

Strategic Planning Board

Agenda

| | |
|---------------|--|
| Date: | Wednesday, 8th July, 2009 |
| Time: | 2.00 pm |
| Venue: | Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ |

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 17 June 2009 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not Members of the Strategic Planning Board.

A period of 3 minutes is allocated for the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Rachel Graves

Tel: 01270 529742

E-Mail: Rachel.Graves@cheshireeast.gov.uk

5. **09/0761W - Danes Moss Landfill Site, Congleton Road, Gawsorth, Macclesfield, Cheshire, SK11 9QP** (Pages 7 - 24)

To consider planning application 09/0761W.

6. **09/0807M - Havannah Mill, Havannah Lane, Eaton, Congleton, CW12 2NB** (Pages 25 - 42)

To consider planning application 09/0807M.

7. **P09/0126 - Sainsbury's Store/Fairway Suithouse, Middlewich Road, Nantwich, Cheshire, CW5 6PH** (Pages 43 - 72)

To consider the planning application P09/0126.

8. **08/2670P - Dale Street Mill, Dale Street, Macclesfield, Cheshire SK10 1HH** (Pages 73 - 78)

To consider the planning application 08/2670P.

9. **09/1300M, 09/1296M, 09/1295M, 09/1577M & 09/1613M - Macclesfield District Hospital, Victoria Road, Macclesfield, Cheshire SK10 3BL** (Pages 79 - 84)

To consider the planning applications 09/1300M, 09/1296M, 09/1295M, 09/1577M and 09/1613M.

10. **Urgent Works Notice for Clock House Farmhouse Barn, Over Alderley** (Pages 85 - 100)

To consider the serving of an Urgent Works Notice to Clock House Farmhouse Barn, Over Alderley, for the purpose of stabilizing and preventing further deterioration of the exposed frame and fabric of the listed building.

11. **Conservation Structural Survey Report for Brown Street Mill, Macclesfield** (Pages 101 - 104)

To consider the commissioning of a "conservation structural survey report", in order to inform the preparation of any subsequent Listed Building Repairs Notice, which could be served on Brown Street Mill, Macclesfield.

12. **Appeal Summaries** (Pages 105 - 116)

To note the Appeal Summaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 17th June, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Gaddum (Chairman)
Councillor Rachel Bailey (Vice-Chairman)

Councillors D Brown, J Hammond, M Hollins, D Hough, J Macrae, C Thorley,
G M Walton, Wilkinson and J Wray

OFFICERS PRESENT:

John Knight, Interim Head of Planning and Policy; Chris Chapman, Borough
Solicitor; Shelia Dillon, Senior Solicitor; Philippa Lowe, Development Manager;
Steve Molloy, Project Leader, Major Applications; Peter Hooley, Principal
Planning Officer;
Nick Turpin, Principal Planning Officer; Rachel Graves, Democratic Services
Officer

49 APOLOGIES FOR ABSENCE

Apologies were received from Councillors A Arnold, P Edwards and B Moran.

50 DECLARATIONS OF INTEREST

Councillors H Gaddum and J Macrae declared a personal interest in respect of
application 08/2670P on the grounds that they knew the applicant. In accordance
with the code of conduct, they remained in the meeting during consideration of
this item.

Councillor R West, who was in attendance at the meeting, declared a personal
interest in the respect of application 08/2670P on the grounds that he knew the
applicant and was a member of the Northern Planning Committee which had
referred the application to the Strategic Planning Board. In accordance with the
code of conduct, he remained in the meeting during consideration of this item.

51 MINUTES OF THE PREVIOUS MEETING

Minute 48 Appeal Summaries – Bath Vale Works, Brookhouse Lane, Congleton

Members were updated on the outcome of the appeal decision in relation to Bath
Vale Works, Brookhouse Lane, Congleton and that following receipt of Counsel's
advice it had been decided not to challenge the decision of the Inspector.

RESOLVED:

That the minutes of the meeting held on 27 May 2009 be approved as a correct
record and signed by the Chairman, subject to the following amendments:

Minute 43 - delete paragraph "It was reported....." and replace with the following wording:

"Great Crested Newts were a European Protected Species and no work could commence on site until a Licence under the Habitat Directive had been granted by Natural England.

The recommendation for approval had been made mindful of the tests required for a licence to be granted including whether the development was considered to be of sufficient importance in the public interest. The nature of the development and the proposed mitigation were considered to be sufficient to satisfy the relevant tests in the Habitat Regulations."

52 PUBLIC SPEAKING

A total period of 5 minutes was allocated for the planning application for Ward Councillors who were not Members of the Strategic Planning Board.

A period of 3 minutes was allocated for the planning application for the following individual/groups:

- Members who were not Members of the Strategic Planning Board and were not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

RESOLVED:

That the procedure for public speaking be noted.

53 **08/2670P - OUTLINE APPLICATION FOR 2 NO. BLOCKS OF 3 NO. TERRACE COTTAGES (6 NO. RESIDENTIAL UNITS IN TOTAL), DALE STREET MILL, DALE STREET, MACCLESFIELD, CHESHIRE SK10 1HH**

Note: Mr Andy Northover (Agent for Applicant) spoke in respect of the application.

The Board considered a report regarding the above application, which had been referred from the Northern Planning Committee.

RESOLVED:

That the application be DEFERRED for a site visit in order to carry out a more detailed assessment of the structural condition of the existing building.

54 **09/0738W - ERECTION OF AN ENERGY FROM WASTE FACILITY WITH ASSOCIATED BUILDINGS, CAR PARKING AND HARDSTANDING AREAS, LAND OFF POCHIN WAY, MIDDLEWICH**

The Board considered a report which detailed the progress to date with the application for the construction and operation of an Energy from Waste Facility by Covanta Energy Ltd. The report listed the main components of the current proposals and provided an overview of the key considerations which would be important in the determination of the planning application.

There had been wide consultation on the application which had generated numerous requests for clarification and further information to enable a full assessment to be made. There were still important consultees that had yet to complete their considerations of the application and respond, which would result in further requests for information to be supplied by the applicant. Because of this it was not yet possible to finalise the report and confirm the date the application would be considered by the Board. It was agreed that Members should visit the site prior to the application being presented to the Board.

RESOLVED:

That the report be received.

55 JUDICIAL REVIEW OF DECISION TO GRANT PLANNING PERMISSION, BRYANCLIFFE, WILMSLOW PARK SOUTH, WILMSLOW

The Board considered a report which detailed the result of the Judicial Review proceedings brought against the decision of Macclesfield Borough Council to grant planning permission for the development at Bryancliffe, Wilmslow Park South, Wilmslow.

Macclesfield Borough Council had granted planning permission in February 2008 following completion of a section 106 agreement, for the demolition of the existing house and erection of 3 apartments with croft parking on site. The Claimant lived near from the site and objected to the proposed development, and challenged the legality of that decision to grant permission on seven grounds. The Judge determined that the Judicial Review application should succeed and quashed the planning permission on the basis that he agreed with the three of the grounds, these being:

- that the Committee Report did not deal with the European Community Habitats Directive on protected species in regard to the bat roost that had been identified on the site;
- that the Committee Report failed to say whether there was compliance with the policies in the Development Plan or not;
- that there was a failure of the Council to take account of applicable policies

As a result of the decision changes in procedure would need to be made to obtain further and better information regarding protected species at application stage and committee reports would need to include more detail regarding the legislation, advice tests to be applied when considering applications affecting protected species.

RESOLVED: That

- (1) the decision of the High Court be noted;

- (2) change will be required in the processing of applications and contents of reports as a result of the challenge being successful
- (3) the areas of unsuccessful challenge be taken as the minimum level for processing and determining applications for Cheshire East.

56 ATTENDANCE BY SUBSTITUTE MEMBERS

The Board considered alternative arrangements to restrict the appointment of substitute members for planning matters.

A local protocol contained in the Constitution provided that no Member should sit or be a substitute on a planning committee without planning training. Following discussions by members of the Strategic Planning Board restrictions were recommended.

It was proposed that no substitutions should be made to the Northern Planning Committee except with a Member from the Southern Planning Committee and vice versa and that the substitute member may come from a different political group and that no substitutions should be made to the Strategic Planning Board.

The proposal would require a change to the Constitution and would therefore be considered by Governance and Constitution Committee and Council and as the proposal was an exception to the strict rules on proportionality, the proposal could only be affected if passed by Council with no Member voting against it.

RESOLVED:

That the Governance and Constitution Committee and Council amend the scheme of substitution in the Constitution as follows:

- a) No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member should wherever possible come from the same political group but may come from a different political group
- b) No substitutions shall be made to the Strategic Planning Board from the area committees or at all.

57 APPEAL SUMMARIES

Consideration was given to the report as submitted.

Members noted that the appeal for the conversion of a house into two flats in Furnival Street, Crewe had been allowed with conditions and raised concerns about the continued subdivision of terraced properties, which led to the change of character and appearance of a street, on street parking issues and noise disturbance.

RESOLVED:

That the Planning Appeals be noted.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

Councillor H Gaddum (Chairman)

This page is intentionally left blank

**STRATEGIC PLANNING BOARD
8 JULY 2009**

Application No's: 09/0761W

**Location: DANES MOSS LANDFILL SITE, CONGLETON ROAD,
GAWSWORTH, MACCLESFIELD, CHESHIRE,
SK11 9QP**

Date Report Prepared: 26.06.2009

SUMMARY RECOMMENDATION:

Approve subject to a deed of variation to the existing legal agreement and conditions.

MAIN ISSUES:

- **Extension of time of landfilling operation and subsequent restoration**
- **Traffic and transportation**
- **Landscape and visual impact**
- **Ecology and nature conservation**
- **Noise**
- **Air quality; dust and odour**
- **Hydrology and the impact on the adjacent SSSI**
- **Increased potential of bird strike**
- **Increase in litter**

1. REASON FOR REPORT

1.1 This application has been referred to the Strategic Planning Board as the proposal involves a major waste application which required the submission of an Environmental Impact Assessment.

2. DESCRIPTION OF SITE AND CONTEXT

2.1 The application site which covers an area of some 68 hectares is an existing landfill known as Danes Moss Landfill, and is located within the Green Belt approximately 2km to the south west of the centre of Macclesfield. The site lies between the A536 on the west, and the railway between Stockport and Newcastle-under-Lyme to the east. To the north, a belt of undeveloped land and playing field lie between Danes Moss Landfill site and the edge of Macclesfield. To the south of the site is a mixture of agricultural land and the adjacent Danes Moss Site of Special Scientific Interest (SSSI), designated for its valuable peat

bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance. Access to the site is off the A536 Congleton Road.

2.2 In the immediate vicinity of the site, the landscape rises to the west and falls to the Bollin valley in the east. On a larger scale, the area lies between the lower land of the Cheshire Plain to the west (varying approximately between 70-120m AOD), and gently undulating higher ground of the western edge of the Pennines (varying between 200m-400m AOD in the vicinity of Gawsorth Common and Croker Hill further east).

2.3 The site can be roughly split up into thirds. The northern third of the Danes Moss Landfill Site contains a Household Waste Recycling Centre (HWRC) adjacent to the site entrance, a leachate treatment plant, various site buildings and ancillary stores, a landfill gas utilisation plant, and an area of previously restored landfill. Site buildings are concentrated in the north-western corner of the site and comprise of office accommodation and administration buildings, a Nissan hut, a garage and a laboratory. Planning permission has been granted for the construction of a temporary waste transfer station including realignment of internal haul roads (5/08/0639P). This permission has not yet been implemented, and, in accordance with the accompanying legal agreement can only operate when landfilling operations cease on the site.

2.4 The leachate treatment plant consists of two lined lagoons, which enable leachate (the contaminated water on site) to be treated prior to entering the mains sewer for disposal. Initial treatment takes place into the larger lagoon, whilst the smaller lagoon is used for aeration. A soil stockpile area is located immediately to the east of the large leachate lagoon. This soil is stored on site for progressive restoration purposes.

2.5 Landfilling has been completed and the area substantially restored in the central third of the site which is to the east of the leachate treatment plant. The northern slopes of this area have been fully restored with native woodland planting. An area of acid grassland to the south east has also been restored.

2.6 The final third of the site to the south is currently operational as a landfill where Municipal Solid Waste (MSW) is being tipped.

3. DETAILS OF PROPOSAL

3.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of the Danes Moss Landfill facility to 31 December 2012, with final restoration by 31 December 2013; a 3 year extension.

3.2 The proposed extension of life of the Danes Moss Landfill would maintain a local waste disposal facility for residual waste of the areas of Macclesfield, Congleton, Knutsford, Wilmslow and Poynton, within the north of the Borough. The extension of time would enable around 200,000m³ of currently

consented and remaining void to be utilised; thereby ensuring that approved restoration levels can be largely met, and a sustainable landform achieved, via the filling of waste at the south-eastern edge of the landfill. This void would be utilised with anticipated future projected inputs (approximately 5,000tpcm) which largely consists of MSW arising within the north of the Borough.

3.3 The proposal also seeks to amend the approved levels of the consented restored landform and to no longer fill Cell C1, thereby allowing the retention of this area as a surface water management lagoon, along with the minor re-contouring to the lagoon area.

3.4 The applicant therefore seeks to revise the approved phasing of operations and to revise the approved restoration to take into account the retention of the surface water management lagoon.

4. PLANNING HISTORY

4.1 There is a long and complicated history of peat extraction and waste disposal at Danes Moss; both activities have been undertaken since the early 20th Century. During the early part of the site's life, a considerable amount of extraction and disposal activities occurred. In the 1930's waste tipping took place in the oldest part of the site, in the vicinity of the existing site office, Household Waste Recycling Centre (HWRC), and also neighbouring playing fields. Landfilling operations were permitted to continue under an 'established use' right until 1967.

4.2 In 1967, planning permission was granted for an extension to the already permitted area, extending the site towards the south and east onto the peat moss. Since then there has been a number of planning consents issued for this site:

- In 1980, planning permission was granted for a further extension to the south and east of the landfill (5/20412);
- In 1993 a further planning application was submitted for the disposal of waste and extraction of peat on the site but this was subsequently withdrawn (5/70956);
- In 1996 planning permission was granted for development, operation and restoration of the existing landfill site at Danes Moss (5/74369) to resolve inconsistencies between the provisions of the 1967 and 1980 permissions;
- Planning permission was granted in 2004 (5/04/0131) to extend the operational life of the landfill site by an additional 4.5 years to enable remaining void to be utilised. This permission also consented the re-profiling of the southern slope; and
- Planning permission 5/74369 was subsequently revoked by the Secretary of State in September 2006 and 5/04/0131 remains the extant planning permission to which this section 73 application seeks to vary.

4.3 In addition to the above waste disposal permissions, a number of ancillary planning permissions have been granted on the site to provide for ancillary buildings; leachate treatment, storage and facilities; recycling; composting; energy recovery and bulking:

- 5/45706, 5/55406, and 5/7740 – construction of ancillary buildings;
- 5/65397, 5/73660, and 5/96/1830P – provision of leachate treatment, storage and facilities;
- 5/36254 and 5/38676 – reconstruction of the Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/99/1887P – Provision of a recycling area. This activity was related to the HWRC and has since ceased;
- 5/82298 – Provision of compost facility (no composting occurs on site now);
- 5/97/1714P – Green Waste Shredding of green household garden waste derived from the HWRC. This has now ceased on site and is unlikely to recommence;
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P relate to planning permissions granted for plant, buildings and equipment for the electricity that is generated from the landfill gas which is produced from the landfill; and
- 5/08/0639P – Temporary Waste Transfer Station (until 2014). This temporary permission is subject to a legal agreement which precludes the operation of the transfer station until such time as landfilling operations at Danes Moss have ceased.

5. POLICIES

5.1 The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS), The Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MLP).

5.2 The relevant Development Plan Policies are:

Regional Spatial Strategy (RSS)

Policy EM11: 'Waste Management Principles'

Policy EM12: 'Locational Principles'

Policy EM13: 'Provision of Nationally, Regionally and Sub-Regionally significant Waste Management Facilities'

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: 'Sustainable Waste Management'

Policy 2: 'The Need for Waste Management Facilities'

Policy 9: 'Preferred Sites for Non-Hazardous Landfill/Landraise Sites'

Policy 12: 'Impact of Development Proposals'
Policy 14: 'Landscape'
Policy 15: 'Green Belt'
Policy 17: 'Natural Environment'
Policy 18: 'Water Resource Protection and Flood Risk'
Policy 20: 'Public Rights of Way'
Policy 22: 'Aircraft Safety'
Policy 23: 'Noise'
Policy 24: 'Air Pollution; Air Emissions Including Dust'
Policy 25: 'Litter'
Policy 26: 'Odour'
Policy 28: 'Highways'
Policy 29: 'Hours of Operation'
Policy 32: 'Reclamation'

Borough of Macclesfield Adopted Local Plan (MLP)

NE11: 'Nature Conservation'
NE12: 'SSSI's, SBI's and Nature Reserves'
GC2: 'Green Belt – 'Other operations and Change of Use'
GC3: 'Visual Amenity of Green Belt'
DC3: 'Amenity'
DC8: 'Design and Amenity – Landscaping'
DC13: 'Noise'

Other Material Considerations

Waste Strategy (2007)

National Planning Policy and Guidance

PPS 1: Delivering Sustainable Development
PPG 2: Green Belts
PPS 7: Sustainable Development in Rural Areas
PPS 9: Biodiversity and Geological Conservation
PPS 10: Planning for Sustainable Waste Management
PPG 13: Transport
PPS 23: Planning and Pollution Control
PPG 24: Planning and Noise
PPS 25: Planning and Flood Risk
MPS 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England; Annex 2 - Noise

6. CONSULTATIONS

6.1 The Strategic Highways and Transport Manager does not object to this development.

6.2 The Borough Council's Landscape Officer does consider that the extended working life of the landfilling operations would have a visual impact on a number of receptors, although this adverse impact would be temporary. In the longer term however, it is not considered that the change in landform would have a significant impact either visually or on the landscape character of the surrounding area and therefore offers no objections to this application.

6.3 The Borough Council's Nature Conservation Officer considers that there would be no anticipated significant impact on protected species, and there would be no significant ecological issues associated with this application. The Borough Council's Nature Conservation Officer does not object to this planning application subject to the Deed of Variation of the existing Section 106 Legal Agreement to ensure the extended management of the site and SSSI, and also a revised scheme of aftercare to include the surface water management of the lagoon. With regards to the adjacent SSSI and any potential impacts, the advice from Natural England should be followed.

6.4 Natural England support the retention of the surface water lagoon as the engineering of new cells (in this instance C1) would involve the dewatering of the existing surface water management lagoon, thus avoiding problems with contaminants which could have an adverse impact upon the neighbouring Danes Moss SSSI. Concerns raised however, include the need to ensure that hydrological separation of the surface water management lagoon and the SSSI, and the need to prevent any uncontrolled 'overtopping' of the lagoon. However, it is considered that the proposal would not cause any further impact on the SSSI, therefore Natural England raise no objections to this application. Additional comments include improved litter netting or more frequent litter picking in the SSSI area.

6.5 The Borough Council's Environmental Protection Officer does not object to the proposal. No further noise, dust, or odour issues are likely to arise due to the extension of time or re-contouring of the landform. The existing noise, odour, pest control and dust conditions on the extant permission should be carried forward on to any new planning permission.

6.6 The Borough Council's Environmental Health Officer does not object to this application.

6.7 The Environment Agency has no objection in principle to the proposed development and no comment to make.

6.8 The Public Rights of Way Unit do not object to the proposal. The site is adjacent to Public Footpath No.1 in the parish of Sutton. It would appear unlikely, however, that the proposal would affect the public right of way, but, should planning permission be granted, the Public Right of Way Unit requests an informative to be attached to any decision notice listing the developers obligations with regards to the right of way.

6.9 The Borough Council's Forestry Officer does not object to this application. Given the absence of trees within the identified operational area, the Forestry Officer had no comments to make from an arboricultural perspective on the proposals.

6.10 The Minerals and Waste Policy Unit have no specific comments or observations to make.

6.11 Manchester Airport's Safeguarding Officer does not object to the application subject to a condition being attached to any decision notice requiring the submission of a bird control programme, to be reviewed annually, and to be implemented in full throughout the life of the operations, to avoid endangering the safety of aircraft operating in and out of Manchester Airport through increased attraction of birds.

7. VIEWS OF THE PARISH / TOWN COUNCIL

7.1 Sutton Parish and Gawsworth Parish Councils were consulted and do not object to the proposals.

8. OTHER REPRESENTATIONS

8.1 Three letters of objections have been received from local residents at 'Westlands' of Lowes Lane, 'Moss Head Farm' of Gawend Lane and one from a local resident who did not provide a postal address.

8.2 The planning issues raised include:

- Increased traffic and highway issues;
- Landscape and visual impact;
- The impacting on residential amenity including; noise from operations and bird scaring techniques, poor air quality and odour from landfill gas emissions (methane) and rotting waste, and litter;
- Other conditions that should be varied;
- The cumulative impact from incremental extensions of time; and
- Alternative sites should be available other than landfilling

8.3 Other issues raised by representations include matters covered by the environmental permitting regulations issued by the Environment Agency and also issues that would be not considered as material to this decision.

9. APPLICANT'S SUPPORTING INFORMATION

9.1 The planning application was accompanied by a supporting statement and an Environmental Statement (ES) which were both prepared by Axis dated March 2009 on behalf of 3C Waste Ltd.

- 9.2 The scope of the ES includes;
- Transportation and traffic;
 - Landscape and visual assessment;
 - Ecology and nature conservation;
 - Noise;
 - Air quality;
 - Hydrology and flood risk;
 - Socio economic impact; and
 - Cumulative effects

10. OFFICER APPRAISAL

Principle of Development

10.1 This application seeks a variation of time for an existing landfilling operation by 3 years from 31st December 2009 to 31st December 2012, with restoration to 2013. It also seeks to vary a number of conditions in relation to the consented phasing and restoration of the site. The principle of the development has already been approved by virtue of the extant planning permission 5/04/0131 and previous planning permissions as outlined above. The main issues for consideration are; the extension of time, and the potential hydrological and ecological impacts of the retention of Cell C1 as a permanent surface water management lagoon, subsequent issues of retaining the lagoon rather than filling with waste, and also potential impacts on the adjacent SSSI. It is important to recognise that this application therefore actually seeks a reduction in already consented void, with any further landfilling being within the limits of the extant planning permission, as the applicant is proposing to surrender Cell C1, to make way for the permanent surface water management solution.

Policy Considerations

10.2 On careful consideration of the application against the relevant policies set out above, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the text below.

Transportation and traffic

10.3 Concerns have been raised by local residents in relation to this proposal causing increased traffic, and adding further to existing problems with the highway. An appraisal has been undertaken of the access and related junction layouts as part of the ES, as well as a full transport statement. The assessment has evaluated the anticipated traffic movements that would result from the proposed development, and concluded that the proposal would not compromise highway amenity.

10.4 Condition 13 of the extant planning permission 5/04/0131 identifies a clear maximum limit of the number of vehicle movements permitted to travel to and from the site on a single operational day; 400 vehicle movements (200 in, 200 out). The proposed extension of time would not give rise to an increase in the traffic volumes beyond those currently consented as the application relates to the continuance of an existing use, with no proposed alteration to existing working practices.

10.5 As the development would not provide for an increase in traffic movement over existing levels, is considered that this application would not give rise to additional problems with highways safety or amenity and, as such, is in accordance with PPG 13, Policies 12 and 28 of the CRWLP and Policy DC3 of the MLP. Furthermore, the Council's Strategic Highways and Transport Manager does not object to this proposal.

Landscape and visual assessment

10.6 Concerns have been raised by local residents in relation to the visual impact of the proposal. The landscape and visual effects have been subject to an assessment which formed part of the ES.

10.7 The application seeks only to make minor modifications and re-profiling to the already consented levels, to ensure that an appropriate landform is created to facilitate the retention of the surface water management lagoon. The proposed revised restoration would include provision of dwarf heath and acidic grassland, as per the consented restoration, and would also provide a water-body the perimeter of which would be planted with an appropriate mix of wetland species that would be complimentary to the bog habitat within the adjacent SSSI. Should Members be minded to grant planning permission, additional conditions (in addition to the existing conditions of the extant permission) would be attached to require the submission of a revised planting scheme to provide planting details of wetland species, and a scheme to revise the existing aftercare scheme to include the surface water management of the lagoon.

10.8 As there would be no increase in the landform levels than is already consented, the effects upon the landscape fabric are not considered to be significant, and it is considered that no material effects upon the local landscape character would result from this development.

10.9 In terms of visual impact, it is considered that whilst the proposal would extend the operational life of the site, thus prolonging the visual impact on a number of receptors, the proposed changes in levels and restoration would not have a significant impact in terms of visual aesthetics. Only two receptors would experience views of the site, with no real change in view occurring above that already consented, as such, it is considered that the proposal fully accords with the provisions of PPS 7, policies 12 and 14 of the CRWLP and policies GC3 and DC8 of the MLP. Furthermore, the Council's Landscape Officer does not object to this proposal.

