prior to construction.

- A tree protection plan is required.
- Landscape Plan showing locations and type of hard and soft landscape elements.
- Details of boundary fences between individual properties.
- Planting plan with planting specifications and types and numbers of plants.

**Strategic Highways Manager:** The highways authority requires at least 100% off street parking at this site, with a turning head at the far end. This could be achieved by having a second point of access off Dewes Street. This would give easier access to the site for deliveries and refuse vehicle.

**Condition:**

No development shall take place until detailed drawings outlining the site's access arrangements, visibility splays, parking provision and turning facilities have been submitted to and approved by the LPA.

No development shall be occupied until the access/ accesses has been constructed in accordance with the approved drawings and to CEC specification.

Subject to the above, no highways objections.

Reason: In order to ensure safe and adequate access to the site for both pedestrians and vehicular movements.

**Sustrans:** Should this land use be approved our comments are as follows:

- 1) Please can you ensure in the design of these properties that there is a convenient and secure storage area for residents' bicycles, pushchairs.
- 2) We would prefer to see a landscaped strip on the frontage with West Street to soften the overall view on this residential road.

**United Utilities:**

I will have no objection to the proposal provided that the following conditions are met: -

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway as stated on the application form and may require the consent of the Environment Agency.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

**Environmental Health:**

1. Any external lighting of the proposed site should be submitted to and approved by the borough council before being installed, due to the close proximity of local residents.
2. The noise attenuation measures described in Section 8.0 'Discussion' of the Environmental Noise Survey Report dated the 18<sup>th</sup> & 19<sup>th</sup> March 2009, should be undertaken by the developer in order to protect the occupants of the proposed dwellings from excessive road traffic noise.
3. Prior to 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. The approved scheme shall be implemented and available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority. To protect the visual amenity of local residents and safe guard public health.

**Environmental Health Advisory Note:**

Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

**Contaminated Land Comments:**

Please ensure the following condition is attached to the above planning application 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.

Prior to the commencement of development:

- (a) A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).
- (b) Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
- (c) If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
- (d) Should remediation be 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.

Letter of objection received from 1-5 Peter Place the main concerns relate to:

- exacerbate existing car parking problems
- access issues for emergency vehicles
- amenity- overlooking, loss of daylight
- design out of character and overdominant for the area

### **OFFICER COMMENT**

The comments from neighbours are duly noted and these issues have been addressed within the officers report. It is proposed to incorporate the conditions suggested by the Strategic Highways Manager, Environmental Health and the landscape architect with the exception of the condition relating to tree protection as the trees have been removed.

The comments from Sustrans are duly noted and details of cycle provision will be conditioned however it is not considered appropriate to include a landscaping strip at the front of the site on community safety grounds as this would not be defensible space and would be sited directly adjacent to principal windowsd. An area of defensible frotn garden is considered a more appropriate solution.

**APPROVE**, subject to the completion of Section 106 Agreement and subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Submission of sample materials**
- 3. Development in accordance with the approved plans**
- 4. Removal of all permitted development rights**
- 5. Submission of boundary treatment details**
- 6. Submission of sample surfacing materials**
- 7. Submission of noise attenuation details**
- 8. Implementation of renewable energy measures as specified**
- 9. Submission of landscaping plan**
- 10. Implementation of landscaping plan**
- 11. Car parking and turning head shown on plans to be provided and maintained**
- 12. Submission of cycle parking and bin storage details**
- 13. Implementation of mitigation measures specified within protected species survey**
- 14. Submission of drainage details**
- 15. contaminated land condition**
- 16. submission of details for lighting scheme**

**ITEM 11**                      Former Cardboard Factory, Betchton Road, Malkins Bank

**APPLICATION NO:** 10/1555C

**PROPOSAL**                **Extension to time limit – redevelopment of former factory to provide 28 no. new homes to included 12 affordable homes provided by RSL**

## **ADDITIONAL INFORMATION**

### **Ecological Survey**

A number of ecological surveys were undertaken by TEP in 2007 report ref 1400.01.033a. TEP revisited the site in July 2010 to update the Phase 1 Habitat survey and assess the potential for species of conservation concern. The 2010 habitat survey results are presented at Appendix A and illustrated at Drawing D2504.001.

No specific development proposals were made available at the time of writing this report. The following paragraphs provide details on potential ecological constraints and opportunities.

Habitats in the site have limited biodiversity value. Within that context the scattered trees, hedgerows and scrub within the site are suitable for use by nesting birds.

