

Strategic Planning Board

Updates

Date: Wednesday, 22nd August, 2012
Time: 10.30 am
Venue: The Assembly Room, Town Hall, Macclesfield

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

Updates (Pages 1 - 16)

Please contact Julie North on 01270 686460
E-Mail: julie.north@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

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Application No: 12/0831N

Location: Land to the North and South of Maw Green Road, Coppenhall, Crewe

Proposal: Outline planning permission for the erection of 165 dwellings on land to the north and south of Maw Green Road, Crewe. Access is proposed via a new roundabout off Maw Green Road.

Applicant: Richborough Estates

Expiry Date: 30-May-2012

UPDATE 21st August 2012

Erratum

Page 17 the report refers to The Conservation (Natural Habitats etc.) Regulations 1994, +These Regulations have been superseded by The Conservation of Habitats and Species Regulations 2010.

Applicant's Additional Representations

1. The environmental health officer has now agreed to findings regarding contamination and no further research is required in respect of ground gases before the grant of planning permission.
2. The advice in national planning policy framework is that local authorities, including highway authorities, should work with applicants to resolve highway issues. This is what has happened in this particular case and this is why there is an amended Section 106 offer. It is also worth noting that the NPPF does not expect highway issues to be taken to appeal where it is clear that financial solutions exist which is the case here.
3. In respect of the fall back position whereby funding is diverted only to the Maw Green junction, the Maw Green junction is an existing problem area which, if our development proceeds, will be rectified to the benefit of the wider community.
4. Attention should be drawn to the emerging Crewe town plan, which is to be the subject of public consultation later in the month, does identify the site as well as the housing opportunities. It is noted in the committee report that the site complies with the Council's policy in the revised interim housing policy statement. It would also be worthwhile pointing out that the Crewe town plan acknowledges the potential to create a country park beyond the application site which is part of the long term strategy for the tip area. Therefore, any concerns that members may have about potential impact on residents from

the existing operations of the landfill facility must be seen in the light of a strategy to turn this into a country park. It is of course clear from the consultation responses received from Council Officers and external agencies that there is no objection to the principle of housing as proposed next to the landfill facility given the design measures which have been introduced to the scheme.

5. With regard to highway and transportation matters:

- a) On page 40 of the report there is a statement regarding the operation of Sydney Road bridge and queue lengths. This is a potentially misleading and contradicts CEC's Local Transport Plan (2011 to 2026).

The committee report states that the 'queue lengths have only been achieved by doubling the cycle time of the signals'.

In the letter from PTB Transport of 28th May 2012 it is pointed out that the cycle time at the bridge would be expected to be increased as traffic flows increase, because this releases additional capacity due to the simple two stage operation of the bridge signals and heavy traffic flows. Indeed, the CECLTP states in paragraph 3.81 on page 57, that:

'Before new highway capacity is created there is a need to demonstrate that the existing highway network is operating as efficiently as possible through cost effective improvements – for example by altering traffic signal timings or instigating minor changes to the design of a junction'. Therefore it is clear that increasing cycle times should be regarded as normal practice and is something which a Council should look to do in the first instance.

- b) The statement on page 41 of the committee report deals with the timing of the Taylor Wimpey roundabout scheme. It is clear that the DfT guidance regarding transport assessments requires us to take into account committed development and its associated infrastructure. The advice in DfT guidance at paragraph 4.47 states that 'This will help to ensure that the transport impacts of the development are more accurately applied to a situation where all committed local transportation infrastructure improvements are in place'. Therefore, the approach is entirely appropriate and correct.
- c) The statement on page 41 of the committee report regarding Maw Green Road and 'Safety concerns with the right angled bend at the railway bridge' ignores the fact that accident data shows only two slight accidents in the latest 5 year period, indicating that the road under the railway bridge operates safely, as detailed in the PTB Transport letter of the 28th May 2012.

The committee report states at pages 41 and 42 that the operation of the Sydney Road bridge will be affected if no improvements are made. The PTB Transport letter of the 28th May 2012 included a significant

reassessment of the Sydney Road bridge to demonstrate what would happen to queuing and delays if the cycle times were not lengthened (as would be expected). The results clearly demonstrate that increasing the cycle time will drastically reduce delays resulting from queuing in future years.

- d) Page 42, second paragraph. It is stated here that following the initial assessment of the scheme the highways department recommended that the scheme be refused. The applicants do not believe that this is factually correct and that following the initial assessment of the scheme further discussions took place with the highways department to address concerns but no recommendations actually put forward by the department.

