

Strategic Planning Board

Agenda

Date:	Wednesday, 23rd December, 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**

To receive any 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 as a correct record.

4. **Public Speaking**

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

Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: Sarah.Baxter@cheshireeast.gov.uk

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 application 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

5. **09/3565M - Outline Planning for New Build Development of 73 Extra Care Apartments and Associated Extra Care Facilities and Car Parking (Scale Of Development Only) - All Other Matters Inc Access and Siting Reserved for Future Consideration, Site of Vernon County Infant School, Bulkeley Road, Poynton, Cheshire, SK12 1NW for Mrs Nuala Keegan, Cheshire East Council (Pages 7 - 20)**

To consider the above application.

6. **09/2329N - Erection of a Replacement Foodstore (A1 retail) with Ancillary Café, Associated Parking, Highway Works and Landscaping, Tesco, Vernon Way, Crewe for Tesco Stores Ltd (Pages 21 - 42)**

To consider the above application.

7. **09/3380W - Extension to Ten Temporary Gas Drilling Compounds and Ten Permanent Operational Compounds; The Development of Two Temporary Mobile De-gassing Facilities and the Minor Extension of the Existing Gas Processing Plant, Hill Top Farm, Hole House, Warmingham, Crewe for Energy de France Trading Gas Storage Ltd, 3rd Floor Cardinal Place, 80 Victoria Street, London SW1E 5JL (Pages 43 - 50)**

To consider the above application.

8. **P09/3400C - New Build Development of 107 Extra Care Apartments and Associated Extra Care Facilities and Car Parking, Council Depot, Newall Avenue, Sandbach for Nuala Keegan, Cheshire East Council (Pages 51 - 66)**

To consider the above application.

9. **09/3429N - Proposed New Marina, Facilities Building, Workshop, Associated Car Parking and Hardstanding, New Entrance off Nantwich Road and New Farmer's Entrance to Existing Field, Land off Nantwich Road, Wrenbury cum Frith, Nantwich for Mr P Geary (Pages 67 - 94)**

To consider the above application.

10. **09/3602N - Twenty Six Extra Care Apartments, Land off Rose Terrace, Crewe, Cheshire for Wulvern Housing (Pages 95 - 102)**

To consider the above application.

11. **09/3413M - Extension of Time Limit For Outline Application for BI (Use Class) Units (06/0278P), Land to West of Kiln Croft Lane, Handforth for Tesco Stores Ltd** (Pages 103 - 114)

To consider the above application.

12. **Performance Management Framework** (Pages 115 - 128)

To consider a report on a new Performance Management Framework and the issues surrounding the current performance of Development Management and the measures being put in place to improve and sustain levels of performance.

13. **Reporting on Planning Appeals** (Pages 129 - 132)

To consider a report on the reporting of Planning Appeals.

14. **Update Report on Planning Enforcement Performance** (Pages 133 - 148)

To consider a report on Planning Enforcement Performance.

15. **Appeal Summaries** (Pages 149 - 150)

To note the Appeal Summaries.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

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

PRESENT

Councillor J Hammond (Chairman)

Councillors A Arnold, Rachel Bailey, D Brown, D Hough, B Moran, C Thorley,
G M Walton, S Wilkinson and J Wray

Officers

John knight
Ben Heywood
Shawn Fleet
Sheila Dillon
Nigel Curtis
Steve Molloy

Apologies

Councillors H Gaddum, P Edwards, M Hollins and J Macrae

134 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Edwards, Mrs H Gaddum, Mrs M Hollins and W J Macrae.

135 DECLARATIONS OF INTEREST

(During this consideration of this item Councillor J Wray arrived to the meeting).

Councillor J Hammond informed the Board that he had received a number of emails in relation to the accuracy of the previous minutes in relation to application 09/1582W.

Councillor J Hammond declared a personal interest in application 09/3030N - New Agricultural Building and Slurry Lagoon, Whitehall Farm, Alsager Road, Haslington, Crewe, Cheshire by virtue of the fact he was a member of Haslington Parish Council who had been consulted on the proposals and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

Councillor D Hough declared a personal interest in the same application by virtue of the fact that the applicant had used his Veterinary and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

Councillor Mrs R Bailey declared a personal interest in item 7 Hankelow Hall, Hankelow, Crewe on the agenda by virtue of the fact that she knew the applicant as a result of her duties as Ward Councillor for the area and by the fact that she was an ex Deputy Mayor of Crewe and Nantwich Borough Council and in accordance with the Code of Conduct she remained in the meeting during consideration of the item.

136 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct and signed by the Chairman subject to the following amendments to application 09/1582W:-

- (1) That the words 'at the discretion of the Head of Planning and Policy' be removed from the first and second condition of the additional conditions.
- (2) That under the third additional condition a fourth following point be included to state the following:-

'Area to the North of the railway bridge covering Nursery Lane, Soss Moss Lane and Congleton Road.'

- (3) That the additional conditions include a fourth condition to state the following:

'That any amendments to planting and fencing be determined by the Head of Planning and Policy after consultation with Nether Alderley Parish Council and Nether Alderley Rural Protection Association (NARPA).'

137 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

138 **09/3066C - PROPOSED B1 OFFICE BUILDING, HENRY ALTY, KNUTSFORD ROAD, CRANAGE, HOLMES CHAPEL FOR CHESHIRE PROP (CRANAGE) 1LTD & 2LTD**

(During consideration of the application Councillor D Brown arrived to the meeting).

Consideration was given to the above application.

(The Ward Councillor L Gilbert, Parish Councillor John Halstead representing Cranage Parish Council, Mr Perkin, an objector and Mr Thomas, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

- 1. Commence within 3 years**
- 2. Development in accordance with submitted plans**
- 3. Use of the development to be restricted to Use Class B1 only**
- 4. Details of materials to be submitted**
- 5. Landscaping scheme to be submitted**
- 6. Landscaping scheme to be implemented**
- 7. Site management plan to be submitted including details of construction of underground car park**
- 8. Wheel washing facilities to be provided**
- 9. Lighting plan to be submitted and implemented**
- 10. Review of implemented lighting after 3 months**
- 11. Detailed Travel Plan to be submitted and implemented**
- 12. Details of the parapet wall surrounding the entrance to the underground car park to be submitted prior to development**
- 13. Time limit on the hours of construction (M-F 9.00 to 18.00 & Saturday 9.00 to 13.00; 14. No working Sunday or Bank Holiday)**
- 15. Limits on use of piling foundations (M-F 10.00 to 16.00; No working Saturday, Sunday or Bank Holiday)**
- 16. Submission of a revised tree protection plan and arboricultural method statement**
- 17. Submission, approval and implementation of a revised schedule of all proposed tree works.**
- 18. Submission of details, approval and implementation of special construction for areas of hard surfacing within tree root protection zones**
- 19. Drainage scheme including sustainable drainage and water attenuation (SUDS) to be provided and implemented**
- 20. Prior to the commencement of development details of the main construction elements shall be submitted to an approved in writing of the materials to be used in the construction of the building hereby approved to meet the requirements of Jodrell Bank Telescope**

In addition the following conditions were also included:-

- 1. Additional conditions recommended by the Highways Officer concerning:-**
 - i. Submission and approval of a Forward Plan**
 - ii. Detailed design drawings for reconfiguration of the northern access
 - iii. Visibility splays to be provided in accordance with plan SK003 Rev P2
 - iv. Provision of cycle tracks and shower and changing facilities

139 09/3030N - NEW AGRICULTURAL BUILDING AND SLURRY LAGOON, WHITEHALL FARM, ALSAGER ROAD, HASLINGTON, CREWE, CHESHIRE, CW11 4RQ FOR C E AND G S WHITTER AND SONS

Consideration was given to the application as submitted.

RESOLVED

That the application be approved subject to the following conditions:-

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Landscaping submitted**
- 5. Landscaping implemented**
- 6. No external lights**
- 7. Drainage**
- 8. Colour of Fencing**
- 9. Tree Protection Measures**

140 HANKELOW HALL, HANKELOW, CREWE

Consideration was given to the report as submitted.

RESOLVED

That the requirement for the applicant to enter into a Performance Bond from the resolution of Crewe & Nantwich Borough Council in respect of applications P08/0869 and P09/0007 be deleted.

**141 CONSULTATION BY ADJOINING AUTHORITY ON
09/02047/WAS-WASTE TREATMENT PLANT, LOSTOCK GRALAM,
NORTHWICH**

Consideration was given to the report as submitted.

RESOLVED

That the Council wished to indicate to Cheshire West and Chester Council that it raised no objection to the proposed application, subject to conditions and/or legal agreement restricting the use of the facility to that solely to serve the municipal waste needs of the two Councils. In addition it was agreed that Cheshire West and Chester work with Cheshire East Borough Council prior to any routing agreement for the routing of traffic to and from the site.

(Prior to consideration of the following item Councillor D Brown left the meeting and returned).

142 APPEAL SUMMARIES

Consideration was given to the report as submitted.

Members were informed that the Planning Inspector had decided to uphold the Enforcement Notice in relation to the storage of caravans at land at Wybunbury Lane, Stapeley, Cheshire.

Members considered in detail the implications of the Inspectors decision on future Council policies.

RESOLVED

That the Planning Appeals be noted.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor J Hammond (Chairman)

This page is intentionally left blank

Planning Reference No: 09/3565M
Application Address: Site Of Vernon County Infant School, Bulkeley Road, Poynton, Cheshire, Sk12 1nw
Proposal: Outline Planning For New Build Development Of 73 Extra Care Apartments And Associated Extra Care Facilities And Car Parking (Scale Of Development Only) - All Other Matters Inc Access And Siting Reserved For Future Consideration
Applicant: Mrs Nuala Keegan, Cheshire East Council
Application Type: Outline Planning
Grid Reference: 392163 383385
Ward: Poynton
Earliest Determination Date: 2 December 2009
Expiry Date: 15 January 2010
Date Report Prepared **10 December 2009**

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Whether the scale of development is acceptable
- Impact upon the amenity of the locality
- Highway safety

1. REASON FOR REPORT

This is a major application for residential development which is submitted by the Adult Services of Cheshire East Council. Whilst it is of a scale that would normally be reported to the Northern Committee, it is considered that given the fact that the Council is the Applicant, then it is appropriate for the Strategic Planning Board to consider the strategic planning issues it raises.

2. DESCRIPTION OF SITE AND CONTEXT

The site comprises Vernon County Infant School and its playing field. The School is due to merge with the Junior School immediately adjacent for the start of the 2011 academic year. Presently the Junior School is being extended to accommodate the junior and infants school under the same roof. This is part of the Transforming Learning Communities initiative of the former Cheshire County Council, which addresses reducing school rolls.

The Infants school building which is the subject of this application is sited on the Bulkeley Road frontage of the site with the playground and associated playing field located to the rear, the playing field extending to the Georges Close frontage of the site. The existing school is an imposing red brick building dating from the 1930's and is of a single storey

appearance with a tall, steeply pitched roof. The site is bounded by Bulkeley Road, Georges Close and Georges Road East and Georges Road West. The surrounding area is predominantly residential, with Victorian and Edwardian terraced housing predominating to Bulkeley Road, with bungalows to the other boundary to the west at Georges Close, adjoining the playing pitch. The main shopping street in Poynton, Park Lane, is located some 100m to the north.

3. DETAILS OF PROPOSAL

The application is submitted in outline form. Only the scale of development is being applied for at this stage. Scale is defined as being the height, width and length of the building relative to its surroundings.

The development comprises an Extra Care Building comprising 73 (33 no x 1 bed and 40 no 2 bed) apartments for people over the age of 55 (Use Class C3) together with communal facilities common to the Extra Care 'Village' model, such as dining room and servery, communal lounge/ village hall, fitness suite/ medical consultation rooms and hairdressing room and communal laundry facilities.

The tenure mix is put forward as being 50% for social rent, 25% for sale and 25% for shared ownership. In common with all Extra Care units, the communal facilities in the 'Village' such as a restaurant, are intended to be open to the public. Indicatively there are 28 car parking spaces (including 4 designated spaces for drivers with disabilities) shown to the side of the proposed building to enable landscape to the frontage.

The Extra Care 'model' has developed to allow older people to live independently with their own front door within a community but where 24 hour care is available should it be required. The level of care each resident will require would be assessed prior to their being accepted on to the scheme. Residents would all receive some level of care, which would cater to their own individual needs. This could be cooking/ cleaning/ help with bathing etc.

One third of residents would receive high levels of care (defined as being 10 hours per week of care); one third with medium levels of care requirement (2 and a half to 10 hours per week) and one third of residents would require low levels of care (up to 2 and a half hours per week).

4. RELEVANT HISTORY

09/0011P - New Build Extension, Remodelling & Refurbishment Of The Existing Junior School Building To Provide A Community Primary School, New Children's Centre, Pre-School & After School Club. The Proposals Include New Build Entrance, New Building Teaching Block Vernon County Junior School, Clumber Road, Poynton, approved 27 March 2009

09/0698M - Outline Planning New Build Development Of 90 Extra Care Apartments & Associated Extra Care Facilities And Car Parking - Vernon County Infant School, Bulkeley Road, Poynton : withdrawn 1 June 2006

5. POLICIES

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016,

the Cheshire Replacement Waste Local Plan 2007 and the saved policies of the Macclesfield Borough Local Plan.

Regional Spatial Strategy

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; Policy L1 Health, Sport, Recreation, Cultural and Education Services Provision; L2 Understanding Housing Markets; L4 Regional Housing Provision; L5 Affordable Housing; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

Local Plan Policy

Relevant policies of the Local Plan include; BE1 Design Guidance; RT1 and RT3 Open Space; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; DC35, DC36, DC37, DC38 relating to the layout of residential development; DC40 Open Space; DC57 Residential Institutions; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

The site is designated as Open Space within the Plan with policies RT1 and RT3 being most relevant in spatial terms.

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Other Material Considerations

National policy guidance set out in PPS1 Delivering Sustainable Development, PPS3 Housing, PPG13 Transport, PPG17 Sport and Recreation are of most relevance to the proposed development.

Circulars of most relevance include: ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

6. CONSULTATIONS (External to Planning)

Sport England: No objection to the proposal subject to a condition that there be no loss of playing pitch.

Highways: No objection to the level car parking provision indicatively proposed. Considers that further liaison will be required concerning swept path analysis and servicing vehicles and whether a more detailed transport assessment will be required for the reserved matters stage, if outline permission is granted.

Environment Agency: No objection subject to conditions. Have confirmed that due to the area of built development being less than a hectare then a Flood Risk Assessment is not required.

United Utilities: No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer.

Leisure Services: No reply at time of report preparation. Has had pre-application discussions regarding upgrading facilities to the playing pitch.

Housing Strategy & Needs Manager: The need for affordable housing provision in the Borough is well documented. Despite recent changes in the economy, there remains a local affordability issue, with Macclesfield being one of the least affordable places in the region. The 2004 Housing Needs Study (for the former Macclesfield borough) suggests a requirement for sheltered accommodation of 1,200 private market units and 827 affordable units. This proposal for 73 extra care units, 55 of which are to be affordable units in Poynton will help to address local housing need in this category. The scheme is therefore supported in principle.

Environmental Health: No objections subject to a condition controlling hours of construction, dust creation during construction and contaminated land

Ecologist: No objection subject to conditions concerning replacement pond provision and provision for breeding birds.

7. REPRESENTATIONS

Eight objections received on grounds of increased traffic especially with all the other developments in the area such as the Waitrose scheme; impact of older persons on the delivery of health care for everyone; scale of development/3 storeys being out of keeping with the locality; excessive amount of accommodation for the elderly; insufficient car parking proposed; impact of trees to be planted on overshadowing; access should be to Georges Road West rather than Bulkeley Road and lack of detail.