10.10 Members should also consider that if planning permission is not granted for the extension of life to enable the consented landform to be achieved, a subsequent application would have to be made to provide for a revised restoration programme at a lower level to that already consented; resulting in an unsustainable, unsuitable and alien landform.

Ecology and Nature Conservation

10.11 The proposed extension of the operational life of the site is for a limited period (three years), and it is considered that it is unlikely to result in any greater adverse effect upon nature conservation interest than currently consented operations. It is considered that there would be no anticipated significant impact on protected species, and there would be no significant ecological issues associated with this application, as such, it is considered that the application is in accordance with the provisions of PPS 9, policies 12 and 17 of the CRWLP and also policies NE11 and NE12 of the MLP. Furthermore, the Council's Nature Conservation Officer, and Natural England do not object to this proposal.

10.12 The proposal would not require any additional land outside of the currently consented area, and the site would be operated in the same manner as the currently consented management scheme. Management of the SSSI would also continue in liaison with Natural England and the Council, and, in accordance with the approved Management Plan for the SSSI. Should Members be minded to grant planning permission, the existing Section 106 legal agreement for the extended management of the site and the SSSI should be revised taking into account new timescales in the form of a Deed of Variation, prior to any decision notice being issued.

Noise

10.13 Concerns have been raised by local residents in relation to increased noise from the proposal. The proposed development would provide a continuance of the existing operation with no material change in operations or practices and, therefore it is considered that the proposal would not cause an increase in operational noise levels.

10.14 Should planning permission be granted existing planning conditions in relation to noise control would apply; Condition 17 provides for noise limits at named key receptors for noise levels from site engineering, landfilling, restoration and other normal operations, and Condition 18 requires the best practicable means used at all times in the maintenance, silencing and operation of all plant, machinery and vehicles, and in the programming arrangement of work, in order to minimise noise, vibration, and dust arising from the site. All plant and site vehicles shall be silenced and maintained in accordance with their manufacturing specifications.

10.15 All current landfill operation practices would remain as existing, and therefore there would be no alteration to the existing noise sources, frequencies or levels. Existing mitigation measures and environmental standards adopted by the operator would ensure that the extension of life would comply with current Government guidelines as per PPG 24 and MPS 2, and also it is considered that the application is not contrary to policies 12 and 23 of the CRWLP and policies DC3 and DC13 of the MLP. Noise is also controlled through the PPC Permit issued by the Environment Agency.

Bird control and related noise issues

10.16 Bird control is not considered to be a noticeable problem at Danes Moss Landfill, with a very low number of complaints compared to other landfill sites. However, a local resident has raised concerns in relation to the noise emitted from the site from bird scaring techniques. The predominant method of bird control at the site has involved the effective use of a falconer. On the rare occasion when the falconer has been unable to fly the birds, a starting pistol has been used as an alternative. The site manager has subsequently informed the falconer not to use this method of bird control in the future. It should also be noted that recent incidents of shotgun fire on farmland in the vicinity of the landfill site have been reported, which may account for the residents concerns of loud explosions. The site manager will record events such as this in the future as a comment on the daily inspection record.

10.17 As the application proposes to revise the final restoration by retaining the surface waste management lagoon as a permanent solution, this would result in a permanent water feature, as opposed to the area being restored back to grassland/woodland. This could attract birds, which could cause problems of bird strike as the site is within the Manchester Airport Consultation Area, thus potentially endangering the safety of aircraft operating in and out of Manchester Airport. To mitigate against this, should planning permission be granted, an additional condition would be attached to the existing suite of conditions, to require the submission of a bird control programme, in accordance with policy 22 of the CRWLP.

10.18 It is considered that the imposition of the above condition, and existing operational best practice measures to reduce scavenging birds including prompt burial and compaction of the waste, limiting the working area, covering the waste with inert material at the end of each working day, regular inspections, and the falconer is sufficient to control the birds on site, and as such would be in accordance with policy 12 of the CRWLP. Bird control is also an issue controlled through the PPC Permit issued by the Environment Agency.

Air quality, odour and dust

10.19 Concerns have been raised by local residents about odour and dust from the site. In relation to dust, current dust management practices include the

use of water sprays as necessary during dry periods and road cleaning equipment on site access roads, and surrounding road network as necessary. Should planning permission be granted, the existing operational best practice would be continued during the extended period of operations, including dust suppression, and conditions 18 and 20 from the extant planning permission in relation to dust would apply. As such, the risk of dust nuisance is not expected to increase as a result of the proposed development, and no significant effects are anticipated. Therefore, it is considered that this proposal is in accordance with PPS 23, policies 12, and 24 of the CRWLP and policy DC3 of the MLP.

10.20 In relation to odour from landfill gas, it is considered that the proposed delay in extending the existing gas infrastructure is not considered significant in air quality terms due to the relatively short duration of operations, and that the site would be progressively restored, thereby gradually reducing fugitive emissions. The council's environmental protection officer does not object to this proposal and it is considered that further dust or odour issues are not likely to arise as a result of the extension of time or re-contouring of the landform. Best practice measures listed above would ensure that the air quality and odour from waste is not significantly adversely affected as a result of the proposed development. The existing conditions on the extant planning application including provision for odour would apply should planning permission be granted. In relation to odour, it is therefore considered that the application fully accords with policies 12 and 26 of the CRWLP and also DC3 of the MLP.

10.21 Furthermore, potential emissions of landfill gas is managed to ensure compliance with the Dangerous Substances and Explosive Atmosphere Regulations 2002, and to minimise the effect upon air quality, and would be carried out in close consultation with the Environment Agency. Precautionary best practice measures would ensure that the air quality of the area is not significantly adversely affected as a result of the proposed development.

Hydrology and flood risk

10.22 A flood risk and surface water run-off assessment has been undertaken as part of the ES in respect of the proposed development. The existing and proposed perimeter and flank drainage channels shall provide a suitable drainage scheme to control surface water run-off from the landfill site. Furthermore, the proposed raising and maintaining of bunds around the existing surface water lagoon would ensure hydrological separation from the SSSI.

10.23 It is proposed that Cell C1 of the extant permission would not be developed for landfilling, resulting in the loss of non-hazardous waste void; this area would be maintained as a permanent surface water management lagoon. These measures would achieve a better solution to adequately manage surface water at the site, and would avoid the need for disturbance of the restored/established areas of landfill, and engineering of a further cell with associated dewatering, should Cell C1 be tipped. The engineering of Cell C1 would involve the dewatering of the existing surface water management lagoon

which Natural England believes may have an adverse impact upon the neighbouring Danes Moss SSSI. Furthermore, the proposed retention and remedial works to the existing lagoon would ensure that the existing Environmental Permit (issued by the Environment Agency) conditions are met in terms of discharge rate and quality.

10.24 Therefore, Natural England, and the Environment Agency are keen to see the cessation of filling of Cell C1, and therefore support the proposal of the retention of the surface water lagoon and revised restoration. Furthermore, the measures proposed in the ES would ensure that the proposal would not increase risk of flooding elsewhere and therefore adequately satisfies the test of PPS 25, and would be in accordance with policies 12 and 18 of the CRWLP.

Wind Blown Litter

10.25 Concerns have been raised by local residents with regards to wind blown litter derived from the site. Wind blown litter is managed through the use of permanent 6m high litter fencing and a mobile litter 'trap' fencing and also monitoring of the prevailing weather conditions to avoid tipping during high winds. During certain conditions that could give rise to wind blown litter, depositing of waste at the site would be suspended.

10.26 To date there have been no substantive complaints with regards to wind blown litter. With regards to the impact of litter in the adjacent SSSI, it is considered that, due to the revised phasing, the surrendering of Cell C1 and existing best practice management that this proposal would not give rise to an increase in wind blown litter in the SSSI. Furthermore, as the application proposes to surrender Cell C1, which is the closest cell to the SSSI; this would further reduce the risk of litter being blown on to the adjacent Moss.

10.27 It is considered that as the operators would be tipping at a lower level, sheltered by the slope and the existing restored area, the existing mobile screen and litter fencing should adequately manage the risk of wind blown litter. Furthermore, should planning permission be granted, the existing conditions of the extant planning permission would be imposed to ensure that wind blown litter is prevented. As such, it is considered that the application is in accordance with policies 12 and 25 of the CRWLP. Litter is also an issue controlled through the PPC Permit issued by the Environment Agency.

Other conditions that should be varied

10.28 A local resident has raised concerns with a number of existing conditions namely; 9, 17 and 23 in relation to hours of operation, noise limits and bird control respectively, and has suggested that these should also be revised.

10.29 This issues of noise and noise from bird control techniques have been considered above and, as previously stated, it is considered that the proposal

would not cause an increase in operational noise levels and therefore the existing condition would not require revision. Also, a scheme would be required for a submission of a bird control programme which would address the issue of noise emitted from bird scaring techniques. With regards to hours of operation, the existing permission restricts the various operations of the site by condition. It is considered that these specified hours of operation, as prescribed by condition 9 of the extant permission are in accordance with policy 29 of the CRWLP; therefore, it would not be considered expedient to seek to vary this condition in any way.

Cumulative Impact

10.30 The ES assessed the cumulative impact of the development, and concluded that the extension of life of the site would not itself create any additional cumulative impacts or intensification of impacts, but would extend the duration of any existing impacts. It is considered that the proposal would not result in any significant cumulative impacts.

Alternatives to Landfill

10.31 A local resident expressed concerns that it would appear that the Local Authority has not provided alternative arrangements for the disposal of non-recyclable waste which is contrary to the European and National guidance to divert waste from landfill. The current Cheshire Interim Waste Disposal Contract is intended to provide a new Waste Management Contract that seeks to provide alternative waste disposal facilities that will over time become operational.

10.32 Whilst operators are applying for planning permission and environmental permits for alternative facilities, landfill will still be required for the residual waste disposal in the short term whilst these alternative waste management solutions are being developed. Waste is still being produced in the Borough and facilities have to be available for disposal. In addition, this residual waste also provides existing landfills with the opportunity to restore sites to an acceptable landform, and to prevent possible future environmental problems occurring, such as leachate control, landfill gas control and surface water management, which would occur if the site were left in a half finished state. The Danes Moss landfill extension of life application provides for additional time to achieve a sustainable landform and a local disposal route for residual wastes ahead of the development of alternative waste disposal options which are yet to be provided for.

11. CONCLUSIONS AND REASON(S) FOR THE DECISION

11.1 This Section 73 Application seeks to vary conditions covering the completion date of landfilling operations, final restoration and also phasing of

operations thereby enabling remaining void to be utilised, and also retaining Cell C1 as a permanent surface water management solution. It is important to recognise that this application therefore actually seeks a reduction in tipping, with continued landfilling being within the limits of the extant planning permission.

11.2 Notwithstanding landfill diversion targets; national, regional and sub-regional strategic waste policy guidance and strategy identifies that landfill will continue to form an essential component of future integrated waste management practice. Regional and sub-regional strategies identify a need for additional landfill capacity to be secured both in the North West and for one or two landfill sites in the Borough. Consequently extending the operational life of the existing Danes Moss Landfill Site is supported at both a regional and local level. Until other alternative waste management facilities, have been developed in the Borough, landfill is the only available option. Landfilling is an essential component of an integrated waste disposal strategy for Cheshire East Borough Council, and the Danes Moss Landfill Site is a strategically important facility at a sub-regional level for the management of Cheshire East's waste, and will continue to be important until alternative waste management solutions have been realised.

11.3 The appraisal of the statutory development plan and other material planning considerations demonstrates that the proposed development at Danes Moss Landfill Site is in accordance with the Development Plan; RSS, CRWLP and MLP. Notwithstanding the objections received to this proposal, the overriding need for additional landfill capacity within the North West region and East Cheshire is a material planning consideration that should also be taken into account.

11.4 In planning terms, the key issues for consideration relate to prolonged impacts of traffic and transportation, visual and landscape issues, impacts upon nature conservation and impacts on residential amenity from prolonged operational issues such as noise, dust, odour, litter, and bird control. No additional daily traffic would be generated by the proposal above that already approved, and, it is considered that the minor changes proposed to landform will not have a significant impact either visually or on the Landscape Character of the surrounding area. The levels of noise, dust, odour, litter, and bird control can be mitigated by good site management practice and controls which would be conditioned the same as the existing permission 5/04/0131. An additional bird control programme is proposed, to be submitted for approval and subsequently implemented, and amendments to the restoration and aftercare scheme to include surface water management, and a revised planting scheme to include wetland species.

11.5 Furthermore, the retention of the surface water management lagoon as opposed to filling with waste, would achieve a better solution to adequately manage surface water at the site. This would avoid the need for disturbance of the restored/established areas of landfill and the need for engineering of a further cell with associated dewatering which would avoid potential problems with

contaminants that may have an adverse impact upon the neighbouring Danes Moss SSSI.

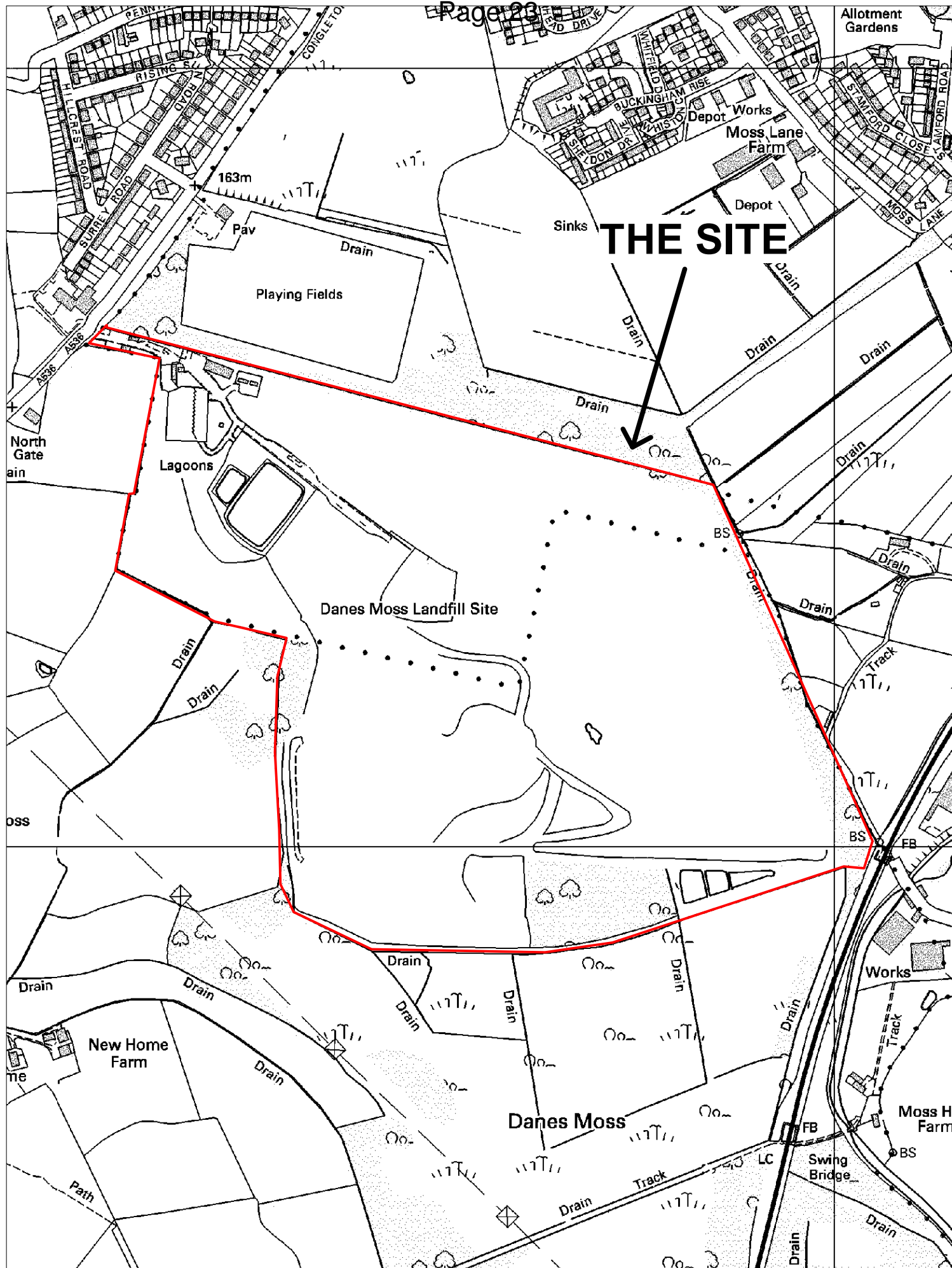
11.6 It is not considered that the proposed development, subject to appropriate conditions, and a variation to the existing legal agreement for the extended management of the site and the adjacent SSSI, would have an unacceptable impact on any other material planning considerations. As such, planning permission should be granted.

11.7 It must also be noted that in the event that Members are minded to refuse this planning application to extend the operational life of the landfill site and to enable the consented landform to be achieved, a subsequent planning application would have to be made to vary the approved levels to provide for revised contours and a revised restoration programme at a lower level to that already consented. This would result in an unsustainable, unsuitable and alien landform.

12. RECOMMENDATION

THAT:

- (1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site;**
- (2) Planning permission should be granted subject to conditions covering in particular:-**
 - All the conditions attached to permission 5/04/0131 unless amended by those below**
 - Revisions to approved plans; contours/levels, phasing and restoration;**
 - Extension of time to 31st December 2012 with full restoration of the site within 12 months or no later than 31st December 2013**
 - Revised scheme of aftercare to include the surface water management of the lagoon;**
 - Revised planting scheme to include an appropriate mix of wetland species; and**
 - Submission of a bird control programme**



09/0761W - DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD

N.G.R. - 390,380 - 371,220

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Borough Council, licence no. 100018585 2007..

#

This page is intentionally left blank

**STRATEGIC PLANNING BOARD
8 JULY 2009**

Application No: 09/0807M

**Location: HAVANNAH MILL, HAVANNAH LANE, EATON, CONGLETON,
CHESHIRE, CW12 2NB**

**Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
INCLUDING A CARE HOME (CLASS C2)**

Applicant: TARGETSITE LTD

Registered: 09-April-2009

Policy Item: Yes

Grid reference 386563 386548

Date Report Prepared: 29 June 2009

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Whether the principle of residential and care home development in countryside beyond the green belt is acceptable and if so, whether the scale parameters proposed is appropriate
- Whether the amount of affordable housing proposed is appropriate
- Whether the loss of existing employment use of the site is appropriate
- Whether the proposed access is adequate and acceptable
- Whether the proposed loss of trees from the site is acceptable
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether the proposal would result in adverse impact upon the adjacent Grade A Site of Biological Importance (River Dane SBI)
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- The extent to which the proposal is consistent with housing policy as expressed in PPS3 and principles of sustainable development as expressed in PPS1 and PPG13
- Whether there are any other material considerations
- Whether any permission granted constitutes a departure from the Development Plan in force for the area to require referral to Government Office for the North West
- Whether any permission granted should be accompanied by a Section 106 Agreement, and what these heads of Terms would comprise

REASON FOR REPORT

This is an application which raises significant planning policy concerns as a departure from the development plan.

In addition, Councillor Andrew has requested that a Member's site visit take place.

DESCRIPTION OF SITE AND CONTEXT

The site is the derelict, former Symbra factory, located off Havannah Lane, Eaton. The area of the proposed development includes the site of the now-demolished Windsor Mill, the foundations of which are still evident on site, which occupied that part of the site where it is proposed to construct the care home. It is understood that this 4 storey mill building was demolished down to footplate level approximately 30 years ago.

Overall, the site comprises 2.79 hectares, and is in part previously developed land. The site lies within Countryside Beyond the Green Belt.

The remainder of the site is intended to be open space.

The site adjoins the River Dane, a Grade 'A' Site of Biological Importance to the south and west. To the north lies a terrace of cottages within New Street, Havannah Village, beyond which is a relatively modern housing estate and Havannah Primary School.

The site lies on the cusp of the boundary between the former Boroughs of Macclesfield and Congleton. Havannah Lane is a by-way open to all traffic, which links into the modern housing estate to the north of the site. The site is considered to be in a reasonably sustainable location, with access to public transport and local amenities, including 2 schools and a shop.

DETAILS OF PROPOSAL

As originally submitted, this application seeks **Outline** planning permission to establish the principle of redeveloping the site for a mix of uses comprising up to 36 residential units (including a provision of 9 Affordable Housing units), a care home of 64 beds, and an area of Public Open Space.

The plans submitted with the application are indicative only. Matters such as the appearance, landscaping, layout and scale of the site have all been reserved for subsequent approval. In addition to the principle of the development, the access arrangements via Havannah Lane are to be considered as part of this application.

The scale parameters that have been provided indicate that the care home will be a 2 storey building of ridge height of 8.4m with an overall width of 59m and depth of 52m. The indicative

housing layout indicates a mix of 5 corner mews buildings of 3 storeys (10m in height) at focal points within the development. The remainder of the houses have a maximum height of 8m to ridge level.

During the application phase **revised** plans were received which show the indicative layout to now comprise up to 35 dwelling houses (at a density of 35 units per hectare) and a 2 storey care home of 60 bed spaces, re-orientated to be located outside the designated SBI.

RELEVANT HISTORY

- 01/0908P Conditional permission granted for replacement warehouse, extension of storage compound and erection of additional warehouse. Not implemented
- 58100P October 1989 Outline permission refused for cessation of industrial use demolition of factory proposed residential development incorporating improvements to Havannah lane sewage treatment and other improvements.
- 79093P June 1995 Positive Certificate granted for the Lawful Existing Use for continued use of recycling of scrap plastics and plastics textile material. There are no conditions attached to this certificate which limit this use or the hours which the premises could operate.

POLICIES

Regional Spatial Strategy

- DP1 (Spatial Principles)
- DP2 (Promote Sustainable Communities)
- DP4 (Make the Best Use of Existing Resources & Infrastructure)
- DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
- DP7 (Promote Environmental Quality)
- DP9 (Reduce Emissions and Adapt to Climate Change)
- RT2 (Managing Travel Demand)
- W3 (Supply of Employment Land)
- EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
- EM2 (Remediating Contaminated Land)
- EM5 (Integrated Water Management)
- EM18 (Decentralised Energy Supply)
- MCR3 (Southern Part of the Manchester City Region)
- L2 – Understand Housing Markets
- L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

- Policy 11 (Development and waste recycling)

Local Plan Policy

NE9 (River Corridors)
NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
BE1 (Design Guidance)
GC1 (New Buildings)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
T2 (Transport)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC57 (Residential Institutions)
DC63 (Contaminated Land including Landfill Gas)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation, PPG13 Transport and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSIDERATIONS (External to Planning)

Children and Young People's Services - In both the Primary and Secondary sector there are sufficient surplus places for the 'in-catchment area' to meet the potential 'child yield' generated by the potential building scheme, both currently and anticipated by our pupil place forecasts up to 2013.

Archaeology Planning Advisory Service – The area of the proposed development includes the site of the now-demolished Windsor Mill, which occupied that part of the site where it is proposed to construct the care home. The mill, which dates from the late 1870s, last appears on aerial photographs dating from the 1970s. No objection is raised subject to standard condition concerning archaeology.

South East Cheshire Enterprise (SECE) - The poor location of the site via Havannah Lane is likely to mean that the site is undesirable to potential commercial occupiers. They raise no objection to the loss of the existing factory use.

Cheshire Fire Safety Officer - No objection subject to compliance with the Building regulations

Public Rights of Way Unit - No objections subject to improvements to the By-law open to all Traffic (BOAT) and footpath network via a S106 agreement.

Environment Agency - The Environment Agency has considered the Flood Risk Assessment and ecological information submitted with the application and has no objections to the proposal subject to conditions.

Environmental Health (Contaminated Land) - The Environmental Health Department advise that the area has a history of use as a mill and therefore the land may be contaminated. In addition, the proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present. No objection is raised, subject to a condition requiring a Phase II investigation, and a remediation scheme if necessary.

Environmental Health (Noise and Amenity) – No objection subject to standard conditions regarding hours of work and dust mitigation during construction.

Forestry Officer - Raises no objection subject to conditions.

Housing Strategy and Needs Manager - Fully supports the application, subject to the provision of 25% Affordable Housing being provided.

Landscape Officer - The Landscape Officer raises no objections.

Leisure Services - No objection in principle to the application, but advises that there will be a need for a LEAP facility with 5 pieces of smaller children's play equipment with on-going maintenance via a management agreement and a formal management plan for the open space. They also seek potential enhancements of the open space in the form of information boards.