6. With regard to the contamination/landfill site:

- a. There is no development proposed on the landfill part of the site. The proposed POS is on the restored landfill.
- b. When first applying for planning permission for the landfill site over 20 years ago, the County Council stated that the aim was to restore the land and utilise as a country park. This is repeated in the draft Town Strategy. The proposals for the POS element should be seen as phase 1 of a long-held ambition.
- c. The landfill operator is FCC Environmental and the applicants have liaised extensively with them before submitting the application. They are entirely happy with the proposals so long as they have access to the POS area; there is adequate fencing between the POS and their site; their single above ground apparatus is fenced. The landfill operator would be the first people to have objected to our application if they felt that future residents of the development would object to their operations or would be causing any harm.
- d. There is a legal duty for the landfill operator to manage the landfill until such time there is no leachate or gas management needed. The Environment Agency stand behind this if anything were to ever happen to the landfill operator.
- e. There are underground leachate pipes underground in POS area and the design of the play equipment and landscaping has avoided where these are located in order to ensure that they can be accessed in the future, although this is an unlikely scenario.
- f. Very significant phase 2 site investigations have been undertaken across the site and on the restored landfill itself and we have also had access to the landfill operators own monitoring and restoration records. This includes lengthy gas monitoring.
- g. Even though gas reading levels do not require any specific mitigation works, as a “belt and braces” approach properties within 50m of the

former landfill site will have a gas membrane protection. In addition these properties will also have permitted development rights removed (Please note that the proposed condition in the committee report wrongly refers to permitted development rights being removed across the site and we're getting this clarified with the EA and contaminated land officer).

- h. The distance of proposed properties to the remaining active landfill cells is further away than the now restored parts were to existing development. The lay of the land also means that the existing landfill is hidden from sight whereas the early and now restored phases were completely within sightline.
- i. The contaminated land officer has satisfied himself that there is no risk to human health arising from the development.
- j. The EHO has satisfied herself with the detailed noise and air assessments.
- k. The developers have met with the Environment Agency as part of the application consultation and they are happy with the development proposal as both a statutory consultee and as the grantor of the landfill licence.
- l. The developers have liaised with mortgage lenders and they are satisfied that mortgage availability would be fine.
- m. House purchasers will buy a property on the site in the full knowledge of what the adjacent and historic land uses are.
- n. The developers have liaised with house builders and there is keen interest to develop the site if planning permission is granted.

Highway Officer Comments

The Strategic Highways Manager has assessed this application and offers the following comments:

Following discussion with the applicant regarding the previous highway comments on this scheme, there has been a change in the level of contribution being offered towards highway infrastructure on the corridor, which could support the future delivery of two key improvements at the Sydney Road Bridge and Crewe Green junction.

As set out in the earlier report on this application, it is essential that infrastructure improvements are made to the Sydney Road corridor not only to alleviate current congestion but also provide capacity for any future development. As such, it is only reasonable that significant developer contributions are secured to bring forward the highways investment identified on this road corridor.

A report was commissioned by CEC Highways to assess potential options for an improvement at Sydney Road Bridge. A number of options were considered but the most cost effective and long term solution was to build a new single lane bridge alongside the existing and thus provide a two way flow instead of the existing one-way traffic signal control. With regard to the estimated cost of providing the new bridge this is likely to be in the region of £4.5m with a design and build period of 3 years. At Crewe Green the Council has a preliminary junction design prepared and a budget estimate of £5m.

The Applicant's revised contribution to highways has been increased from £215,000 to £1,082,000.

Summary

In assessing whether the contribution offered in mitigation is sufficient to outweigh the traffic impact of the development one has to balance this against existing road conditions and levels of congestion and how this is forecast to change as a result of both general traffic growth and committed developments in the area.

The revised offer from the applicant is an opportunity to provide funding towards infrastructure improvements along the corridor, including at Sydney Road Bridge and Crewe Green junction. When added to the other contributions already secured from the Coppenhall East and Barrows Green proposed developments, this would provide £2m or 21% of the total estimated capital costs of the two key infrastructure projects. Bearing in mind my previous comments and the levels of traffic generated by 169 dwellings, the level of contribution from this site towards mitigating its impact is significant but it has to borne in mind that there are risks in agreeing to take contributions in that it may take quite a number of years to collate the necessary funding to implement the infrastructure required. However, if financial contributions are not taken from development, then this approach would effectively mean that highways would not be able to support any major development on the north or north east side of Crewe due to the infrastructure constraints. I have not considered whether the level of increase in contribution is proportionate to the change in the % of affordable housing.