The native hedgerow along the northern boundary is a UKBAP priority habitat. Given the location of this hedgerow, retention should be possible in any future site proposals. The defunct hedgerow on the southern boundary is not, in its current condition considered to qualify as a UKBAP priority habitat.

The Trent and Mersey Canal must be protected from pollution and run-off both during and development and post-development. It is recommended that a standoff of 3 metres between the site and canal. Measures should consider diverting surface run-off away from the canal and the use of sustainable urban drainage schemes (SUDS), including permeable surfacing.

There is no evidence to suggest that bats, water vole or badger are present on site. There are therefore no implications for development regarding these species.

It is recommended that an amphibian presence/absence survey on both off site ponds within 250 metres, to determine whether or not great crested newts may be using the site. If offsite ponds can't be surveyed it is recommended that a pitfall trap survey of the site itself is undertaken.

A reptile presence/absence survey should be carried out prior to development to update the 2007 survey data and ensure that reptiles aren't using the site.

Any vegetation removal should be undertaken outside the nesting bird season (March-August inclusive). If this is not possible, pre-clearance check should be made by an ecologist on the day of removal.

### **Recommendations**

It is recommended that the trees on site be retained and protected where possible. If tree removal is required, then placement planting should be incorporated into the site design. Increasing the current levels of tree habitat on site would benefit a range of species including birds, bats and invertebrates. Tree planting should include native species. Shrub and wildflower planting should also be used to create a diverse under-storey.

The hedgerow on the northern boundary should be retained and protected. Consideration should be given to gap planting the southern defunct hedgerow and planting new hedgerows using at least five native species along site boundaries. New hedgerows could incorporate current trees. Additionally, internal hedgerows would help create wildlife links between the canal and the open countryside to the north.

Other potential enhancement measures include the provision of wildlife refuge features such areas with log and stone coverhouses, bat boxes and bird nest boxes. As well as nesting boxes, incorporation of breeding ledges or fixing artificial nesting boxes to new buildings, to attract swallows, house martins and swifts is also recommended.

- Use of native species with open spaces should be implemented especially along the canal SBI

- Green trellising could be installed on new buildings to provide foraging and nesting for birds and invertebrates.

- Trees and hedgerows could be provided with a 1 metre wide strip of wildflower understudy, to enhance habitats for birds and invertebrates.

- New lighting scheme should avoid light spillage into the canal SBI

### **OFFICER COMMENT**

The survey has been passed to the Council's Ecologist and his comments will be reported at the committee meeting.

**ITEM 12:****APPLICATION NO: 10/1588N**

**PROPOSAL**            **Erection of an Office Development (B1 Use Class) with associated landscaping, car parking and access arrangements.**

**ADDRESS:**           **Land North West of Travelodge and South West of Retail Unit, Beswick Drive, Crewe**

A site meeting was held, with the Environment Agency, the case officer and the applicant Flood Risk Consultants, to discuss the layout shown on drawing number M10-02-04 rev 05. The plan shows the buffer to the Valley Brook to be in excess of 8m wide at the eastern and western ends of the building but narrowing to 6m in the central part of the building due to the natural curve of the river channel.

**CONSULTATIONS**

Environment Agency: The Environment Agency has responded as follows:  
The Environment Agency are prepared to remove their objection to the application based on the revised plans which show the building a minimum of 6m from the Valley Brook, designated a “main river” provided conditions are imposed for the

- (1) Submission, approval and implementation of a scheme for the provision and management of a buffer zone along the Valley Brook which shall show the extent of the 6m buffer zone, planting with native species, details showing how the buffer zone will be protected during development and managed in the long term and that the area remain free from development.
- (2) Submission, approval and implementation of a landscape management plan which shall include areas of new planting, maintenance regimes, details of new habitats created and treatment of site boundaries and or buffers around the water body.
- (3) The development shall be carried out in accordance with the FRA dated April 2010 prepared by Shepherd Gilmour ref C822.SBS.EAJ.jt. T0170 and the FRA Addendum Report dated July 2010 prepared by Shepherd Gilmour ref C822.SBS.EAJ.jt.T0263 and in accordance with the following:
  - Maximum rate of surface water run off to be limited to 5 litres per second and on-site attenuation to ensure no off-site flooding occurs up to the critical 100 rainfall event including allowances for future climate change.
  - Finished floor levels no lower than 48.4m AOD
  - Flood warning signs and evacuation routes to be erected to advise of risk of flooding
  - Electrical equipment within the building to be designed to ensure it remains operational during flooding.