Highways- No objection subject to conditions and satisfactory completion of Section 106 agreement for highways works and travel plan issues

Local Plans - The Local Plans team advise that the site is located in Countryside Beyond the Green Belt where only limited types of development are deemed appropriate in the Local Plan, and therefore they object, in principle, to the housing and care home use of the site.

Nature Conservation Officer No objection is raised by the Nature Conservation Officer to the revised scheme which is no longer sited within the SBI. Advises that biodiversity enhancement will be required in accordance with PPS9.

VIEWS OF THE PARISH COUNCIL - Eaton Parish Council object to the proposal. They support the views expressed by local residents. The grounds for objection are:

- Scale of proposal
- Contrary to policy
- Existing flooding potential worsened
- Emergency vehicle access
- Application to rescind S52 Agreement on part of site should be considered in tandem
- Loss of amenity to existing residents
- Traffic generation

OTHER REPRESENTATIONS

A total of 25 letters of objection and 1 letter of support have been received to date.

Copies of all these comments are available on the Web-site but in précis, the objections can be summarised as;

- The site is within a designated area of 'Countryside Beyond the Green Belt'. The proposal is contrary to the Plan
- There will be an adverse impact upon biodiversity and wildlife
- Highway congestion and adverse safety implications due to the increased volume of traffic that would be utilising Havannah lane
- Difficult access for emergency vehicles
- Loss of the existing employment site
- Adverse impact upon the character and amenity of the existing terrace of cottages within Havannah lane
- Potential increases in flooding
- Excessive scale and density of development
- The Applicant has failed to adequately demonstrate that sufficient efforts have been made to market the site for employment uses
- Adverse impact upon the character of the village
- Overdevelopment
- Adverse impact upon the SBI
- Loss of a green field
- There is a current application which seeks to rescind a S52 Agreement in force on part of the site which ties the use of that portion of the site to the agricultural/industrial use of the dwelling known as 'The Old Mill'. The proposal should not be considered in isolation without considering the S52 Agreement.

The letter of support considers that the site has been vandalised and is an eyesore. The writer considers the proposal would benefit the area.

APPLICANT'S PRE-APPLICATION CONSULTATION

A statement of community engagement has been submitted. The publicity involved letters being sent to 115 local addresses, schools, Local Ward members and Parish Councillors. A public event was held at the Plough Inn on 26 February 2009. A web site was created specifically for the proposals as detailed in the circular letter sent out. The website was available from 20 February to 26 March 2009. Their publicity involved advertisements in the local press in both Macclesfield and Congleton. The exhibitions attracted over 50 attendees and 5 comment sheets were completed. Four further comments were received via the website and in the post.

The Applicant added a footpath link and sited the care home on the line of the demolished mill in response to comments received.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Ecological Assessment
- Flood Risk Assessment
- Transport Assessment
- Phase 1 Contamination Assessment
- Employment Land and Market Overview
- Marketing Report
- Commercial Viability report from Greenham Partnership (a Congleton based firm of chartered surveyors)

All of these documents are available in full on the planning file, and on the Council's website.

It is the applicant's essential case that the site will deliver housing development within 5 years, which will be deliverable in PPS3 terms, unlike other sites in the Macclesfield SHLAA (Strategic Housing Land Availability Assessment) which are counted in the SHLAA but have not received permission, e.g. the Hospital Blue Zone which has recently been refused permission and Redhouse Lane Disley which, upon completion of the S106 Agreement would result in a potential life of permission of 7 years. This is outside the 5 year required delivery period of the SHLAA. Given the shortfall of housing provision likely between sites in the SHLAA and the reality when these planning applications are considered, the Applicant considers that PPS3 has a presumption in favour of residential development.

Allied to this, the proximity to the established residential areas of Congleton adjacent, the accessibility of the site to 2 schools, the local shop and the employment area of Eaton Bank, the 3 bus routes within 400m, the provision of green transport measures and improvements to the BOAT which are proposed as part of the scheme, the re-use of Brownfield land, the utilisation of measures to address climate change within the development; will result in a very sustainable development.

The development will also provide 9 units of affordable housing and a care facility for elderly persons, for which there is a proven need given the aging population of the Borough.

The Applicant, as an important material consideration, given the juxtaposition of the site with Congleton; also considers that the former Boroughs' of Congleton and Macclesfield becoming part of Cheshire East, the proposal should be considered in terms of the needs of Cheshire East for additional residential and care home development.

Evidence in the form of marketing indicates that the site constraints make it an unattractive commercial proposition for industrial purposes, and in any event there is no control over such potential users, which could result in poor neighbour type uses.

Taken together, whilst the site is allocated as Countryside Beyond the Green Belt where proposals such as this would not normally be granted, the sites relationship with the built up area of Congleton, the environmental benefits of the redevelopment of the derelict brownfield site and enhancements proposed to the SBI and the redevelopment of a derelict,

contaminated site are significant reasons why the proposal should be allowed, which could not readily be replicated elsewhere in the Borough.

OFFICER APPRAISAL

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

In this case it is considered that there are other material considerations which justify a departure from the development Plan in this case.

Principal of Development

Need for Additional Housing Land

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach.

The site lies within the Countryside Beyond the Green Belt in the Macclesfield Borough Local Plan (2004). Policies GC5, 6, 8, 9 and 10 are applicable. Policy GC5 states that development will not normally be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Policy GC6 gives further details of development that will be allowed and indicates that new dwellings are acceptable if they are required for a person engaged in full time in agriculture, but allows for small industries, commercial businesses and expansion of existing industrial or warehousing all subject to the provisions listed in that policy. These policies conform to national planning policy for development in the countryside – namely PPS7. Housing in the countryside should meet local needs as determined by local housing needs assessment while LDDs should specify where development should take place. PPS7 advises that the replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPS3.

The scheme does not comply with the rural housing advice in PPS3 as it contains 25% affordable housing, when the advice in PPS3 states that such housing could be up to 100% rural exception housing. Consideration will need to be given if the benefits of the scheme meet the general PPS3 requirements and whether this outweighs the national guidance on rural housing and the Local Plan policies.

The strategic planning context has changed considerably since the adoption of the Local Plan in January 2004. Policy L4 of the Regional Spatial Strategy (adopted 2008) now forms part of the development plan and requires 400 net additional homes to be built per annum in the former Macclesfield District between 2003 and 2021. This is a large increase over the former Cheshire Structure Plan alteration, which required an average of 200 per year between 2006 and 2011, dropping to 100 per year between 2011 and 2016.

Housing provision in the Local Plan was addressed with regard to these lower figures. The Strategic Housing Land Availability Assessment (SHLAA) shows that sufficient sites could be found to meet the RSS requirement to 2021, although residential development on a number of these would involve a departure from the adopted Local Plan.

In Macclesfield Borough between September 2004 and May 2008, there was a restrictive housing policy in place to limit the amount of new housing within the Borough.

The Annual Monitoring Report for 2006-2007 advised that there was a net increase in the number of dwellings by 259, whilst the same report for 2007-2008 indicated that there was a net increase of 365 dwellings. This falls substantially short of the 400 dwellings required each year to meet the RSS targets.

The Strategic Housing Land Availability Assessment (SHLAA) was published in 2008, whilst the SHLAA is not policy and does not alter existing allocations, it does show that development on certain sites not currently allocated, or allocated for uses other than residential will be required to meet the overall RSS housing provision figure. The need for affordable housing provision in the Borough is also well documented. The application site was identified within the SHLAA as a potential housing site, likely to come forward in the next 5 years. The assessment indicated that the site could accommodate up to 60 dwellings (affordable).

The relative shortfall in housing completions within the Borough and the fact that the site is deliverable within the next 5 years, the geographical location of the site, together with the presumption in favour of development in PPS3 terms where a five year supply can not be demonstrated by the Local Planning Authority is considered to be a significant determining factor, which, on balance, justifies setting aside the allocation of this site as Countryside Beyond the Green Belt and allowing this housing proposal.

This issue, however, is considered to be a significant departure from the Development Plan of greater than local significance. On this basis, the application should be referred to Government Office for the North West.

Density of development & mix of house types

The indicative layout indicates that the site is to be developed at a density of 35 dwellings per hectare. The areas indicated for development are brownfield land, having previously been developed or the site of the existing factory and complex.

The area that comprises the footing of the former Windsor Mill is considered to retain a brownfield status given the extent of the underlying footings and the fact that an extensive 4 storey mill building existed here in the relatively recent past. On the face of it, this part of the

site may have been greened over the years, but if one was to scratch away the surface, extensive areas of built form would still be evident.

A good mix of house types is indicatively proposed comprising:

- 5 No. 2 bed Terraced mews-houses
- 6 No. 3 bed Terraced mews-houses
- 16 No. Detached 4 bed houses
- 2 No. Detached 3 bed houses
- 6 No. end mews 2/3 storey corner house

In addition a 2 storey care home of 60 (as amended) bedrooms is proposed. Indicatively, this is in a horse-shoe shaped block to the southern portion of the site.

The mix and density of housing proposed (at circa 35 units per hectare) is considered to be in line with the requirements of Government policy to maximise density and is considered acceptable on this site.

Loss of employment use of the site

Government guidance in Planning Policy Statement 3: Housing (PPS3) promotes the effective and efficient use of previously developed land. In paragraph 44, it indicates that local planning authorities should consider whether sites allocated for industrial use could be re-allocated for housing.

However, Planning Policy Guidance 4: Industrial and Commercial Development and Small Firms (PPG4) is also clear that LPAs should ensure that sufficient land is available for business, readily capable of development and well-served by infrastructure. A choice and variety of employment sites, to meet different needs, will facilitate competition and stimulate economic activity. Similarly, RSS Policy W3 requires LPAs to ensure a supply of employment land; that the most appropriate range of sites is safeguarded for employment use; the sites can meet the full range of needs; and at least 30% are available at any one time.

This site is not specifically allocated for employment purposes, however, it is lawful in planning terms as an industrial site, having been last lawfully been used as a plastics recycling facility, and in this respect policy E1 applies.

Local Plan Policy E1 states that both new and existing employment areas will normally be retained for such purposes. The supporting text indicates that a number of rural employment sites are not shown on the proposals map and that a significant number of jobs have been or are provided at these sites. These sites are important part of the employment stock. It is also noted that when a rural employer ceases to trade the redevelopment of a site would be subject to the relevant rural policy framework.

Marketing reports and assessments of the site for employment use have been submitted with this application. The Applicant has also submitted evidence as to why potential occupiers

failed to follow through with initial interest in the use of the site for commercial purposes. These issues include the proximity to residential and the poor access via Havannah Lane for HGV type vehicles. The information makes reference to the significant constraints of the site and demonstrates the attempts that have been made by the Applicant to market the site. It is also submitted that the District Valuer considers that the site is beyond economic repair and has given the site a zero rating.

A significant issue relating to the application site relates to the viability of development for employment uses, given the major constraints including access and remediation. The site is in is currently in a poor condition visually following vandalism and theft of copper piping, having now been vacant since 2004.

In this instance, it is accepted that the site is functionally obsolete and is beyond economic repair. In addition, it is also accepted that the site is constrained due to the poor access via Havannah Lane, which means that potentially only poor neighbour type uses would find the site desirable, potentially to the detriment of adjacent residential living conditions.

In terms of employment land supply, recent monitoring suggests there is 25 years supply given recent take up rates for employment development in the Macclesfield area. However, this includes a significant proportion of land (around 42ha) which is constrained and is not currently available at South Macclesfield Development Area and Parkgate Industrial Estate. Excluding these sites would leave 11 years supply, with a mixture of sites including higher quality sites such as Tytherington Business Park and more traditional industrial estates such as Hurdsfield.

Given this, there is no objection in land use planning terms to the loss of the existing employment use, which in any event will be offset by employment generated by the care home use.

The Care Home development

This is proposed to be a purpose built 'close care' facility which will provide 24 hour care for elderly residents. One of the Borough's key housing strategies is 'To provide supported accommodation appropriate to the needs of the Borough's population'. This strategy aim is fully supported by this proposal which will provide purpose built accommodation for which there is a recognised need for elderly people.

Policy DC57 of the Local Plan sets out criteria for residential institutions. The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area. A concentration of specialist housing and care facilities should be avoided. Amenity of neighbouring property should not be harmed. A reasonable sized private garden with a pleasant aspect must be provided. Adequate parking and safe access should be provided. Policies BE1 and DC1 of the Local Plan seek to ensure a high quality of design in new development that is of appropriate scale and sympathetic to the site and its surroundings. Whilst no elevational detail is sought at this stage, the care home is indicatively sited and orientated towards the open space to the south of the site. Given the

close care nature of the proposal it is not considered necessary to provide private garden space in this case.

The Care home will provide employment for up to 60 people. The Green Travel Plan will be used to ensure that green transport initiatives are utilised to improve the accessibility of this site, including shuttle bus provision for residents of the care home, car sharing and inducements to encourage more sustainable travel choices. Overall, therefore whilst not strictly in a residential area, accessibility is reasonable to public transport and initiatives are proposed to be utilised to improve sustainable travel choices.

Highways

The Highways Engineer raises no objection to the proposal subject to improvements to Havannah Lane. Overall, the Highway Engineer accepts the fall back position of the likely potential traffic that could lawfully be generated by the existing industrial premises. This is would also be uncontrolled by any planning condition regarding hours of work.

A transport statement and a draft framework travel plan have been submitted with the application.

Paragraph 75 of PPG13 Transport states that walking is the most important mode of travel at the local level and the greatest potential to replace short car trips, particularly under 2km.

Whilst the site is not directly adjacent to the public transport network, it is an a reasonably sustainable location being located within 400m from the bus stops on Macclesfield Road and the 3 routes served via St Johns Road. Within 100m of a primary school and 1200m of a secondary school this is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

With respect to the care home element of the scheme, it is likely that a proportion of potential workers could be generated from within the local community within walking distance. It is also expected that the travel plan will incorporate green travel measures such as car sharing, encouraging staff to walk and cycle to work and a shuttle-bus for use by elderly residents to get to Congleton and beyond. All these measures are considered to be sustainability benefits which weigh in favour of the development.

Design

As part of any reserved matters application the layout will be required to address the issues contained in PPS1 which establishes the need to ensure high quality of design and layout of new developments to create sustainable development.

Site Planning Factors

Whilst submitted in indicative form only, the layout generally indicates that this scale of development can be accommodated on site. Some corner dwellings are indicated as being 3 storeys (10m ridge height), however the majority of dwellings are indicated to be 2 storey (8m ridge height). The care home is indicated as having a ridge height of 8.4m and would

comprise 2 storeys. Overall, in site planning terms, the indicated density of development is considered to be appropriate.

Ecology

The site adjoins the River Dane SBI and the indicative footprint of the development has been amended to remove development from within the SBI.

Subject to adequate mitigation and protection of SBI features the Ecologist raises no objections to the proposals.

Flood Risk

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. In support of the application, the Agent has advised that it will be the intention to incorporate Sustainable Urban Drainage into the scheme. The Dane in this area is known to flood and the Environment Agency has suggested conditions to mitigate. On this basis, it is considered that the proposal adequately addresses Flood Risk.

Climate Change

The North West Regional Assembly Sustainability checklist has been completed in support of this application. Within the checklist there are 7 climate change related questions. The proposals score 61% (very good) and in this regard it is noted that the proposal includes the reintroduction of garden areas where there currently is hardstanding, the introduction of rainwater harvesting to reduce the overall consumption of potable water, the use of smart metering systems.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site has been identified in the Macclesfield Strategic Housing Land Availability Assessment as a potential housing site, likely to come forward in the next 5 years, and would assist in meeting the requirement for the additional housing requirement of 400 dwellings per annum, in addition to providing a care home to meet the needs of an aging population.

Although that SHLAA allocation is non binding and considered this site as a 100% rural exclusion housing site, there is a significant shortfall in housing numbers coming forward. The site is a brownfield site and its inclusion for up 35 dwellings at a density of circa 35 units per hectare will assist in providing both local housing need and the housing need of Congleton, to which geographically this site has greater links.

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby, including shop, a primary and secondary school, an existing employment area at Eaton Bank and good public transport links. Conditions can be imposed that would improve sustainability.

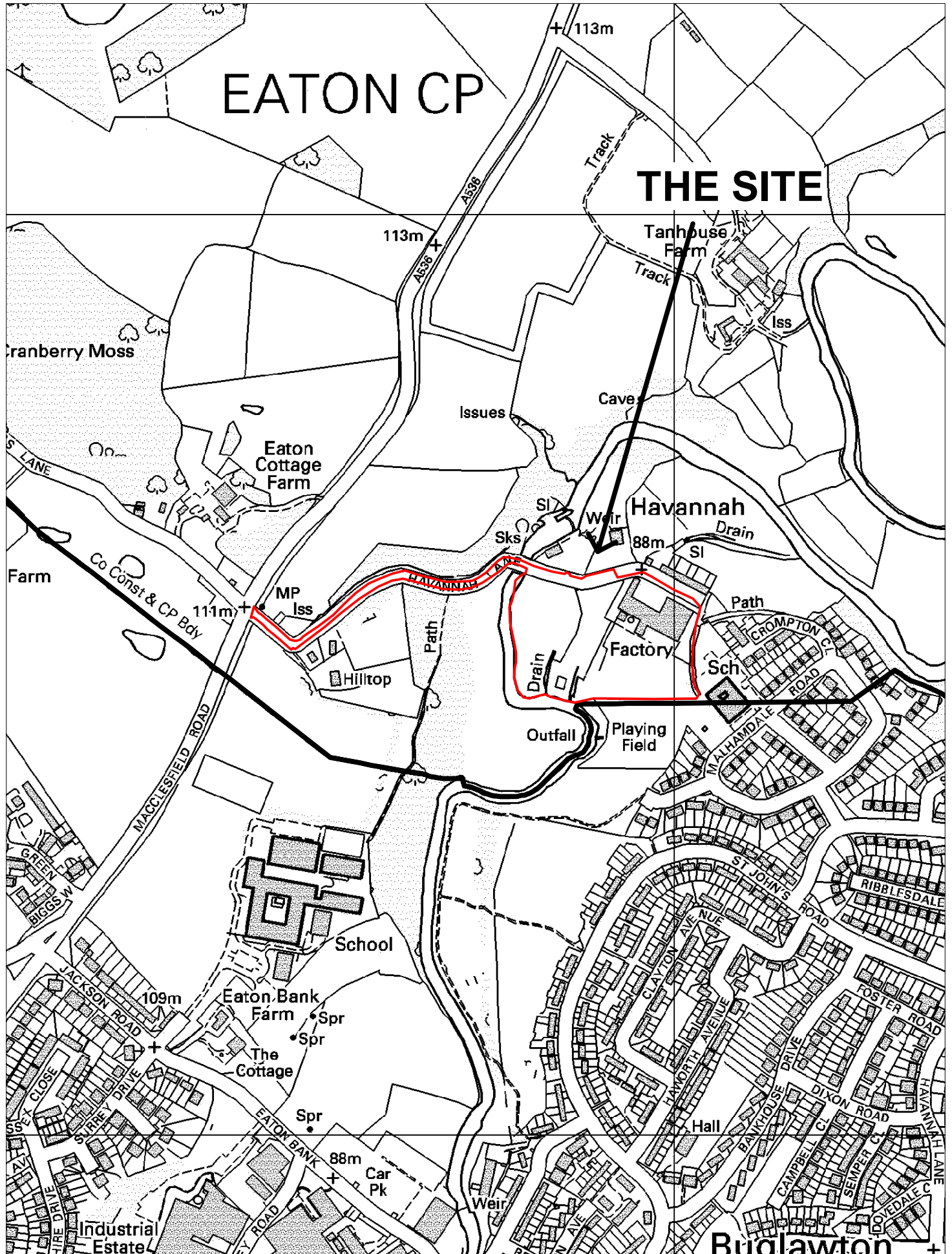
The proposal would bring environmental improvements and the Highways engineer is satisfied that the proposals to upgrade Havannah Lane are appropriate. On the basis of the above information, a recommendation of approval is made:

SUBJECT TO

Referral to Government Office for the North West as a Departure from the Development Plan and the satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

- Provision of a minimum of 25% genuinely Affordable Housing
- On going management and Maintenance provision for the Public Open Space and provision of a LEAP facility to be maintained in perpetuity by the management company.
- Biodiversity improvements/ including enhancements to off site SBI
- Off site ecological enhancement works within adjoining SBI
- Provision of a Travel Plan and associated monitoring charges
- Highways Upgrades including upgrade to the BOAT, including BOAT linking Malhamdale Rd and New Street.
- Monitoring costs



09/0807M - HAVANNAH MILL, HAVANNAH LANE, EATON, CONGLETON

N.G.R. - 386,850 - 364,590

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Borough Council, licence no. 100018585 2007..

#

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A01LS - Landscaping Submission of details
2. A01OP - Submission of reserved matters
3. A02OP - Implementation of reserved matters
4. A02TR - Tree protection
5. A03OP - Time limit for submission of reserved matters
6. A03TR - Construction specification / method statement
7. A04NC - Details of drainage
8. A04TR - Tree pruning / felling specification
9. A05HP - Provision of shower, changing, locker and drying facilities
10. A06OP - Commencement of development
11. A07TR - Service / drainage layout
12. A08OP - Ground levels to be submitted with reserved matters application
13. A09OP - Compliance with parameter plans
14. A12OP - Full details approved as part of outline consent
15. A14TR - Protection of existing hedges
16. A19MC - Refuse storage facilities to be approved
17. A22GR - Protection from noise during construction (hours of construction)
18. A23GR - Pile Driving
19. A32HA - Submission of construction method statement
20. SBI mitigation to be submitted
21. protective fencing to SBI
22. breeding birds
23. landscape and habitat management plan
24. bat mitigation/enhancement
25. woodland management plan
26. contaminated land
27. decentralised energy supply
28. underground services
29. Construction method statement

- 30. Sustainable Urban Drainage -scheme to be submitted
- 31. Archaeology
- 32. care home parking standard to be complied with
- 33. parking standards to be complied with
- 34. RM application to have all highways details
- 35. dust mitigation during construction
- 36. cycle storage facilities for care home

This page is intentionally left blank

| | |
|--------------------------------------|--|
| Planning Reference No: | P09/0126 |
| Application Address: | Sainsbury's Store/Fairway Suithouse, Middlewich Road, Nantwich, Cheshire, CW5 6PH |
| Proposal: | Erection of Replacement Store with Associated Café, Servicing Arrangements and Plant Following Demolition of Existing Store and Industrial Unit; Formation of New and Upgraded Car Parking Facilities with Alterations to Pedestrian Access and Upgrading of Landscaping to Site |
| Applicant: | Sainsbury's Supermarkets Ltd. |
| Application Type: | Full Planning Permission |
| Grid Reference: | 353570 365632 |
| Ward: | Birchin |
| Earliest Determination Date: | 18 th March 2009 |
| Expiry Dated: | 15 th May 2009 |
| Date of Officer's Site Visit: | 19 th March 2009 |
| Date Report Prepared: | 30 th June 2009 |
| Constraints: | Settlement Boundary Hazardous Installations Consultation Zone |

SUMMARY RECOMMENDATION:**REFUSE for the following reasons**

- Retail Impact
- Siting and Design
- Sustainability

MAIN ISSUES:

- The acceptability of the development in principle and its impact on the vitality and viability of Crewe and Nantwich town centres.
- Layout, design and street scene
- Sustainability,
- Impact on neighbour amenity
- Landscape and Ecology
- Crime and Disorder
- Public Consultation
- Highway Considerations
- Drainage and flood risk,

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the existing Sainsbury's Store (6,702sqm gross external area) and a surface customer car park accommodating 397 spaces and a customer recycling area. The existing building is predominantly single storey, with gable roof features and is constructed of red brick with pitched tiled roofs around the perimeter. The shop front elevation has an extended gable roof entrance feature with shop front ATM units and trolley storage areas.

There is an existing petrol filling station adjacent to the site entrance road, which is accessed via a roundabout junction from Middlewich Road.

The application site also includes the former Fairway Suithouse industrial unit, to the west of the existing store, which is of portal framed construction and clad in red brick with grey corrugated sheeting above.

The site is bounded to the north by the A500 Nantwich Bypass, to the south by Nantwich Trade Yard, to the West by the Vauxhall Masterfit Centre and to the East by residential properties on the opposite side of Middlewich Road.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing store and the adjacent warehouse unit and the erection of a new food store (providing a total of 9,407sqm of gross external floor space on two levels) with associated car parking, access, service yard and landscaping. As originally submitted the proposal also included a restaurant / café unit on the site frontage. However, in response to residents concerns, this has now been omitted by way of amended plans.

The car park will be re-laid and extended to increase the number and size of spaces and new covered trolley storage shelters will be provided. The existing petrol filling station will not be affected.