As described in the previous comments, there are existing congestion problems at the Maw Green Road/Elm Drive/ Groby Road junction. Access to the full development proposal of this application relies upon the non standard roundabout solution being implemented at this junction to improve capacity, which is planned as part of the Coppenhall East development.

It is my belief that there is an opportunity to provide an improved roundabout solution for this important junction on Crewe's highway network. This would also provide better access to both this proposed development and Coppenhall East. The applicant controls the land to the north east side of the proposed non standard junction, which, if included as part of this application for highway improvements, could enable an improved design to be achieved. However, the applicant doesn't want to do this as it is understood that the people who occupy the property don't want the existing boundary to be altered and the applicant is seeking to satisfy their wishes.

As agreed for the Coppenhall East development, I would advise that only a certain amount of development should proceed as a result of this development prior to the implementation of improvements at the Maw Green Road/Elm Drive/ Groby Road junction. I would recommend that the number of residential units constructed without a junction improvement being implemented be capped at 50.

Discussions have taken place to provide an improved roundabout access at Maw Green Road/Elm Drive/ Groby Road junction to serve both this site and Coppenhall East development as mentioned above. If agreement were reached with the applicant to provide the land required, I would advise the removal of the proposed condition to cap the level of development. If Strategic Planning Board were minded to seek an improved junction design at Maw Green as part of developing this site, it would require a new planning application.

Recommendation

Bearing in mind my previous comments, that, on balance, I would not raise an objections subject to:

- The financial contribution of £1,082,000 being secured for the corridor, including Sydney Road Bridge and the Crewe Green junction
- A condition being added to limit the development to 50 units should the new roundabout at Maw Green Road/Elm Drive/ Groby Road junction not be constructed

Condition

Should the application be approved, that a financial contribution of £50k be paid to allow detailed design work to be undertaken on Sydney Road Bridge and Crewe Green junction on commencement.

Environmental Health

The additional air quality information submitted with respect to cumulative impact to support the air quality assessment is satisfactory and the conclusions are accepted.

OFFICER COMMENTS

Appeal Decisions

In addition to the Appeal Decisions referred to in the main report Members should also have regard to the following:

- **Loachbrook Farm** – Appeal allowed due to lack of a 5 year supply despite the Inspector acknowledging adverse impacts on landscape
- **Abbeyfields** – Secretary of State's Appeal against the High Court Decision to quash his decision to dismiss the Appeal failed. Consequently the decision remains quashed and has been sent back to the Secretary of State to be redetermined.

- **Blackpool, Worsley and Fylde cases** – These have been brought to Members attention previously and the Inspector attaches considerable weight to the lack of a five year supply in determining both Appeals.

Policy Position

The thrust of government policy within the NPPF is that where local planning authorities cannot demonstrate a 5 year housing land supply, their existing housing policies will be considered to be out of date and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

As Cheshire East does not have a 5 year housing land supply the restrictive policies on development in the Open Countryside (NE.2 and RES.5) must be considered to be out of date.

Highway Matters

It is considered that a “Grampian” condition is required to secure the necessary off site highway works, which do not form part of the Section 106 Agreement prior to the first occupation of the development.

Contaminated Land

The main report states that, at the time of writing, additional gas monitoring reports were awaited from the applicant. The applicants consultant has stated that they have been waiting for the go-ahead to do the gas monitoring on the landfill from the operator and for the weather to be a little drier so that the boreholes were not flooded. The landfill monitoring and next round of monitoring was being undertaken on Monday 13th August, and the results were expected later in the week. These have yet to be received and reviewed by the Environmental Health Officer.

Therefore it is recommended that the Board grant delegated powers to approve the application subject to receipt of the result and no objection from the Environmental Health Officer.