Poynton with Worth Parish Council raise no objection in principle to the proposal but wish to raise their concern about the level of parking proposed which they consider could lead to more on street parking which could be a danger to schoolchildren. Consider this issue needs addressing further in the future application.

8. APPLICANT'S PRE-APPLICATION CONSULTATION

A community engagement exercise was carried out and a number of customer feedback forms have been submitted with the application (15 comment forms in total) of which 13 are not supportive of the scheme – issues raised include the height of the proposal being out of keeping, the loss of the school building and the loss of the playing field, lack of parking

provision and increased traffic, the potential for the public open space to be a magnet for anti-social behaviour. The two supportive forms were interested in moving into the facility when complete.

9. APPLICANT'S SUPPORTING INFORMATION

The information that has been submitted alongside the plans and drawings include:

- i) Planning Statement;
- ii) Housing Needs Assessment;
- iii) PPS3 Sequential Analysis;
- iv) Transport Assessment
- v) Community Engagement survey forms;
- vi) Ecological Survey
- vii) Arboricultural Survey;

These documents can be viewed online as background information. The planning statement states in support of the application that:

The proposal has been prepared in the context of current local, regional and national planning policy guidance, and accompanying background material.

The ageing population indicates a strong and continuing demand for extra care accommodation:

- i) The over 65 population will increase from 125,00 to 176,000 (a 40% increase) from 2008 to 2025.
- ii) The over 85 population will increase by 75% from 16,300 to 28,600 from 2008 to 2025
- iii) The older population in Cheshire is growing quicker than the UK average

The development site extends to 1.82 hectares and comprises previously developed land and a school playing field on a site which is very close to Poynton centre. The proposed development is situated in close proximity to a range of key services and facilities, and is well served by public transport which provides frequent transport services to surrounding settlements.

To mitigate for the loss of 15% of the area of the playing pitch that could be lost , the Applicant has offered drainage upgrades to the existing pitch and that the wider Community will be able to utilise the facilities outside of School hours.

10. 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.

This application follows on from an outline application for a 90 bed Extra Care facility on the site earlier this year, which was withdrawn due to Officer concerns about the scale of development. The proposal is an scheme for 73 units on a reduced (indicative footprint) submitted in outline form with only the scale of development sought at this stage.

Matters such as access, layout, landscaping and appearance are all reserved for further consideration.

Principle of Development

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 requirement in PPS3 is that planning authorities create sustainable and mixed communities which meet the different household needs of its population. These needs will be based on tenure, price and the accommodation requirements of specific groups such as older people.

Policy L4 of the Regional Spatial Strategy sets out the framework for regional housing provision. Targets for housing provision and criteria by which to appropriately achieve those targets are set out in the policy. It is stated that Local Authorities should work in partnership with developers and other housing providers to address the housing requirements (including local needs and affordable housing needs) of different groups. This should be achieved taking account of the spatial principles of the RSS and advice in national guidance PPS3.

Affordable Housing provision is dealt with in policy L5. This policy sets out delivery mechanisms to secure provision of affordable housing. One of the objectives is to ensure that wherever possible, the property remains affordable and available in perpetuity. Half the proposed units are intended to be for social rent. This level of affordability will ensure that the community has a choice in tenure. This can be controlled by condition.

Policy R2 deal with managing travel demand with a key objective being to ensure that major new developments are located where there is good access to public transport, backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car. This is also emphasised in policy RT9.

Overall, from a spatial planning viewpoint, the proposed scale of development in locational and strategic terms complies with over-arching strategic policy framework. The proposal is

accessible and provides an appropriate mix of dwelling units in a sustainable location. On this basis, the proposal is considered acceptable in principle.

Development Plan Principles

The site is allocated in the Local Plan as Existing Open Space. Policy RT1 indicates that redevelopment on such land will normally be permitted where the building footprint does not harm the integrity of the open space.

Given that this is an outline application which seeks permission for only the scale of development at this stage, Sport England have commented that they have no objection subject to the proposal being built out without any loss of the playing pitch to the rear. An objection from Sport England requires that the scheme be referred to the Secretary of State.

The indicative plans submitted with the application details a loss of circa 15% of the playing pitch which would be a cause for concern for Sport England had this application not been submitted in outline form with no siting details sought at this stage. To compensate for this loss the Applicant puts forward a potential mitigation scheme which would include enhancement to drainage that would require an up to date assessment of playing pitch provision in the area; which has yet to be completed. An up to date assessment of facilities will enable better consideration of the mitigation package that is proposed.

Public access to the playing pitch is also to be incorporated as a significant enhancement which could address Sport England concerns about the loss of any part of the playing pitch and could be regarded as suitable mitigation. A condition is suggested by Sport England, which enable them to raise no objection to the principle of this development proposal. The condition which has been suggested and is recommended stipulates that there is no loss of playing pitch, including ancillary areas of the pitch.

Such a condition, taken with the suggested condition concerning the landscape management plan will provide for the safeguarding and enhancement of the playing pitch and would also ensure that the integrity of the playing pitch is not harmed. This would comply with policy RT1 of the Plan.

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.

The site is centrally located, in a predominantly residential area and is within walking distance of all the facilities in the town centre. The site is also very accessible via public transport facilities and cycle parking facilities are indicatively provided. The proposal is considered to comply with policy DC57.

Design and Impact on character of the area

The application seeks only to achieve an 'in principle' determination upon a scale of development comprising 73 extra care residential units. Indicative plans have been

provided which illustrate a potential development in the form of a 'I shaped' block of 2/ 3 storeys to the Clumber Road frontage with the rear of the site laid out as upgraded open space, however, siting and layout could potentially be anywhere within the site. The 3 storey elements of the proposed building are indicatively shown to be 11m high, the building footprint is indicated as being 80m wide and 65m deep arranged around a central courtyard layout. Indicatively, parking is accommodated to the side of the building together with a landscape buffer strip.

Although indicative plans are submitted which demonstrate a building situated to the frontage of Bulkeley Road, it should be borne in mind that these plans are indicative. The indicative elevations show a variety of design features, including the use of gables/balconies to break up the 3 storey elements to the frontage and the use of 2 storey heights on critical interface points where the building is closest to the Victorian terrace housing in Georges Road East and the Juniors School; the use of different roof design features and balconies, all of which assist in breaking up the bulk of the building and assist in creating visual interest in the street scene.

The stepping down of the built form at the ends and corners helps to break up the building gives the impression of the building that has domestic scale in keeping with the area surrounding the site. The transition from two through to three storey development further away from the frontage and into the site, away from neighbours will, it is considered, minimise the scale and bulk of the development.

Whilst the immediate locality is mainly 2 storey development, the existing Infants school building is an imposing building in its own right, which, together with the Junior school immediately adjacent, has a significant presence to the Bulkeley Road frontage and has a steeply pitched roof which adds to the height/ bulk and massing of the building. Whilst the building is not as tall as the proposed building, the set back nature of the proposal and the landscaping proposed will all soften its impact, if sited to this frontage.

The form and shape of the building is also proposed to be broken up through a number of architectural features such as the projecting balconies, different materials and cladding and the relatively high level of glazing, all of which adds visual interest and breaks up the building, resulting in a less dominant and bulky scale and mass, particularly to the frontage and side elevations.

Overall, whilst there is no precedent for 3 storey development in the immediate area, the indicative proposals show a design treatment that is not so out of scale with what is already in situ or in the environment so as to be out of character to raise concern in planning terms to the use of 3 storey development in the main.

Whilst submitted in indicative form only, the proposal is considered to show that this height of building and footprint can be accommodated on this site without undue impact upon the character of the area that would make this proposal unacceptable. To ensure there is no loss in playing field which would be detrimental to the integrity of the open space, elements of the indicative footprint of the building may need to be re-configured, however, this could still be achieved and considered further via reserved matters.

Overall, in site planning terms, the indicated density, heights and scale of development is considered to be entirely achievable on this site and subject to good design principles being

adhered to and the appropriate use of sympathetic building materials, would add visual interest to the locality. The height of the building can be controlled by condition

Highways

Bus routes are located to Dickens Lane and Park Lane and London Road, all within walking distance of the site. The buses serve the local area and Macclesfield in one direction and Stockport in the other direction. This is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

The amended proposal has an indicative 28 car parking spaces, including 4 spaces allocated for drivers with disabilities. The Highways Engineer has raised no objections to the proposed development in terms of indicative parking provision. Given the likely age and states of health of those in need of 'extra care', car usage is likely to be low. Furthermore the site is in a very sustainable location and on site cycle storage and a travel plan is required to encourage the use of public transport, car sharing and cycling by workers, residents and visitors, allied to the very sustainable location of the site and the indicative secure bike storage, all intended to encourage cycling, and the fact that care workers tend to live locally, the Highways Engineer considers the parking levels to comply with Government Guidance.

Objections have been raised to the proposal on the grounds of inadequate parking provision on site, leading to parking on the residential streets surrounding the site. The Parish Council has also expressed this concern. They consider this issue should be addressed further at reserved matters stage.

The advice within PPG13 is clear that developers should not be compelled to provide parking that they do not consider necessary unless there are specific highway safety reasons for doing so. Whilst the objections from neighbours are noted, there is no reason to consider that the scale of development is such that it will lead to on street parking to the detriment of highway safety.

Landscaping and tree protection

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value. Policy EM1 of the RSS seeks to avoid damage to landscape assets, enhance biodiversity assets and mitigate any unavoidable loss in resources. The site has no special designation of landscape interest. The tree officer is of the opinion that the proposal is acceptable subject to standard conditions concerning trees

Landscaping is a reserved matter which will be dealt with at a later date.

Ecology

The application is accompanied by an Ecological Statement. There are ponds on site. The Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- No satisfactory alternative and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- A requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- A licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, consideration is given to the findings of the protected species (GCN) survey submitted with the application. This report has established that there are no species of note on the site and therefore a license from Natural England is not required in this instance.

The Nature Conservation Officer is also of the opinion that given the location of the ponds within the site and the urban nature of the surrounding topography, there is little potential in the hinterland to be habitat for the Great Crested Newt. On this basis, the information submitted with the application is considered appropriate.

Renewable energy and impact upon climate change

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources.

The applicant has submitted in supporting information that the proposal will exceed the requirements of the Building Regulations by 25% by achieving Code for Sustainable Homes Level 3. Whilst this would be achieved by the use of improved thermal efficiency through high levels of insulation, the use of efficient heating devices and good design to maximise solar gain and minimise thermal heat loss, a condition is necessary to ensure compliance with the policy framework.

Reduced water consumption and increased use of sustainable construction materials will also minimise the impact of the development on the environment.

The Cheshire Waste Local Plan requires developments to minimise waste through better construction practices and seeks to ensure adequate provision for recycling both during construction and occupation phases. No details are available at this stage. Accordingly, planning condition is recommended to ensure the scheme addresses this issue.

11. CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the proposal would provide a valuable contribution towards meeting a specialist housing need for a vulnerable group of people within the Borough. The proposal will also deliver 50% affordable housing. It is the Government's firm commitment that older people should not have to live in housing that no longer caters to their needs. The scale of development being mainly 3 storey is considered to be acceptable in this location. The general area is densely urban with older, taller terraced housing predominating to Bulkeley Road. In principle, it is felt that the scale of development proposed will not have an significant impact upon the character, amenity or highways conditions of the area.

The detailed matters concerning where the building is located within the site, what it looks like, where and how the site is accessed and what the landscape proposals encompass will all be the subject of future application/s.

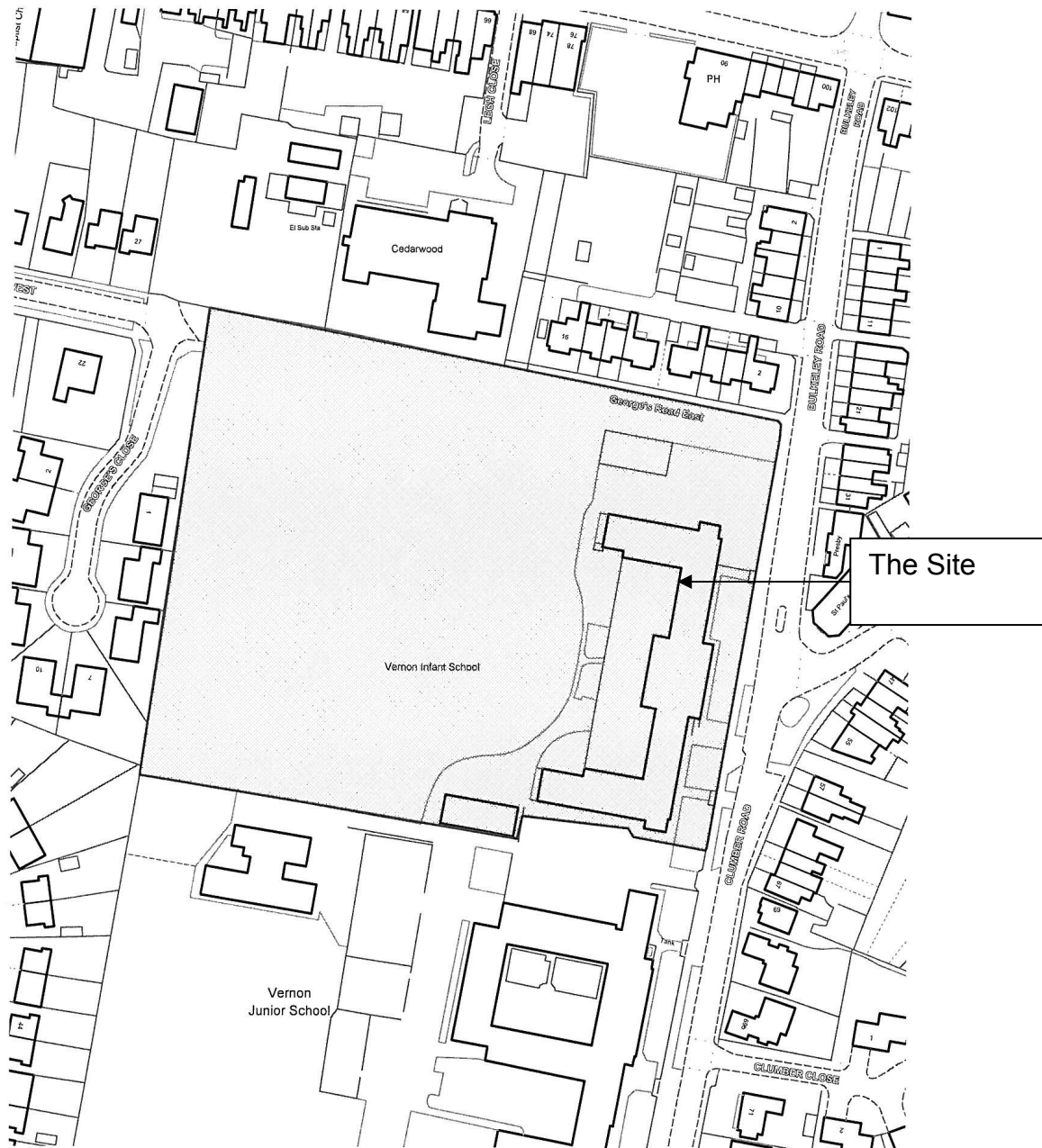
The issues raised in representations have been considered, however, suitable conditions can be imposed to address the material planning considerations and on this basis the proposal is considered to be acceptable.

