

Strategic Planning Board

Updates

Date: Wednesday, 4th December, 2013
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

Planning Updates (Pages 1 - 12)

Please contact Sarah Baxter on 01270 686462
E-Mail: 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: 13/2035N

Location: Land at the former Wardle Airfield, Wardle, Nantwich, Cheshire

Proposal: Outline Planning Application Including Means of Access for Employment Development Comprising Light Industry, General Industrial and Storage and Distribution Uses (B1(C)/B2/B8 Use Classes)

Applicant: Mr Phillip Posnett, Haughton Estate

Expiry Date: 9th September 2013

UPDATE 4th December 2013

CONSULTATIONS

Natural England:

An updated consultation was received following the comments reported within the SPB Report. This states that:

'Natural England has provided comments on this application on 17 June 2013. In our letter, along with concerns over the level of survey information, we recommended you consulted your in house ecologist for their comments. Based on the information contained in Tyler Grange letter of 19 July 2013, it can be seen that James Baggaley (CEC Ecology) and Tyler Grange have had detailed conversations on the great-crested newt (GCN) survey methodology to be adopted for this application. Your authority does not need to take on board the advice provided by Natural England. It is your decision whether to adopt the advice or take advice from elsewhere within your organisation. As James Baggaley is your in-house ecologist, you should be led by him on whether the survey methodology and results are sufficient for your authority discharge your duties'.

REPRESENTATIONS

An additional letter of objection has been received raising the following points:

- Increased vehicle movement
- High levels of vehicle movements from the existing NWF site
- Employment should not be at the cost of the local community
- Poor road infrastructure
- The A51 is at capacity
- The A51 cannot take additional HGV movements
- A by-pass is required for the villages along the A51

OFFICER COMMENTS

The additional letter of objection does not raise any additional issues.

There are also a number of corrections to the officer's report:

Section 2 – Paragraph 2 should state '*a minimum height of up to 7 metres to a maximum height of up to 18 metres*'

There are also suggested alterations to the following conditions:

2. Application for Reserved Matters to be made not later than the expiration of 15 years from the date of this permission
3. Development to be implemented within 15 years of the date of this outline permission or expiry of 5 years from final approval of the last of the reserved matters
6. In correct plan reference it should state the land use parameters plan PL1132.PA.002
33. This conditions is not considered to meet the tests contained within the conditions circular and to be deleted

RECOMMENDATION

The Officer recommendation is amended as follows:

APPROVE subject to the completion of a S106 Agreement to secure the following:

- The applicant will provide a Travel Plan which will secure public transport improvements and a monitoring mechanism to address future employment user shift patterns and for the implementation of an extension to public bus services to serve the site for a period of 5 years at £20,000 per annum at a total sum of £100,000.
- Payment of £103,222 to address issues of highways safety, amenity and reduction in severance in the villages of Calveley and Alpraham including improved gateway features, matrix signs and pedestrian crossing. Also a £12,000 contribution to HGV weight restrictions and signage (to be enforced by a Traffic Regulation Order) on Calveley Hall Lane – financial contribution triggered at 35,000sqm of the development being complete.
- Payment of £85,963 to address issues of highways safety, amenity and reduction in severance in the villages of Wardle and Barbridge to provide matrix signs and a pedestrian crossing – financial contribution triggered at 20,000sqm of the development being complete.
- Payment of £28,500 towards junction improvements at Reaseheath Roundabout – financial contribution triggered at 45,000sqm of the development being complete and only in the circumstance where improvements to the Reaseheath Roundabout/A51 are not delivered through the North West Nantwich/Kingsley Fields scheme (application ref 13/2471N).
- Payments of £155,000 towards junction improvements at Alvaston Roundabout and £44,000 towards junction improvements at Peacock Roundabout – both financial contributions triggered at 65,000sqm of the development being complete.
- Payment of £448,602 towards provision of a new junction at Burford Crossroads – financial contribution triggered at 35,000sqm of the development being complete.