AMENDED RECOMMENDATION

GRANT DELEGATED POWERS to the Development and Building Control Manager to APPROVE subject to:

Receipt of additional gas monitoring reports

A Section 106 Legal Agreement to Secure:

- **10% affordable housing (20 dwellings), on a tenure split of 75% intermediate tenure and 25% rented, (either social rented dwellings**

- let at target rents or affordable rented dwellings let at no more than 80% of market rents)
- **Provision of affordable housing prior to 80% occupation of the open market housing**
 - **Transfer of any rented / shared ownership affordable units to a Registered Provider**
 - **Affordable house scheme to be submitted at reserved matters**
 - **Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)**
 - **Public Open Space scheme to be submitted at reserved matters**
 - **Provision of play area / five-a-side pitch**
 - **Provision of detailed specification for play area to incorporate :**
 - **8 pieces of play equipment should be provided.**
 - **5 a side pitch (600sqm)**
 - **NEAP (2,620sqm)**
 - **Durable retaining walls – concrete or brick**
 - **porous wet pour safer surfacing.**
 - **concrete steps to the bank**
 - **the slide to be set in concrete**
 - **Two bins with one being provided on each level.**
 - **Metal bow top railings are required; pedestrian access gates in the same style but a contrasting colour to the railings.**
 - **Gate to be outward opening, with rubber caps on the clapping side and have a mechanical self-closing mechanism.**
 - **NEAP to provide seating; bicycle parking and appropriate signage.**
 - **Provision for a management company to maintain the on-site amenity space / play area / ancillary areas, ponds, woodland planting / nature conservation areas / other open space.**
 - **Provision of open space by 50% occupation and transfer to management company by 75% occupation.**
 - **The above areas to be made available for use by the general public except where this would conflict with the approved ecological mitigation / management plan.**
 - **Management plan for landscaping /public open space/ wildlife mitigation areas in perpetuity to be submitted at reserved matters**
 - **Education Contribution of £292, 850.**
 - **Commuted sum of £1500 to barn owl group**
 - **Highways Contributions:**
 - **Maw Green Road Signage Scheme – £20,000 (on occupation of 50%)**
 - **Crewe Green Roundabout – £60,000 – (on occupation of 50%)**
 - **Sydney Road bridge - £ 1,082,000 – (£50k be paid on commencement with remainder on occupation of 50%)**
 - **Public Transport Contribution - £12,000– (on occupation of 50%)**

And the following conditions

- 1. Standard Outline**
- 2. Submission of reserved matters**
- 3. Plans**
- 4. No approval for indicative layout**
- 5. Breeding Bird Survey for works in nesting season**
- 6. Bat, barn owl and bird boxes**
- 7. Design and layout of open space/Nature conservation area**
- 8. Design of proposed ponds**
- 9. Submission and implementation of revised ecological mitigation proposals in support of reserved matters application.**
- 10. Updated protected species survey prior to commencement**
- 11. if, during development, contamination not previously identified is found to be present at the site then no further shall be carried out until the developer has submitted a remediation strategy**
- 12. Removal of permitted development rights**
- 13. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), ref. BMW/2011/FRA Rev. D, dated 17/05/2012**
- 14. Limit on the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.**
- 15. Provision of a scheme to manage the risk of overland flow of surface water during extreme rainfall events.**
- 16. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**
- 17. Overland flow to be contained within the site, such that new buildings are not affected.**
- 18. Reserved matters to make provision for houses to face waterfronts and footpaths**
- 19. Reserved matters to make provision for green open spaces adjacent to any watercourses and ponds on site and provision and management of a 5 metre wide undeveloped buffer zone alongside the watercourse and ponds**
- 20. Submission / approval and implementation of details of Sustainable Drainage Systems (SuDS).**
- 21. This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse. No surface water will be allowed to discharge in to the public sewerage system.**
- 22. Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.**

23. Submission of a scheme to limit the surface water run-off generated by the proposed development,
24. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.
25. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 20:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
26. Should there be a requirement to undertake foundation or other piling on site, then a method statement which shall be submitted and approved.
27. Should there be a requirement to undertake “floor floating” (the process of mechanical smoothing of concrete to a floor area) the Local Authority Environmental Health Service should be informed of the details of the location, days / hours of work, and contact details of a responsible person prior to the onset of the work.
28. Floor floating operations should be restricted to within the following days / hours Monday – Friday 09:00 – 18:00hrs; Saturday 09:00 – 14:00hrs; Sunday and Public Holidays Nil
29. Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include any proposed lighting of the 5-a-side football pitch marked on the site plan.
30. A full and detailed noise mitigation scheme for protecting the proposed dwellings noise to be submitted and agreed.
31. The developer shall agree with the Local Planning Authority an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation.
32. Programme of archaeological mitigation which should consist of a targeted watching brief during relevant operations (initial topsoil strip followed by the excavation of foundation trenches if required) in a 20m wide strip alongside the street frontage
33. At least 10% of predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.
34. Submission of boundary treatment
35. Submission of materials
36. Submission of landscaping
37. Implementation of landscaping
38. Important hedgerows and trees to be retained and to be incorporated within reserved matters layout
39. Submission of tree and hedgerow protection measures
40. Implementation of tree and hedgerow protection measures
41. Replacement hedge planting