12. RECOMMENDATION: Approve subject to the following conditions

- 1. Submission of reserved matters**
- 2. Tree retention**
- 3. Implementation of reserved matters**

- 4. Tree protection**
- 5. Time limit for submission of reserved matters**
- 6. Tree pruning / felling specification**
- 7. Protection for breeding birds**
- 8. Commencement of development**
- 9. Ground levels to be submitted with reserved matters application**
- 10. Decontamination of land**
- 11. Protection from noise during construction (hours of construction)**
- 12. Pile Driving**
- 13. Submission of construction method statement**
- 14 Travel plan to be submitted**
- 15. Scale parameters**
- 16. Showering/changing facilities**
- 17. SUDS to be submitted**
- 18. Details of parking etc. to be provided**
- 19. Dust mitigation to be submitted**
- 20. Cycle storage**
- 21. No impact on playing pitch**
- 22. Renewable energy**
- 23. Provision of affordable housing**
- 24. Reserved matters to include fully detailed waste audit**
- 25. Contaminated land**
- 26. Min age 55**

Location Plan



This page is intentionally left blank

Planning Reference No:	09/2329N
Application Address:	Tesco, Vernon Way, Crewe
Proposal:	Erection of a Replacement Foodstore (A1 retail) with Ancillary Café, Associated Parking, Highway Works and Landscaping
Applicant:	Tesco Stores Ltd.
Application Type:	Outline Planning Permission
Grid Reference:	370700 355480
Ward:	Crewe East
Earliest Determination Date:	9 th September 2009
Expiry Dated:	29 th October 2009
Constraints:	Settlement Boundary

SUMMARY RECOMMENDATION:**APPROVE** subject to Section 106 Agreement and conditions**MAIN ISSUES:**

- Acceptability in Principle
- Sustainability
- Landscape and Ecology
- Crime and Disorder
- Drainage and Flood Risk.
- Public Consultation
- Impact on neighbour amenity
- Highway Considerations

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 Tesco store in Crewe, which is a single storey retail unit of red brick construction with a pitched and tiled mansard roof. The store occupies a 2.5ha site and was built in the early 1990's as a Safeway store and was taken over by Tesco in 2004. The store is situated to the rear of the site, with a large surface level car park in front and a petrol filling station (PFS) adjacent to the site entrance. The site is bounded to the east by the West Coast Main Line, to the west by Vernon Way and to the South by the Crewe Heritage Centre and Crewe to Chester Railway Line.

3. DETAILS OF PROPOSAL

The proposed development involves the demolition of the existing 2,740sq.m store and the erection for a replacement 5,500 sq.m store, which will be constructed over two levels. The sales floorspace will be provided at first floor level suspended on stilts, above the car

parking at ground level. In order to facilitate access from the car park to the store, travelators, stairs and lifts will be provided within the glazed double height atrium to the front of the store.

493 car parking spaces, including 21 disabled and 17 parent and child spaces are to be provided beneath the store and are, therefore, screened from views by the store and boundary landscaping. 32 cycle parking spaces will also be provided. Access will be from the roundabout on Vernon Way / Lyon Street, which will also provide the service access.

The application is submitted in outline, with all matters reserved, although the indicative layout shows that unlike the existing retail unit on the site, the new store will face towards the town centre, and will front on to Vernon Way. The existing PFS will be retained and integrated into the scheme.

4. RELEVANT HISTORY

7/13945 - Use of Land as Heritage Centre. Approved 17th February 1987

7/18292 - Use of land as heritage centre. 45,000 sq/ft foodstore, associated car parking and petrol filling station. Approved 15th March 1990

P95/0582 - Extension to form coffee shop and crèche. Approved 24th August 1995.

P05/0507 - Single storey extension and alterations to service yard. Approved 9th June 2005

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 Aggregates

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)

Highways Authority

Formal comments awaited at the time of report preparation.

Network Rail

The attached photo shows the bridge parapet without a limited headroom sign and the Council have an obligation to provide these. This photo was been forwarded to their Structures Engineer for investigation. The Structures Engineer has now reported as follows.

He has spoken to the council on a number of occasions regarding the signage on this structure but the council seem very reluctant to act. The structure is struck by over-height vehicles on a regular basis so they can only assume that the signage is being displaced at a faster rate than Cheshire East can replace it. The key problem with this structure is the Tesco signage attached to the parapet. Network Rail standard NR/L3/CIV/076 states that advertising is forbidden on structures which can be subjected to bridge strikes and they

are sure that this sign causes distraction to drivers approaching the bridge, although the huge billboard on the wing wall may also exacerbate matters.

Additionally, they have no objection in principle to the development. However due to its close proximity to the operational railway; they would request that a number of informatives are taken into account if approving the application.

Environment Agency

The proposed development will only be acceptable if the following planning conditions are imposed:

- The development hereby permitted shall not be commenced until such time as a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority.
- The maximum discharge of surface water from the site is to be that which discharges via the site's existing surface water drainage system, or a rate confirmed by the water company, United Utilities. Attenuation will be required for discharges up to the 1 in 100 years design event and to include allowances for climate change.
- No development approved by this permission shall be commenced until a scheme for the management of overland flow from surcharging of the site's surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.

Scientific Officer

Prior to the commencement of development:

- (a) A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).
- (b) Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
- (c) If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
- (d) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Environmental Health

Do not object to this application

7. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

8. OTHER REPRESENTATIONS

Sustrans:

Large supermarkets such as this generate significant traffic. They would like to see a greater attempt at encouraging walking cycling to the site for staff and for those local customers who may not be purchasing much, by improving the immediate infrastructure. Examples are:

- i. A direct pedestrian / cycle route from the store to Prince Albert Street with a toucan over Vernon Way,
- ii. A shared pedestrian / cycle track on Vernon Way itself.
- iii. Completing the town centre to station walking and cycling route at Mill Street Bridge by opening up the east arch.
- iv. Providing cycle parking to a modern standard under cover and at conveniently locations for both staff and shoppers. They have had little success with supermarkets generally on this and look to the planners to enforce this through conditions.

Crewe Heritage Centre

Have several concerns as listed below.

- 1) As it would appear that Tescos delivery vehicle access will utilise their main entrance driveway they need assurance that this will not be blocked by delivery vehicles waiting for access to the unloading bays at any time during the daytime, either by parking on the drive itself or in their car park which is alongside the driveway.
- 2) As the access to the upper level where the loading bays are will be by means of an inclined ramp which closely follows their fence line, they need assurance that this will be securely fenced to prevent anyone from gaining access to the Heritage Centre site from off of this ramp.
- 3) As the new store will hide the Heritage Centre site from Vernon Way far more than the existing one, they would expect Tesco to make some provision for suitable signage to clearly indicate the presence of the Heritage Centre. As a Charitable Trust we rely entirely upon volunteers and our income from visitors and other supporters so would not wish to incur additional costs for signage as a result of the building of this new store.
- 4) Subject to these concerns being satisfactorily addressed then we have no objections to the planning application.

9. APPLICANT'S SUPPORTING INFORMATION

Retail Statement

- There is quantitative capacity within the defined catchment area to support the additional convenience and comparison goods retail floor space proposed within the new food store. In addition to that within existing committed developments, and the currently proposed Sainsbury's Store in Crewe.
- There is an important qualitative need to resolve the operational deficiencies of the existing store, and enhance the food and non-food offer to more fully meet the customer needs as well as providing effective competition to the existing Morrison's and

Asda stores in Crewe, and help to alleviate the overtrading they are currently experiencing.

- The proposed food store would be of an appropriate scale in the context of the defined Catchment Area, the current role and function of Crewe Town Centre and the need which has been identified, both in terms of expenditure and capacity and in terms of enhancing the offer an customer environment provided by the existing stores
- There are no sequentially preferable sites which are fully suitable, viable and available to accommodate the proposed replacement food store and meet the needs identified above.
- The proposed foodstore would not have a significant adverse impact upon the overall vitality and viability of any existing centre, reflecting the fact that it would compete primarily with large food stores in Crewe, which are currently performing strongly.
- The scheme would also deliver other significant benefits including enhancing consumer choice and helping to enhance the vitality and viability of Crewe Town Centre as a result of its edge of centre location. Such benefits also include the accessibility of the store by a choice of means of transport, creating valuable employment opportunities and reducing the distances travelled by those undertaking food shopping and the incorporation of many of Tesco's initiatives to maximise potential energy saving.
- In the context of the above it is clear that it has been demonstrated that the proposed development is consistent with relevant national, regional and local planning policy. It is therefore respectfully requested that the subject application by Tesco be approved.

Supplementary Retail Statement

- The statement provides additional information in relation to the issues of retail capacity and impact
- On the basis of a revised Primary Catchment Area, there is quantitative capacity within the defined Catchment Area to support the additional convenience goods retail floorspace proposed, in addition to that within existing committed developments. This is the case even if the most up to date (August 2009) growth rates are applied.
- Using these most recent growth rates, there also sufficient expenditure capacity to support the additional comparison goods retail floorspace proposed in addition to existing commitments. This takes into accommodation both the potential of such facilities in Crewe to increase their existing market share of expenditure, following implementation of the Modus scheme and committed proposed foodstores, and the current strong performance of existing facilities.
- The proposed footsore would not have any material adverse impact upon the successful implementation of the Modus Scheme (or any successor to this scheme.) The delays to the implementation of this scheme are primarily as a result of the demise of the lead developer, and the current economic climate
- The new Tesco store would also be unlikely to have any material impact upon the vacancy rate within Crewe town Centre, or its overall vitality and viability. This reflects a number of factors, including the limited proportion of uses within the centre which would compete with the new store, and the nature of the comparison goods that it would sell. In practice, the store would help to generate additional linked trips to existing facilities within the centre, and thereby complement its ongoing regeneration.

Bat Survey

- The survey identified that there are some suitable access features for bats associated with the main building including gaps under soffit boards and loose or raised ridge tiles. The building has been assessed as being of low-moderate potential for small numbers of crevice dwelling bat species during spring, summer and autumn. Other, ancillary buildings were recorded as having negligible potential for bats, with no visible, suitable access features.
- A belt of broad leaved trees and grassland along Vernon Way offers very limited potential for roosting bats and is of limited value as foraging habitat. However, this feature would be retained and augmented by further planting, offering enhanced habitat for bats. It is recommended that the species used here are native and of local provenance.
- Further emergence and dawn surveys of the superstore building are recommended to take place between May and July 2009, the results of which would inform any mitigation and licensing requirements. Should bat roosts be recorded following further detailed survey, a European Protected Species License would be required to allow the proposed demolition to proceed lawfully.
- In the absence of detailed survey information, the report proposes a substantial level of mitigation to provide replacement roost features should these be required. This would include provision of a number of roof features for crevice dwelling species including bat boxes, bricks and tiles.
- The provision of replacement roost features would need to be carried out in conjunction with provision of high quality foraging habitat. It is recommended that use of lighting along Vernon Way is restricted to low and/or cowl lighting to minimise light spill.

Transport Assessment

- The current store size is 4,542sq.m. GFA with 406 car parking spaces including 12 parent and child spaces and 13 disabled spaces
- Vehicular access to the site is via a roundabout on Vernon Way. An initial access road leads from this junction to the store car park. The Crewe Heritage Centre, located to the south of the site is also accessed from this internal road.
- The proposals consist of a replacement foodstore of 8,231sq.m GFA. This building will be supported by columns above the main body of the car park. A concept adopted at a number of Tesco stores across the country.
- The car park layout would be amended to provide a total of 493 parking spaces of which 21 would be set aside for the use of people with disabilities and 17 for parents with children. Both the disabled and parent spaces would be located such that they would be near the store entrance.
- Under these proposals the existing vehicular site access and PFS will be retained
- Sainsbury's have recently submitted an application to construct a foodstore opposite to the existing Tesco site on Vernon Way. Sainsbury's transport consultants Savill Bird and Axon have agreed with Cheshire County Council (now Cheshire East) an appropriate method of assessing the traffic impact of the proposed store on Vernon Way. This was to use, where possible, the Crewe Town Centre SATURN model which has been developed by the MVA consultancy.
- It is considered that as this methodology has been found appropriate by Cheshire County Council that it may be a reasonable method by which to assess the impact of the replacement foodstore as it is located on the same part of the highway network. Under

Crewe & Nantwich Borough Council Modus secured planning permission in November 2007 to redevelop sections of Crewe town centre, comprising a 32,528sq.m. scheme anchored by a departments store and four other medium sized units. A further 25 shop units are to be provided adjacent to the town's relocated bus station and a provision of 840 car parking spaces to accommodate expected traffic levels to the town.

- Modus are no longer operating and therefore the scheme is unlikely to be built out in the short term. However, the scheme has gained planning permission and it could conceivably be constructed. Therefore, the proposed trips to the redeveloped town centre are included in the 2015 scenarios of the assessment.
- The report demonstrated that the proposed development is genuinely accessible by a choice of means of transport the proposals include a commitment to a Travel Plan.
- Vehicular access and traffic impact has also been assessed. Overall the results indicate that the highway network local to the store would operate satisfactorily in the design year.
- The roundabout junction at Earl Street/Vernon Way is shown to operate above capacity during peak periods in 2010 even without the replacement store. However, the impact of the store trips at this junction is low. Further, as food shopping primacy trips are discretionary, customers will simply choose to shop at a different time if the network begins to experience congestion.
- The provision and design of parking spaces would conform to planning guidance and best practice standards.

Draft Travel Plan

- With many sites across the country Tesco has made, and continues to make, substantial corporate contributions to transport infrastructure in the vicinity of its stores. At a national level, Tesco's approach to Corporate Responsibility is based on the principles of sustainable development and integrates many elements of the Company activities including transport and environment.
- Tesco has developed a corporate Travel Plan Framework based upon best practice guidance and principles, to be used as a basis for all new schemes including this Travel Plan for the store at Vernon Way, Crewe.
- The Government's main focus for Travel Plans has been towards employers and as such, the key target audience would be store staff. It is considered realistically more desirable to evaluate travel patterns and successfully implement quantifiable initiatives with staff.
- Customers have a more variable travel base and pattern. Measures for customers are generally more orientated towards increasing awareness of alternative to private car use through notices within the store.
- The Travel Plan will be implemented by the store under the supervision of a Travel Plan Co-ordinator (TPC). They will liaise with the local planning authority on the continuing provision of the Plan. As a matter of course, Tesco would liaise with the local community on a range of matters including travel. There will an on-going improvement process including periodic monitoring, as necessary, co-ordinated by the TPC.
- The TPC at each Tesco store with a Travel Plan is supported at a national level by a corporate Travel Plan Steering Group which is responsible for the development of Tesco National Policy with respect to Travel Plans and liaison with relevant national organisations such as the Department for Transport.
- Information on the Travel Plan, for example new initiatives, will be disseminated to staff via the existing Team 5 communications system. This includes weekly meetings

that encourage two-way communication and staff feedback. Staff feedback on the Travel Plan will also be possible via the periodic “Staff Forum Meetings”.

Sustainability Statement

- Tesco Stores has undertaken a full review of the environmental impacts of their stores and building operations.
- This has resulted in the new Tesco Environmental Format Store (TEFS) which contains many of the very latest environmental technologies
- Commutatively the design and specification of the TEFS have been assessed using the BREEAM Retail Methodology. This pre-assessment has predicated that if a Design Stage BREEAM Retail 2006 assessment was undertaken for the TEFS it would achieve a good rating.
- By following best practice, a total carbon emissions reduction of 29% has been achieved. This balanced approach ensures that the best environmental options are utilised.
- By deploying the latest CHP technology 25% of the residual energy will be derived from decentralised low carbon technology.
- A Flood Risk Assessment has been produced for the site and suitable attenuation proposed to ensure that floor risk for the site will be in line with the 1:100 year + 20% climate change event.
- Water efficient appliances and rainwater harvesting will be installed to keep the use of potable water within the store to a minimum.
- Tesco provide all site contractors with a Good Practice Guide to Sustainable Construction to prevent pollution on site and have commissioned an Environmental Assessment for the site to investigate potential ground contamination during construction.
- Tesco are committed to reducing disturbance to the local environment and consider potential operational noise impacts when designing the store. In addition best practice measures to reduce air and water pollution have been employed.
- Tesco are providing recycling facilities for both customers and for retailer generated waste and a Site Waste Management Plan accompanies the planning application
- Numerous bus services are provided within the vicinity of the site and cycle spaces are to be provided adjacent to the store entrance to encourage staff and customers to switch from private car travel to access the store.
- Both an Arboricultural Survey and Bat Survey have been carried out and their findings considered when developing the landscaping proposals for the site. Trees on the site will be retained wherever possible and additional tiered planting proposed to increase the habitat value of the site
- The proposed store will provide 70 additional jobs and is designed to provide a pleasant shopping and working environment.