4. RELEVANT HISTORY

| | |
|----------|--|
| P93/0016 | Retail store, petrol station, car park and service area – approved on Appeal |
| P98/0586 | Extension to store – approved 17 th September 1998 |

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

| | |
|--------------|---|
| Policy DP 5 | Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility |
| Policy DP 7 | Promote Environmental Quality |
| Policy DP 9 | Reduce Emissions and Adapt to Climate Change |
| Policy RDF 1 | Spatial Priorities |
| Policy W 1 | Strengthening the Regional Economy |
| Policy W 5 | Retail Development |

| | |
|--------------|--|
| Policy RT 1 | Integrated Transport Networks |
| Policy RT 2 | Managing Travel Demand |
| Policy RT 3 | Public Transport Framework |
| Policy RT 9 | Walking and Cycling |
| Policy EM9 | Secondary and Recycled Agregates |
| Policy EM 11 | Waste Management Principles |
| Policy EM 12 | Locational Principles |
| Policy EM 15 | A Framework For Sustainable Energy In The North West |
| Policy EM 16 | Energy Conservation & Efficiency |
| Policy EM 17 | Renewable Energy |
| Policy EM18 | Decentralised Energy Supply |
| Policy MCR 4 | South Cheshire |

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe
E.7 (Existing Employment Sites)

National policy

PPS 1: Delivering Sustainable Development
PPS 6: Planning for Town Centres
PPS 25: Development and Flood Risk
PPG 13: Transport
Department for Transport – Manual for Streets
Proposed Changes to PPS6: Planning for Town Centres – Consultation

6. CONSULTATIONS (External to Planning)

Environmental Health

Environmental Health has looked at the application and have concerns regarding noise, odour and light from the premises. Therefore they request that the following conditions be attached:-

- Before the use commences the building together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the Borough Council.
- Before the use commences a lighting scheme for the whole site should be submitted to and approved by the Borough Council due to the close proximity of local residents. The car park should be closed to all vehicles (except for staff vehicles) outside store opening times so as to protect the amenity of local residents. The recycling centre should be relocated to the opposite side of the car park to prevent loss of amenity to local residents due to noise from glass etc being dropped into the recycling banks.

Environment Agency

The Flood Risk Assessment explains that the surface water drainage system is to remain as for the existing development, which is acceptable in principle. The FRA demonstrates that attenuation can be included in the surface water drainage system that allows for future climate change. As a result there is no objection subject to the following conditions:-

- Scheme for the regulation of surface water to be submitted and approved
- Scheme for the management of overland flow from surcharging of the site's surface water drainage system is submitted and approved.
- The scheme shall include how safe access and egress to the site is to be provided in the event of flooding.
- The schemes shall be fully implemented and subsequently maintained in accordance with the timing and phasing arrangements embodied within the schemes or within any other period as may subsequently agreed in writing by the Local Planning Authority.

Highways Authority

Will support the application if the following is constructed as part of a section 106 agreement. The justification for this is the potential increase in vehicular movements that will result from this development and how that could adversely impact on pedestrian and cycle movements as a direct result of the Connect 2 scheme and the surrounding area.

- Two Toucan crossings, X1 at the (formerly) A500 and X1 on the (formerly) A530 Middlewich Road.
- A pedestrian refuge island between Sainsbury's entrance and the Barony traffic signals along Middlewich Road, with a footway link to tie in with Cheshire East Council's Connect 2 route at this location.
- A Traffic Regulation Order at Beam Heath Way to control the queuing of delivery vehicles.
- The existing footway along Middlewich Road to the side of the petrol filling station, will need to be widened to allow both pedestrians and cyclists to share this space and access Middlewich Road from the Connect 2 route and surrounding area.

- The expected cost for the above works is around 200k, and Cheshire East Council is asking for Sainsburys to carry out this works under a section 278 agreement.
- As well as the above, the Highways Authority recommends that your cycling facilities are increased from 10 Sheffield stands at the corner of the site, to at least 20 secured and covered facilities at the location of the previously proposed café facility. This will allow cyclists easier access into the site and make them less vulnerable within the site curtilage.

Sustrans:

The site lies on the outskirts of the Nantwich urban area, 1.5km from the town centre, 3km from the southern edge of Nantwich and 2.5km from the nearest residential area in Crewe. It also lies adjacent to the proposed Connect2 route between Crewe-Nantwich, which is intended to create a high quality, attractive greenway between Queens Park and Nantwich riverside, as an alternative to the busy Middlewich Road. The Connect2 scheme has already raised £1 million towards the estimated 1.5m cost but they and the partner Local Authorities are seeking additional funds to ensure that it is built within the timescale of March 2013.

Should the Sainsbury's proposal be granted planning permission, their particular comments are as follows:

- The current site is not easily accessible by Nantwich residents who would like to walk or cycle to the shop. There are, for example, no pedestrian or cycle crossing facilities on the town side of the store on Middlewich Road appropriate for the level of traffic carried on this road.
- The Nantwich store is not accessible to a Crewe residents wishing to cycle. The bypass is effectively a physical barrier and again there are no crossings by the store appropriate for the level and speed of traffic. The Middlewich Road itself toward Crewe carries high levels of fast moving traffic, is narrow, and only has a narrow footway. These are not conditions conducive to encouraging walking or cycling.
- The revised site has to comply with planning advice that it should be accessible on foot or bicycle. There is no evidence in this application that this subject has been considered in any depth. Sustrans suggest that it is more important to concentrate on improving local accesses within Nantwich with the following on-highway measures.
 - o A toucan crossing of the Nantwich bypass on the Connect2 network connecting the store to the Alvaston business park.
 - o A toucan over Middlewich Road on the Connect 2 network.
 - o A direct connection into the store from the Connect 2 network by the petrol station.
 - o Creating the peripheral greenway route at The Barony parallel to Middlewich Road and Barony Road.
- The Council should seek meaningful contributions to these works
- Cycle parking should be based on the Sheffield stand under cover at a convenient location close to the store entrance.

United Utilities

No objection to the proposal provided that a condition can be put on the application stating:

- Prior to any development taking place on site a survey of the existing public sewer passing beneath the site shall be undertaken and the results provided to the local planning authority. Should the survey reveal that the sewer within the site serves other properties beyond the application site a suitable scheme of sewer diversion shall be prepared, submitted to and agreed with the local planning authority prior to construction commencing."

Regional Development Agency

RSS development principle policies DP2, DP3, DP4, DP5 and DP7 are relevant, including promoting sustainable communities, promoting sustainable economic development, making best use of existing resources and infrastructure, increasing accessibility and promoting environmental quality.

DP4 directs development to existing built up areas, with a sequential approach directing development to previously developed land within settlements first, this proposal is in line with policy DP4 here as the site is occupied by a store at present. DP5 also states that development should be located so as to reduce the need to travel, and should be genuinely accessible by public transport, walking and cycling.

In relation to policy W5 in the RSS, 4NW note that the applicant has carried out an assessment of the impact of the development in terms of the PPS6 tests, including quantitative and qualitative need, impact of vitality and viability, sequential test etc. The applicant makes considerable use of the Cheshire Town Centre Study, which looks at the available capacity and development needs of centres within Cheshire. The study identifies a capacity for a further 3,540sq. m additional retail floorspace. It appears from the assessment that the applicant has ticked all the boxes in PPS6 terms. However a decision should be made by the Local Authority to determine the validity of the information and effects on neighbouring town centres. The effective doubling of retail floorspace size does appear considerable i.e. 3,392sqm to 5,778sqm, an increase of 2,386sqm. However this is still below the large scale extension as defined in Policy W5 as 2500sqm net floor space.

The existing store is within an out of centre location. Notwithstanding this, however, the principle for a development of this type has to an extent been agreed by the previous permission. The site is previously developed and even though not within the town centre is still within the urban area of Nantwich.

In relation to the loss of an existing employment site i.e. the vacant warehouse Policy W4 of RSS should be considered. From the applicants submission it is clear that the viability of the premises in their current form are no longer demanded by organisations of this sort and the site is viewed as being unsuitable. The applicant has undertaken a review of current commitments and concludes that there is a current employment land supply of 9 years based upon future land take up rates.

In terms of transport issues, the site is located adjacent to the A500, which has been identified as a route of regional importance. As such, it is important that the level of traffic generated by the development does not adversely affect this route. However, given that a store is already situated on this site we doubt this would be the case. The site is also located in the Nantwich urban area, so in line with policies DP5, RT2 and RT9 the development should be accessed by sustainable modes (i.e. walking/cycling/bus). A travel plan could be introduced to ensure this happens. However they note that there is not much detail on travel in terms of bus routes etc in the application documents. The amount of parking spaces provided also seems to be within the RSS standards.

Landscaping and open space are needed to contribute to a range of socio-economic objectives, as promoted in EM3. The NW Green Infrastructure Guide offers further guidance.

EM5, EM15, EM16 and EM18 establish a framework for sustainable design and construction, including water management, energy efficiency and use of decentralised, renewable or low carbon energy. It will be important to ensure that the sustainable design measures are incorporated in the development. In addition the requirements of policy EM18 should be considered i.e. the development should secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant that this is not feasible or viable.

In response to the amended plans they comment that they have no further comments to make (as the size of development has not been enlarged or significantly amended.)

South Cheshire Chamber of Commerce

Expresses it's concern about the negative impact that an extension to the Sainsburys Store at Nantwich would have on retail in Nantwich town centre particularly if this would result in the sale of more non food retail items.

Civic Society

- Are pleased to see that the revised application has made some significant changes in accordance with their comments and commend the applicants for that.
- Applaud the removal of the A3 unit, the re-location of the recycling facilities and the introduction of some trees in the car park.
- There is still a need to move towards more improvement of the building and surroundings in order for such a major application to meet a standard worthy of approval.
- The relocated recycling area makes sense from the point of view of the location, but further details would help in terms of the way the parking for vehicles dropping off materials for recycling will work. They also wonder if there is a chance to incorporate any further planting in this location.
- Welcome the tree planting, but consider one more line could be incorporated to the benefit of the overall scheme. Whilst pleased to see some trees added in to the scheme, there is still a need for more trees to be planted on

the car park. There is a need for shade as local councils and national government readily promote for healthy living.

- The redesigned shop canopy shows considerable improvement on the facade facing the car-park than on the earlier scheme. However the whole area of this design requires the details to be agreed with the local authority as a series of conditions.
- This is such a large and modern building that its effect on the surroundings will be immense, despite being set back into the former clothing factory site. Its uncompromising simple shape needs to be broken down into more pleasing and smaller elements with some rhythm to them.
- Whilst large enough to set its own stamp on the area, the design does not give any relevant acknowledgements in its materials or design to the town of Nantwich. The architects should consider how they could do this, if necessary, not by a complete redesign but by the judicious use of materials and colours and some minor detail changes:
- Already there are large portions of cladding panels that will be white, so why use a cedar colour of wooden boarding. This is used ubiquitously now but not successfully in places that are historic Cheshire market towns like this. Such alien boarding has been used on two recent buildings in the town - the Health Centre and Castle Court flats - and they have attracted lots of disappointment and criticism from many residents. They could be buildings “dropped in” from just about anywhere else but Nantwich.
- Using some local timber like oak, whether natural or black, would instantly give a visual clue to the local town’s character and say: “this place is in Nantwich”.
- There should be consideration given to using this better colour scheme to delineate the panels and possibly reduce the amount of timber boarding.
- Indeed the understandable charge of “pastiche or Tudorbethan tweeness” by using colours of black and white for this design could not apply on such a large modern building.
- The CGI illustration indicates quite spindly “Y”-shaped supports. (The sketch of the entrance seems to illustrate the supports as more robust). The supports should look substantial as they are an important part of the improved visual element to this façade.
- It is not clear from the illustrations where the active frontage is, i.e. where there are windows through which the shop can be viewed. The CGI is at variance with the illustration in the amended Design and Access Statement. Windows and views into the store should form an important part of the design of this elevation. Again this will need to be agreed as a condition.
- All other materials on this facade should be subject to condition as their quality and weathering abilities will be most important to the finished building.
- The entrance landscape works are a welcome change from the former A3 unit. The illustrations so far show an appropriate quality of landscape design. However as this will be part of the frontage /gateway to Nantwich, it needs to be constructed of high quality materials and have an agreement for regular maintenance in place. The sloping beds should not be left with an assumption that Nantwich in Bloom will take these on board without the proper arrangements in place. The applicants should be prepared to make a commitment to sponsor annually this and hopefully other sites in the town for

planting by Nantwich in Bloom. Can Sainsburys give a legal agreement or undertaking to this effect?

- Question the wisdom of having this entrance feature as a canopy at all here. Is there any need for such a prominent structure? – its purpose seems only to be to act as a support for the unnecessary and large sign on the top. We fear that a canopy could act also as a gathering place for people in the evenings, to the detriment of local residents.
- This is the wrong place for a pedestrian entrance to the site. More helpful to customers who will walk to the store would be simple narrow paths (to prevent vehicular access!) where the current 2 or 3 unofficial paths have been trampled down through the perimeter landscaping.
- The roundabout adjacent to the new entrance could benefit from improvement in terms of edge materials and wonder if Sainsbury's could be asked to include this in its overall landscape scheme, to provide continuity in materials etc at this entrance area?
- The signage is very important element of the overall visual attractiveness of the scheme. It is understood that the signage will form the basis of a separate application for advertisement consent. However the Civic Society are strongly of the view that conditions relating to the signage should be included in the response to this planning application.
- The signage should be an integral part of the design and should NOT float above the top of the building and the entrance feature. The building height is already high in comparison with surroundings (it has a flat roof; surrounding roofs are pitched). The sloping canopy, which we support in adding to the design interest, also adds to the overall height. Further height caused by the signage is neither necessary nor desirable. There are obvious locations on the building facade and on the entrance walls where the signage can be incorporated in an eye-catching way. This will not diminish the obviousness of the branding, but will make for a better integrated design approach.
- The sustainability of the building is still not dealt with in sufficient detail. The architect talked only about the sustainability of prefabricated materials and potential to reach BREEAM rating of very good through refrigeration and internal details. Rainwater collection and re-use was hinted at, but not confirmed. Since then the spring issue of the in-house magazine "Fresh Ideas" has described the green store in Dartmouth and in fact this application's referred to in the Design and Access Statement. The application is inconsistent with comments in the in-house magazine, where it states that a high % (95%) of people interviewed want to see "green" technology such as that at Dartmouth in their stores and the article implies ("*The green store revolution is coming to you*") that other stores will have the same or some of the same features. Sainsbury's should be encouraged to include many more features that will go towards a low carbon footprint for the building and that this should not just be about doing the minimum required to get a BREEAM very good rating, but should take the sustainable aspects of internal and external aspects of the building much further.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

The Town Council are gravely concerned about this development and would urge refusal, as it considers that an enlarged supermarket, with free parking will

have a detrimental effect on traders in Nantwich and the viability of businesses in the market town.

The Town Council would make the following observations:-

Cheshire East are urged to commission an independent study of the impact of the enlarged store on the retail businesses and traders in the town centre. The Town Council consider this essential because 170 extra free car parking spaces and substantially enlarged retail space, selling a wider range of products, is certain to have a detrimental effect on the viability and sustainability of the town. If such a study provides no justification for refusal, then:-

1. Layout of the car park invites problems of racing and misuse, especially at night.
2. Traffic impact on Middlewich Road – already a hazardous and busy road – especially with ‘on line’ ordering of goods – must be studied with great care.
3. Roundabout on the site itself, near the garage is already unsatisfactory and too small. Design needs investigating.
4. Recycling bins need to be relocated
5. The proposed restaurant is likely to become “stand alone” and attract additional traffic and create noise and litter by operating late at night. It should not be permitted
6. The whole process of consultation and examination of the application seems to be hurried and “rushed through.”

8. OTHER REPRESENTATIONS:

Objection

A letter has been received from Peacock and Smith Planning Consultants acting on behalf of Wm Morrisons Supermarkets making the following points:

- **Introduction** - The proposal would make the store one of the largest in Nantwich, further increasing its attraction as an out of centre retail location. The implications of allowing such a large increase in floorspace need to be very carefully considered against the aims and objectives of planning policy, which aim to promote and enhance town centres.
- **Quantitative Need** – Whilst there is existing quantitative capacity for the proposed extension, a need for additional retail floorspace does not, in itself justify further floorspace in an existing out of centre location.
- **Qualitative Need** - If this is to be addressed it should be within the town centre. Improving the quality of retail provision in an out of centre location will only serve to increase the popularity of the store and draw trade away from the town centre to the detriment of its vitality and viability. The effect of this is likely to be exacerbated further given the recent closure of Somerfield. Furthermore, the existing out of centre Sainsbury’s has a much higher market share than Morrison’s within the town centre. The current proposal will make it more attractive and increase further its market share. The need for convenience retailing should be met in the town centre to claw back the market share.

- **Scale** – The Sainsbury's store is already the largest and main food retailer in Nantwich, despite being out-of-centre. An extension would further strengthen its position as a destination in its own right to the disbenefit of the town centre. It is also already one of the largest stores in Crewe and Nantwich.
- **Sequential approach** – Sainsbury's has failed to thoroughly assess the potential of the Snowhill Area of Nantwich town centre as a possible site for development. In November 2008 the Council consulted with the public on potential development opportunities in this area which included a medium sized food supermarket. Sainsbury's should consider the scope for disaggregation of the development to more sequentially preferable, centrally located sites, despite being a single retail operator. Both Tesco and Asda operate standalone non-food format stores. However, Sainsbury's have shown no flexibility in their approach to consider alternative sites, as deemed necessary by PPS6.
- **Impact** – The retail impact assessment has failed to properly consider the effect of the proposal on development opportunities at Snowhill and given that the Council is still preparing its LDF which includes redevelopment proposals for Snowhill; it is premature to approve major out of centre retail development at the present time.
- **Accessibility**. The existing store has poor linkages to shopping facilities within the town centre. It will attract a much greater proportion of car borne shoppers than those using the town centre facilities.

Letters of objection have been received from the following addresses: Madam's Farm, Alvaston Villa, Nantwich; 4,6, 14, 20, 30 36, 38, 40 and 42 Middlewich Road, Nantwich; 90 Whitehouse Lane, Nantwich; 57 Coppice Road, Nantwich; 15 Mercer Way, Nantwich; 1 and 4 Sycamore Close, Nantwich; making the following points:

A3 Unit

- The A3 unit on the road frontage is a backdoor means of getting a fast food takeaway
- A restaurant is not needed when there is a café in store.
- There are three other eating places within a mile of the site and within Nantwich town centre there are a wide variety of restaurants.
- Residents object to this on the grounds of late night nuisance, noise, traffic problems and cooking odours.
- Noise from cars using the roundabout which used to dissipate over the car park will now be echoed off the restaurant building back towards the houses.
- The proposed seating area will allow criminals to watch houses to take advantage of residents.
- The proposed restaurant does not fit with the local area which is mainly residential. The restaurant will cause noise pollution, and will cause smells from cooking and smoking on the outside deck
- The restaurant would be a distraction for drivers
- It will cause a loss of privacy and overshadowing to adjoining properties.
- The design is alien to the location particularly due to the expanse of glass.

- There is inadequate car parking.
- Poor quality architecture – glass would encourage vandalism and would create glare in neighbouring properties.
- No consideration given to orientation and energy efficiency
- It would be a magnet for antisocial behaviour.

Amenity

- The re-cycling bins create significant noise problems when they are emptied out of store opening hours and should be located or screened and sound proofed to remove this issue. Residents are not convinced the new location will achieve this without improved screening.
- The recycling bank will also create a health hazard.
- The ATM has not been relocated to the petrol station as requested
- Unloading and reversing HGVs at unsocial times will be damaging to the air quality and cause noise pollution.
- The whole development will result in increased litter which is already a huge problem – particularly carrier bags
- The positioning of illuminated signage should show consideration for the properties in the immediate vicinity of the store to avoid light pollution and nuisance. The backs of people's houses face the site, and residents feel that these would invade and restrict the use of their gardens.
- Noise from loading and unloading of HGV's and cages being moved around etc.
- Residents cannot open windows at night due to noise from traffic and HGV's
- HGV's have caused structural damage to properties from vibration.
- Whilst the building will be located further from Middlewich Road, it will be closer to residential properties at the rear.

Antisocial Behaviour

- The only people that would come from far and wide are the boy-racers who plague the unregulated car parks of the present Sainsbury's in the early hours.
- Boy Racers are a danger to pedestrians using the post box, cash machines and the recycling banks.
- Sainsbury's night shift management do nothing to prevent its occurrence. A physical barrier needs to be in place to prevent the car park being used after hours.
- One speed bump will not prevent late night activity.
- Speed tables are uncomfortable for drivers, cause damage to vehicles, increase pollution from acceleration / deceleration and inhibit emergency vehicles. They may also be seen as a challenge to boy racers.
- The landscape feature is designed in such a way that it will become a congregation point for local youth and a 'new street corner' which encourages anti social behavior. It should be redesigned.

Design

- The public art feature has not remained true to the description and will be an eyesore. It looks like a bandstand, mausoleum or a bus station and is a glorified billboard. The store is big enough to attract attention on its own. It will be a distraction to motorists. The gateway feature is a gateway to Sainsbury's not Nantwich.
- The timber and blockwork would provide a canvas for graffiti
- When they designed the original store they took into consideration Nantwich being an historic town and the existing store is quite pleasing. It has a lot in its favour and uses brick and tile and other local materials to anchor it in its location and give it a connection to the surroundings. It is sacrilege to pull down the existing store.
- The design of the new building does not fit with the local landscape. It looks like an aircraft hanger, a large shed, or a distribution warehouse. What happened to bricks and mortar?
- It would be more appropriate on a science park or at a university not in a suburban area of Nantwich
- The white colour is not attractive in this location and will cause nuisance to residents and motorists due to reflection.
- The design emphasizes the mass of the building.
- The proposed building is unsightly. It has two large signs at roof level which do not comply with local regulations, which state that they should not be above ground floor fascia level. Large unnecessary roof level signs are proposed, and a totem on Middlewich Road, these will all be to the detriment of the local landscape. The light pollution on Middlewich Road is already excessive due unnecessary back lit store signs and high level security lighting from TG Builders Merchants. There should be no more illuminated signs.
- The current landscaping is already insufficient to soften the impact of the current building and traps carrier bags and other wind borne refuse which pollute the neighbouring residential area.
- Any new development needs to be screened by raised banking and landscaping to reduce the impact of the building on the local landscape.
- Sainsbury's removed an ancient hedge when they built the original store and blocked off a right of way despite being told that they must not. Also the landscaping on the frontage was supposed to be 2m high but is only 1m in places and very patch. Will they comply with landscaping conditions this time?
- The expanse of car parking will overwhelm the landscape there is little proposed which would make it an attractive layout in compliance with Policy BE.2 of the Local Plan.
- The building has been placed in this position to maximize Sainsbury's use of the land and does not taken into account the need for energy efficiency.
- No consideration has been given to orientation to minimize energy use etc and materials are not locally made.

Need / Retail Impact

- There is no need for a larger store at this site as the current store is adequate

- Has the new Sainsbury's store in Crewe been taken into consideration?
- With 700 new houses to be built at Stapeley why not put a Sainsbury's Store in another part of Nantwich thus taking traffic from the Middlewich Road.
- The plan offers expansion of the present facility at both economic and social costs to the town. Local businesses would suffer and this would have a detrimental effect on Nantwich Town Centre. The town centre is will be home only to estate agent's and charity shops.
- Sainsbury's are geographically everywhere, including an already expanded site in Crewe (do we need another expanded one in Nantwich?). Some aspects of the town are already slipping out of character...ex-Woolworths and another big low cost shop/s...they do nothing to enhance the town...sensible planning may have attracted a small Marks and Spencer for example? We need to be more economically and community proactive.
- Do not be seduced by so called jobs arguments, or other usual spin...for jobs will go in the town and the town will suffer even more. The economy being in a state that it is at present, it will not take much to tilt this already precarious socio-economic balance.
- Nantwich is a beautiful and unique town in that it has many small independent shops and traders. These aspects to the local economy must be retained or we will see their demise and give in to urban economic sprawl and the death of a nice town centre. Many people come from far and wide to visit, see its small shops and markets...they do not come for Sainsbury's.
- The demolition of two fairly modern buildings to make space for one new one is surely not good for the environment in terms of waste and resources to produce and transport new materials.
- The size of the shop and the free parking will harm the vitality of Nantwich town centre
- In the light of this proposal Marks and Spencer have withdrawn their interest in Snow Hill.

Traffic

- Consideration needs to be given to the access to the store as the current access creates congestion and is clearly unsafe for pedestrians. The increased traffic at the entrance to the store will cause further congestion and delays on the Middlewich Road. The current volume of traffic means that exits on to Middlewich Road are already difficult to negotiate, especially at peak times because of the poorly designed access road.
- The proposal will exacerbate traffic congestion at the Coppice Road junction
- Increasing the size of the store will generate additional heavy goods traffic. There are already a number of HGVs using the Middlewich Road throughout the night despite assurance from Sainsburys in the previous planning that this would not be the case.
- Plans do not make adequate provision for pedestrian and cycle access.
- Does the access (especially the delivery access) need to be off the A530 as at present or could it be moved to be off the A500 By-Pass or Beam Heath Way?