- 42. Reserved Matters to include details of bin storage.
- 43. Prior to first occupation provision of off-site highways works including: Groby Road Zebra Crossing; Groby Road 1.5m footway; Maw Green Road Zebra Crossing; Maw Green Road narrowing and footway; Maw Green Road Roundabout; Site Access
- 44. Replacement hedge planting
- 45. Implementation of reptile mitigation
- 46. Implementation of gas protection measures
- 47. Implementation of contaminated land mitigation
- 48. No more than 50 units to be occupied until the new roundabout at Maw Green Road/Elm Drive/ Groby Road junction has been completed and brought into use

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to DMBCM, in consultation with the Chair of SPB, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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STRATEGIC PLANNING BOARD – 22 AUGUST 2012

UPDATE TO AGENDA

APPLICATION NO: 11/3738M – Full Planning Application

LOCATION: Land to the East of Larkwood Way,
Tytherington, Macclesfield

UPDATE PREPARED 21 August 2012

OFFICER APPRAISAL

Employment Land Review

The main Agenda report discusses the key findings from the Employment Land Review with regard to Tytherington Business Park. The method of identifying the amount of land available can be calculated in a number of different ways. I.e. floor area, land available etc. Additional clarification is offered as follows: -

- The entire Tytherington Business Park allocation is 23ha. The application site is 5.2ha, which is 23% of the entire Tytherington Business Park.
- Orbits ownership of Tytherington Business Park is 16.5ha. The application site is 32% of that.
- There is 11.5ha of undeveloped remaining employment land in Orbits ownership on the park (including equivalent land area arising out of existing vacant stock). As the current application seeks to remove 5.2ha, that equates to 45% of remaining employment on Orbits site being removed. Therefore, 55% of Orbits remaining employment land would still be available for employment purposes.

The Council's consultant, who is providing the advice for the Employment Land Review, has indicated that the loss of the site is unlikely to have a significant impact on the borough's overall supply of sites and the conclusion is that 50% of the site within Orbits ownership can be released.

Sustainability

The main agenda report includes a section which states that the site is a sustainable location for residential use. Attached is a plan which shows the location of nearby facilities, which includes: - shops, schools, a nursery, playgrounds, public houses, the Middlewood Way, bus stops, and the canal.