Phase 1 Environmental Assessment.

- Historically the site has been occupied by railway infrastructure and railway engineering works including tanks, possibly associated with fuel storage.
- Following a desk study and an inspection of the site, the main potential sources of contamination at the site are the current PFS and historical railway use. A source-pathway-receptor risk assessment has been undertaken in the context of the site being redeveloped and in accordance with Part 2A of the Environmental Protection Act 1990.

Possible pollutant linkages have been identified at the site and the main potential receptors are considered to be any perched groundwater, construction works, future site users and site service.

- On the basis for the information obtained and reviewed as part of this assessment and the conclusions drawn above it is considered that a Phase II Environmental Assessment is required which focuses on the identified sources and to provide a general coverage of the site. The investigation should specifically include groundwater and ground gas monitoring and would also provide preliminary waste classification data.

- It is recommended that the Assessment should include coverage in the immediate vicinity of the PFS

- Further information should be sought from the Petroleum Licensing Officer and obtaining wetstock data for the UST's. It is also recommended that any available information is obtained from the Contaminated Land Officer.

- Prior to an intrusive investigation a Coal Authority Report should be obtained.

- In addition development abnormal should be considered in the context of redevelopment. These include.

- The potential for a QRA and any subsequent soil and ground water remediation.

- A waste classification exercise and the removal of engineering soils

- The potential ground gas protection measures and a vapour barrier in the proposed foyer.

- The use of PPE for construction workers

- The use of upgraded water supply pipes

- The use of clean and certified topsoil in some or all new areas of landscaping and inert material in service runs

- A Type III (Destructive) asbestos survey will need to be undertaken at the site prior to any demolition works.

Public Consultation Statement

- There have been no fundamental objections to the proposals for the store and the majority of respondents have been overwhelmingly positive.

- It is considered that this is due to the high level of pre-application consultation which took place prior to the development of the proposals, via the in-store surveys and customer focus groups. This feedback allowed Tesco to develop proposals that met customer needs and actively responded to the suggestions and requests received.

- The additional, feedback which will be acquired during the store exhibition should allow further development of the proposals during a reserved matters application. This will ensure that as many of the suggestions and concerns raised by the consultation can be addressed via the redevelopment proposals

Flood Risk Assessment.

- The development site is located within Flood Zone 1 on the Environment Agency's Indicative Flood Map with little or no risk of flooding from fluvial sources and confirmed by the Strategic Flood Risk Assessment.

- An infiltration drainage solution will be investigated, if it is proven that soakaways cannot be used then an underground attenuation tank system will be used as a means of attenuating surface water discharge from the site. If soakaways prove to work then an infiltration drainage solution is proposed.

- The provided drainage scheme and attenuation (soakaway and/or underground attenuation tank) will be designed for the 1:100 year + 20% climate change and restricted to the existing 1:30 year storm events discharge rate with no flooding on site.
- During an extreme event the proposed levels for the site will be designed to contain any flood water within the car parking areas, as suggested by PPS25.
- It is not proposed to increase flow off site, as this will have a detrimental effect on the existing sewer system and would increase any surface water flooding to the development and neighbouring development.
- There will be no increase in surface water runoff from the proposed development and therefore no increased risk of flooding due to lack of capacity.
- The normal precautions regarding water quality will be observed by the provision of appropriate petrol interceptors, deep silt trapped gullies and silt boxes to channel drains.
- Rainwater harvesting will also be incorporated within the scheme to reduce non-potable water demand by a potential amount of up to 50%
- The site is classified as "Less Vulnerable" (Floor Risk Vulnerability Classification). Therefore, from Table 3.4 the development is classified as "appropriate".

Design and Access Statement

Use

The proposed use of the site will remain unaltered and therefore will continue to comprise an A1 (Use Class) retail supermarket selling a range of items, but focusing mainly on the sale of convenience/food goods.

Amount

The replacement foodstore will provide 8,231 sq. m. (88,597 sq. ft.) gross floorspace and a net sales area of approximately 5,500 sq. m. (59,202 sq. ft). The additional floorspace proposed as part of the replacement store is required in order to enhance the shopping environment provided and ensure that the food and non-food retail needs of customers are fully met.

Layout

The store will be elevated on 'stilts' with the majority of the car parking provided underneath the store at ground level. Access from the car park to the store will be obtained via a number of options, including travelators, stairs and lift located within the glazed double height atrium to the front of the store.

The main entrance to the store will be located fronting onto Vernon Way. The positioning of the entrance on this elevation will ensure that the store relates to Crewe town centre and will also provide an active frontage to Vernon Way. The service yard will be located to the rear of the store with the majority of the car parking accommodated underneath the store (provision will be made for taller vehicles elsewhere).

Scale

The final building height will be determined at detailed design stage. However, the store will have an indicative ridge height of approximately 13.8m, which is driven by the height required for under-store parking, natural ventilation and natural daylighting within the store

as well as other considerations, such as roof thickness and servicing requirements. The store will also be approximately 102.6m wide by 82m deep. In addition to this there will be a couple of partially enclosed projections to the rear, which will accommodate the DotCom unloading area and the cage marshalling area, measuring 15m x 12m and 24.5m x 15.5m respectively. These dimensions are indicative and subject to a maximum 10% variation.

The store is set back from Vernon Way, and is positioned centrally within the site with a substantial landscaped buffer to the front of it, and a two storey development will enhance the visibility of the store from Vernon Way, which is also in keeping with double height scale of the adjacent retail park;

Its double height glazed facade provides a much needed presence to Vernon Way, whilst respecting existing trees which will soften the impact of the store;

The proposed building also enhances pedestrian connectivity to Crewe town centre, and the location of the glazed double height atrium (with cafe above) provides a positive 'stop' to the pedestrian and cycle links into the city centre, along with activity and natural surveillance to Vernon Way. PPS6 also advises that developments should be of an appropriate scale in terms of the size and role of the centre in which they are located. Against this background, it is considered that the proposed foodstore is of an appropriate scale to meet the needs of the defined Catchment Area (provided in the Planning and Town Centre Retail Statement), and its location on the edge of Crewe Town Centre. Crewe is the largest settlement in the Catchment Area, and the largest centre, which not only serves the town itself, but also the surrounding rural areas.

Access and servicing

The site is located close to Crewe town centre close to shops and services and is therefore easily accessible by pedestrians, cyclists and cars. Vehicular, pedestrian and servicing access will be from Vernon Way. Servicing will be located to the rear of the store via the proposed service yard. Shared access arrangements for the Tesco store and the adjacent Railway Age museum will be retained, with access to the Railway Age diverting off at the junction of the petrol filling station.

The existing site offers approximately 406 car parking spaces. After redevelopment, a total of 493 spaces will serve the larger store, including 21 spaces for the disabled and 17 parent and child spaces. As the proposed store is to be elevated on stilts, the majority of car parking spaces that are proposed will be located underneath the store at ground level. Parking provision for disabled people will be provided in accordance with Building Regulations and Local Authority Requirements. In order to facilitate access from the car park to the store, travelators, stairs and lifts will be provided within the glazed, double height atrium to the front of the store.

Based on gross floorspace of the store post extension, 493 car parking spaces are considered to offer an appropriate amount for a store of this size and the provision is in accordance with the advice set out in PPG13 and the Council's own guidance.

In addition, 16 bicycle stands, with the ability to accommodate 32 cycles, will be provided adjacent to the store entrance.

Appearance

Proposals for the elevational treatment of the store will be developed at detailed design stage and submission of Reserved Matters. The appearance of the store, however, will be driven by the desire of Tesco Stores Ltd to create a more sustainable store through the use of more renewable materials, i.e. the use of timber cladding system. It is also proposed to incorporate clerestory glazing, where applicable, roof lighting and expansive glazing to the front of the store (atrium).

Landscaping

The approach to landscaping will be developed further at Reserved Matters. At this stage the landscaping strategy includes for:

- The retention and enhancement of the belt of mature planting along Vernon Way, in close proximity of the store, which will provide an attractive setting for the proposed building and enhance the habitat potential of the site;
- Promotion of pedestrian safety through the retention of the grassed frontage area associated with the footpath link and the absence of under storey planting, ensuring good intervisibility between the road corridor and store entrance;
- The use of soft landscaping, in the form of a shrub layer to the north-east and south-west boundaries of the site;
- The inevitable loss of some trees, in the area of the existing car park and backland areas. However these trees do not contribute to the landscape character of the area, the number of trees lost will be minimal and none of them are grade A trees (see Arboricultural Report); and, The loss of existing trees will be off-set by the new semi-mature and advanced nursery stock trees which will be planted in sustainable soft landscape areas to reinforce boundary features and compliment the built form.

Waste Management Plan

- Demolition material from the site will where practical be minimized, reused and recycled.
- A dedicated area will be allocated on site for waste storage
- Waste materials will be sorted into streams for potential recycling
- Opportunities will be sought to utilise materials from the waste stream, either in the new build or external markets
- Waste arising will be monitored regularly, enabling targets to be set for the mitigation of construction waste
- Construction waste will be segregated and recycled in line with Tesco policy
- Only the required quantity of materials will be ordered to avoid over order and materials exceeding their shelf life.
- Tesco is committed to purchasing timber from legal sustainable sources The store will be constructed using glulam beams with 17% embedded carbon
- The walls will be an off-site manufactured cassette system finished with a Larch cladding system with 8% embedded carbon
- Materials will be specified to achieve an A rating as defined by the Green Guide to Specification.
- Durability measures such as impact rails and bollards will be specified where protection is required for vulnerable parts of the building.
- With regard to operational waste, initiatives implemented by Tesco such as switching to reusable plastic trays for the delivery of products have saved 20,000 tonnes of waste in the UK

- Design measures of the development will ensure that operational waste management and recycling facilities are provided within the supermarket service yard.
- Tesco customers recycle 200,000 tonnes of waste each year at Tesco facilities
- Facilities will be provided at the Crewe store which will enable customers to bring their recyclables to drop off at the facilities. It is anticipated that facilities will be provided to enable the recycling of glass, paper, textiles and shoes, plastic bottles, and metal food and drinks cans.

10. OFFICER APPRAISAL

Acceptability in Principle

The site is located outside, but adjacent to, the Crewe Town Centre Boundary where according to Policy S10, major retail developments will be permitted only if all the following criteria are met:

- there is a proven need for the development;
- a sequential approach to site identification has been followed, giving first preference to town centre sites, followed by edge of centre sites where suitable, viable and available opportunities exist and only then out of centre sites that are or can be made accessible by a choice of means of transport;
- the proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of another shopping centre;
- the proposal is of acceptable scale, materials and design and does not harm the urban or rural environment or residential amenity;
- the traffic generated by the proposal can be accommodated safely on the local highway network and sufficient car parking and servicing will be provided on the site;
- the proposal is sited so as to reduce the number and length of car journeys and can serve not only car-borne shopping but is also accessible to those on foot, bicycle or those who rely on public transport.

This is in accordance with Government guidance contained in PPS 6: Planning for Town Centres which states that in considering retail developments outside 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 Nathaniel Litchfield and Partners (NLP), 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 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.

Their initial assessment concluded that the extent of the catchment area (which underpins the need assessment) was too large for the proposed development. PPS6 states that the catchment area used to assess future need should be realistic and well related to the size and function of the proposed development taking into account competing centres.

The catchment extended beyond a 15-minute driving time in some directions and includes the centres of Winsford, Middlewich and Holmes Chapel to the north, Alsager to the east.

The inappropriate size of the catchment for the proposed development in Crewe is reflected by the survey evidence provided in support of the application, which identifies that only 1% of convenience goods expenditure generated in the Winsford Zone is currently directed to Crewe. Despite very limited residents within this part of the catchment using facilities in Crewe the assessment of need undertaken by NLP assumes that all the expenditure generated is available to support additional floorspace in Crewe.

Similarly, only 8% of shopping trips within the Middlewich Zone (which includes the centres Middlewich and Holmes Chapel) currently use facilities in Crewe. Again, despite the limited influence of facilities in Crewe on residents within this part of the catchment, it has been assumed that all the expenditure generated is available to support the proposed development in Crewe.

In identifying sufficient capacity to support the proposed development in Crewe, the level of capacity identified is available to support further retail floorspace within the whole catchment and not just in Crewe. For example, the approach adopted seeks to meet future need in Middlewich and Winsford in Crewe despite both centres being located some 20 minutes away. WYG therefore questioned the robustness of this approach.

Given these concerns with regard to the extent of the defined catchment, WYG did not consider the evidence presented to date was sufficient to justify the proposed development. The underlying assumption with regard to the extent of the catchment together was that 100% of the catchment expenditure is available to support additional floorspace. This was considered to be unrealistic and WYG recommended that the need assessment be revised to take into account current shopping patterns.

In response, NLP, provided a 'Supplementary Retail Statement' in support of the application. WYG have now considered this additional information and their advice is summarised below:-

The Need for the Proposed Development

In assessing quantitative need for the proposed development, whilst WYG question some of the assumptions adopted by NLP and consider that the level of retail capacity has been overstated, based on a realistic increase in current market share it is accepted that there is a quantitative need (albeit marginal) and qualitative need for the proposed development.

Appropriateness of Scale

Regional and local planning policy highlights that Crewe Town Centre is the largest centre in south Cheshire and is an appropriate location to focus further retail development.

Furthermore, the scale of the proposal by Tesco is smaller in size than the recently permitted Sainsbury's store.

Given this, together with a need being demonstrated for the level of floorspace proposed, WYG accepts that the proposal is of an appropriate scale to the centre and catchment it is intended to serve.

The Application of the Sequential Approach

It is accepted that there are no sequentially preferable site within Crewe that is available, viable or suitable to accommodate a modern supermarket capable of meeting the identified need.

Potential Impact

The proposed development either in isolation (or together with outstanding commitments) is unlikely to have a deleterious impact on the vitality and viability of Crewe or any other defined centre within the PCA. The location of the proposed development means that it is well positioned to retain footfall within Crewe, which will maintain and enhance the 'spin off' benefits for existing and future local businesses.

Conclusion

In summary the assessment has demonstrated that there is sufficient capacity to support the level of floorspace proposed and outstanding commitments and that it would not have an adverse impact upon the vitality and viability of Crewe Town Centre or any other centre in the PCA. Therefore, WYG considers that the proposal conforms to relevant retail planning policy. However, should the Council decide to permit this application it is important that appropriate conditions are attached to any permission restricting the overall sales area to 5,500 sq m and the proportion of floorspace dedicated to the sale of comparison goods to reflect that currently proposed.

Highway Considerations

It is important to ensure that adequate parking and servicing facilities are available within the site and that a safe access can be achieved into and out of the site which does not result in an unacceptable level of congestion or queuing at any of the existing roundabouts. The impact of the additional traffic generated on the wider highway network must also be taken into account and the developer has submitted a Traffic Impact Assessment. The Highway Authority has pointed out a number of issues in respect of the way in which the traffic impact has been assessed. Specifically, the Assessment had not considered the impact of the extant permission for a new Sainsbury's store on the opposite side of the road.