- Pedestrians, especially elderly people, have great difficulty crossing Middlewich Road safely even when using the central island adjacent to the White House Lane roundabout. Increased traffic means that the Middlewich Road would be even more dangerous to cross than present
- It will take longer for residents to travel to and from work. The roads leading to the store will become congested due to the increased traffic not from Nantwich residents but from those living outside the town coming to do their shopping.
- Anyone who says the roads are not congested around the store in particular the roads leading to the A500/Middlewich Road roundabout during rush hour periods is being scarce with the truth. Any figures produced by experts that show that there is not a traffic problem require their methods to be examined.
- The growth areas in Nantwich are on the opposite side of town near Stapeley. Therefore the proposal will increase traffic on the bypass and through the town centre.
- There is inadequate cycle provision in an area where cycle use is above average.
- The A530 is a main route for emergency vehicles to Leighton Hospital.
- The painted circle should be raised to form a proper roundabout and the tight radius curve on the access road should be reviewed.
- Pedestrian routing round the site is not clearly indicated and a pelican crossing should be provided on Middlewich Road.
- The A530 is to be reclassified as the B5344 with a reduced speed limit and less road maintenance.
- There is a shortfall of 269 parking spaces when compared against standards in the local plan. Sainsbury's car park is also used by people using local bus services and the free parking should therefore be restricted.
- The rectangular shape of the service yard will force HGV's entering the store to reverse in which will cause conflict with similar vehicles in Beam Heath Way and Cobbs Lane which are accessing other businesses.

Support

Letters of support have been received from the following addresses: Builders Yard Cottage, Wrenbury Heath; 1 Barbridge Mews, Nantwich; 39 Birchin Lane, Nantwich; 52C Manor Road, Nantwich; 36 Swindale Drive, Crewe; 14 Malbank, Nantwich; and 26 Ashdale Close, Alsager; Mansion Cottage, London Road, Nantwich making the following points:

- The store is so busy that moving freely between the aisles is quite difficult.
- Sainsbury's is a first class store which has brought many people to the town to shop who then go on into the town centre.
- There were objections to the original store on noise grounds. This has not provided to the case. The new store is further from domestic dwellings and will cause even less trouble as loading etc. will be further away.
- People travel considerable distances to shop at the store because it is so pleasant. It is a great location and the staff are excellent.
- The proposed restaurant would be a great improvement on the current café

- The larger store would have no greater effect on the shops in Nantwich than the current shop does
- People who wish to shop in Nantwich will still do so and it may encourage more people in from other areas.
- More variety of goods will be available
- The car parking will be better with more spaces. The existing parking is stretched at peak times.
- People travel to Crewe or Chester to avoid congestion. Expanding the store and car park would alleviate these problems while encouraging local shopping.
- The store can be screened with the existing landscaping.
- The redevelopment will provide employment in the building trades, currently suffering greatly from the credit restrictions.
- More staff will be employed in the new store.
- The redevelopment can only benefit the area. With the expansion of new homes over the past number of years the existing store no longer meets the needs of the population and an injection of new jobs is needed.
- It will create healthy business competition
- Sainsbury's are a company who take care of customers and the standards are extremely high.

9. APPLICANT'S SUPPORTING INFORMATION:

Transport Assessment – Savill Bird and Axon

- The scope of the statement has been discussed with highways officers and Cheshire County Council.
- In conjunction with the development scheme it is proposed to increase the capacity of the existing car park to provide a total of 539 spaces including 22 parent and child spaces and 26 mobility impaired spaces.
- The proposed development would be accessible by non-car travel modes of walking, cycling and by public transport, in accordance with PPG13. The location of the proposed development would also facilitate both pass-by trips and diverted trips, again in line with objectives set out in national policy on reducing the need to travel.
- A travel plan will also be offered in conjunction with the development scheme.
- Consideration has been given to the likely changes in traffic that will occur on the local highway network as a result of the development proposals. Whilst the proposal is for a replacement store, the reason for the proposal is to provide enhancements more akin to a store extension. Therefore the traffic assumptions and impact assessed is based upon that of a Sainsbury's store extension rather than a new store, using a methodology for calculating the increase in traffic flows resulting from store extensions which has previously been accepted by Cheshire County Council.
- From this analysis, it has been concluded that whilst the development proposals would impact upon the site access roundabout with Middlewich Road, there would be no material increase in traffic at the other junctions included within the agreed study area.
- The site access roundabout has been assessed for 2009 and 2014 future year scenarios. The results of the assessments revealed that even allowing

for a robust estimation of background traffic growth, as well as traffic relating to the development proposals, the junction would be able to operate within capacity and without significant queuing.

- It has also been demonstrated that the increased level of car parking proposed at the replacement store would be sufficient to cater for the increased demand resulting from the development proposals.
- It has also been stated that despite the increased store area there would be no material increase in service vehicle movements and therefore no impact on the adjacent highway network in this regard. Furthermore the introduction of goods on-line would have no impact on the operation of the local highway network.
- It can therefore be concluded that there are no highways and transportation reasons for refusal of the planning application.

Consultation Statement – Dialogue

- The applicant has carried out a consultation exercise which has involved contacting 100 local residents, 30 key stakeholders, a press release and a public exhibition.
- Key issues which have been raised as a result are as follows:
 - o Concern that the proposed A3 unit would be a fast food restaurant
 - o Problems with boy-racers using the car park at night. The extension of the car park would increase this problem.
 - o Trolleys abandoned outside the boundary of the store.
 - o Increase in traffic adding to congestion at the entrance
 - o Illumination of the store and restaurant causing loss of amenity for residents.
- Design amendments in response include
 - o Relocating the recycling areas
 - o Removal of the A3 unit
 - o Inclusion of public art feature and further landscaping
 - o Traffic calming and CCTV
 - o Elevational changes

Sustainability Statement – Sainsbury's

- Sainsbury's aim to demonstrate their continued commitment to building sustainability into each development they undertake. The report shows their commitment to carbon dioxide reduction at Nantwich
- The Nantwich development will include the generation of an element of the site energy requirement from on-site renewable energy sources. During the design phase the project team will determine the predicted annual energy profile for the development, taking into account all incorporated energy efficiency measures and calculate the equivalent energy value to be provided from renewable sources
- The selection of the renewable energy sources to be incorporated will be made through consideration of the available technologies and their sustainability for adoption on the Nantwich site within reasonable cost limits.

Phase 1 Environmental Report – Wardell Armstrong

- The petrol station on site provides a potential source of contamination. The site already holds a LAPPC permit which will aim to minimise contamination. In addition to this it would be prudent to ensure that spillages are kept to a minimum with necessary precautions and mitigation measures in place should they occur (spill kits etc.). Furthermore, volumes of fuel should be monitored to ensure that any losses are noted and investigated as early as possible. It is likely that that any future purchaser of the site will require a site investigation to confirm that tanks have not leaked.
- Due to the presence of a land fill site within 250m of the site, it is possible that some gas monitoring or gas protection measures may be required as part of the planning process. Site investigation works may be needed to monitor ground gas at the site.
- The presence of saliferous beds beneath the site may have implications for building and foundation design of the new building and also for drainage. The design of the buildings and foundations should give consideration to the risk of future ground movement. Site investigation works will be required to assess the presence on saliferous deposits and determine ground strength and settlement characteristics.
- It is recommended that soakaways are not used within the drainage system on site. Soakaways may allow freshwater to infiltrate into any underground cavities which may result in further dissolution of the cavity and potentially lead to ground instability. Any drainage system on site should seek to minimise freshwater infiltration in the ground.

Planning and Retail Statement – Turley Associates

A Planning and Retail Statement has been provided which can be summarised as follows:

- The development is consistent with the key objectives of national and local planning policy to achieve sustainable mixed use development and to regenerate urban areas. In the context of retail development, this entails locating new shopping in the centre of the catchment that it seeks to serve, in areas that are easily accessible and well served by public transport.
- National and local planning policy are permissive of development outside town centres provided that a need for the development has been proven and it has been shown that need cannot be met by development on a sequentially preferable site. All potential sites within Nantwich town centre have been examined to ascertain whether they could meet the requirement and none are available.
- The retail assessment also addresses the issue of potential impact upon the viability and vitality of Crewe and Nantwich town centres. The principal trade diversions for competing stores will be from large supermarkets in the primary catchment area which are overtrading to a large degree. The levels of impact on the town centres is consequentially small and not material in terms of their potential affect on the vitality and viability of either Nantwich or Crewe town centre.
- The A3 unit is also acceptable in terms of design and format for its location and will not result in material harm to residential amenity.

- The proposals are also entirely acceptable in land use planning and policy in terms of design, accessibility / traffic levels; amenity; and environmental and ethical considerations and it does not conflict with the provisions of the development plan.

Design and Access Statement – Hadfield Cawkwell Davidson

Use

- The replacement store will provide an enlarged sales area to improve the customer offer and provide an improved café and toilets and on-line shopping facility.
- The number of parking spaces will be increase and the car park appearance improved and new trolley bays provided
- The existing petrol station will be unaffected

Amount

- The proposed store provides 9,047 sqm of gross external floor space on two levels. The majority is at ground floor with 966sqm staff area and café at first floor.

Layout

- The location of the store is at the rear of the site.
- This has been chosen for a number of reasons
 - No conflict between customer access and service access
 - Allows car parking to be provided in front of the store and to be accessed from a single point of entry
 - allows the new store to be built whilst the existing store continues to trade
 - avoids negative impact on properties in Middlewich Road
- Rectangular sales area provides a more spacious environment and improves customer circulation.
- First floor café is in a visible position overlooking the sales area
- Carpark extended and re-laid to improve circulation and number of spaces
- Signage renewed in line with current Sainsbury's band
- 26 disabled and 22 parent and child parking spaces close to entrance
- Cycle parking and recycling centre
- Retained and enhance perimeter landscaping.
- Service area enclosed on 4 sides and located below general ground level to minimise impact

Scale

- Height of building and length of frontage is similar to the Nantwich trade Depot alongside

Appearance

- Visual interest added to front elevation – including covered walkway, entrance lobby and stair
- Materials include white metal cladding, timber and brickwork
- Large areas of glazing to be used to bring in natural light

Landscaping

- Paved area in front of shop to be linked to pedestrian footpaths on Beam Heath Way and pedestrian routes throughout the car park allow easy access to the site
- Currently the store sits within a strong landscape context including roadside planting along the A500, remnant woodland to the east and car park boundary mature planting within the highway verge. This will remain intact
- As a consequence the proposal will have limited visual impact.
- The new scheme will retain most of the perimeter planting with new trees and shrubs planted in areas where opportunities arise.
- New soft landscape areas are proposed to the south of the new store and within the car park which compensate for vegetation lost due to the new development, in particular an area adjacent to the proposed car park entrance/ traffic island.
- Overall the landscape scheme will achieve visual improvement and enhancement.

Sustainability

- Sainsbury's are committed to reducing the environmental impact of the proposed store in Nantwich in its design and construction. This will be through sustainable sourcing of materials, reuse of redundant materials from the existing site, efficient use of energy and resources and site waste reduction programmes
- Modern off-site construction techniques will be incorporated where possible. Any components that can be assembled in a factory will be. This will significantly cut down the build time on site.
- The main benefit of this will be minimising the disruption to nearby businesses and residential properties, whilst simultaneously reducing carbon emissions, vehicle movements and waste.
- Sainsbury's will encourage an environmental aware supply chain and aim to use construction supplies that have accreditation to a recognised Environmental Management system such as ISO 14001.]A waste management hierarchy will be put in place as follows
 - o Eliminate waste at source wherever possible
 - o Reduce waste on site by employing good management systems
 - o Recycle waste on site wherever possible
- Water use will be minimised by harnessing rainwater and using more efficient appliances
- The following technologies will be considered
 - o Daylight linked dimming control for lights
 - o Energy efficient lighting
 - o Economical ventilations systems
 - o LED signage
 - o Screens on refrigerators
 - o Control systems to reflect building usage through the day
- Provision of on site recycling centre

Access

- Customer and service vehicle access are segregated
- Pedestrian routes are clearly defined with flush kerbs and dropped kerbs at crossings with tactile paving
- Compliance with Document M in terms of stairs and lifts

- Bollards to protect pedestrian areas
- Automatic doors
- Clear circulation spaces between gondolas
- Accessible tills and counters

Flood Risk Assessment / Drainage Strategy – Hadfield Cawkwell Davidson

Storm Water Run-Off:

- The site is within Zone 1 (low probability ie: flooding event of < 0.1%) of the EA indicative floodmap and the end use has a “less vulnerable” classification in PPS 25.
- Overland Flow – Due to the topography of the site and surrounding areas, it is considered highly unlikely that overland flow from surrounding land would be directed towards the store building or that significant flooding could be generated within the car park.
- Groundwater – The possibility of ground water levels rising to the ground surface level is considered unlikely due to the topography/hydrology of the site/surrounding land and ground conditions.
- Local failure of off-site sewers – Due to the topography of the site relative to the surrounding areas, it is considered highly unlikely that significant flooding could be generated by overflow onto the site in the event of local failure of the sewers.
- Local failure of on-site drainage system – Due to the relative levels on site, it is considered highly unlikely that significant flooding could be generated to affect the store unit in the event of local failure of on-site surface water drainage systems.
- Surface Water run-off – Impermeable areas of the development are similar to that of the existing development and therefore total surface water run-off from the site will be unaffected. However in order to mitigate increased run-off from the development due to climate change, it is intended that attenuation will be incorporated into the on-site drainage system.
- Local surcharge of drainage systems – In the event of surcharging of on-site surface water drainage systems and highway drainage/sewer systems adjacent the site due to extreme events, it is considered that any overflow would be directed towards the car park prior to any risk of inundation to the store building. There will be no significantly low areas within the car park that would put persons or vehicles at unreasonable risk.
- Rainfall run off from the development will be managed similar to the previous development in that run-off will be positively collected and directed into an underground piped on-site drainage system which would then discharge to adopted sewers. Surface water from external paved areas will be taken through petrol interceptors prior to discharge from site.
- A Phase I Environmental Assessment undertaken for the site indicates that salt beds may be present below the site which could be affected by water infiltration resulting in dissolution and ground instability. Therefore the use of soakaways is considered unlikely to be viable in this particular case. This should be confirmed by intrusive site investigation and infiltration tests.
- To allow for the effects of climate change, it is considered that a 20% increase in peak rainfall intensity should be catered for as a precautionary allowance. It is intended that this increase will be factored into the design

for the surface water drainage for the development. To allow for the effects of increased surface water run-off, it is intended that some attenuation will be incorporated prior to connection to the existing sewers.

- The design criteria for the storm drainage and attenuation will be as follows:
 - 30 year design storm – No flooding on site (below ground storage)
 - 100 year design storm – No flooding of building
 - Flooding contained on external site areas
 - Outfall from site restricted to flow calculated from existing impermeable drained surfaces based upon a rainfall intensity of 50mm/hr and using Modified Rational Method.
 - Future rainfall design intensities increased by 20% to allow for climate change over the life

Foul Water:

- Foul water from the development will be managed in a similar manner to the previous development in that it will be positively collected and directed into an underground piped on-site drainage system which would then discharge to adopted sewers.

10. OFFICER APPRAISAL

Principle of Development

The application site is located outside the Primary Shopping Area and in accordance with Government guidance contained in PPS 6: Planning for Town Centres it is necessary to address the following tests

- a) the need for the development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

It is notable that PPS6 highlights (paragraph 3.5) that: *‘as a general rule, the development should satisfy all these considerations.’*

The Planning Statement prepared by Turley Associates, on behalf of the applicant seeks to address these issues, most notably quantitative need for the proposed development, and this has been summarised in Section 9 of this report.

The Council has employed White Young Green (WYG) who were the authors of the Cheshire Retail Study 2006 to carry out a Retail Audit to assess the supporting information provided by the applicant.

WYG have concluded that the replacement Sainsbury's store will create the largest foodstore in the Borough and would increase the size of the existing store by 40%. The replacement store would further reinforce Sainsbury's dominance on convenience goods shopping patterns in the Nantwich area. Indeed, the Cheshire Town Centre Study (CTCS) identified that the existing

Sainsbury's store (6,702 sq m) achieves double the market share of the next largest store in Nantwich (the existing Morrisons store within Nantwich Town Centre – 3,712 sq m gross).

Based on the retail evidence presented by Turley Associates, WYG is concerned that the proposal does not fully accord with the five key policy tests outlined in PPS6. In particular a clear need for the level of comparison goods floorspace proposed has not been demonstrated by the applicant and the current proposal for a new Sainsbury's store in Crewe has not been taken into account as part of the analysis undertaken. Crewe currently forms part of the catchment area of the existing store but if a new store is constructed within the town itself, this catchment area would inevitably be reduced. Furthermore, limited evidence has been presented with regard to the deliverability of the Snowhill area of Nantwich as a sequential alternative and a thorough impact assessment in line with guidance in PPS6 has not been undertaken in support of the proposal.

PPS6 (paragraph 3.5) states that local planning authorities should assess applications on the evidence presented and as a general rule the development should satisfy all the policy 'tests' outlined in PPS6. It is WYG's view that these tests have not been satisfactorily addressed. Without further justification being provided by the applicant to address the issues outlined above, WYG considers that there are reasonable retail planning grounds to refuse the application.

Additional information has been provided by the applicant's consultant in response to the Retail Audit undertaken by WYG on behalf of the Council which concludes that the tests in the existing PPS 6 have been met. PPS 6 is to be replaced with PPS 4 'Planning for Prosperous Economies' and this revised national policy will remove the 'need' test and the emphasis will be on sequential site selection and impact.

They argue that WYG have already confirmed that the test of sequential site selection has been addressed and that the key aspect of the impact test, on the vitality and viability of the town centre, has been met. They consider that they have carried out a more comprehensive review of the impact test/s which also confirms that all aspects of the emerging PPS 4 tests have been satisfied.

WYG has also assessed the additional retail evidence presented by Turley Associates, and remains concerned that the proposal does not fully accord with the five policy tests outlined in PPS6, which remains current planning policy. In considering these five policy tests, they do not accept, as put forward by Turley Associates, that the sequential test and impact on the vitality and viability of the town centre has previously been accepted by WYG.

After reviewing the additional evidence submitted, WYG consider that the level of need continues to be overstated. In considering need for the proposal it is acknowledged that emerging retail planning policy (i.e. draft PPS4) highlights that there is a change in emphasis from the Government with regard to the requirement for applicants to demonstrate need for development. However, this is not (as yet) adopted planning policy. Given this, based on current planning

policy, WYG do not consider that a clear need for the proposal has been demonstrated.

Although the Government is proposing to remove the needs test for applicants, given the relationship between the tests of quantitative need and impact, the lack of a clear demonstrable need is likely to result in the proposal having a greater impact than that identified by Turley Associates. Furthermore, by undertaking a cumulative impact assessment that takes into account recent developments and outstanding consents (which still has not been fully assessed by Turley Associates) the potential impact could be even greater.

Based on the evidence submitted to date WYG still consider that a full impact assessment has not been undertaken by Turley Associates in line with the issues raised in their initial consideration of the application.

Furthermore, with regard to the sequential approach, although the availability of the Snowhill site in Nantwich is uncertain, at least in the short-term, should it become available this site provides the opportunity to provide further retail floorspace in Nantwich within a sequentially preferable location without the need to increase the level of out-of-centre floorspace (as proposed by Sainsbury's).

Based on all the information submitted to date in support of the application, WYG still does not consider that the proposal fully accords with the relevant tests outlined in PPS6.

Layout, Design and Street Scene

The proposed store has been sited at the rear of the site, adjacent to the Masterfit Centre, and is separated from Middlewich Road, by the proposed car parking area.

It is considered that in this position the store would not relate well to the main approach road into the town, would not create satisfactory presence on the street, would fail to enclose the street, and would not provide a satisfactory landmark gateway development. The development form in which the building is set well back from the road and surrounded by space has a retail park character which undermines the urban character of the built form of Nantwich which is characterised by buildings defining and enclosing the space between them to create narrow, well overlooked public streets and spaces. The large parking area would lack interest and distinctiveness as the first major land use on the approach to the historic town centre.

Although the carpark would be bounded, as it is at present by a landscaped strip, this would not provide the sense of enclosure, overlooking of the street and visual interest that is required. Whilst it is acknowledged that other recent developments on the approach to the town centre have also failed to provide these qualities, these were permitted prior to recent guidance on design and layout such as By Design and PPS1 which now discourage development of this nature.

PPS1 now states that good design should integrate new development into the existing urban form and contribute positively to making places better for people. It goes on to state that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

In an attempt to provide a form of “gateway feature” and frontage development, an A3 restaurant unit was initially proposed. However, following concerns from residents, this has been removed in favour of a landscaped area and “public art” on the corner approach. Originally this included a canopy but after concerns were raised about it attracting anti-social behaviour this has been omitted in favour of a more simple hard and soft landscape treatment. However, this lacks the presence, which is required of a gateway feature on this important approach to the town. It has been suggested that the feature could include Sainsbury’s signage, which it is considered would also be inappropriate given the purpose that it is intended to serve.

There is also concern in respect of the elevational design of the main store, in particular, the angled projecting canopy. Sloping lines such as this appear awkward, unless they terminate at a clear focal point, because the eye has difficulty in focusing on any point along a diagonal.

The present store sits comfortably within its surroundings due to its extensive use of traditional brickwork, and other detailing, including incorporation of information panels that relate the story of Nantwich. Although this approach to design is now considered by many to represent a pastiche of older styles, any replacement building needs to relate well to its context. In this case, the store would need to acknowledge and reference the small urban scale of Nantwich town centre as well as the domestic suburban nature of the immediate surroundings. The very high quality of detailing and locally sourced materials of the historic town should be reflected in the new building. The store should be broken down into much smaller elements to disguise its very large overall volume. This can be achieved in the same way as it is with the present store, albeit perhaps in a more contemporary manner, for example by stepping the elevations to achieve a sense of depth, and by creating focal points along the elevation, in particular, giving greater emphasis to the store entrance.

High level, internally illuminated signage above the roof of the store was initially proposed and would have been overly prominent. This aspect of the design has now been amended to include signage on the walls of the building itself.

The white coloured north elevation of the store would be highly prominent from the bypass, where it would appear larger and taller than the present store. On the original plans about half of the existing landscape strip between the site and the A500 would have been lost under this proposal. The layout has now been amended slightly to retain more of this landscaping. Lighting of the exterior of the store and loading bay would add to the light spill from recently constructed buildings. The overall result would be the urbanisation of the character of the bypass, which at present has the appearance of a mainly rural road.

In summary, this development would be one of the largest buildings in Nantwich. It is essential, therefore, that it is a high quality piece of architecture, which provides a gateway into the town and adds to its rich character. Recent amendments to the proposed plans including minor changes to elevational detail and the addition of landscape elements, fail to resolve the fundamental concerns with the layout currently proposed. The proposal therefore fails to comply with the provisions of policy BE.2 (Design Standards) and the provisions of PPS1.

The applicant has argued that the proposed layout is the only one which will allow the store to continue trading during the course of the construction works. The Council has provided a suggested alternative phasing plan which would allow an extension to the existing store to be constructed in a more appropriate location, whilst maintaining continuity of trade. Sainsbury's have provided a detailed response as to why this would suggestion would be unworkable. However, having considered their comments none of the difficulties appear to be insurmountable and furthermore, it is not considered that continuity of trade is a sufficient material consideration to outweigh wider concerns regarding the siting and layout of the proposed development.

Sustainability

The very large area of parking would disadvantage access by pedestrians relative to motorists, as it would require a longer walking distance than a store located close to the back edge of pavement. Its large linear extent and the absence of varied and changing visual stimulation and the absence of the reassuring presence of overlooking buildings along the frontage would fail to create a sufficiently interesting section of street particularly when taken in at walking speed. This would almost certainly discourage walking around the town.

The new Regional Spatial Strategy places considerable emphasis on achieving sustainable development, minimising waste and energy consumption. It also advocates provision within new development of micro-generation opportunities.

The Sustainability Statement and Design and Access Statement which have been provided with the application are extremely general in nature. They outline Sainsbury's corporate commitments to addressing climate change through measures such as reducing carrier bag usage as well as constructing more energy efficient buildings. According to the information a number of different design features which can be employed to minimise energy use and to generate energy on site will be considered and adopted "within reasonable cost limits". There is no guarantee that any of the measures will be adopted in the final scheme. Furthermore, the choice of measures will be reserved to the detailed design phase, whereas principles of sustainable development should be influencing the design and layout of the scheme from conception. For example, the orientation of the building and provision of glazing is crucial to achieving natural heating and ventilation.