And the following conditions;

- 1. The subsequent approval by the Local Planning Authority before development of each phase commences of the appearance, layout and scale of the proposed building(s), structures and public art and the positions and the landscaping of the site, in accordance with the phasing defined in condition 5 below.**
- 2. Application for Reserved Matters to be made not later than the expiration of 15 years from the date of this permission**
- 3. Development to be implemented within 15 years of the date of this outline permission or expiry of 5 years from final approval of the last of the reserved matters**
- 4. Approved Plans**
- 5. Details of phasing to be submitted to the LPA for approval in writing**
- 6. The uses of land and principles of development shall comply with the details shown on the land use parameters plan PL1132.PA.002 except that the building heights shall not exceed the limitations stated in condition 11 below. The development shall provide a maximum of 135,000sqm of floorspace in accordance of floorspace in accordance with the following ratios:**
 - 40% B1 (c) Light industry**
 - 20% B2 General industry**
 - 40% B8 Storage and distribution**
- 7. All reserved matters applications to include site survey and details of proposed site and slab levels.**
- 8. Notwithstanding the submitted application, the first reserved matters application for the development hereby approved shall include the principles of the structure planting for the whole of the development site. The submission shall include the principles of planting together with a timetable for the implementation of the planting. The development shall proceed in accordance with the principles approved under this submission.**
- 9. The structural planting for the whole site shall be completed in accordance with the details submitted and approved under the above condition prior to the first occupation of any units on this site.**
- 10. Notwithstanding the submitted landscaping information, the first reserved matters application for each phase of the development shall include details of structure planting for each plot in that phase. The submitted details shall include type of planting (eg whether frontage planting, hedgerow planting on boundaries between plots, corner planting, species etc) and shall make provision for maximising natural linkages across the development area.**
- 11. Notwithstanding the submitted application and supporting information, and condition 6 above, the building heights shall not exceed the heights shown on the scale parameters plan reference PL1132.PA.001**
- 12. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.**
- 13. The provision of art work at the entrance to the site noting the historical role of the site should be submitted to the Local Planning Authority.**

14. Prior to the commencement of development a detailed scheme for improvements to the canal towpath between the site and Barbridge shall be submitted to the LPA for approval in writing. The approved towpath improvements shall be provided prior to the occupation of any floor space above 30,000sqm details.
15. Submission of an Arboricultural Implications Assessment
16. Submission of an Arboricultural Method Statement
17. Details of tree protection measures as part of each phase of development
18. Detailed protected species mitigation method statements (barn owl and badger) to be submitted in respect of the appropriate reserved matters applications.
19. Submission of a Habitat Creation and management plan as part of the first reserved matters application
20. Prior to the commencement of each phase of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and swifts shall be submitted to the LPA for approval in writing. The proposals shall be permanently installed in accordance with approved details.
21. Prior to undertaking works on any phase of the development between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
22. Prior to the development commencing, a Construction Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase.
23. Notwithstanding the submitted application and supporting documents, a lighting strategy shall be submitted with the first reserved matters application for each phase which shall include the principles of illumination to be used for all developments in that phase. Development shall operate in accordance with the principles of the approved details.
24. Details of the Hours of operation of the units on the site shall be submitted to the LPA prior to the occupation of the relevant unit
25. All reserved matters applications to include Framework Travel Plan, to be followed by a travel plan and its implementation.
26. Car parking, motorised cycle parking and covered secure cycle parking for each plot, with showers in each building for use by all staff.
27. No development shall take place until a detailed design of any buildings and boundary treatment within a 50 metre buffer of the committed composting site is agreed with the Planning Authority. The design shall show that there are no inlets of air to buildings (e.g. vents, open entrances or opening windows) and that there are no communal open areas within the buffer zone.
28. Phase II Contaminated Land Report
29. No development shall take place until a scheme for the provision and management of a Buffer zone alongside the canal shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to the occupation of any units on the site (in accordance with conditions 8 and 9) and any subsequent amendments shall be agreed in writing with the local planning authority.

30. Development shall not begin until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

31. If, during development, contamination not previously identified is found to be present at the site then no further development (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.

32. The route of the statutory public footpaths crossing the site shall be protected at all times during the course of the development to ensure that it is accessible by members of the public wishing to use it unless appropriate measures have been implemented for its closure, diversion or other alteration.

33. All infill materials brought onto the site for remodelling of the land or landscaping works shall be inert material.

34. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from car parking areas shall be passed through oil interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptors.