## **OFFICER COMMENTS**

The submitted application details included a fully detailed landscaping scheme with a management regime. This includes native species and following negotiations, the Council's landscape architect and Ecologist have raised no objections to the planting scheme or the maintenance regime. An amended landscaping scheme has been submitted to take account of the revised location of the building which meets the requirements requested by the Environment Agency. Conditions of the report require these measures to be implemented. Further conditions are therefore not necessary.

The fact that the report recommends a condition (29) to remove permitted development rights for buildings ensures that no building will be provided within the buffer zone without the further submission of a planning application.

Condition 12 of the recommendation to the report removes permitted development rights for means of enclosure other than that agreed on the submitted plans and to be implemented under condition 11. This boundary fencing is away from the Valley Brook and around the office development to meet the applicants' security requirements.

The report also recommends at condition 30 that a scheme for protecting the Valley Brook during construction be submitted, approved and implemented.

With regard to the third condition recommended by the Agency, condition 13 of the report requires a surface water regulation scheme to be submitted approved and implemented. Condition 14 requires the buildings to be set at an agreed level. This is the level specified by the Environment Agency in their response. The remaining three items in their third condition can therefore be added as a further condition to the decision.

## **RECOMMENDATION**

As per report with an additional condition in relation to the implementation of the flood risk assessment (condition 3 of Environment Agency response above) where the items are not already covered by the report.

**ITEM 13:                   Bombardier Transportation, West Street, Crewe**

**APPLICATION NO: 10/1659N**

**PROPOSAL               To Erect Two Storey 81 Bed Care Home (Class C2: Residential Institution) Following Site Removal of an Existing Car Park.**

**ADDRESS:               Bombardier Transportation, West Street, Crewe, CW1 3JB**

## **REPRESENTATIONS**

### **Architect**

A letter has been received from the architects for the scheme, making the following points:

The Highways recommendations covers 3 No items, namely:

1. The traffic island at the access point into the site –
2. A new footway link along Dunwoody Way from the site entrance down to the roundabout. This would also include some changes to the existing street lighting, which would fall into the middle of the footway if the latter is tight to the kerb.
3. The last item relates to the SW pedestrian crossing at the south west corner of the roundabout, and involves the moving back of the Bombardier boundary fence to increase visibility splays (extent undefined)
4. Replacement Parking

They are particularly concerned about the third items in the Highways recommendation, which could have a disproportionately big effect on the scheme and make the following comments (numbering relates to numbers above):

1. This is fundamental to the scheme, which they knew was to be included
2. This is a new item and has not previously been raised by Planning. They are not sure why this is necessary as the path does not lead in both directions along Dunwoody Way, and there is ample pedestrian and cycle provision on the other side of the road, with a new crossing.
3. This item is unreasonable. It is not fair to add the works to the roundabout pedestrian crossings/visibility splays onto the application for the following reasons:
  - The pedestrian paths, cycle way and dropped kerbs are all in place on both sides of the Bombardier site entrance road, including the current visibility splays, and the Care Home Development in no way changes the performance or method of use of these pedestrian routes. As the Morrison's crossing in question is not even adjacent to the site, and is existing (Highways could have arranged for the fence alterations at the



time it built the footways and crossings), works to the crossing should not be lumped onto the Care Home development.

- In addition, the proposed work involves the moving back of a boundary fence in someone else's ownership. Since the area where this work would be required is not included in the application site red line, the work cannot be delivered with certainty. The applicant has no legal authority to do works within other private ownerships, and there could be significant ransom fee costs added onto the Care Home project to execute the works, as there are no alternative ways to comply with the proposed Highways alteration. It is never good to be beholden to other parties where they have the power to ransom the project.
  - The current crossings at the SW corner of the roundabout, which were presumably built to Highways approval some time ago, are now suddenly a problem. They could have been built to Council requirements back then.
  - If the crossing alterations (fence line) was omitted from the Planning Approval (and 106 agreement), there would be no increase in "slow pedestrian movements at this location". A care home designed for dementia residents (or even a standard care home for that matter) will add no additional slow moving pedestrians to the crossing point in question, as the residents are effectively locked into the building for their own health and safety. They cannot leave the building without an escort, usually ambulance or other vehicle. They are not able to leave the building by themselves; even the external amenity spaces are completely secure.
  - As the care home has no material effect on the crossing in question, it feels very much as if the inclusion of the crossing alterations proposed under a 106 agreement is simply a tax levy on the development, i.e. a method of contributing to Crewe Highway improvements generally. The costs contributed in this way could have been applied to any crossing in Crewe.
  - Although of no direct interest in terms of highways objectives, affirming the ownership of the land on which the 106 alterations are proposed is of absolutely no relevance; the critical issue is that the applicant does not own it. As such, the inclusion of work under a 106 agreement on this land will put a financial burden on the care home, i.e. an as yet undefined additional cost to the project. Planning would be giving Bombardier a ransom hold on the applicant. Therefore it would be grossly unfair for the care home to have to pay a ransom sum to pay for works on a third parties land, when the existence of the care home has no practical impact on pedestrian traffic at this location.
4. Replacement parking: The reason Bombardier is selling the development land is because the current site is slowly being contracted, with a resultant reducing need for parking. A 106 requirement for replacement of all 250 spaces would therefore be pointless, and could prevent the development proceeding, as Bombardier may not be able to commit to the cost of providing parking which is not needed. They are seeking more specific information on the Bombardier parking requirements for operational purposes and will advise.