The information supplied also states that consideration will be given to the use of off-site construction techniques and sustainable sourcing of materials without offering any guarantees or detailed proposals of how this is to be achieved, or

the extent to which the use of such materials will off-set the carbon footprint created by demolishing the existing store. Consequently, it is considered that the applicant has failed to demonstrate that they have met the RSS requirements to provide 10% of renewable energy on site and the proposal is therefore contrary to Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM 17 (Renewable Energy), and EM18 (Decentralised Energy Supply).

Sainsbury's also state that they will put in place a waste management hierarchy to eliminate waste at source wherever possible, reduce waste on site by employing good management systems and recycle waste on site wherever possible. The emphasis here is again on "where possible" and no indication is given as to how the huge amount of demolition waste from the existing store is to be dealt with. No evidence has been put forward to suggest that it can be utilised on site, especially in view of the fact that the new building will be substantially complete prior to the demolition of the old store. This is contrary to the principles set out in RSS Policies EM9 (Secondary and Recycled Agregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Amenity

The proposed store will be sited approximately 150m away from the dwellings on the opposite side of Middlewich Road, at the closest point, and further away than the existing store. As a result it is not considered that there will be any additional adverse effect on these properties as a result of noise, overshadowing or loss of privacy. It is slightly closer to the dwellings in Larkspur Close and Kingfisher Close, but would be well screened by the existing industrial units within the trade park. Furthermore, it would have no greater impact on these properties than the existing Suithouse building.

With regard to the operation of the building the Environmental Health section have raised concerns about noise, odour and light from the premises, but are of the opinion that these can be adequately mitigated through appropriate conditions and it is therefore considered that there are no sustainable amenity grounds for refusal.

Landscape and Ecology

Given that the proposal is mostly contained within the footprint and associated hardstanding of the existing store and suithouse, it is not considered that any threat will be posed to protected species. The majority of the existing landscaping and tree planting is confined to the periphery and this is to be retained and could be enhanced by planning condition. It will be necessary to remove a small amount of existing landscaping to facilitate the amendments to the carpark layout but again replacement planting could be secured by condition.

Crime and Disorder.

A number of residents and the Environmental Health Officer have raised concerns about car-related antisocial behaviour on the car park when the supermarket is closed. Such problems have been experienced at the existing store and it has been suggested that conditions should be imposed requiring the erection of gates at the site access. Sainsbury's have stated that they would be unwilling to accept such a condition following instances of people being injured by similar gates on other sites and difficulties which would arise in accessing the ATM machines out of hours. They have therefore proposed CCTV and speed humps as an alternative.

However, there are alternative physical measures such as rising bollards which could be installed at the site entrance, which would overcome the health and safety concerns and the ATM's could be moved to the petrol filling station forecourt. These could be made conditions of any planning permission.

Whilst it is acknowledged that the removal of the canopy will make it less attractive as a gathering place, the proposed public art feature raises some concerns regarding its susceptibility to vandalism.

Public consultation

In support of the application, the developer has submitted a Consultation Statement. The Borough Council's Adopted Statement of Community Involvement, which provides guidance on the production of Statements of Local Engagement states, at Paragraph 8.3, that such documents should show how applicants have involved the local community and where the proposals have been amended, as a consequence of involving the local community.

The Statement, submitted as part of this planning application, outlines the public consultation that has taken place and summarises those concerns and issues that were addressed. In response to the consultations, specific elements of the proposals that were changed, including the removal of the A3 restaurant unit, additional landscaping, amendments to the elevations and reposition of the recycling area, which demonstrates that the consultation that has taken place conforms to the procedure set out in the Borough Council's adopted Statement of Community Involvement (SCI).

Highways and Parking.

The proposed store will generate an increase in traffic movements as a result of both additional customers and HGV deliveries. A Transport Assessment has been submitted to demonstrate that the proposal would not have an adverse effect on the highway network. The Highway Authority have examined this and endorsed its conclusions. As part of the scheme the developer proposes to offset the increase in traffic through the provision of additional parking for both vehicles and cycles within the site.

In addition, the highway authority has negotiated a number of other improvements including a traffic regulation order, pedestrian and cycle crossings, footway widening, and new pedestrian and cycle links which can form part of the Connect 2 project.

Therefore, whilst the concerns of local residents are duly noted, in the light of the above and in the absence of any objection from the highway authority, it is not considered that a refusal on highway safety, parking, or traffic generation grounds could be sustained.

Drainage and Flood Risk

A Flood Risk Assessment and Drainage Strategy have been produced and scrutinised by the Environment Agency and United Utilities. No concerns have been raised in respect of the methodology and conclusions and both consultees have no objection to the scheme subject to the imposition of the relevant conditions.

11. CONCLUSIONS

In summary it is considered that the applicant has overstated the need for the proposal and in assessing its impact has failed to adequately take into account the cumulative effect with other existing and proposed developments. Furthermore insufficient regard has been given to sequentially preferable alternatives.

The proposed layout would result in this important gateway site being dominated by a vast expanse of parking and it is considered that the proposed public art feature would do little to compensate for this inappropriate layout. The applicant's issues with maintaining business continuity are not accepted as being insurmountable or sufficient material considerations to outweigh the provisions of development plan policies which seek to protect and enhance the built environment. The elevational detailing of the store in terms of its form, materials and signage are also considered to be inappropriate and would detract from the character and appearance of the site and surrounding area.

It is also considered that the developer has failed to adequately demonstrate how the proposal will contribute to sustainable development objectives through renewable energy, energy saving design and waste minimisation and recycling.

The proposal is considered to be acceptable in terms of its impact on crime and disorder, landscape and ecology, amenity of neighbouring properties, drainage and flood risk, and highways and parking. Furthermore, it is concluded that the developer has complied with the Statement of Community involvement. However, these are insufficient to outweigh the concerns in respect of the retail impact of the proposal, its design and layout and contribution to sustainable development.

Therefore, in the light of the above, and having due regard to all other matters raised, it is concluded that the proposal is contrary to policies S10 (Major Shopping Proposals) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011; Policies DP9 (Reduce Emissions and Adapt to Climate Change), EM16 (Energy Conservation & Efficiency), EM17 (Renewable Energy), EM18 (Decentralised Energy Supply) EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management

Principles) of the North West of England Plan – Regional Spatial Strategy to 2011; Policy 11 (Development and Waste Recycling) of the Waste Local Plan and the provisions of PPS6.

12. RECOMMENDATIONS

REFUSE for the following reasons:-

- 1. In the opinion of the Local Planning Authority the applicant has failed to demonstrate a proven need for the proposed development and that the proposal, either by itself or together with other shopping proposals or developments will not harm the vitality and viability of Nantwich town centre. Furthermore, the applicant has failed to demonstrate that the sequentially preferable alternatives to this site cannot be delivered, contrary to Policy S10 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of PPS6.**
- 2. In the opinion of the Local Planning Authority the proposed development, by reason of its size, site layout and design would detract from the character and appearance of the street scene and this important gateway to the historic market town of Nantwich contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 3. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that they have met the RSS requirements to provide 10% of renewable energy on site and the proposal is therefore contrary to Policies DP9 (Reduce Emissions and Adapt to Climate Change), EM16 (Energy Conservation & Efficiency), EM17 (Renewable Energy), and EM18 (Decentralised Energy Supply) of the North West of England Plan – Regional Spatial Strategy to 2011. Furthermore, no clear strategy for waste management and recycling of waste materials on site has been put forward contrary to the principles set out in RSS Policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan.**

STRATEGIC PLANNING BOARD

Date of meeting: 8th July 2009
Report of: Head of Planning and Policy
Title: Dale Street Mill, Dale Street, Macclesfield, Cheshire
SK10 1HH – Outline application for 2 no. blocks of 3 no.
terrace cottages (6 no. residential units in total)

1.0 Purpose of Report

- 1.1 To consider the planning application 08/2670P.

2.0 Decision Required

- 2.1 To grant or refuse planning permission.

3.0 Background

- 3.1 At the meeting on the 20th May 2009, the Northern Planning Committee resolved that they were minded to grant planning permission in respect of this application contrary to officer recommendation.
- 3.2 Under the adopted Terms of Reference, applications involving a significant departure from policy, which a Planning Committee is minded to approve, must be referred to the Strategic Planning Board.
- 3.3 The proposal is considered to be a significant departure because it involves the demolition of a building which is on the 'Local List' of historically important buildings. Policy BE20 of the Macclesfield Local Plan states, "Non-Listed buildings and other structures of architectural or historic interest do not enjoy the full protection of statutory listing. However, development which would adversely affect their architectural or historic character will only be allowed if the Borough Council is satisfied that the building or structure is beyond reasonable repair."
- 3.4 The Macclesfield Local List of Historic Buildings, was first included into the Local Plan in 2004 as Appendix 11. Dale Street Mill was not part of this list. A Supplementary Planning Document (SPD) was then drawn up and consultation was carried out between 17 October and 28 November 2007 to add further buildings to the 'list'. The revised 'list' was adopted in early 2008, and included the addition of Dale Street Mill. The description of the building in the SPD is noted below. This is the only detail noted on the building and this is largely because such a large number of buildings were put forward for inclusion. The description reads as follows: -

“Dale Street Mill is a mill building with a Georgian frontage and a high quality pedimented doorcase. It consists of brick with rendered front, timber sash windows with gauged and rubbed flat arch brickwork and stone sill finished with a slate roof”.

The detail noted in the SPD should not alter the weight afforded to the building in terms of its retention. The Conservation Officers consider that the description attached to the building ought to be enough to emphasise the buildings importance as an industrial building of local interest.

- 3.5 It is considered that it is the buildings “local distinctiveness” that is important to maintain in considering any proposals for change. While there may well be structural problems with the building that should not in itself exclude the refurbishment and reuse of this structure. The building has long been established in the street scene, the proposal to demolish and construct modern terraced cottages would remove a vital historical link to Macclesfield’s past. This building has enough features of local architectural and historic merit to justify its retention. It has character and has interesting features, such as a distinctive mill frontage onto an otherwise residential street; an usual relationship with other properties; and rows of windows on the South Western elevation. These attributes help to provide a reminder of Macclesfield’s industrial past within this local area. One should be sympathetic to the concept of retention of “local distinctiveness” and as such, the Conservation Officer strongly advises that the proposal to demolish this building be rethought and amended to retain elements of the industrial past, perhaps incorporating a row of cottages in the South West elevation to include the current window style.
- 3.6 The structural engineers report submitted by the applicant concludes that the building is beyond reasonable repair and that it would be unviable to adapt the existing building. Although it is accepted that there are structural defects with the building, it is noted in the main agenda report, that the redevelopment of the building is based on the current market conditions and there are examples of similar buildings (buildings in a poor state of disrepair), which have been retained elsewhere.
- 3.7 At the meeting of the Strategic Board on 17th June 2009, Members requested further information in relation to the how the Council’s Structural Engineer carried out his inspection of the building. Unfortunately, it is not possible to provide any further information on this as the Councils’ Structural Engineer is currently absent, on sick leave. Members also questioned the viability of retaining part of the structure. Officers have discussed the viability issue with the applicants’ agent and requested an assessment to be carried out.
- 3.8 At its meeting on 17th June 2009, the Strategic Planning Board deferred this application in order to carry out a site visit.

- 3.9 The full circumstances surrounding the case and reasoning behind the recommendation of the Head of Planning and Policy to refuse the application are set out in the attached report.

4.0 Northern Committee Observations

- 4.1 The Committee's reasons for recommending approval contrary to Policy BE20 and officer recommendation, were: -
- A proposed alternative, which would retain part of the Mill, would not preserve sufficient of the building
 - The development would satisfy housing need
 - The development was appropriate to the local scenery/architecture
- 4.2 In the opinion of the Northern Planning Committee these are material planning considerations which should outweigh the policy presumption against this proposal.

5.0 Officer Response

Alternatives

- 5.1 It is considered that if the building were redeveloped, a substantial proportion could be retained. Officers have illustrated to the developer potential options for retaining part of the existing structure. This would include demolition of part of the front of the building to allow an alternative access and the demolition of part of the building to the rear, which is considered to be structurally in very poor condition. This would potentially provide further space for development at the rear of the site (for up to four new dwellings). Whilst the scheme suggested by Officers would involve elements of rebuilding, it would retain the historical identity of the existing mill. However, the applicant is not willing to consider any alternative solutions.

Housing need

- 5.2 Whilst the proposed scheme would result in the creation of six new dwellings, the alternative scheme could potentially provide for eight dwellings, or more.

Local scenery/architecture

- 5.3 Whilst the design issues were not put forward as a reason for refusal, it is the principle concern that this proposal would result in the loss of a locally distinct building.
- 5.4 The applicant has undertaken a further structural engineer's report which confirms the detail of the original report and outlines the works which would need to be undertaken to retain the building.

- 5.5 It is always regrettable when a building of character is lost. However, it is not considered that local economic factors should be a determining issue when considering the redevelopment of a building which is on the Locally Important Buildings List, and Officers do not accept that the total loss of the building is the only solution in this instance. If the Strategic Planning Board supports the resolution of the Northern Planning Committee, and accepts the conclusion of the applicants' structural engineers report, then the proposed layout of the redevelopment would be considered to be acceptable. However, if the Strategic Planning Board does not accept that the building is beyond reasonable repair, or that the proposal is the only alternative, then the application should be refused as it would be contrary to policy BE20.

6.0 Options

- 6.1 To endorse the recommendation of the Head of Planning and Policy to refuse the application for the reasons set out in the report to the Northern Planning Committee.
- 6.2 To endorse the recommendation of the Northern Planning Committee to approve the application for the reasons set out in paragraph 4.1 above.

7.0 Recommendation

- 7.1 The officer recommendation as set out in the planning report still stands.

8.0 Financial Implications

- 8.1 The applicant may appeal against the refusal and the likely outcome of that is discussed below.

9.0 Legal Implications

- 9.1 The applicant may appeal against the refusal and the likely outcome of that is discussed below.

10.0 Risk Assessment

- 10.1 Refusal of the application carries the risk of an Appeal against the decision by the applicant. However, in view of the policy presumption against the development, it is considered that the Appeal is unlikely to be successful.
- 10.2 In this instance approval of the application would be unlikely to generate an undesirable precedent, as the applicants have submitted a Structural Survey, which concludes that the building is beyond reasonable repair.

For further information:

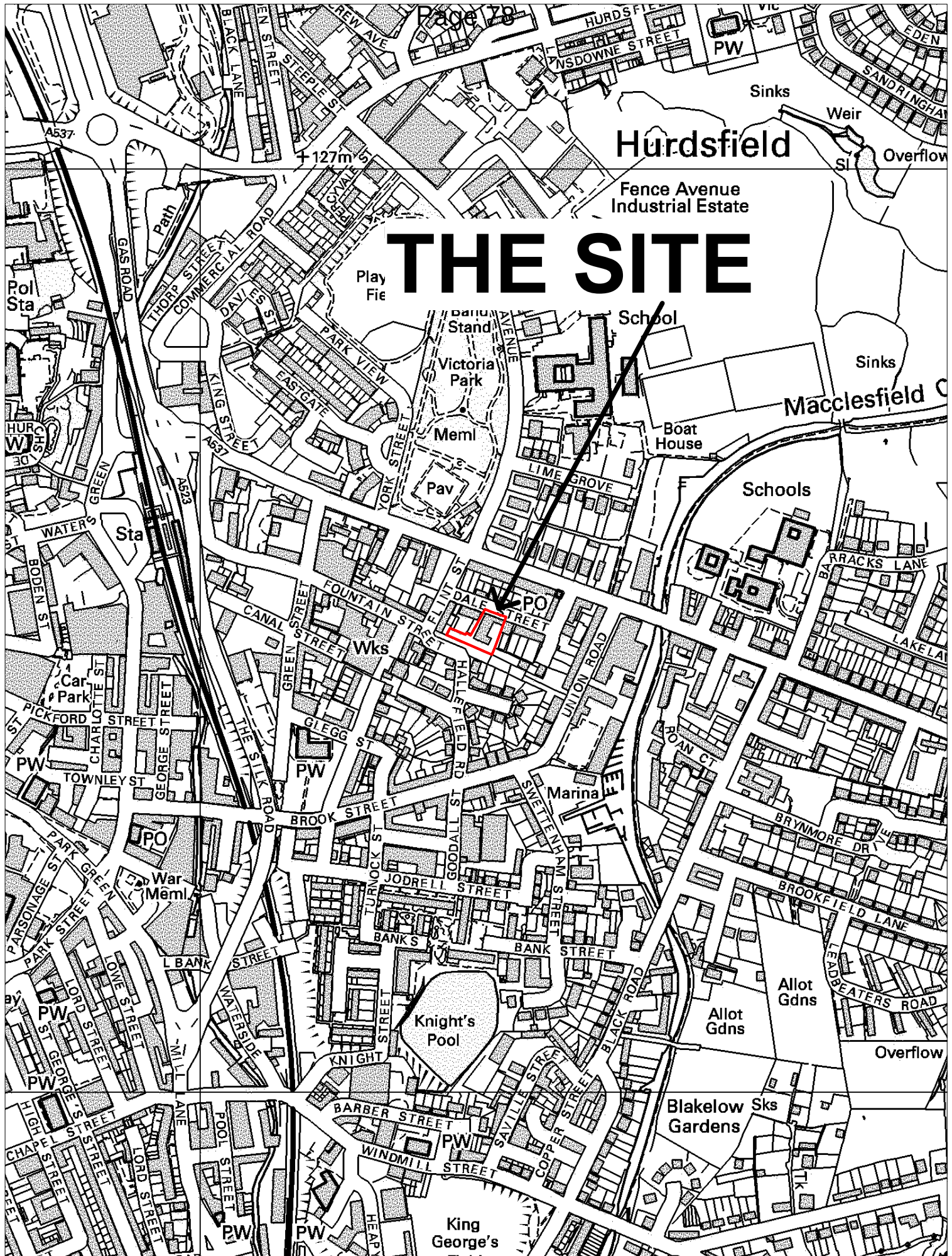
Portfolio Holder: Councillor Jamie Macrae
Officer: Nick Turpin – Principal Planning Officer
Tel No: 01625 504612

Background Documents:

- *North West of England Plan: Regional Spatial Strategy to 2021*
- *Adopted Macclesfield Borough Local Plan*
- *Structural survey and addendum report*

Documents are available for inspection at:

- *Town Hall, Macclesfield*



08/2670P DALE STREET MILL, DALE STREET, MACCLESFIELD, CHESHIRE, SK10 1NH

NGR: 392,300m - 373,490m

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Macclesfield Borough Council, licence no. 100018585 2007..



Application No's: 09/1300M, 09/1296M, 09/1295M, 09/1577M & 09/1613M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD, CHESHIRE SK10 3BL

Proposal: 09/1300M PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME; A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE BUILDING OF 3,599 SQ M; 15NO. 2.5 STOREY TOWNHOUSES IN 7 BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS & OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT PROPOSED FIRST FLOOR DECK.

09/1296M CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE, WHICH IS THE SUBJECT OF A SEPARATE OUTLINE PLANNING APPLICATION.

09/1295M CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE, WHICH IS THE SUBJECT OF A SEPERATE OUTLINE PLANNING APPLICATION (LISTED BUILDING CONSENT).

09/1577M PROPOSED CONVERSION OF AND 420SQ M EXTENSION TO CURTILAGE BUILDING 6 TO ACCOMMODATE A CHANGE OF USE FROM C2 TO D1 TOGETHER WITH ASSOCIATED CAR PARKING.

**09/1613M PROPOSED CONVERSION OF AND 420SQ M
EXTENSION TO CURTILAGE BUILDING 6 TO
ACCOMMODATE A CHANGE OF USE FROM C2
TO D1 TOGETHER WITH ASSOCIATED CAR
PARKING (LISTED BUILDING CONSENT).**

**For KEYWORKER HOMES (MACCLESFIELD) LTD. &
EAST CHESHIRE NHS TRUST**

Registered 03-June-2009
Policy Item Yes
Grid Reference 390899 373928

Date Report Prepared: 26 June 2009

SUMMARY RECOMMENDATION: DEFER FOR A SITE VISIT

MAIN ISSUES:

- Five applications have been received for the redevelopment of the area at Macclesfield Hospital known as the Blue Zone – consideration needs to be given as to whether these applications are in accordance with the Development Brief for the site and whether the applicant has addressed the reasons for refusal which were attached to applications which were considered by Macclesfield Borough Council on 26.01.09.
- Whether the principle of housing, a care home, 3 retail units, an office building, car parking is acceptable and if so, whether the scale proposed is appropriate
- Whether the conversion of the Clocktower building to affordable housing, including a coffee shop and gym is acceptable
- Whether the proposed conversion of Building 6 to a D1 use is acceptable
- Whether the design and appearance of the proposed buildings and associated development is acceptable having regard to the impact on the character and appearance of the area, including the Listed Buildings on the site
- Whether the proposals would adversely affect the setting of the adjacent listed buildings
- Whether the proposed new access onto the Cumberland Street/Prestbury Road roundabout and parking facilities are adequate and acceptable
- Whether the proposed loss of trees from the site is acceptable
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether there is any impact on flooding on the site or within the locality
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- Whether there are any other material considerations

REASON FOR REPORT

The proposal is for large scale major development.

DESCRIPTION OF SITE AND CONTEXT

The site is located on the western side of Prestbury Road and Cumberland Street to the west of the town centre. The site area is 3.4 hectares and the site is bounded by houses to the north (across Victoria Road), West Park to the northeast, residential to the east, the Regency Hospital to the south (which is a private hospital) and the newer parts of the hospital (NHS Trust) to the west.

The site currently contains a number of buildings including a three storey Grade 2 Listed building (known as the Clocktower building). Vehicular access to the site is currently from the newer part of the hospital site, which is accessed from Victoria Road and Fieldbank Drive. The site contains a number of trees, some of which are formerly protected by way of a Tree Preservation Order.

DETAILS OF PROPOSALS

09/1300M – This application seeks Outline permission for the following: -

The erection of a three storey building, which would be a 75no. one bed care home, to the south of the site. 20no. parking spaces would be provided (including two disabled spaces) for this element of the proposal.

The erection of a three storey building, which would incorporate 542 sq. m of retail on the ground floor with 16no. apartments above. 29no. car parking spaces would be provided (including two disabled spaces) for this element of the proposal. Both the care home and retail/apartment building would front Cumberland Street.

A three storey office building incorporating 3599 sq. m of floor area, would be sited to the west of the site.

6no. townhouses (2.5 storeys in height) would be sited fronting onto Victoria Road to the north of the site. One block would consist 4no. dwellings and one block would consist of 2no. dwellings.

9no. dwellings would be provided as 4no. blocks of semi detached houses and 1no. detached dwelling to the northeastern side of the site.

Both the office and residential development (including residential development associated with the converted Clocktower – see 09/1296M) would benefit from communal parking areas. A separate car park deck is also being applied for, to the western part of the site to serve both the existing hospital and office block. A total of approximately 113no. spaces would be provided as surface level parking and 220no. spaces would be provided within the decked car

park. 55no. parking spaces would be dedicated to the office building. The parking deck would result in an increase of 46no. spaces over that which currently exists on this part of the hospital site.

The reserved matters which the applicants seek Outline permission for are access, layout and scale. Indicative plans have been submitted to give an impression of the scale of the development and detailed drawings have been provided for the layout and access.

09/1296M – This application relates to the conversion of the Clocktower building to form 36 affordable apartments. A coffee shop and gym would also be incorporated within the Clocktower building as part of this scheme.

09/1295M – This application is for Listed Building Consent for the conversion of the Clocktower building (see 09/1296M above). In addition, this application seeks Listed Building Consent for the demolition of 2 curtilage buildings (no's 2 and 9). Building 2 is the building which would be replaced by the office development and building 9 would be replaced by the retail/residential apartment building.

09/1577M – This application is an application to convert and extend Building 6. The change of use would be from C2 (hospital) to D1 (a non residential institution). This would allow for uses such as a clinic, day nursery, museum or art gallery. The extension would provide an additional 420 sq. m of accommodation in a single storey building which would have a rooftop terraced area above.

09/1613M – This application is the Listed Building Consent application for Building 6.

RELEVANT HISTORY

08/2634P - Erection of 3 storey 75 x 1 bed care home, age restricted 4 storey sheltered retirement block, with 58 apartments, with ancillary accommodation, 4 storey building including retail units & 36 apartments, 4 storey office building, 14 no three storey townhouses & associated car parking, access roads and open space; and additional hospital parking deck (Outline Planning) - Refused 09.02.09

08/2722P - Change of use to Grade II Listed Clocktower building to provide 44 keyworker apartments, coffee shop, gym, laundry & ancillary accommodation, car parking & associated works, proposed demolition of curtilage buildings (2,6 & 9) to enable mixed use (Listed Building Consent) – Refused 09.02.09

08/2621P - Change of use and alterations to Grade II Listed Clocktower building (including partial demolition) to provide 44 keyworker apartments, 182 sq m coffee shop, 167 sq m gym, 24 sq m laundry & other ancillary accommodation, associated car parking and external site works (Full Planning) – Refused 09.02.09

There have been numerous other applications relating to the hospital use of the site, none of which are directly relevant to this application.