CONCLUSION

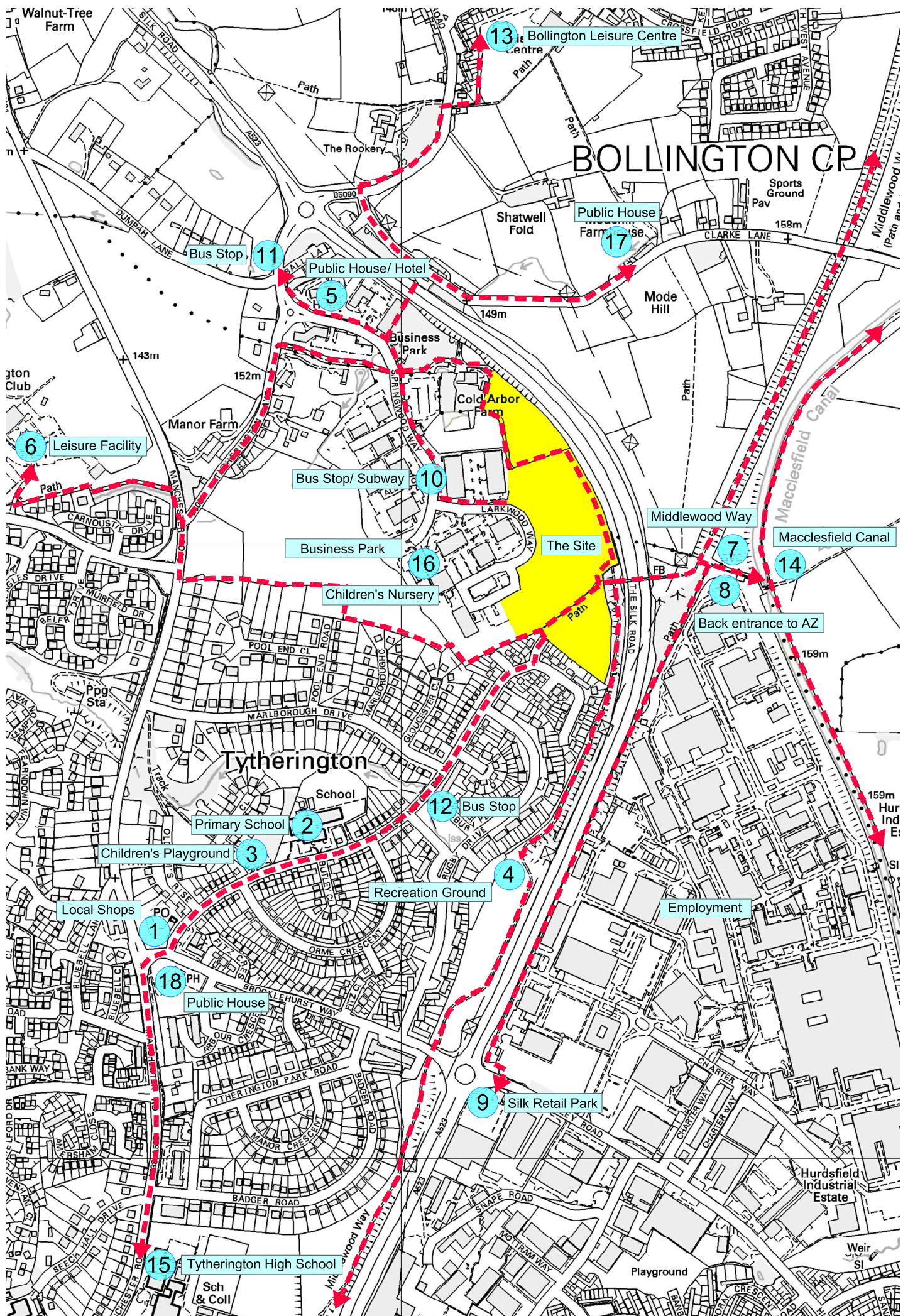
The recommendation of approval remains, subject to conditions and a Section 106 Agreement.

The Contractor is responsible for checking dimensions and any discrepancy to be verified with the Architects before proceeding. Figured dimensions to be worked to only. Subject to all Local Authority and Statutory approvals.
DO NOT SCALE

KEY:~



| | Destination | Distance | Walk Time |
|---|-------------------------|-------------|-----------|
| 1 | Local Shops - | 810 metres | 8 mins |
| 2 | Primary School - | 490 metres | 5 mins |
| 3 | Children's Playground - | 640 metres | 6 mins |
| 4 | Recreation Ground - | 450 metres | 5 mins |
| 5 | Public House - | 350 metres | 4 mins |
| 6 | Leisure Facility - | 1030 metres | 11 mins |
| 7 | Middlewood Way - | 100 metres | 1 min |
| 8 | Back entrance to AZ - | 150 metres | 2 mins |
| 9 | Silk Retail Park - | 1000 metres | 10 mins |



| | Destination | Distance | Walk Time |
|----|--|-------------|-----------|
| 10 | Bus Stop/ Subway - (Springwood Way) | 190 metres | 2 mins |
| 11 | Bus Stop - (Tytherington Lane) | 400 metres | 4 mins |
| 12 | Bus Stop - (Tytherington Drive) | 350 metres | 4 mins |
| 13 | Bollington Leisure Club - | 910 metres | 10 mins |
| 14 | Macclesfield Canal - | 230 metres | 2 mins |
| 15 | Tytherington High School - | 1140 metres | 11 mins |
| 16 | Children's Nursery - | 210 metres | 2 mins |
| 17 | Public House - | 330 metres | 4 mins |
| 18 | Public House - | 880 metres | 9 mins |

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Orbit
Developments

location
TYTHERINGTON BUSINESS PARK,
MACCLESFIELD

title
SITE PLAN

| | | | |
|----------------------|--------------|---------|------------------|
| scale nN.T.S @ A3 | ref M.G.S | checked | date 16/08/12 |
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drawing no.
388-CH-037

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