35. The first reserved matters application for each phase of the development shall include details of driver overnight facilities to be provided to serve each B2/ B8 unit in that phase of the development, whether at that specific unit, on that phase of the development or for the whole of the development.

36. Notwithstanding the submitted application each reserved matters application for all B1, B2 and B8 development shall include details of covered secure cycle parking (and where appropriate motor cycle parking) at the unit together with details of shower facilities within the building. The approved cycle/ motor cycle parking and showers shall be provided before the building is first occupied and shall thereafter be retained. The cycle parking and showers shall be made available for use by all members of staff working at the building.

37. Control of Japanese Knotweed on the site.

38. Submission of an amended layout for the site access to incorporate the changes suggested by the RSA. The approved scheme shall be implemented in accordance with the approved details.

39. Lay-by on the A51

40. A suitable employment travel plan, with appropriate measures and targets, will be agreed to the satisfaction of the SHM prior to construction of the development.

41. The site layout for the development will make allowance for bus provision on the site; including up to two shelters and a turning area for buses.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in

consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

STRATEGIC PLANNING BOARD – 4th December 2013

UPDATE TO AGENDA

APPLICATION No.

13/4462N – Re submission of 13/3058N for residential development of 40 houses (Outline)

LOCATION

Land to Rear of, 11, Eastern Road, Willaston, CW5 7HT

UPDATE PREPARED

2nd December 2013

APPLICANT'S SUPPORTING INFORMATION

Since completion of the Committee Report, a number of additional consultation responses have been received.

OTHER REPRESENTATIONS:

30 neighbouring letters of objection have now been received. The main areas of objection relate to;

- Site lies within the Green Gap
- Highway safety – Traffic volume, parking, pedestrian safety, knock-on impact at level crossing, width of road
- Local schools already oversubscribed
- Pressure of local doctors & hospital
- Drainage
- Flooding
- Loss of wildlife / habitat
- Design – Amount of development
- Amenity – Noise, privacy, air pollution
- Local services not within safe walking distance - Secondary schools & medical centre
- Lack of infrastructure e.g. footpaths
- Inaccuracies within submitted plans
- Habitat survey too old

VIEWS OF THE PARISH COUNCIL:

Willaston Parish Council - Object to the proposal on the following grounds:

- Site lies within the Green Gap – Contrary to the Local Plan policies
- Not a sustainable site

- Contrary to Willaston SPD
- Highway safety – Traffic, parking, safety, width
- Local Primary school oversubscribed
- Drainage
- Flooding
- Secondary schools not within safe walking distance
- Closest medical centre not within safe walking distance
- Lack of local infrastructure
- Noise and vibration concerns

OFFICER REPORT

Open Space

The indicative layout plan shows that a degree of Public Open Space (POS) is proposed within the development itself.

This plan shows that this land would be positioned to the north of the site and forms the boundary with the railway line. It would be triangular in shape.

Policy RT3 of the Local Plan requires new housing development with more than 20 dwellings to provide a minimum of 15 square metres of shared recreational open space per dwelling. Furthermore, it is advised that, where the development includes family dwellings, an additional 20 square metres of shared children's play space per family dwelling will be required.

It is advised within paragraph 4.43 of the submitted Planning Statement that the indicative layout plan shows approximately 1,600 square metres of shared recreational space/play space. It is advised that *'It is therefore contended that the proposed development complies with the requirements of this policy.'*

The Council's Greenspaces team have advised that *'The existing play area (Parish owned) is 240 metres from the site, and is in a good condition. However, I am aware that local youngsters have approached the Parish Council requesting a skate park on the site of the existing play area, and the PC are happy for this to happen. If we can get the developer to pay for such a facility....it would deliver what local youngsters want.'*

Although the applicant sought to include all of the required space on site (POS land and Children's play space), the Council's Greenspaces team would prefer a contribution to the nearby skate park or other children's play facility on the Parish Council owned open space on Wybunbury Road, Willaston.

As such, it is agreed that the applicant will provide the relevant POS on site, which would equate to 40 units x 15 square metres = 600 square metres and provide a contribution towards a children's play space off-site.

As such, subject to the management of the proposed POS being secured via a Section 106 Agreement and the provision of a commuted sum towards offsite

children's play space, it is considered that the proposal would adhere with Policy RT3 of the Local Plan.