The site on Prestbury Road was undeveloped pastureland, until it was purchased for the construction of the New Union Workhouse. Construction started in 1843 and the buildings were completed in 1845. In the period between 1843 and 1871 further buildings were added in a similar architectural style but these are outside the site. In 1929 the Macclesfield Union Workhouse came under control of the newly established Public Assistance Authority. It later became Macclesfield General Hospital, West Park Branch. During the mid-to-late 20th century new buildings and extensions were constructed. The earliest of these buildings, built in the 1960's and 70's, are typically one or two storey, framed, system buildings common for the period. Some are freestanding; others are connected to the historic building by enclosed corridors, or built as extensions to the earlier buildings. Whilst these more recent additions have served an important practical function in providing health services, they are not fit for purpose for the future health service, and are not considered to have architectural or historic merit. They detract from the character and appearance of the historic buildings. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

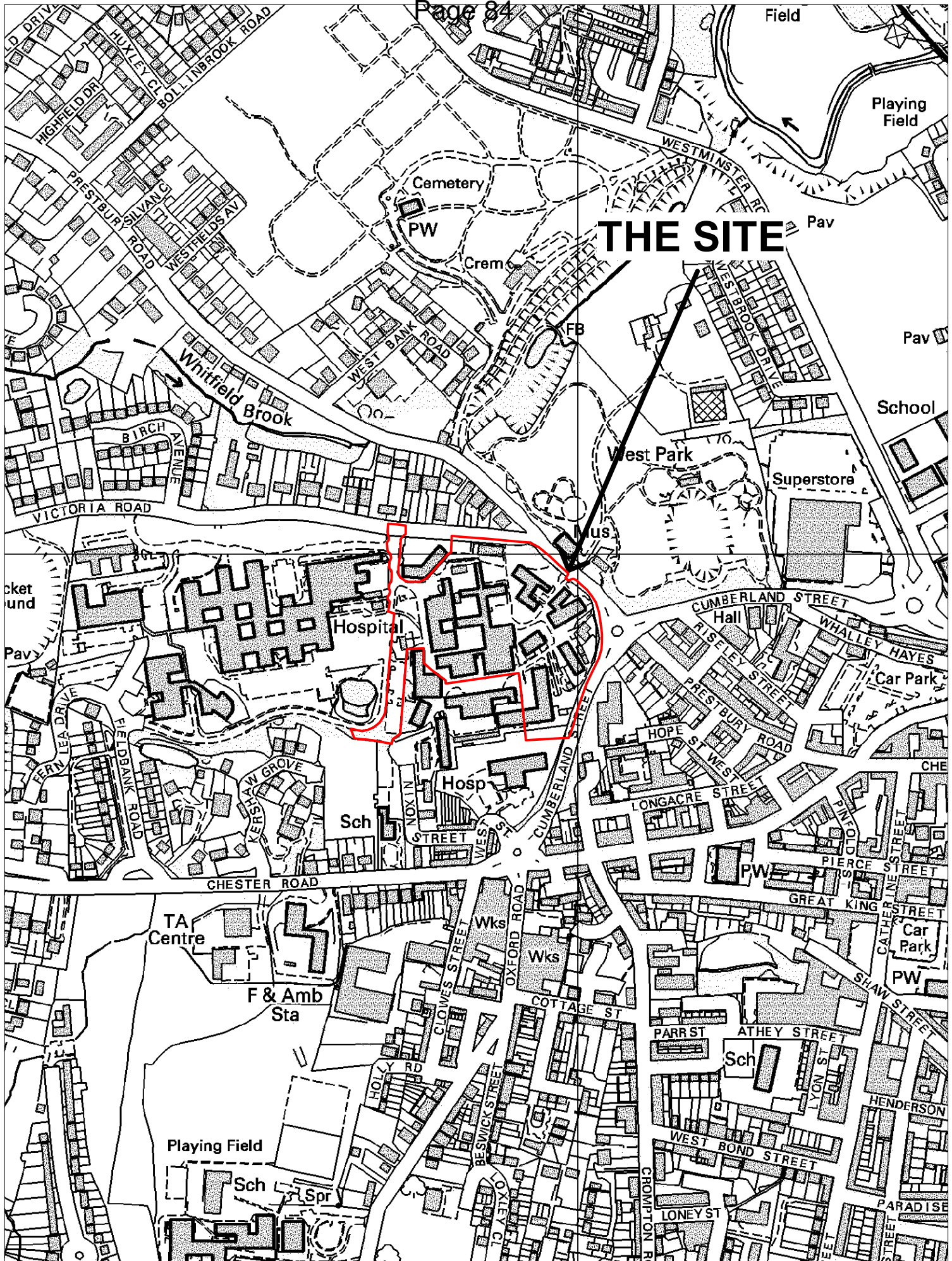
In the 1980's the new Hospital was constructed immediately to the west of the original workhouse and hospital buildings. This moved the centre of gravity of the hospital away from the site that, nevertheless, has continued to house hospital functions until now.

OFFICER APPRAISAL

As this proposal raises a number of issues and is a significant development on the edge of the Macclesfield's town centre, it is considered that Members would benefit from a site visit prior to making a decision on the above applications. A full report covering all the issues raised above will be prepared for a subsequent committee meeting.

RECOMMENDATION

Defer for a site visit.



THE SITE

09/1300M - MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD

N.G.R. - 390,920 - 373,940

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Borough Council, licence no. 100018585 2007..





STRATEGIC PLANNING BOARD

Date of meeting: 8th July 2009
Report of: Andrew Ramshall, Conservation Officer
Title: Urgent Works Notice for Clock House Farmhouse
Barn Over Alderley

1.0 Purpose of Report

1.1 To consider the serving of an Urgent Works Notice to Clock House Farmhouse Barn, Over Alderley for the purpose of stabilizing and preventing further deterioration of the exposed frame and fabric of this listed building.

2.0 Recommendations

2.1 The officer recommends the serving of the Urgent Works Notice for reasons set out below.

3.0 Financial Implications

3.1 The cost of this work is estimated to be not more than £3,000 (informal contract), only payable if Cheshire East Council has to undertake the work.

4.0 Legal Implications

4.1 The above carry risks, the main one being a legal challenge by the owner or third parties; which would involve legal negotiations.

5.0 Risk Assessment

5.1 Refusal of the issuing of an Urgent Works Notice carries the risk of an appeal against the decision by English Heritage.

5.2 Approval of the issuing of an Urgent Works Notice carries the risk of an appeal against the decision by the applicant. However, since the work specified is the minimum necessary to protect the building, it is considered that the appeal is unlikely to be successful. There is also the risk that the Council will have to fund the works and recoup the money at a later stage should the owner not be prepared to carry out the works specified in the time scale.

6.0 Background and Options

6.1 Buildings and structures of special architectural or historic interest which appear as Listed Buildings in the national registrar of buildings of special architectural or historic interest complied by the Secretary of State are afforded significant layers of protection from demolition or harmful change, by the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Planning Authority has powers to issue various notices under Sections 47, 48 and 54 of the Planning (Listed Building & Conservation Areas) Act, 1990, in respect of the preservation of Listed Buildings.

6.2 Details of the list description

Clock House Farmhouse Barn is a Grade II listed building

Extract from English Heritage database:

*SJ 87 NE OVER ALDERLEY C.P. ALDERLEY ROAD
(South Side)*

5/157 Timber framed barn 25m north east of Clock House Farmhouse

Barn and shippon: C17. Timber-framed with wattle and daub and later brick infill on massive stone plinth. Corrugated asbestos roof. Long downhill plan. N. front has 9 by 2 and 3 timber small frames with angle bracing of the wall plate. 2 doors and central gabled half dormer (probably a ventilator). Similar dormer on the other elevation which also has a brick lean-to.

Interior: Central threshing floor with shippon above, shippon and half-loft below. Tiebeam and collar trusses. The tiebeams are arched braced and the central one supported by a vertical post.

Listing NGR: SJ8674077958

6.3 This grade II Listed Building has recently been subject to unauthorised works in an attempt to dismantle it following a partial collapse of the building. It has over the past 20 years received no maintenance.

6.4 The first step in requiring the maintenance of a listed building would normally be for the Local Planning Authority to issue an Urgent Works Notice to the owner. This should be restricted to emergency repairs, for example “works to keep a building wind and weather proof and safe from collapse, or action to prevent vandalism or theft”. The steps taken should be the minimum consistent with achieving this objective, and should not involve an owner in great expense.

6.5 Section 54 enables the Local Planning Authority to issue a Listed Buildings Urgent Works Notices when it is considered that repairs are urgently necessary to ensure the preservation of the listed building.

6.6 If the owner has not commenced the required works or demonstrated his intention to do so within a specified period, the Council may enter the site and have the work undertaken itself.

6.7 The Council can seek to recover any reasonable costs it has incurred, but it cannot make a charge against the land, or attempt to recover the costs from a new owner should the land be sold.

6.8 This Urgent Works Notice gives the owner 14 days to start works that have been deemed necessary for the continued preservation of this building

(boarding up and weatherproofing). If the owner does not comply with the Notice, the Council will carry out the work; a charge will then be placed on the property to recover the money at some future date.

7.0 Reasons for Recommendation

7.1 To comply with the current legalisation on the protection of Listed Buildings.

For further information:

Officer: Andrew Ramshall – Senior Conservation Officer

Tel No: 01606834690

Email: Andrew.ramshall@cheshireeast.gov.uk

Background Documents:

PPG15: Planning and the Historic Environment

Schedule of works for the temporary work necessary to stabilize and prevent further deterioration of the exposed frame and fabric – prepared by John Carter Historic Building Consultant

The Urgent Works Notice

Documents are available for inspection at:

Town Hall, Macclesfield

This page is intentionally left blank

**PLANNING (LISTED BUILDINGS AND CONSERVATION
AREAS) ACT 1990**

**URGENT WORKS NOTICE
IN RESPECT OF**

Miss Ely

Clock House Farmhouse Barn

Over Alderley Macclesfield Cheshire

ISSUED BY CHESHIRE EAST BOROUGH COUNCIL

**THIS IS AN IMPORTANT NOTICE
AFFECTING YOUR PROPERTY**

URGENT WORKS NOTICE

WHEREAS:

- (1) It appears to Cheshire East Borough Council that the works specified within Schedule 2 of this notice are urgently necessary for the preservation of the listed building known as Clock House Farmhouse Barn Over Alderley and more particularly described in Schedule 1 which is a building included in a list under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereinafter known as "the 1990 Act").

NOTICE IS HEREBY GIVEN that on the expiration of 14 days from the 13th July 2009, the Local Authority intends to carry out urgent works specified in Schedule 2 in accordance with section 54(1) of the 1990 Act.

DATED theday of [year]

Signed

For and on behalf of Cheshire East Borough Council

Town Hall
Macclesfield
SK10 1DP

SCHEDULE 1

The Listed Building to which this notice relates

Clock House Farmhouse Barn as shown for the purposes of identification
only edged red on the attached plan, appendix 2.

SCHEDULE 2

Urgent Works

Schedule of Urgent Works for Clock House Farmhouse Barn Over Alderley.

1. ACCESS, SAFETY AND SECURITY PROVISION

- 1.1. Provide and maintain while works are being carried out all boarding, screens and barriers necessary to keep the building secure.
- 1.2. All works should be undertaken in accordance with the recommendations/specification of a qualified structural engineer (i.e. a chartered engineer and member of the Institute of Structural Engineers).

2. WORKS REQUIRED

As per attached schedule (prepared by John Carter Historic Building Consultant) appendix 1

NOTES

1. Any communication to the Local Authority in connection with this notice should be addressed to:

John Knight, Chief Planning Officer, Cheshire East Borough Council, Town Hall, Macclesfield, Cheshire SK10 1DP.
Telephone: 01625 504600 or 01625 504667 (Andrew Ramshall)

2. The Local Authority may seek to recover the expense of carrying out the works specified in Schedule 2 in accordance with section 55 of the Act.

Appendix 1

**Schedule of works for temporary protection to Clock House Farmhouse
Barn Over Alderley.**

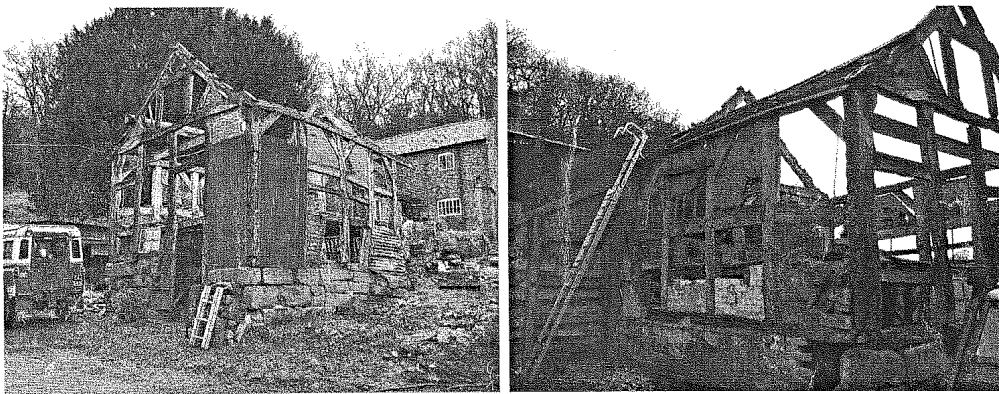
JOHN K. CARTER

DA(Manc), Dip.Arch, RIBA, AABC

No. 1 The Green, Astbury, Cheshire CW12 4RQ

Tel: 01260 271313 • Fax: 01260 298206 • E-mail: jc@jcarchitect.co.uk

Architect • Historic Buildings Consultant • Building Surveyor



BARN AT CLOCKHOUSE FARM

OVER ALDERLEY

SPECIFICATION OF TEMPORARY PROTECTION WORKS

March 2009

09.05

1.0 **DESCRIPTION OF EXISTING FABRIC (as at 3rd March 2009):**

Single bay of timber framed farm building comprising gable frame and one cross wall frame, two stud and rail side walls and one purlin with two wind braces on south pitch.

All located on sandstone dwarf wall plinth.

Several panels of wattle and daub remain in whole or in part with later brick replacement to several other panels.

Date estimated to be early to mid-C16, Listed Grade II.

General arrangement extant indicated on survey drawing attached.

2.0 **OBJECTIVE:**

To provide urgent temporary stability and weather protection measures to remaining fabric pending agreement on permanent future repairs/conservation.

Principal elements consist of felted ply sheet diaphragm roof and side wall stud/ply panels.

3.0 **MATERIALS FOR TEMPORARY WORKS:**

225mm x 75mm x 6.0m SC3 sawn timber for purlins, cross ties and lateral side rails.

75mm x 75mm SC3 sawn for vertical studs to side walls and diagonal braces.

12.5mm shuttering ply sheet 2.4m x 1.2m.

Any fixings where into existing oak frame members to be in stainless steel Grade 316 coach screws or stainless steel screws where ply sheeting to existing purlin on south roof pitch and at eaves bearing.

Roofing Felt :- Single layer HT250 polyester based mineral finished with cold applied adhesive, tanalised battens and galvanised clout nails.

Lime mortar for temporary packing to stone plinth joints:- NHL 3.5 hydraulic lime mixed 1:4 with sharp sand.

4.0 **METHOD:**

- 4.1 Ensuring temporary support/propping – carefully remove sections of existing corrugated sheet cladding to external face of east gable and north elevation.

- 4.2 Across east gable elevation external face, below wall eaves plate (A on drawing) secure 1no 225mm x 75mm x 6.0m tie, projecting equally at each end with pre-drilled stainless steel coach bolts to corner posts and studs where indicated with cross on drawing.

Existing tie plate internally is to remain.

- 4.3 Provide and fix 3no new purlins 225mm x 75mm x 6.0m (B on drawing) notched over trenching in principal rafters to provide lateral restraint.

Install built-up ridge from purlin section and 75mm x 75mm packings as indicated.

Temporarily brace purlins and fix shuttering ply cladding, nail fixed, to softwood purlins and stainless steel screws to remaining original purlin and at eaves.

Clad in shuttering ply - 5 full sheets 2.4m long to top run and approx 2.0m long to bottom run, jointed on lower purlin line.

Allow roof sheets to overhang eaves by approx. 750mm x 800mm.

- 4.4 At low level – insert 3no 225mm x 75mm cross ties, 6.0m long through frame, bearing on sole plate on south side and blocked up to level off sole plate on north side (C on drawing) – equal projection each side.

Face fix 1no each 225mm x 75mm x 6.0m across east gable and west crosswall at low level (D on drawing) and coach screw to frame at north end only (brickwork at south end) – level through with internal cross ties.

- 4.5 Face fix 225mm x 75mm x 6.0m across west crosswall at high level, coach screw to corner posts (E on drawing).

- 4.6 Provide and securely fix with framing plates/blocking pieces to cross ties at high and low level, 4no 225 x 75mm side rails (G on drawing). Connect to high level cross ties and seat on projection of low level ties.
- 4.7 Fix 4no 75mm x 75mm raking braces to east gable and west crosswall frame as indicated (H on drawing), spike high level rails to overhanging roof sheets and 150mm centres.
- 4.8 Insert 6no 75mm x 75mm vertical studs (J on drawing) to each side wall between high and low level rails to correspond with joints in 5no shuttering ply sheets (2.4m x 1.2m) fixed to same.

Note ply panels to side walls act as diaphragm to stiffen structure and roof – nail at 150mm centres to all edges.

- 4.9 To roof ply sheets – lay HT250 polyester mineral faced bituminous felt with horizontal nailed laps, all on cold-applied adhesive.

Fix vertical 35mm x 25mm tanalised battens at 600mm centres from ridge to eaves and both verge edges to secure edge of felt and at each side of ridge.

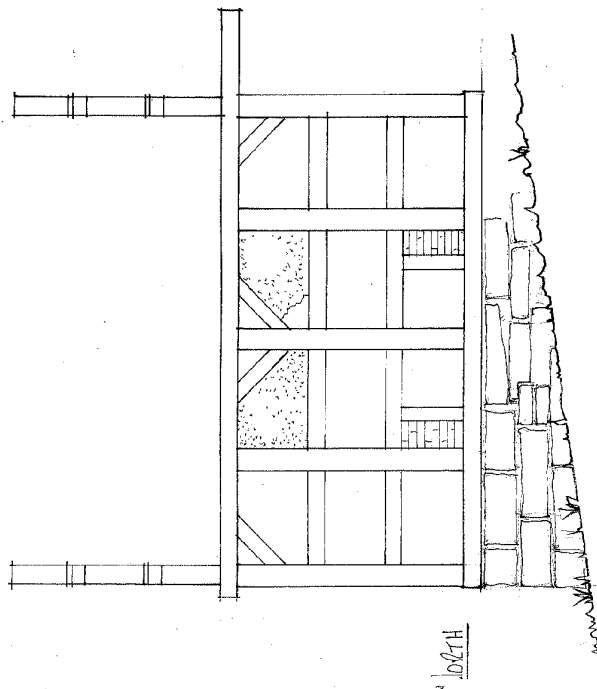
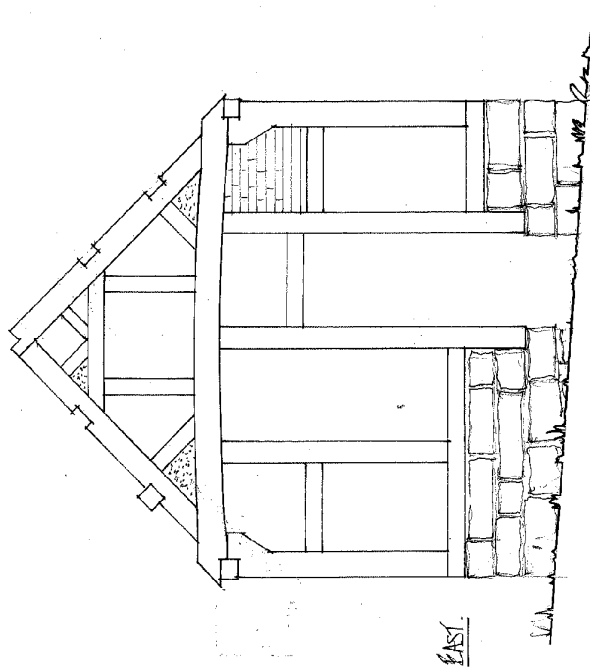
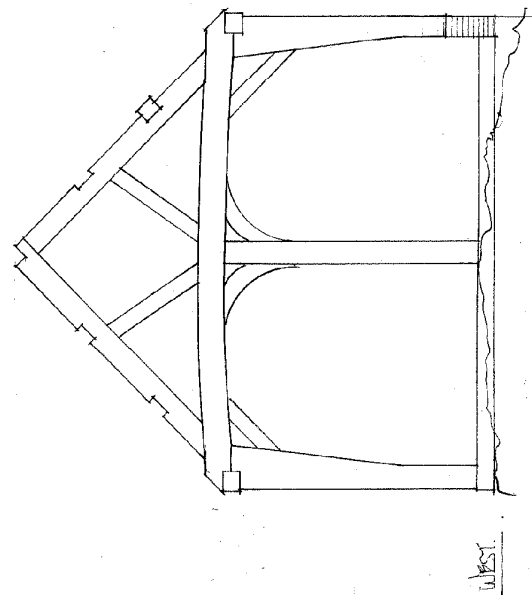
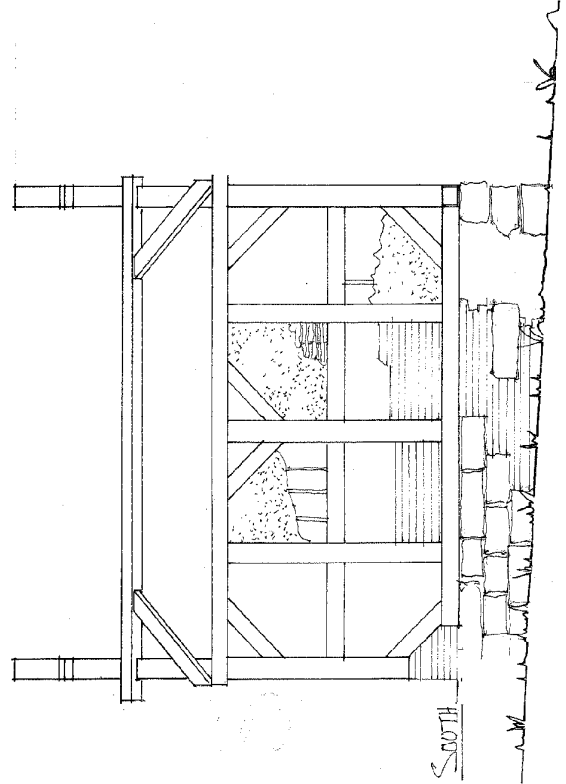
There are no gutters.

- 4.10 To stone plinth at east end of north wall and whole of east wall and east corner of south wall – carefully pack open bed and perpend joints in semi-dry hydraulic lime mortar as previously described using slate packings to ensure stones temporarily secured in location. Finish mortar pointing approx. 20mm back from face of masonry.