In the event that the Sainsbury's permission is implemented, additional traffic would be experienced on Vernon Way. However, a number of highway infrastructure improvements, including a new cycle link along Vernon Way would also be carried out, which would mitigate the impact, but which would also improve access to a new Tesco Store. Conversely, if the permission were not implemented the traffic levels would be less but the cycle improvements, which are also required to off-set the impact of the Tesco Store would not be undertaken.

However, discussions have taken between the applicant's consultants and these issues have now been resolved. The Highway Authority is now satisfied that the scheme will not result in an unacceptable level of congestion or an adverse effect on highway, even if both the Tesco and Sainsbury's schemes go ahead.

With regard to the issue of the 2 possible outcomes in respect of Sainsbury's, it is recommended that a sum of money (£50,000) should be provided to be spent on pedestrian and cycle link improvements within the town centre. In the event that Sainsbury's did not implement their permission, it would be necessary to spend this money on Vernon Way. If Sainsbury's do implement their permission, these works would be carried out by them and the money could be spent on cycle improvements elsewhere within the vicinity, to improve access to the store. These would be carried out in accordance with the cycling masterplan for Crewe town centre which the Council has produced. As a monetary contribution towards highway improvements cannot be secured by condition a Section 106 Agreement is required.

Crime and Disorder

It is important to ensure that large new retail developments and public spaces are designed in such a way as to minimise opportunities for crime and anti-social behaviour.

As with all large retail proposals involving substantial car parks there are concerns about car-related antisocial behaviour on the car park when the supermarket is closed. Such problems have been experienced at the other stores in the Borough and it is therefore suggested that conditions should be imposed requiring CCTV and speed humps to be installed within the car park areas.

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 the responses. The feedback which appears to have been received in terms of the principle of the development is overwhelmingly positive, and comments with regard to the detail should allow further development of the proposals during a reserved matters application. This will ensure that as many of the suggestions and concerns raised by the consultation can be addressed via the redevelopment proposals.

Sustainability

Policy EM18 of North West England Plan Regional Spatial Strategy (RSS) which outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply that a least 10% of predicted energy requirements should be from such sources unless it is demonstrated not to be viable.

Tesco as a company are dedicated to reducing their carbon footprint and have pledged to investigate a number of sustainable construction techniques and energy saving / generating systems which can be incorporated into the building. A supplementary statement has been submitted which provides information on how this sustainable agenda will apply to the store proposal in Crewe. The intention is to construct a store which achieves a 'Very Good' BREEAM rating. These factors align with policy EM16 of RSS to minimise energy consumption, promote maximum efficiency and minimise waste.

Precise details of how this will be achieved will be an issue for the reserved matters stage. However, it is recommended that conditions be added to any approval to ensure that such measures as outlined above are incorporated into the final design of the building and to ensure compliance with RSS Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM 17 (Renewable Energy), and EM18 (Decentralised Energy Supply).

The proposal will involve the demolition of a number of existing buildings on site. Tesco have provided a waste management plan to ensure that opportunities are taken to reuse on site or for appropriate disposal of demolition waste off site. This process is in line with policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well EM11 of the RSS which relate to waste management principles and the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Landscape and Ecology

There is a significant amount of existing well-established landscaping around the site perimeter. It will be important to ensure that as much of this as possible is retained and integrated into the development to soften the impact of this large new building. The retention of the semi-mature trees along the Vernon Way frontage will be particularly important to screen the undercroft parking and un-slightly service area and rear elevation to the petrol station. Whilst the submitted plans and the design and access statement indicate that the majority of the trees will be retained, given that the site layout is only indicative at this stage, it will be necessary to ensure that these principles are adhered when the reserved matters are finalised.

An ecological survey has also been undertaken, which has concluded that there the existing buildings on site may have some potential for bat roosting and it is recommended that further surveys be undertaken or, alternatively, that mitigation measures be prepared. The Council's Ecologist has examined the application and commented that he advised the applicants that a bat activity survey was required to enable the Council to make a full assessment of the impacts of the proposed development upon bats. The survey report submitted with the application is, however, only the results of the initial bat assessment undertaken in December 2008 and does not include the results of the recommended activity survey.

The reasons for requesting an activity survey was that parts of the lofts were inaccessible during the initial assessment. The ecologist has advised that if the applicant's consultant can gain access into all of the loft areas an activity survey will not be necessary. If this is not possible plans showing which parts of the lofts have been surveyed would help the Council to decide whether a 'reasonable amount of survey effort' has been expended. The applicants have agreed to survey the loft areas and to provide the required information for

consideration, and this will be reported to the Board, along with further comments from the ecologist, at their meeting.

Impact on neighbour amenity

Given the town centre location and the nature of the surrounding land-uses, which are predominantly associated with commercial and retail activity, this is not considered to be a significant issue in this case.

Drainage and Flood Risk.

There is a need to ensure that the proposed development does not generate a risk of on-site flooding or exacerbate existing flooding problems elsewhere. A Flood Risk Assessment and Drainage Strategy have been produced and have been scrutinised by the Environment Agency. They have not raised any concerns in respect of the methodology and conclusions. Consequently, they have no objection to the scheme subject to the imposition of the relevant conditions. United Utilities have also been consulted, although no response had been received at the time of report preparation.

Other matters

The Crewe Heritage Centre, which is located to the rear of the site, has raised a number of issues. The first is concern that Tesco vehicles may obstruct their right of way. This is a private legal matter between the adjoining land owners, although Tesco's highway consultants have confirmed that they are liaising with the Heritage Centre over access issues.

Concern has also been raised about security of the Heritage Centre as a result of the access ramp. However, it is considered that this can be addressed through boundary treatment conditions.

The Heritage Centre is also concerned that the new store will make it more difficult for visitors to locate their premises. In order to encourage walking and cycling and to ensure that the new store integrates with other facilities in the town centre, it is considered to be appropriate to attach conditions to the permission requiring directional signage to the town centre and heritage centre to be provided as a condition. Similar conditions have been applied to the Sainsbury's permission and the two schemes of signage will integrate and complement each other.

11. CONCLUSION

The proposal seeks to create an enlarged replacement Tesco store of 8,231 sq m (gross) comprising a net floorspace of 5,500 sq m. The net floorspace is identified to comprise 3,300 sq m (60%) for the sale of convenience goods and 2,200 sq m (40%) for the sale of comparison goods.

The site is located outside the Town Centre Boundary, where for major shopping proposals it is necessary to demonstrate the need for the development; that the development is of an appropriate scale; that there are no more central sites for development; that there are no unacceptable impacts on existing centres; and that locations are accessible.

The Retail Impact Assessment submitted with the application has demonstrated that there is sufficient capacity to support the level of floorspace proposed and outstanding commitments and that it would not have an adverse impact upon the vitality and viability of Crewe Town Centre or any other centre in the PCA. Therefore, it is considered that the proposal conforms to relevant retail planning policy. However, it is important that appropriate conditions are attached to any permission restricting the overall sales area to 5,500 sq m and the proportion of floorspace dedicated to the sale of comparison goods to reflect that currently proposed.

It has also been adequately demonstrated that, the proposed development will not have an adverse effect on traffic levels or highway safety within the vicinity irrespective of whether or not the extant Sainsbury's planning permission is also implemented. However, it is important to ensure that the proposal is accessible through the provision of a monetary contribution towards cycling improvements in the town centre.

The remaining issues are largely matters of detail and can be adequately addressed at Reserved matters Stage.

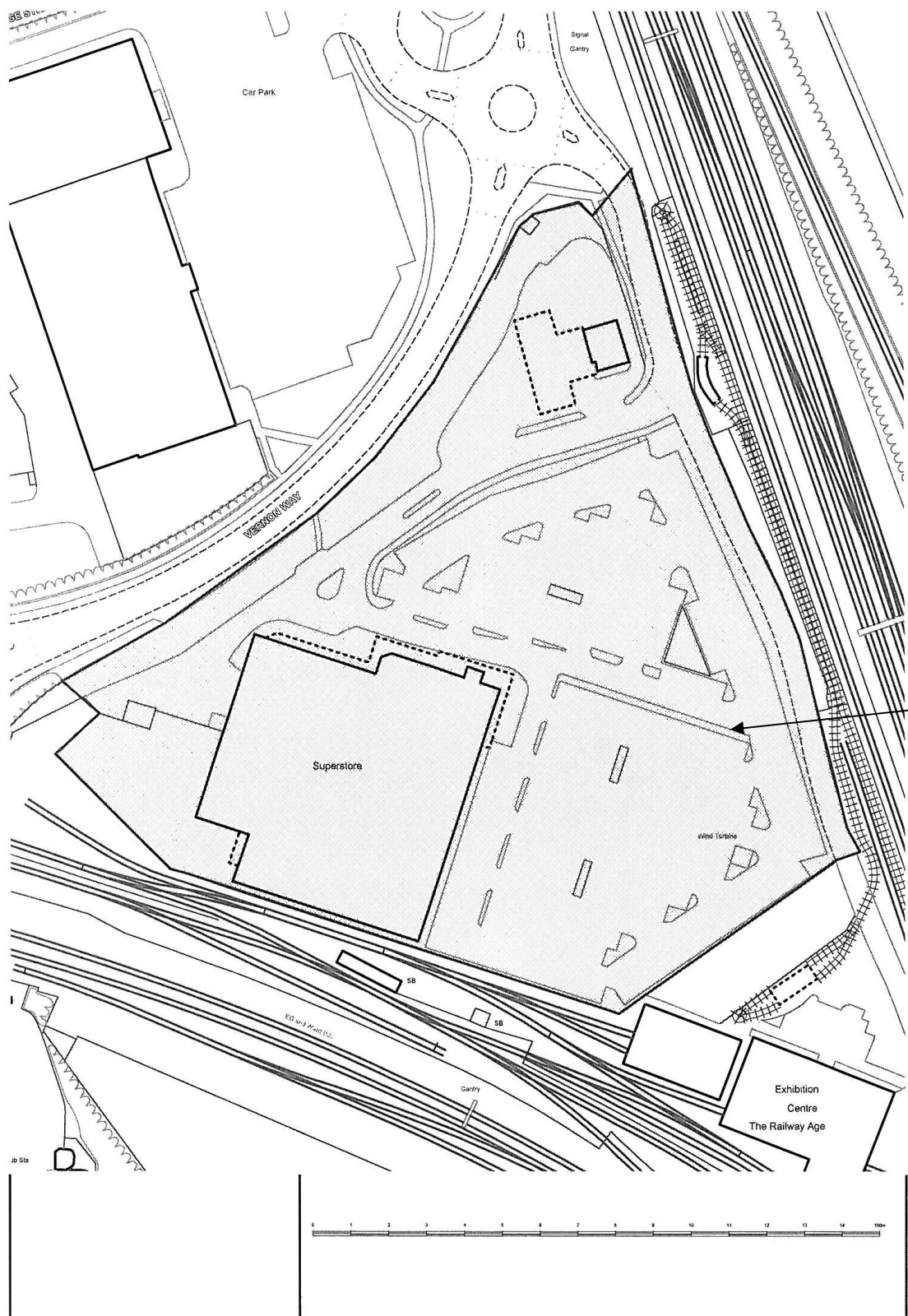
Having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

12. RECOMMENDATIONS

APPROVE subject to a Section 106 Legal Agreement to provide a sum of money (£50,000) to be spent on pedestrian and cycle link improvements within the town centre and the following conditions:

- 1. Standard Outline – time limit**
- 2. Standard Outline – submission of reserved matters**
- 3. Approved Plans**
- 4. Materials**
- 5. Landscape Scheme**
- 6. Implementation of Landscaping**
- 7. Tree protection measures**
- 8. No works within protected area**
- 9. Surface water regulation system**
- 10. Maximum discharge**
- 11. Sustainable Urban Drainage System**
- 12. Scheme for management of overland flow**
- 13. Incorporation of sustainable features**
- 14. CCTV and speed humps to car park**
- 15. Boundary Treatment**
- 16. Contaminated Land**
- 17. Signage to Town Centre and Heritage Centre**
- 18. Protected Species**
- 19. Limit on comparison goods floorspace**

Location Plan



The Site

This page is intentionally left blank

Planning Reference	09/3380W
Application Address:	Hill Top Farm, Hole House, Warmingham, Crewe
Proposal:	Extension to ten temporary gas drilling compounds and ten permanent operational compounds; the development of two temporary mobile de-gassing facilities and the minor extension of the existing gas processing plant.
Applicant:	Energy de France Trading Gas Storage Ltd, 3 rd Floor Cardinal Place, 80 Victoria Street, London SW1E 5JL
Application Type:	Full
Grid Reference:	369927 361192
Ward:	Cholmondeley
Earliest Determination Date	25 November 2009
Expiry Date:	8 January 2009

SUMMARY RECOMMENDATION:**Approve subject to conditions****MAIN ISSUES:****The safe and efficient construction and operation of the gas storage facility, and adequate mitigation for environmental disturbance.****1. REASON FOR REFERRAL**

The application is a major mineral application.

2. DESCRIPTION OF SITE

The Warmingham Brinefield is located 1km west of Warmingham, 3.5km south of Middlewich and 5km north of Crewe.

The Brinefield is located on Parkfield and Hill Top farms which are predominantly a mix of pasture and arable land, divided into medium to large fields by hedgerows and occasional hedgerow trees, relatively typical of the Cheshire Plain. This area is bounded to the west by the West Coast Railway Line and to the east by the River Wheelock, both of which run from north to south. The topography of the area rises steeply from the River Wheelock and forms a generally flat/slightly undulating plateau. Existing access tracks, brine wellhead infrastructure, gas wellheads, gas processing plant, compounds, car park and offices associated with the existing British Salt brine extraction at Hill Top Farm and the EDFT gas field at Hole House Farm are set within this landscape. Hedgerow improvements and a limited degree of new planting to help screen the existing brine and gas fields are beginning to become established. Generally the site infrastructure is not obvious from outside the site. Hill Top Farm lies within the site and Park House and Parkfield farms just outside the site boundary. Five public footpaths cross the site, Minshull Vernon FP8 and 13, and Warmingham FP's 4, 7 and 13. Access to the site is

taken from the existing access to the brine and gas fields off School Lane, Warmingham next to the Bears Paw Public House.

This current application covers a number of isolated areas within the brinefield, specifically ten existing brine well compounds to the south west of Hill Top Farm, an area for landscaping next to an approved manifold compound and a small extension to the south of the existing gas processing plant. These three areas extend to 20.5 ha within the total brinefield and gas site which extends beyond 100 ha.

3. DETAILS OF PROPOSAL

This application, submitted on behalf of Energy de France Trading Gas Storage Ltd (EDFT), seeks a number of amendments and extensions to the existing planning permission (7/2008/CCC/15) granted in March 2009 for the conversion of brine cavities to gas storage, an extension to the gas processing plant and associated infrastructure. Extension to the 10 temporary de-brining compounds from 40m X 50m to 60m X 85m, and then on completion the 10 permanent gas storage compounds from 15m X 20m to 29m X 37m are sought, together with an extension to the gas processing plant of 10m X 160m, the removal of landscaping within the plant area and planting of replacement trees. Permission for the temporary location of two de-gassing facilities one to be located within each of the compounds is also sought.

4. RELEVANT HISTORY

British Salt has operated the Warmingham Brinefield since 1975. They remove salt by solution mining, transporting it by pipeline to their works at Cledford Lane, Middlewich, for processing. Over a dozen completed cavities have been created since works commenced and other cavities are currently being formed by continued extraction under a 1999 permission (Review of Mineral Permission) which lasts until 2042.