Infrastructure

Concern has been raised about the potential impact upon health infrastructure.

The case officer has obtained information from the NHS choices website which confirms that the 5 practices within 2 miles of the site are all accepting new patients. As such, this is not considered to be a significant concern in this instance.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition to the commuted sums agreed to be paid towards off-site habitat creation, primary school education and highways improvements, the applicant has now also agreed to pay a sum (figure to be agreed) towards providing a skate park or other children's play facility on the Parish Council owned open space on Wybunbury Road, Willaston and the maintenance of the Public Open Space land on-site.

The S106 recommendations are compliant with the CIL Regulations 2010.

Other Procedural / Administrative Matters

Please disregard the Landscape section on page 60 of the Agenda which runs through to the beginning of page 63.

This section of the report was moved to page 55 and amended. The section on page 60 should have been deleted.

The consultation period for this application expires at 12pm of December 4th 2013.

As such, it is recommended that the recommendation of the application be changed to read that in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Conclusions

The additional consultation responses received raise issues that have already been addressed in the committee report.

Given that the Council cannot demonstrate a 5 year supply of housing land and there is some uncertainty about the weight that can be applied to the Green Gap policy, it is considered that Policy NE.4 would not sustain a reason for refusal at present, unless there is a 'significant and demonstrable' harmful impact on the landscape that outweighs the benefits of the proposal in terms of increasing housing land supply and affordable housing.

Due to the overriding requirement for housing in Cheshire East at this current moment in time, it is considered that the impact upon the landscape of the area is not significant enough to warrant refusal of this application.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact subject to the relevant conditions and a contribution to local highway improvements.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species, subject to the necessary contribution to off-set the impact.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on-site and the provision of a commuted sum for children's play space off-site, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

The planning balance clearly weighs in favour of the proposal and the development is considered to be sustainable. As such, the development is recommended for approval.

However, notwithstanding the above, due to the time of day the item is due to be considered by committee (Morning) compared to the closure time of the consultation period (12pm), it is advised that the recommendation should be changed. It is advised that this should be changed to be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board in order to consider any additional consultations received.

RECOMMENDATION

The application be approved but DELEGATED to the Planning and Place Shaping Manager to determine the application in consultation with the Chairman of the Strategic Planning Board in order to consider any additional consultations received within the consultation period which closes on December 4th 2013.

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

1. A commuted payment of £17,795 towards off-site habitat creation/enhancement.
2. A commuted payment of £86,770 towards primary school education
3. A commuted payment of £67,000 towards the IDP Scheme of Improvement for the Peacock Roundabout
4. 30% Affordable Housing provision – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include: The numbers, type, tenure and location on the site of the affordable housing provision; The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved; The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
5. Public Open Space to be maintained by a private management company for the residents in perpetuity.
6. A commuted payment of a sum to be determined should be made towards providing a skate park or other children's play facility on the Parish Council owned open space on Wybunbury Road, Willaston

And the following conditions:

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Approved plans
5. Prior submission of facing and roofing material details
6. Prior to first development the developer will provide a detailed suite of design plans for the development highway proposals which will inform the S38 agreement.
7. Prior submission of a construction phase Environmental Management Plan (to include mitigation measures with regards to noise, waste and dust)
8. Hours of operation

9. The prior submission of a noise mitigation scheme
10. The prior submission of lighting details
11. Hours of piling
12. Prior submission of piling method statement
13. Prior submission of drainage details
14. Prior submission of a scheme to manage the risk of flooding from overland flow of surface water.
15. Prior submission of a traffic management plan for construction works
16. Prior submission of an Arboricultural Impact Assessment with fully updated Tree Survey, Tree Constraints and Tree Protection Plan
17. Trees which support roosting bats to be retained
18. Breeding birds
19. Prior submission of boundary treatment details

Informatives:

1. Standard – Lawyers charter
2. Prior to first development the developer will provide a detailed suite of design plans for the development highway proposals which will inform the S38 agreement.
3. Contaminated land
4. United Utilities
5. Landscaping scheme to include suitable replacement hedgerows
6. Reserved matters to include levels details
7. Affordable housing to be pepper-potted throughout the site

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.