### **Highway Authority Response**

Forward visibility for vehicles at this location is very poor. During a site visit, users of this crossing found it difficult to use as they were blind to oncoming vehicles approaching from the right.

The Highway Authority will not be able to support any application that increases slow pedestrian movements at this location without addressing this issue, as there will be an increased risk of vehicle and pedestrian collisions.

The fence line at this location will need to be moved back to increase visibility. The land in question is owned by Bombardier and CEC would require that the fence line be adjusted, with the remaining land in front of the new fence line becoming dedicated highway.

### **OFFICER COMMENT**

In respect of the land ownership issue, it is acknowledged that the applicant does not own all of the land required to implement the highway improvement measures or replacement parking. This is the reason for securing the improvements by Section 106 Agreement rather than by condition. Bombardier would need to be signatories to the agreement as the current land owners.

In the absence of support from the Highway Authority, it is not considered that the highway improvement requirements to be secured through the S106 should be relaxed. However, negotiations are on going in respect of these matters, and in the event that an alternative scheme of highway improvements are agreed upon the terms of the S106 agreement could be modified prior to signing through a further committee resolution.

**ITEM 14: Land to rear of 58 Wellington Road, Nantwich****APPLICATION NO. 10/2096N****Reason for Call-in:**

I am a member the Nantwich Town Council

The grounds for the call in are in line with The Town Council. The Town Councils reasons for objecting are

“The Town Council deplore the loss of green space by development of gardens. This proposal will create a dwelling which will be detrimental to the amenity of the immediate neighbour and add to traffic exiting onto the main road near a primary school. The Town Council object to this application.”

Regards  
Cllr Andrew Martin

**Landscape Architect:** Forestry Perspective – no concerns nor objections. In my opinion the tree survey and supporting information is in accordance with BS 5837:2005.

Landscape Perspective – concern of over development of the site. The loss of the garden of 58 Wellington Road and the provision of smaller garden space for both properties may not provide sufficient amenity space for the new residents.

**Environmental Health:**

- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

**CONDITION CLC1**

- A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).*
- Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.*
- Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted to, and approved in writing, by the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out.*

- (d) *Should remediation be 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 RCLC1

- *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 BE.6 of the Cheshire East Local Plan.*

#### NOTE NCLC1

- *The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 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.*

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Construction phase of development:

Protection from noise during construction (hours of construction)

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with policies GR2 and GR6 of the adopted Congleton Borough Council Local Plan First Review 2005....

#### Pile Driving

Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Reason: In the interests of amenity, having regard to the location of the site in accordance with policies GR2 and GR6 of the adopted Congleton Borough Council Local Plan First Review 2005....

**Nantwich Town Council:**

The Town Council deplore the loss of green space by development of gardens. This proposal will create a dwelling which will be detrimental to the amenity of the immediate neighbour and add to traffic exiting onto the main road near a primary school. The Town Council object to this application.

Letters of objection from the residents of 1,3,5 Tanners Way, 1 & 2 Birch House Mews, Mews House, 43, 54, 56, 60 Wellington Road the main concerns relate to:

- development on greenfield site
- dwelling footprint too big
- inaccuracies in submission- not a replacement, former outbuildings not relevant
- out of character
- insufficient car parking
- highway safety issues
- amenity: noise generation during construction

**OFFICER COMMENT**

The neighbours comments regarding noise during the construction phase is duly noted however this could be mitigated and therefore is not a reason for refusal.

The comments in respect of highway safety, amenity, nature conservation and design standards have been duly considered in the report. The representations received have not raised any material issues which would either alter the recommendation or the reasons for refusal.

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