EDFT currently operates the existing Gas Processing Plant at Hole House and stores significant quantities of gas at high pressure in four former brine cavities linked to it under a planning permission granted in 1995 (P/95/350). The four cavities lie on the southern part of the Warmingham Brinefield.

Planning permission (7/2007/CCC/13) was granted to British Salt in October 2008 for the creation of 11 new cavities and conversion of these and 10 existing cavities to gas storage on the Warmingham Brinefield, together with a new gas processing plant at Cledford Lane and pipelines linking the two sites together with a new connection to the national transmission grid.

A further planning permission (7/2008/CCC/15) was granted to EDFT for the conversion of the ten existing cavities referred to above together with associated infrastructure in March 2009. Several schemes and pre-commencement conditions required by the planning permission and associated Section 106 legal agreement have now been agreed in advance of works commencing. Agreement between the two companies will now lead to EDFT becoming the developer of the approved gas storage on this site.

5. POLICIES

Regional Spatial Strategy

The Regional Spatial Strategy (RSS) which replaces Regional Planning Guidance for the North West was adopted in September 2008. The RSS provides a framework for development and investment in the region for the next 15 to 20 years, together with a broad vision for the region that builds on National Policy Statements, Circulars and White Papers. Whilst the strategy should be read in its totality, the following policies are of relevance, DP1 Spatial Principles, DP4 Make the Best Use of Existing Resources and Infrastructure, DP7 Promote Environmental Quality, RDF2 Rural Areas and EM1 Integrated Enhancement and Protection of the Region's Environmental Assets.

Local Plan Policy

The Cheshire Replacement Minerals Local Plan makes no provision for gas storage although the need to develop policies has been identified in the consultation paper for the Minerals Development Framework (Minerals Issues and Options Paper 2007).

The Crewe and Nantwich Replacement Local Plan is in conformity with and builds on to the other plans. It sets out local policies for the period up to 2011. Of particular relevance are policies NE2 Open Countryside, NE4 Nature Conservation and Habitats, NE9 Protected Species, NE17 Pollution Control, BE21 Hazardous Installations and E6 Employment Development Within Open Countryside.

Other Material Considerations

Applications for planning permission should be determined in line with the development plan, unless material considerations indicate otherwise. Government Energy Policy is a material consideration and therefore should be accorded some weight in determining the application.

6. CONSULTATIONS (External to Planning)

Environment Agency: No objection

Highways: No response

Environmental Health: No objection

Landscape and Arboriculture: No objection

Public Rights of Way: No objection subject to normal conditions protecting PRow.

Ecology: Comments on protected species, see officer appraisal.

7. VIEWS OF THE PARISH / TOWN COUNCIL

Warmingham Parish Council have no comment on the proposal.

Minshull Vernon and District Parish Council have yet to respond.

8. OTHER REPRESENTATIONS

The application has been advertised in the local press and by site notice and neighbours notified by letter; no representations have been received.

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement dated September 2009.

Planning Statement dated October 2009.

Protected Species Survey: Undertaken in connection with application 7/2008/CCC/15, supported by an Environmental Impact Assessment and Ecological Impact Assessment dated September 2008 and updated by Marches Ecology letter dated 26th November 2009. Great Crested Newt License issued by Natural England in September 2009, amended October 2009 and subject to further amendment dependant on outcome of this application.

10. OFFICER APPRAISAL

Principle of Development

The principle of utilising brine cavities for the storage of high pressure gas has been established by a number of planning permissions issued since 1995, the last and most relevant being 7/2008/CCC/15 granted in March 2009. The use of the site is therefore supported by planning policy and also Government Energy Policy as gas storage will aid energy security. This application seeks a number of small amendments to that permission.

Ten existing brine cavities are to be converted to gas storage. In order to convert the cavities a second borehole needs to be drilled into the cavity through which gas is introduced thereby displacing the brine which exits via an existing borehole to be fed by existing pipeline to the British Salt Cledford Works. This process known as de-brining will take approximately 9 months for each cavity (7 years overall). The drilling, already permitted, takes about 7 weeks to complete. The compound surrounding the boreholes is formed by stripping topsoil and subsoils and storing for partial reuse in bunds, with the area covered by geotextile and 450mm of compacted stone. The approved size of each compound is 40m by 50m, surrounded by security fencing. The operator has now indicated that they wish to increase the size of the compound to 60m by 85m, the justifications for which are firstly to accommodate a greater distance for safety reasons, between the existing brine borehole and the proposed additional gas borehole, and secondly it is now considered that the available space is insufficient for the type of drilling rig and equipment now proposed.

Whilst the brine borehole is in place, the exact location of each new gas borehole has yet to be determined, the applicant has therefore requested the orientation of the compounds be covered by condition; each can therefore be micro-sited by agreement.

Following conversion of the cavities the construction compound can be reduced in size to form the permanent operational compound. The existing permission identifies these as being 15m by 20m surrounded by 2.4m high security fencing. The operator is now applying to increase the size of these permanent compounds to 17m by 25m. The increased size is justified by complying with health and safety and COMAH regulations, and reflects the greater separation distance between the two boreholes sought at each compound. In addition a 6m wide surrounding stoned area is sought to enable access for servicing and maintenance. This increases the stoned area at each compound to 29m by 37m. The remaining area of temporary compound would be reinstated to agriculture using stored soils.

Since the previous permission in March 2009, revised industry standards have been introduced and the operators wish to implement that part that relates to separation distances between certain elements of plant. They are therefore requesting that the main plant area is expanded with the addition of a 10m wide strip to the south of the existing plant area which would allow proposed plant a larger working area. They also require the use of an area previously tree planted within the general plant area for expansion. The lost planting, which is not yet mature, would be compensated by the planting of a landscape strip to the east of the manifold compound and a hedge along the south edge of the compound.

A de-gassing facility is required to remove gas that may be suspended within the extracted brine. Such facilities have been previously approved on a borehole by borehole basis, however approval is now being sought for all ten boreholes. The facility consists of a mild steel circular tank mounted vertically on a steel frame, similar to an agricultural silo in appearance and measuring 3.5m in diameter and 5m in height above which lies a 6m vent pipe, 0.5 in diameter. The facility would be located over a contained impervious bund as protection from leakage. Two units are required and one would be moved to each individual compound as they are de-brined. The second unit would act as an overlap facility to enable continuous working. The equipment would be painted a dark green to reduce visual impact.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- No satisfactory alternative and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- A requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- A licensing system administered by Natural England.

Local Plan Policy NR2 and 4 of the Congleton Borough Local Plan seeks to protect habitats and species protected by law.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case the presence of great crested newts has been established during recent surveys carried out for application 7/2008/CCC/15, which includes all of the current application site, and as part of the conditions attached to that application further surveys undertaken immediately in advance of works commencing. A great crested newt master plan has been prepared for the whole brinefield site occupied by EDFT and licences have been issued by Natural England for the capture and relocation of newts within the past couple of months.

The proposed development would remove existing immature woodland and small sections of hedgerow, both would be more than replaced by further planting. The enlarged compounds would also reduce the amount of agricultural land, however this is of little value to newts. It is not considered that the habitat reduction would have a significant impact on the species and any disturbance would be adequately mitigated by specific habitat creation through the newt master plan and Environmental Action Plan for the site.

The location of the borehole compounds is fixed by previous operations, however, the micro-siting of the compounds can be controlled to limit any impact. There is no alternative general location for these compounds and positioned on agricultural land, as they are, offers least disturbance.

The existing license from Natural England will require slight amendment to accommodate any permission granted.

No mature trees with bat roost potential would be affected by the development. Badgers and water vole whilst present in the general area are not affected by the proposal, however a condition requiring further re-surveys in advance of works being undertaken on various parts of the site is considered appropriate.

Amenity

The extension to the temporary and permanent compounds together with the extension to the plant area is not considered to be significant enough to affect local amenity. The changes proposed to the various compounds would not be obvious from outside the site.

Whilst there would be an element of reuse of stone on site as compounds were resized after de-brining, additional stone would nevertheless be required. Vehicles movements into and out of the site are conditioned to a maximum of 60 a day; the additional stone deliveries can be accommodated within this figure.

11. CONCLUSIONS

The Hole House and Hill Top Farm gas storage facility at Warmingham plays an important part in the Governments Strategy to ensure secure energy supplies. This present application seeks to amend, by extension, a number of the working and operational compounds on site, partially to enable a greater choice of drilling rig and equipment and partially to conform to best practice and ensure adequate separation distances between various elements of plant on site.

Whilst the increases proposed will result in the small loss of agricultural land, mainly pasture, together with some recently planted woodland and habitat, mitigation in the form of additional habitat creation and tree planting would adequately compensate.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:-

- 1. Standard time condition**
- 2. In accordance with submitted details and to comply with the wider requirements of 7/2008/CCC/15.**
- 3. Restoration of the site upon completion of gas storage**
- 4. Prior to the development of each borehole details of the alignment of the compound required shall be submitted and approved in writing by the Planning Authority.**
- 5. Details of soil handling and storage.**
- 6. Prior to work commencing on any of the compounds details of a restoration and landscaping scheme shall be submitted and approved in writing by the Planning Authority.**
- 7. All landscaping and aftercare shall be incorporated within the sites Environmental Action Plan.**
- 8. Protection for breeding birds.**
- 9. Prior to work commencing on any of the compounds the affected areas shall be resurveyed to establish the presence or otherwise of protected species.**

LOCATION PLAN:



The Site

Planning Reference No:	P09/3400C
Application Address:	Council Depot, Newall Avenue, Sandbach CW11 4BH
Proposal:	New build development of 107 extra care apartments and associated extra care facilities and car parking
Applicant:	Nuala Keegan, Cheshire East Council
Application Type:	Outline
Grid Reference:	375652 360485
Ward:	Sandbach East & Rode
Earliest Determination Date:	10 December 2009
Expiry Dated:	19 January 2010
Date of Officer's Site Visit:	17 November 2009
Date Report Prepared:	8 December 2009
Constraints:	Wind Turbine Dev. Consultation Area Housing Allocation Protected Area of Open Space/ Recreation Facility

SUMMARY RECOMMENDATION

APPROVE subject to conditions.

MAIN ISSUES:

- The acceptability of the development in principle
- Layout, design and street scene
- Sustainability
- Impact on neighbour amenity
- Landscape and Ecology

1. REASON FOR REFERRAL

This application has been referred to the Strategic Planning Committee due to the significance of the application.

2. DESCRIPTION OF SITE AND CONTEXT

The site comprises of two distinct elements, the former Congleton Borough Council works depot accessed off Newall Road which is still in use and a private football pitch with associated pavilion.

The site is roughly triangular in shape narrowing to the north and then widening out to the south. It is bounded to the north by a line of four sheltered housing bungalows which are accessed off Union Street whilst to the south; the site abuts a children's play area which comprises of a small infants play area with play equipment and a larger area of open grass for informal sports and other activities. Further to the south are a number of properties which front onto Fairfield Avenue and overlook the site which lies to the north.

To the east is an area of cleared land which is currently open but does benefit from historic planning approval for the development of 70 dwellings and associated works. This scheme was granted in September 2007 (ref. 37691/3). A revised scheme has just been submitted (ref. 09/3535C) by the owners Morris Homes to develop the site for 43 houses with less reliance on flats and more provision of traditional houses. This application is currently under consideration by the Council and it is anticipated will be determined early in the new year.

To the west, the site is currently bounded by a high concrete panel fence some 2.2m in height. Beyond this lies Flat Lane which is principally used as a footpath but also provides vehicular access to a small private residential site know as the Caravan and to the football pitch. The remainder of the western boundary of the site beyond Flat Lane is abutted by the side garden of 48 Newall Avenue. Both properties to the west benefit from hedges some 1.7 to 1.9 m high for their boundaries

In terms of its character, the site is level with no noticeable changes in levels. A mature Silver Birch is locates to the rear of the depot whilst the only other planting of note on the site consists of a series of trees along the eastern boundary.

3. DETAILS OF PROPOSAL

This application is for the development of 107 apartments divided into 52 no. 1 bed apartments and 55 no. 2 bed apartments. These will be available for a combination of 50% for rent, 25% for shared ownership and 25% for outright sale. The scheme is similar in nature to the recently approved scheme at Willowmere in Middlewich that was submitted by the former Cheshire County Council (ref. 06/1104/FUL).

The application is outline in nature with access, layout and scale initially being proposed for consideration and landscaping and appearance being held over for a reserved matters application.

Following discussion with the Strategic Highways Manager, the applicants have elected to have access considered at the reserved matters stage.

The scheme is to be managed by an extra care company on behalf of the Council. Whilst some of the units are for private sale, they cannot be sold on the open market as open market housing and will be retained for occupiers in need of extra care provision. This can be controlled through the use of conditions.

In terms of the physical character of the development, the main part of the building is to be three storey in nature but on the northern and western ends where the building comes close to neighbouring dwellings, the building is brought down to a traditional two storey level.

Although the application is outline only, the applicants have provided indicative elevation details of the main elevation to the front of the building. The overall character and appearance of the building is of a building with prominent levels of glazing interspersed with forward projecting gables and verandas.

Where there is a risk of overlooking, for example on the elevations facing neighbours, the applicants have indicated that these elevations would be blank to maintain privacy. The final details would however be addressed through a reserved matters application if this outline scheme were to be approved.

Access is to be gained off Newall Avenue in approximately the same position as the existing access into the Council Depot and the parking area for 52 vehicles is to be situated at the front of the development.

Secure garden areas for the residents are also to be provided around the building to the north and east. Additional landscaping is also to be provided.

4. RELEVANT HISTORY

The use of the site for a depot and football pitch has been in place for many years. The planning history for the site therefore relates more to incremental changes in the character of the site.

Notable applications include 13712/3 and 13218/3 both approved in 1981, for the expansion of the site and alterations to the configuration of the adjacent play space and also 24604/3 approved in October 1992

5. POLICIES

National Policy

PPS 1: Delivering Sustainable Development
PPG 13: Transport
PPS17: Planning for Open Space, Sport And Recreation
Department for Transport – Manual for Streets

North West of England Plan - Regional Spatial Strategy to 2011

DP1 Spatial Principles
DP7 Environmental Quality

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Congleton Borough Council Local Plan First Review 2005

PS7 Green Belt
GR1 General Criteria
GR2 Design
GR6 Amenity and Health
GR9 Accessibility, servicing, and parking provision
RC1 Recreation and community facilities – General

6. CONSULTATIONS (External to Planning)

Environmental Health

No objection to the development proposed although conditions in respect of the following are proposed:

- A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority with a Phase 2 report and, if necessary remediation works to be undertaken.
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.
- No development shall commence until an assessment of traffic noise [and vibration] has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted. The assessment must also incorporate the potential impact on the proposed properties from the surrounding industrial premises.
- No development shall take place until an air quality impact assessment has been submitted to and approved by the Local Planning Authority. The impact assessment shall address the following issues;
 - Current air pollution levels around the development site;
 - Details of potential sources of air pollutants as a result of development activities;
 - Measurable changes (increase and/or decrease) to air pollution concentrations as a result of development activities;
 - Comparison of predicted changes in air pollution concentration to current air quality standards;
 - Precise details of any methodology/guidance used in the assessment of air quality impact;
 - Proactive measures to address potential air quality issues where appropriate.
- Heavy goods vehicles should be restricted and shall only access the site from 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday.

Nature Conservation Officer

The officer has commented to note that no evidence of protected species was recorded and accordingly they are satisfied that there are no significant adverse ecological impacts associated with the proposed development.