JOHN R. CARTER
DA/Moncl, Dip Arch, 218A, MRICS, AASc
No. 1 The Green, Ashbury, N. Congleton, Cheshire CW12 4RG
Tel: 01260 271313 • Fax: 01260 276206 • Email: jrc@jrcarchitects.co.uk
Architect • Historic Buildings Consultant • Chartered Building Surveyor

TIMBER FRAMED BARN, CLOCKHOUSE FARM, OVER ALDERLEY
PRIMARY SURVEY AS EXISTING

Scale 1:50
March 2009
Job Ref: 09 05



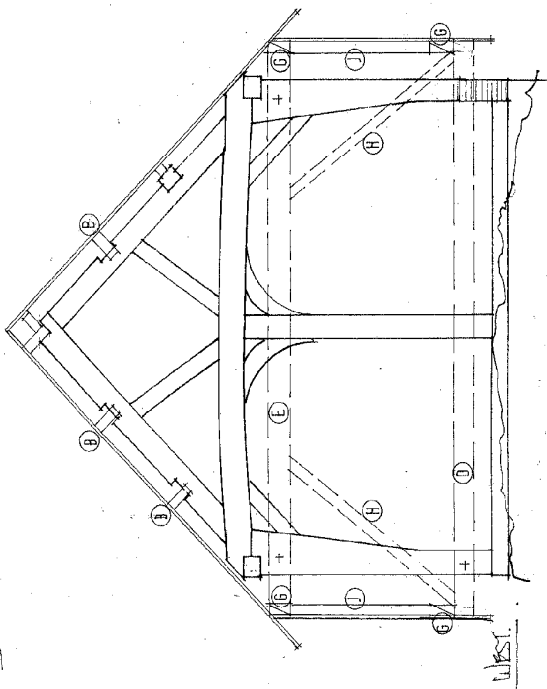
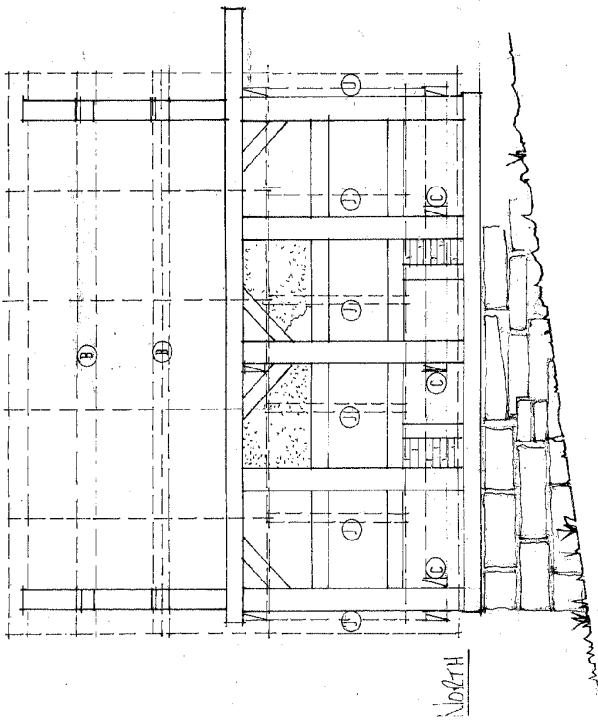
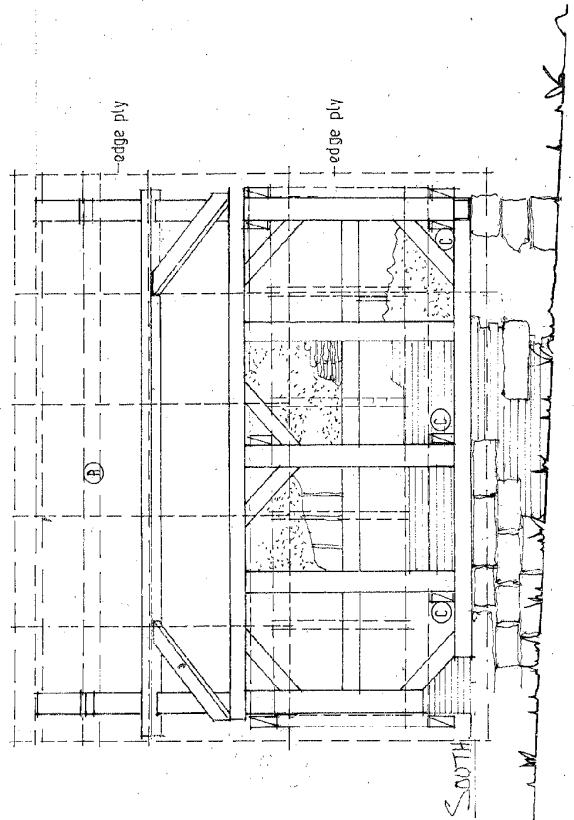
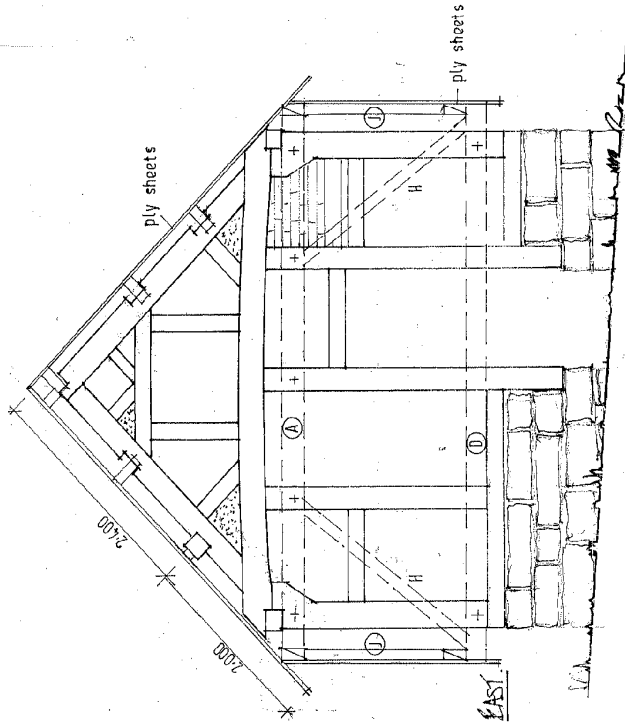
JOHN K. CARTER
DA/March, Dip Arch, RIBA, MRICS, AASCC

NO. 1 The Green, Ashbury, Nr. Congleton, Cheshire CW12 4EG
Tel: 01260 27 313 • Fax: 01260 29206 • Email: jk@jkcarchitect.co.uk

Architect • Historic Buildings Consultant • Chartered Building Surveyor

TEMPORARY PROTECTION WORKS

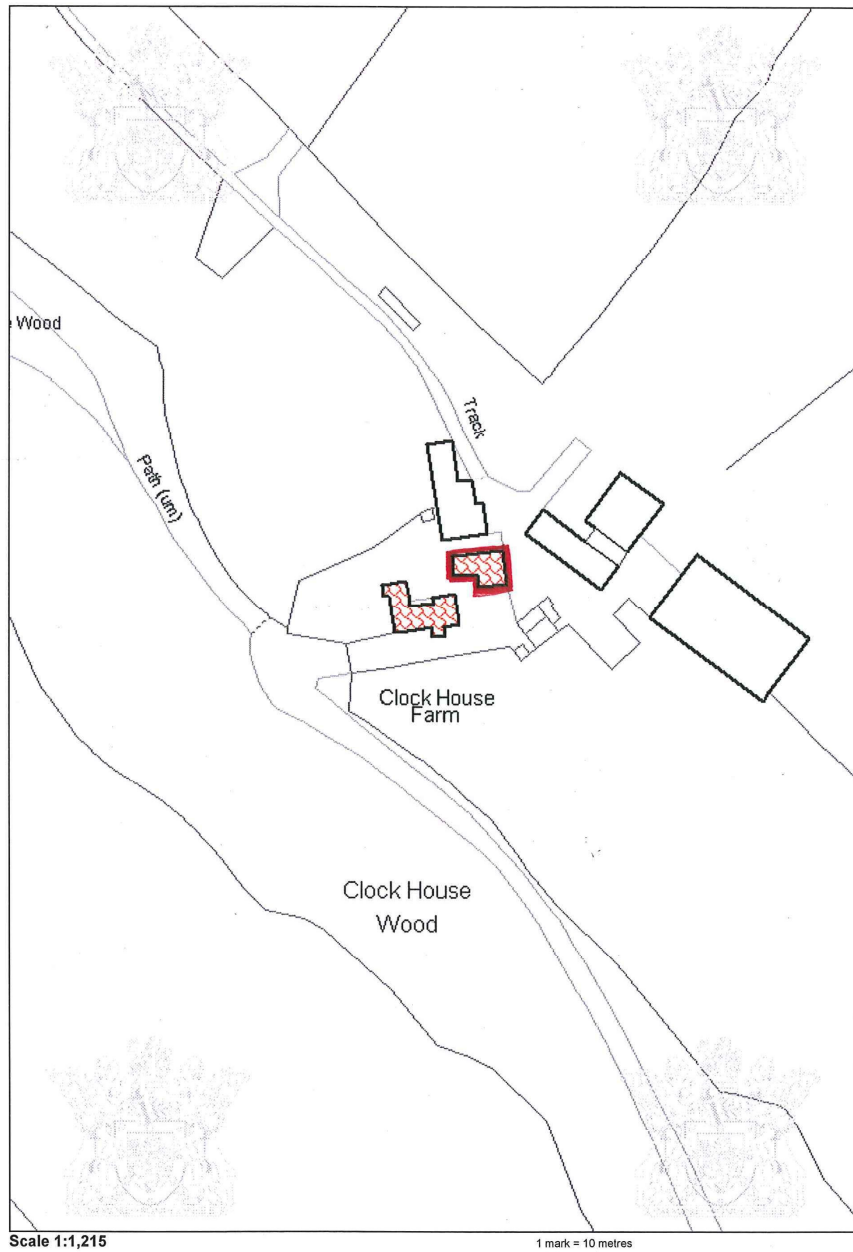
March 2009 Scale 1:50 Job Ref: 09.05



Appendix 2

**Location Map
Clock House Farmhouse Barn Over Alderley**

Page 1 of 1



Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright.

Unauthorised copying infringes Crown Copyright and may lead to prosecution of civil proceedings.

This page is intentionally left blank



STRATEGIC PLANNING BOARD

Date of meeting: 8th July 2009
Report of: Andrew Ramshall Senior Conservation Officer
Title: Conservation Structural Survey Report for Brown Street Mill Macclesfield

1.0 Purpose of Report

1.1 To consider the commissioning of a "conservation structural survey report", in order to inform the preparation of any subsequent Listed Building Repairs Notice; which could be served on Brown Street Mill Macclesfield.

2.0 Recommendations

2.1 To agree the commissioning of the report and likely costs involved; as detailed in the report.

3.0 Financial Implications

3.1 The cost of this work is quoted as £5,200 (informal contract).

4.0 Legal Implications

4.1 None.

5.0 Risk Assessment

5.1 Refusal to commission the conservation structural survey would delay the consideration of any planning application for this site.

5.2 English Heritage would object to any plans to demolish this building without substantial independent evidence that the building was dangerous and beyond repair. The commissioning of this report will inform that evidence base.

5.3 Should nothing be done with the building, the Authority places itself in a position of uncertainty relating to the safety of individuals within the area of the building. The building remains standing, however it is clear that the scaffold cannot be relied on for much longer. There remains a possibility that the building may deteriorate and eventually collapse when exposed to adverse weather conditions; therefore it has now become critical that the Council take proprietary steps in the preparation of a Repairs Notice which may be served in due course.

6.0 Background and Options

6.1 Buildings and structures of special architectural or historic interest which appear as Listed Buildings in the national registrar of buildings of special architectural or historic interest complied by the Secretary of State are afforded significant layers of protection from demolition or harmful change, by the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Planning Authority has powers to issue various notices under Sections 47 & 48 and 54 of the Planning (Listed Building & Conservation Areas) Act, 1990, in respect of the preservation of Listed Buildings.

6.2 Details of the list description

Brown Street Mill is a Grade II listed building.

Extract from English Heritage database:

SJ9173SW BROWN STREET 886-1/11/11 (North East side) 22/03/83 Brown Street Mill

Silk mill. c1840. Brick with hipped slate roof. 2 ranges at right angles enclosing courtyard. 4 storeyed, 7-window range to Brown Street with 11-window return to Statham Street. Plain pilasters at angles and between bays 3 & 4. Main doorway to left with stuccoed architrave with deep entablature surmounted by shallow pediment. Inserted doorway to right. Windows all 30-paned with flat-arched brick heads and stone sills. Moulded stone brackets carry guttering. Small domestic-type stack on gable, the main chimney incorporated in small projection from rear gable of Statham Street range, presumably the engine house. Privy tower against rear of this range, and a 3-storeyed lean-to against rear of Brown Street range. INTERIOR: internal construction apparently cast-iron columns supporting timber beams, and king post roof. (Calladine, Fricker et al: East Cheshire Mills Survey). Listing NGR: SJ9141573166

6.3 This grade II Listed Building has for some time been the subject of various planning applications by various owners. The building shows signs of considerable defects and is in a very frail condition. It is currently supported with the assistance of scaffolding surrounding the external envelope of the building. This scaffolding is not maintained and it is vital that it remains in place until further actions are taken.

6.4 The first step in requiring the maintenance of a listed building would normally be for Local Planning Authority to issue an Urgent Works Notice under section 54 of the Planning (Listed Building and Conservation Areas) Act 1990, to the owner. This should be restricted to emergency repairs, for example "works to keep a building wind and weather proof and safe from collapse, or action to prevent vandalism or theft". The steps taken should be the minimum consistent with achieving this objective, and should not involve an owner in great expense. However this building is currently cuckooed in supportive scaffolding, making an Urgent Works Notice redundant.

6.5 Sections 47 and 48 of the Planning (Listed Building and Conservation Areas) Act 1990 enable the Local Planning Authority to issue a Listed Buildings Repairs Notice when it is considered that repairs are reasonably necessary to ensure the preservation of the Listed Building. A detailed condition survey “conservation structural survey report” would be required to inform the details of the work required and the associated costs before any decision were to be made regarding the issuing of a Repairs Notice.

7.0 Reasons for Recommendation

7.1 To comply with the current legalisation on the protection of Listed Buildings.

For further information:

Officer: Andrew Ramshall – Senior Conservation Officer
Tel No: 01625504667
Email: Andrew.ramshall@cheshireeast.gov.uk

Background Documents:

PPG15: Planning and the Historic Environment

Documents are available for inspection at:
Town Hall, Macclesfield

This page is intentionally left blank

STRATEGIC PLANNING BOARD

APPEALS

Application No: 08/1717P

Appellant: Mr Andrew Donaldson (BIG Storage)

Site Address: Fence House, Fence Avenue, Macclesfield, Cheshire,
SK10 1LQ

Proposal: Erection of illuminated totem sign

Levels of Decision: Delegated

Recommendation: Refusal

Decision: Refused

Appeal Decision: Dismissed

MAIN ISSUES

The effect of the proposed display on the visual amenity of the area.

INSPECTOR'S REASONS

Fence House stands within a small industrial estate that is immediately to the east of the junction with Hurdsfield Road. The building occupies much of the industrial estate frontage onto Fence Avenue. The street rises and curves around the parkland to the south of the proposed display.

Existing totem and free standing displays associated with the industrial estate are evident in the street scene around the appeal site. Signs are also present on the elevations of the commercial buildings within the estate. The displays on Fence House occupy a significant proportion of the elevation onto Fence Avenue. They include a large illuminated display that faces towards the parkland. These signs are visible on the approach to the appeal site from either end of the avenue and from other streets locally. The sign would be prominent in the street scene.

The Inspector concluded that the sign would be visually intrusive in views from the residential area and recreational land uses around it. The sign would have a visual impact on its setting that would be sufficient to be acceptably harmful to the visual amenity of the area.

IMPLICATIONS FOR THE COUNCIL

At the time of the appeal, the application was retrospective as the sign had already been erected. Since the Appeal Decision, officers have contacted the

appellant and the sign has been removed. There are no further implications for the Council.

Application No: 08/0869P

Appellant: Ms Giselle Sloan

Site Address: Brook House, Spode Green Lane, Little Bollington,
Altringham, WA14 3QX

Proposal: Two-story side extension

Levels of Decision: Delegated

Recommendation: Refuse

Decision: Refused 26.06.2008

Appeal Decision: Dismissed 06.03.2009

MAIN ISSUES

The Council refused planning permission due to the impact of the extension upon the appearance of the existing building (a former barn, now a dwelling) and the wider character of the area. By elongating this building, the proposed extension eliminated its original form, diluted its rural character and reduced the openness of the Green Belt that currently exists between this former barn and the existing dwelling at Brook House.

INSPECTOR'S REASONS

The Inspector considered that the scale and mass of the proposal would completely change the original narrow form of the dwelling that contributes to its character and the character of its rural setting. The proposed extension, which would be wider than the existing main part of the dwelling, would be clearly visible from Spode Green Lane. It would effectively close the gap that exists between the former barn and its neighbour at Brook House and would be detrimental to the openness and character of the Green Belt.

The inspector considered that the increase in size from a 1 bedroom to a 3/4 bedroom property is significant and would not meet with any of the exceptions to Local Plan Policy GC12. As such, the proposed extension would be disproportionate to the size of the original dwelling and contrary to the requirements of PPG2, and policies GC1 and GC12. It would represent an inappropriate form of development which is, by definition, harmful to the Green belt. No very special circumstances were identified.

IMPLICATIONS FOR THE COUNCIL

The decision simply serves to reinforce the strength of the Council's policies relating to extensions to existing dwellings in the Green Belt.

Application Number: P08/0629

Appellant: Mrs Nancy Chapman

Site Address: 59 Talbot Way, Nantwich, CW5 7RR

Proposal: Building of a boundary wall

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 18/08/2008

Appeal Decision: Allowed 02/06/2009

MAIN ISSUES:

The main issue of the appeal was the effect of the boundary wall on highway safety, with reference to pedestrians and vehicles approaching from the north.

INSPECTOR'S REASONS:

The appeal site is situated on a residential estate within the Nantwich settlement boundary. The appeal is retrospective as the wall has already been built. The Inspector considers that the existence of the driveway would be noticeable to a pedestrian approaching from the north along the footway due to the clearly visible space between the end of the wall and the side of the house, due to the curvature of the road at this point. The Inspector notes that the appeal site is situated on a residential street, which has relatively low vehicular activity due to its only purpose being to serve as access to the properties of the street. Speeds are low due to the curvature of the road at this point and the ambient level of noise in the area is also low. The Inspector notes that the sound of a car engine would be clearly audible to a pedestrian if the car was sufficiently close to pose a hazard, and does not consider that the presence of the part brick, part timber wall would be sufficient to block this sound.

The Inspector considers that the wall is too high to allow pedestrians approaching from the north, to view a car exiting the garage onto the driveway. However, the angles of sight are sufficient from the footway on approaching the driveway entrance to enable clear view of a car exiting from the driveway onto the footway. The Inspector states that on her site visit a car was parked on the drive and notes that the rear of the car was visible from the footway facing southerly. Both pedestrians passing and cars manoeuvring off the driveway would exercise the appropriate caution.

The Local Planning Authority raised concerns that the wall reduces vehicle visibility along the highway in the area closest to the access given the curved layout of the road. However, the Inspector states that, she observed sufficiently clear space beyond the edge of the wall and the carriageway to allow clear mutual sightlines between oncoming traffic travelling southwards and a car exiting from the driveway over the footway, before it encroaches onto the carriageway. The Inspector therefore does not consider that the wall will be detrimental to vehicular safety.

The Inspector states that the wall is situated under a street light which enhances visibility in darker hours. The Appellant states that other dwellings on the estate which have similar restricted accesses. The Local Planning Authority was of the opinion that the existence of restricted visibility in other locations does not justify the worsening of highway safety in this location. However the Inspector states that the appeal site is in a quiet residential environment with generally slow moving traffic and does not considered that the wall has a detrimental affect on highway safety, and therefore the proposed development is in accordance with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

IMPLICATIONS FOR THE COUNCIL:

Many applications for boundary fences and walls are received which would obstruct visibility when reversing out of the driveway. In future decisions careful consideration will need to be given to the nature of the surroundings in terms of traffic levels, speed and ambient noise when making a judgement on the likely impacts on pedestrian and highway safety of such proposals.

Application Number: 08/0993/COU

Appellant: Bentley Model Flying Club

Site Address: Spring Bank Farm, Arclid, Congleton

Proposal: Proposed use of land for flying of electric model aircraft.

Level of Decision: Committee: 7 October 2008

Recommendation: Approved subject to conditions

Decision: Approved 11th of November 2008; Conditions varied from Officers Recommendation

Appeal Decision: Allowed in part.

Date of Appeal Decision: 24 April 2009

MAIN ISSUES:

Although this application was approved by Members of the Congleton Borough Council Planning Committee, the applicants were not satisfied with the conditions imposed and duly appealed the decision to seek a more favourable range of conditions including use of the site on both a Saturday and Sunday each weekend.

The main issue in the Inspectors opinion was the need for the level of restriction on flying set by the conditions in dispute given the proximity of housing to the site.

INSPECTORS REASONS

The Inspector noted that although there are no dwellings within the boundary of the site, there are three properties across Newcastle Road from the eastern boundary and a small group of dwellings at Arclid Farm, roughly 200m to the north. The Inspector acknowledged that there was some evidence that the occupiers of these properties have suffered some disturbance in the past from the activities of the club; but this is a rural area with low ambient noise levels and that, in addition to any actual noise, there would be the perception of intrusion whenever the airspace over gardens were trespassed on.

However, the Inspector felt it would be an appropriate for him to judge the merits of the scheme proposed rather than on the basis of past incidents. Therefore, he treated the present package of proposals on their own merits, in the light of Local

Plan policy GR6 (iv) and concluded that some relaxation of the approved consent was justified.

In considering the area of land covered by the planning application, the Inspector considered the relevance of a previously submitted drawing outlining a larger area of land for the relevant flying area, which included land over Taxmere Lake. However, he felt that the application area edged in red, which just included the fields to the north of Spring Bank Farm should be covered by the application resulting in a smaller flying area than anticipated by the model club. It was the Inspector's view that the red line boundary on the submitted application represented the extent of the flying area, which could effectively be monitored by the Council's enforcement officers should complaints about the activities of the model flying club be submitted.

The inspector amended conditions four and five of the decision, to allow flying on a Monday and control the times of operation to 10 a.m. to 8 p.m. on weekdays, with a more cautious regime of 10 a.m. to 6 p.m. on weekends.

Importantly, the Inspector endorsed the Council's approach to controlling the level of flying on weekends, allowing use of the site only on a Saturday or Sunday each weekend, but resisting use over the full weekend to protect the amenity levels of neighbouring residents.

IMPLICATIONS FOR THE COUNCIL:

The Inspector gave weight to policies GR1 and GR6 of the adopted Congleton Borough Local Plan First Review to preserve residential amenity levels of neighbours. In this respect, the Inspector has endorsed the Council's approach.

The variations to the times of use of the site, notably allowing use on Mondays and a variation of the hours are seen as a site-specific matter and do not have wider implications on the Authority in respect of determining other planning applications on an amenity grounds.

Application Number: 08/1037/CPE

Appellant: Mr E J Poole

Site Address: Bank Farm, Audley Road, Alsager

Proposal: Application for a certificate of lawful existing use or development for use for general industry (Use Class B2).

Level of Decision: Delegated

Recommendation: Refuse. 10th October 2008.

Decision: Refused. 15th October 2008.

Appeal Decision: Dismissed

MAIN ISSUES:

Whether the evidence was sufficient to prove on the balance of probabilities that the land had been used for general industry for 10 years prior to the date of the application.

INSPECTOR'S REASONS:

The appellant's evidence is imprecise and ambiguous and is, in part, contradicted by his own witnesses' evidence. Their corroborating evidence and that of others is also lacking in precision and there is a general lack of any written evidence. The site has not, on the balance of probabilities, been in sole use for vehicle servicing and repairs during the 10 year period prior to the date of the application. A certificate of lawful existing use or development for vehicle servicing or repairs or for use for general industry cannot therefore be granted.

IMPLICATIONS FOR THE COUNCIL:

This decision supports the Council's stance towards such applications in particular the need to examination carefully, and where necessary challenge, the supporting evidence. In particular, as the appeal was dismissed, it will now be necessary to consider whether or not it is expedient to take enforcement action against the unauthorised use of the land for general industry.

Application Number: EA831

Appellant: Serdar Topal

Site Address: 56 Crewe Road, Alsager

Proposal: Enforcement Notice alleging failure to comply with condition no. 1 of planning permission ref. 8/34261/3 restricting the opening hours of the premises to:
Mondays to Fridays 1100 to 2330 hours
Saturdays 1100 to midnight
Sundays 1100 to 2330 hours.

Level of Decision: Delegated.

Recommendation: That enforcement action be taken. 27th August 2008.

Decision: That enforcement action be taken. 1st September 2008.

Appeal Decision: Dismissed. Enforcement Notice upheld and the deemed planning application refused.

MAIN ISSUES:

The effect of late night opening on the living conditions of the occupiers of nearby residential properties.

INSPECTOR'S REASONS:

The existing opening hours permitted by the condition represent an appropriate balance between the business objectives of the appellant and the need to safeguard the living conditions of the occupiers of nearby residential properties. The extension of opening hours beyond midnight on Fridays and Saturdays would increase the likelihood of disturbance in the early hours of the morning from customers arriving/leaving the premises both by car and on foot and congregating around the premises at a time when there should be a reasonable expectation that levels of background noise would be low contrary to policy GR6 of the Congleton Borough Local Plan First Review.

Different considerations apply to the separate controls under planning and licensing powers. This appeal was considered on its planning merits.

IMPLICATIONS FOR THE COUNCIL:

This decision further supports the Council's approach to restricting the opening hours of takeaway premises where appropriate to safeguard the living conditions of nearby residents in accordance with Local Plan policy GR6. It should assist with the enforcement of other such conditions in particular at number 86 Crewe Road, Alsager where there is current appeal against another enforcement notice in very similar circumstances.