It was noted however note that there may be some removal of trees from the site and so it is recommend that two conditions are attached to any permission granted to ensure that breeding birds are not disturbed during site clearance work and to ensure that some additional provision is made for breeding birds as part of the development of the site

Senior Landscape & Tree Officer

Although stated on the application proforma that there are no trees and shrubs on the site, and no tree survey has been provided, there are some shrubs and a Silver Birch located within the council depot area and trees on the eastern boundary of the site. Whilst apparently healthy, the Silver Birch tree is not exceptional. The belt of trees to the east would be removed in order to implement approved residential development on adjoining land. None of the trees are subject to TPO protection and if the development is deemed acceptable, replacement planting could be secured in mitigation

The proposed layout would appear to provide reasonable scope for landscape treatment to the west and within the resident's garden areas. The location of the bin store has a poor relationship with the public footpath. To the north, south and east, where the building extends close to the boundaries, there would be less scope for landscape treatment and this could be an issue. To the south, I anticipate that there would need to be a secure boundary with the POS and I would not want a situation to arise whereby ground floor properties had a poor quality outlook - say to a tall security fence or wall with little scope for landscape treatment at pinch points.

From the east, where residential development is approved, and the north where there are bungalows on adjoining land, the building could appear overbearing- a situation which could not be mitigated by landscape treatment.

A comprehensive detailed landscape proposal would be required in due course.

Highways Authority

In principle the Strategic Highways Manager has no objection to this type of development for this site and sees potential benefit in terms of traffic generation compared to the current available use option.

In general, the local highway infrastructure is likely to adequately serve the site, however a Traffic Statement in accordance with DfT Guidance is required to provide robust figures and assessment, should a detailed application be brought forward. The Traffic Statement will need to adequately justify parking ratios and service access to the site. The Traffic Statement should be accompanied by a Travel Plan for the site to the satisfaction of the LPA.

As the access detail at this stage is insufficient to demonstrate the design of the entrance to the development, there will need to be provision of a detailed plan of the proposals at the reserved matters stage.

As it is anticipated that a junction design can be achieved, the Strategic Highways Manager would recommend that a detailed junction design plan be provided prior to determination and in this instance would have no objection if approval for access details was removed from the outline application and be reserved for the future application

Natural England

No comments received at the time of the report being written.

Sport England

No comments received at the time of the report being written.

Contaminated Land Officer

No comments received at the time of the report being written.

7. VIEWS OF THE PARISH / TOWN COUNCIL

At the time of the preparation of the report, no comments had been received from the Town Council.

8. OTHER REPRESENTATIONS

At the time of preparation of the report, two letters of objection had been submitted to the Council from the two neighbours to the west of the site. Both residents raised concerns over the impact that the development would have on access and egress arrangements along Newall Avenue and subsequently out on to Crewe Road. Acknowledgement is also given to the comments on access and impact of the development submitted through public consultation period as detailed in section 9 below.

9. APPLICANT'S SUPPORTING INFORMATION

Transport Assessment

An initial transport assessment was prepared by the applicants and submitted with the application.

Consultation Statement

Two consultation exercises were undertaken on 29 September and 1 October in Sandbach to gauge the public's impression of the development proposed. 20 comments were received which were mostly in favour of the scheme though some people expressed concern about the accessibility of the site to traffic and in one case about the loss of the football field.

Sustainability Statement

A statement has been produced by the applicants indication measures that will be adopted in seeking to develop the care home to meet Level 3 of the Code for Sustainable Homes.

Wildlife Surveys

The applicant has commissioned a report from JW Ecological Ltd in respect of protected species that may be present on the site.

Design and Access Statement

The applicants have produced a Design and Access statement which examines the viability of the proposal and the character of the surrounding area. The document also provides indicative details on how the final form of the development may be realised at the Reserved Matters Stage.

Flood Risk Assessment / Drainage Strategy

As the site is over a hectare in size, a Flood Risk assessment has been produced by Sutcliffe. The assessment has established that the site is in Flood Zone 1 with a risk of flooding of less than 1 in 1000 years. A number of conditions have been proposed in respect of the details of the form of the building to enable it to withstand any flooding and for the provision of attenuation.

10. OFFICER APPRAISAL

Principle of Development

As the site is identified in the Congleton Local Plan as a site for housing development under Policy DP2 (S1), it is felt that the development of this site for another uses within Use Class C (C2: Extra Care) is acceptable in principle.

Despite this allocation however, the site is also identified in the Local Plan as being a protected area of open space/ recreation facility.

If this scheme was being brought forward in isolation from any other development in Sandbach, there would be a noticeable concern over the loss of the existing sports pitch. More recently however, the Council has granted approval for the development of 10 football fields and associated changing facilities on land off Hind Heath Road. (ref. 09/2058C).

Paragraph 13 of PPS 17 acknowledges that development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The key criteria though is that the new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. In addition, wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities.

It is felt that although this facility is away to the south west of the current site location, the greater quantity and improved quality of the provision including the provision of an all weather 3G pitch represents a more than appropriate alternative provision to off set the loss of the old pitch meeting the criteria set out in the PPS.

Discussions have been held with Sport England on this particular point and it is understood that the development of additional facilities in the Sandbach area is acceptable to offset the loss of this site but detailed comments are awaited and will be reported though an update sheet.

Guidance is also given in PPS 17 that Local Authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and

that the new facilities are capable of being maintained adequately through management and maintenance agreements.

As the scheme at Hind Heath Road has now received planning approval and has funding in place through the Football Association together with the Council, the need for an obligation in this instance is not felt to be necessary.

Layout, Design and Street Scene

Although outline only at this stage, the building has been designed predominantly as a three storey structure lowering to two storey only on the west and northern ends.

Many of the surrounding properties are two storey in nature or, in the case of the properties to the north, single storey. As a result this scheme will appear as a noticeable change in the character of the area. There are some larger properties in the local vicinity however including the Homebase centre off Old Mill Road and the Waitrose store, both to the north. In other directions though, there are few buildings of similar scale. The Sandbach School off Crewe Road is a significant sized building but its impact on the character of the area is diminished by the separation of the various elements of the building and the distance of the building away from the public highway.

In principle, it is felt that the scale and form of development proposed will not have an severe impact on the character of the area. The stepping down of the built form at the peripheral edges helps to ensure that the immediate impression of the building will be one of a more domestic scale of architecture in keeping with the general development pattern surrounding the site. The transition from two through to three storey development will not then be a significant step change and the larger part of the building will not have a harsh impact on the street scheme which may be considered unacceptable.

The form and shape of the building is then proposed to be broken up through a number of architectural features such as the projecting balconies and the relatively high level of glazing which in turn results in a reduction in the amount of brickwork visible and so result in a less dominant and bulky form of architecture.

Sustainability

Consideration has been given to the sustainability of the scheme particularly in light of the policies in the regional strategy. A Renewable Energy Statement has been provided by the applicants and this sets out that the development is intended to meet Level 3 of the Code for Sustainable Homes.

This is to be achieved through improved thermal efficiency of the building products and additional insulation, reducing air permeability and minimising requirements for mechanical ventilation. Improved heating sources are also to be used and care is to be taken in the detailed design to minimise thermal bridging.

Reduced water consumption and increased use of sustainable construction materials will also minimise the impact of the development on the environment.

The applicants have indicated some recycling facilities near to the front of the site and whilst the location of the buildings is somewhat close to the boundary of the site, the principle of provision is welcomed and it is felt that this element of the scheme can be resolved at the reserved matters stage.

Amenity

The relationship of the building to the neighbours on the northern and western boundaries is one of the key issues of concern.

The bungalows to the north already had a concrete panel fence approximately 2.0m high at the end of their gardens so do not have a completely open view. The northern gable wall of the building is proposed to be 14.0m away from the rear of the bungalows which slightly exceeds the 13.8m separation distance suggested in Local Plan Supplementary Planning Guidance.

At this close relationship, consideration is given to whether there are any factors which would require a greater separation distance. Given the existence of the existing fence it is not felt an objection could be sustained on issues of loss of light especially considering the proposed development will be two storeys. The applicant has also confirmed that it is their intention that this elevation be free of windows to prevent overlooking. On this basis, it is felt that this element of the scheme is acceptable in outline and can adequately be controlled through conditions to manage any reserved matters application.

The distance between the development and the properties off Fairfield Avenue to the south are approximately 48m which normally would provide for a more than adequate separation distance. As the development on this end of the building is to be three storey in nature with the possibility of balconies being provided additional consideration has to be given to the impact on the neighbours. At the moment, the park to the rear of the properties in Fairfield Avenue allows close views of the rear of the existing houses especially the first floor. Although the rooms in the care home may allow some overlooking of the properties to the south, it is felt that the distances involved between not only the rear of the buildings but also the private garden areas is still considerable and in excess of what would normally be expected in a situation where domestic properties back on to each other in a normal residential area and there is overlooking from bedrooms into other properties surrounding.

Landscape and Ecology

Consideration has been given to the EC Habitats Directive 1992 which requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- No satisfactory alternative and

- No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- A requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- A licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, consideration is given to the findings of the protected species survey undertaken on behalf of the applicant. This report has established that there are no species of note on the site and therefore a licence from Natural England is not required in this instance.

The Nature Conservation Officer has suggested two conditions in respect of controlling development during the breeding bird season and these are felt appropriate and are therefore recommended.

Public consultation

At the time of the preparation of the report, only two comments had been received directly in respect of this application. Both of these commented on the suitability of the access arrangements along Newall avenue and the subsequent impact on Crewe Road. Additional comments on a similar nature were also received during the developers consultation exercise and these are noted.

The issue of access to the site is one that has been considered by the Strategic Highways Officer and on this point no objection has been raised.

It is noted that another comment received during the public consultation event made comment on the scale and character of the development. Whilst the building will be larger than many of the other structures in the area, it is felt that the scheme will not have a detrimental impact on the overall character of the area or the street scene nor will it harm existing residential amenity levels. Accordingly, it is your officers opinion that the form of development proposal is acceptable.

Highways and Parking

This matter has been considered by the Strategic Highways Manager. In principle they have no objection to the development being proposed. The applicants had initially requested that access be approved at the outline stage but in light of the fact that some additional work is required on the detailed design of the site

The officer is of the opinion that this proposal will offer betterment over the current use of the site. It is felt that the proposed use will generate limited numbers of traffic movements and the parking provision belies the traffic generation, but is a necessity for a few occasional times like Christmas and Mother's Day etc.

The scoping report confirms the Officers view on traffic based on experience of a few sites throughout the Authority which would underpin the views on this site.

The access itself - and its design - can be resolved at detailed stage, through pre application meetings with the applicant to resolve detailed design issues to accommodate the various movements in safety during operation and this should be accompanied by a Traffic Statement.

Drainage and Flood Risk

The applicants flood risk assessment has shown that the proposed development will not be at risk from flooding nor will it exacerbate flooding in other areas. As a matter of good practice, the applicants have drainage consultant has put forward a series of conditions to make use of sustainable drainage techniques and these are welcomed by officers.

11. CONCLUSIONS

Having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

12. RECOMMENDATIONS

Approve subject to the following conditions:

- 1. Time limit on outline permission**
- 2. Submission of reserved matters (access, landscaping and appearance)**
- 3. Details of materials to be submitted**
- 4. Drainage and surfacing of hard standing areas**
- 5. Landscaping - submission of details**
- 6. Landscaping conditions - implementation**
- 7. Submission of a scheme for the provision and implementation of a surface water regulation system (SUDS scheme)**
- 8. Submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system**
- 9. Submission of a scheme to dispose of foul and surface water**
- 10. The following components of a scheme to deal with the risks associated with contamination shall be submitted:**
 - A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).**
 - Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.**
 - If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.**
 - Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.**
- 11. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:**
 - the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;**
 - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;**
 - the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved)**
;
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

12. Notwithstanding the details shown on the approved plan a revised parking and turning layout to be submitted, approved and implemented.

13. Construction site to be subject to the following hours of operations

Monday – Friday 8.00hrs - 18.00hrs

Saturday 8.00hrs - 13.00hrs

With no Sunday or Bank Holiday working

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

15. No development shall commence until an assessment of traffic noise [and vibration] has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted.

16. Due to the development-taking place amongst residential properties, heavy goods vehicles should be restricted and shall only access the site from 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday. Therefore prohibiting overnight parking and early morning deliveries so reducing any unnecessary disturbance.

17. No development shall take place until an air quality impact assessment has been submitted to and approved by the Local Planning Authority. The impact assessment shall address the following issues;

- Current air pollution levels around the development site;
- Details of potential sources of air pollutants as a result of development activities;
- Measurable changes (increase and/or decrease) to air pollution concentrations as a result of development activities;
- Comparison of predicted changes in air pollution concentration to current air quality standards;
- Precise details of any methodology/guidance used in the assessment of air quality impact;
- Proactive measures to address potential air quality issues where appropriate.

18. No windows in the north gable elevations unless fitted with obscured glazing and no opening lights.

19. Precise positioning of buildings and finished floor levels to be set out on site for inspection and the written approval of the Local Planning Authority.

20. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

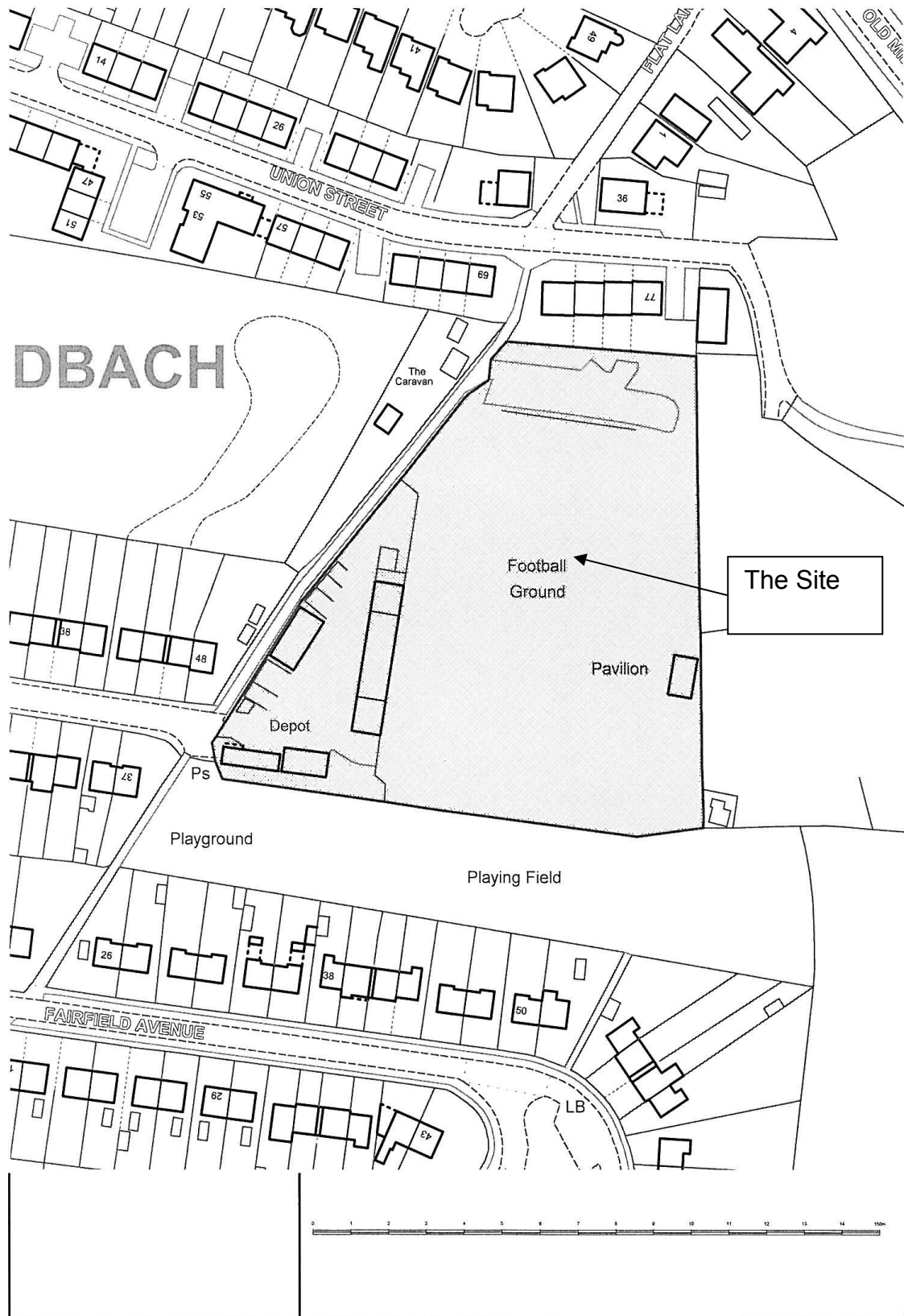
21. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

22. The reserved Matters application shall contain a detailed waste audit scheme relating to the construction and subsequent use and occupation of the close care apartments and care village, to include details of:

- i the anticipated nature and volumes of waste that will be generated by that phase;

- ii measures to minimise the generation of waste as a result of demolition, building, engineering and landscape works;
- iii measures to maximise the re-use of such materials on site;
- iv. measures to be taken to ensure effective segregation at source of other waste arising during the carrying out of such works, including the provision of waste sorting, storage, recovery and recycling facilities as appropriate;
- v. measures to be taken to encourage the users and occupiers of the completed development to manage their waste effectively and sustainably, including the provision of;
 - Storage within individual apartments of waste and material for recycling
 - readily accessible community facilities
 - the layout being appropriately laid out to allow for the effective and efficient collection of waste and material for recycling;
 - provisions for monitoring (i) to (v) above and
 - the timing of its implementation

The measures forming part of the approved scheme shall be carried out in accordance with it.



This page is intentionally left blank

Planning Reference No:	09/3429N
Application Address:	Land off Nantwich Road, Wrenbury cum Frith, Nantwich
Proposal:	Proposed new marina, facilities building, workshop, associated car parking and hardstanding, new entrance off Nantwich Road and new farmer's entrance to existing field.
Applicant:	Mr P Geary
Application Type:	Full
Grid Reference:	360559 348763
Ward:	Cholmondeley
Earliest Determination Date:	2 nd December 2009
Expiry Dated:	18 th January 2010
Date of Officer's Site Visit:	4 th December 2009
Date Report Prepared:	10 th December 2009
Constraints:	Open countryside

SUMMARY RECOMMENDATION:

REFUSE on the grounds of:-

- lack of information to demonstrate a specific need for the development
- adverse impact on protected species, Biodiversity Action Plan species and habitats
- no waste audit
- access
- inappropriate design, layout and landscaping
- deficiencies in Tree Survey.

MAIN ISSUES: The main issues are:-

- the need for the development
- the effect of the proposal on the character and appearance of the area
- the layout and design of the development
- the effect of the proposal on highway matters including access, visibility and parking provision,
- the effect of the proposal on protected species and habitats
- the effect of the proposal on residential amenity by reason of disturbance
- landscaping and trees
- sustainable development
- drainage
- use of excavate material/ waste

1. REASON FOR REFERRAL

This application is to be determined by the Strategic Board because the proposal is for major development exceeding 2 hectares.

2. DESCRIPTION OF SITE AND CONTEXT

The site is a generally level area of land located in open countryside as defined in the Borough of Crewe and Nantwich Replacement Local Plan 2011. The full site extends to 5.66 ha and fronts Nantwich Road and the Llangollen Canal on its eastern side, with open fields bounded by

hedgerow on all other sides. Within the field which is the subject of the application are two ponds. The road crosses the canal by means of a bridge immediately adjacent to the application area.

A water pipeline crosses the site and the water body which forms the marina is located to the south of this whilst the buildings and much of hardstandings and parking are located to the north.

3. DETAILS OF PROPOSAL

It is proposed to construct a marina with a capacity of 160 berths and a water area of 1.8 ha. The development includes a facilities building, workshop, floating dock and a bridge over part of the marina, to link the facilities building and the southern area of the marina. The proposal includes two areas of grassland formed on material to be retained following the excavation of the water basin. The existing vehicular access will be closed and a new access formed at the northern most part of the site frontage onto Nantwich Road.

The facilities building is a two storey building constructed in brick with sandstone detailing and clay tile or slate roof. Maximum dimensions are 11.7m x 19.3m and the building will stand 9.96m to the ridge. It has a gross floor area of 392 square metres. The building also includes a large arch on the southern elevation overlooking the marina and a substantial amount of glazing within the area enclosed by the arch. The accommodation includes a lounge, office, store and plant room at ground floor level with toilets/ showers and laundry and on the first floor a cafe, chandlery and brokerage together with further staff facilities offices etc.

The workshop building will measure 25.1m x 6.3m and stand 4.7m to the ridge. There is also a single storey element on the side containing a small office toilet and store which measures 6.3m x 2.9m. It will be constructed in brick and clay tile.

The floating dock will extend over two berths on the northern edge of the marina and be 7.4m wide and 25.4m long. It will be constructed in ship lap boarding and grey profiled cladding to the roof with two roller shutter doors at the water end and have two timber personnel doors from the bank.

A timber footbridge will cross the marina linking the facilities building and services and car parking with the southern side of the marina basin.

In addition the application area also includes the road frontage immediately north of the field to be used for the marina. A new farm access will be created here to serve the adjacent field and a visibility splay will be formed to the north from the proposed access to the marina.

There will be no residential moorings and the proposal does not include any hire boat facility.

Amended plans have been received which reduce the area of concrete hardstanding around the workshop, ensure that the full area of both existing ponds are retained and include a third new pond, provide marginal shallows around the basin, plant a hedgerow indicated along the southern visibility splay and provide for the retention of 10,300 cu.m. of excavated material to be stored on site to depth of 1.3m over two separate areas. This represents 20% of the total spoil (assuming 20% bulk). The area of spoil to the south of the marina will be seeded as grass land and replace the area of wildflower meadow proposed in the original scheme.

4. RELEVANT HISTORY

P08/1123 - Marina. Application withdrawn. 4th December 2008

ENQ09/3159 - Screening opinion. Environmental Impact Assessment not required. 13th October 2009. The details submitted for the Screening Opinion match those of the submitted planning application.

5. POLICIES

The development plan for this area includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Regional Spatial Strategy

DP7 Promote Environmental Quality

RDF2 Rural Areas

MCR4 South Cheshire

W6 Tourism and the Visitor Economy

W7 Principles for Tourism Development

RT2 Managing Travel Demand

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

EM17 Renewable Energy

Policies in the Local Plan

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.11 (River and Canal Corridors)

NE.12 (Agricultural Land Quality)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

BE.5 (Infrastructure)

BE.9 (Listed Buildings)

RT.6 (Recreational Uses in the Open Countryside)

RT.8 (Promotion of Canals and Waterways)

TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

Other relevant planning guidance includes:

PPS1: Delivering Sustainable Development

PPS 7: Sustainable Development in Rural Areas.

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation.

Good Practice Guide on Tourism (2006).

6. CONSULTATIONS (External to Planning)

Highways: Views awaited at the time of writing this report.

British Waterways: Views awaited at the time of writing this report.

Environment Agency: No objections subject to conditions for the following:-

- A scheme for the protection and/or mitigation of damage to the depressed river mussel and its habitat to be submitted and approved
- A scheme for the protection and management of ponds both during development and in the long term;
- Also ask if surveys of floating water plantain have been undertaken.

Natural England: Not aware of any nationally designated landscapes or statutorily designated areas of nature conservation affected by the development. Protected species in this case, Great Crested Newts, badgers, bats and breeding birds may be affected by the development. If construction commences and protected species are found then work should stop immediately.

-Great Crested Newts were found at two of the ponds surveyed. It is noted that the surveyor recommends that a licence from Natural England will be required before work commences. Detailed mitigation will be needed as part of the application for a licence. It is noted that the Great Crested Newt mitigation strategy differs from the site layout and this contradiction needs to be clarified. Further the access road and car parking on the proposed site layout will isolate ponds from the surrounding habitat and wildflower meadow.

-Badger activity was found on the site and a licence will be required from Natural England before works commence;

-Concur with the recommendation of the Phase 1 Habitat Survey that if works are to be carried out to the bridge or mature trees on the site a bat survey will be required to identify any bat roosts. It is recommended that this be completed prior to the determination of the application. If this is the case mitigation measures should be submitted with the survey;

-Works on site including the removal of habitat suitable for use by birds should not commence during the nesting season (March to August). If however works are to commence during the nesting season the site should be checked by a suitably qualified ecologist prior to the commencement of works and if breeding birds are present nests should not be disturbed and works delayed until the young have fledged.

Cheshire Wildlife Trust:

- Note that the Great Crested Newt Mitigation Strategy refers to an out of date layout. In the new layout the access road car parks and footpaths to the south of the marina basin will present movement barriers around the ponds and reduce available habitat. Work schedules and timetables are also out of date.

- The site layout identifies a new pond which is in fact one of two existing ponds on the site;
- Continuous planting is shown on the site layout around ponds 3 & 4 and this would not be desirable for ponds supporting Great Crested Newts;
- A number of planting details are not appropriate for wildlife promotion;
- Planting proposals lack detail and are often inappropriate visually and ecologically and will not promote biodiversity;

-The extensive hardstanding constructed in concrete for the workshop conflicts with the Design and Access Statement which states that the marina is designed to produce a natural development

- The removal of excavated material could be detrimental to biodiversity;

-Lighting could be detrimental to wildlife even low level lighting.

Archaeology: The development has been subject to a desk based archaeological study. This states that the Council's archaeologist had stated that further pre-determination work would not be required. This is correct but the applicant's archaeologists were also advised that a

developer funded watching brief during top soil stripping would be requested. This is a reasonable approach and proportionate to the sites archaeological potential. Therefore a condition should be attached to any permission for a programme of archaeological work to be agreed and followed by a written report.

Environmental Health: Do not object to the application but have some concerns that noise from the boat service/ repair may cause a nuisance to local residents especially as background noise level in the area will be very low. Request conditions be attached to any permission to ensure that :-

- the workshop building and ancillary / associated equipment is acoustically insulated in accordance with a scheme to be submitted and approved;
- no noisy repair work is undertaken outside the workshop and any external doors remain closed while noisy work takes place inside the workshop;
- boat repair/service should take place only between 08:00 hours and 18:00 hours Monday to Saturday and not on Sundays and Bank Holidays;
- a lighting scheme is submitted for the whole site and approved.

Public Rights of Way: The development does not appear to affect any public rights of way.

Mid- Cheshire Footpath Society: No representations to make. If the application is approved the applicant should be made aware of his obligations to keep footpath number 25 open.

United Utilities: There are limited public foul sewerage facilities within the vicinity. The applicant must provide an indication of foul flows before comments can be made on the connection to the public sewer. A water main crosses the site and United Utilities need access for operational reasons and maintenance.

Shropshire Union Canal Society: Object

- The Llangollen canal is already overcrowded in summer and the additional boats will make the queues at locks even longer;
- There are vacant moorings at Swanley, Whixall, Tattenhall and Audlem and there is therefore no justification for another marina.
- The development will not address the problem of "on-line" moorings as there are few British Waterways on-line moorings in this area. British Waterways policy does not extend to reducing private on-line moorings;
- The marina is of poor design, with too many boats crowded into a small space which will make boat movements difficult.
- Road access is poor with the marina being situated on a narrow bend which will lead to an increase in road accidents.

Inland Waterways Association: Do not object provided there is no hire base at the marina but wish to make the following comments:-

- The Llangollen Canal is one of the busiest canals in the country and at peak times there are long delays at locks. There are a number of hire bases at Swanley, Whixall, Ellesmere and Chirk. There are other hire bases at Whitchurch, Maestermyn (Welsh Frankton) and Trevor.
- This exceptional concentration of hire bases and large number of changeovers on Saturdays results in a large number of boat movement on the canal at the start of the week causing congestion.
- There are vacancies at Swanley, Cholmondeston, (Venetian Marina).
- There are workshops at Swanley, Wrenbury, Whitchurch, Whixall, Ellesmere, Maestermyn, Chirk and Trevor on the Llangollen canal and also workshops at Cholmondeston and Nantwich near to the eastern end of the Llangollen Canal.

- There are few linear moorings on this part of the Llangollen Canal, unlike the main part of the Shropshire Union Canal between Chester and Wolverhampton
- It will be tricky to manoeuvre boats in the marina and a 4m wide entrance would be better.
- The fuel water and pump-out is not conveniently sited for boats in the marina although it is convenient for boats on the canal.
- The workshop is a long way from the floating dock and will be inconvenient to use
- The main building is more imaginatively designed than some
- The landscape is pleasant rather than exceptional at this location and the marina would not be particularly intrusive to the canal users point of view and that of passers by
- Little extra traffic is generated by marinas without hire bases.

7. VIEWS OF WRENBURY PARISH COUNCIL: Object.

- The site is in the open countryside outside the village of Wrenbury. The development will result in the loss of agricultural land and will be contrary to Policy NE.2 of the Replacement Local Plan which only permits development which is **essential** for the purposes of outdoor recreation. This proposal involves facilities which are already provided in several nearby locations along the Llangollen Canal where there is underused capacity e.g. empty berths at Swanley Marina. The need for the facility in terms of mooring capacity, hire boat capacity and demand for workshop facilities has still not been demonstrated.

- Whilst the access to the site has been changed to a different location there is still concern about highway safety in view of the proximity to the 2 canal bridges. Both bridges are unsuited to heavy vehicles which will need to access the site to service the boat sales element of the proposal. It is not clear whether the Highway Authority support the proposal. The development will also be a distraction to drivers negotiating the canal bridge.

- Policy RT.8 permits development which would enhance the use of canals and waterways provided that the capacity of the waterway for boating use is not adversely affected. The Llangollen Canal is the busiest in the country and there are already queues at many of the locks in the summer season. This development can only increase the waterway traffic and lead to longer queues for boaters at locks in Wrenbury Heath and further afield at Grindley Brook and Hurleston.

- There is still concern about the increase in boating traffic which will have an adverse impact on the use of the Wrenbury Lift Bridge by motor traffic. The limit of 3 boats passing through before lowering the bridge is already abused and delays are constantly experienced by motorists. An increase in boating traffic can only make this situation worse. There is local concern about the delay to emergency vehicles when the bridge is lifted.

- The development does not satisfy the requirement that any new buildings or structures should be sited close to any existing buildings and should blend into the surrounding landscape in design, siting, materials and landscape. In this location, where there is no existing built form, the development will inevitably have a major visual impact on the local landscape and result in light pollution at night.

- The issue of flooding as raised by Oliver Lowe needs to be addressed. There is concern that the development will lead to more localised flooding on the land adjacent to the development. The development should comply with the requirements of PPS 25 to the satisfaction of the Environment Agency.

- The environmental impact of the construction remains of concern with the adverse impact on the local highway network of heavy traffic involved in the excavation coupled with noise and

disturbance to local residents. The issue of ground conditions is not covered adequately in the application. If the site is on sand there is potentially a greater need for additional construction work suggesting that this site is not the most suitable in the area for this type of development.

8. OTHER REPRESENTATIONS:

Thirty representations of which three express concerns the remaining representations raise objections. From:

Rose Glen, Springfield, New Road, Wrenbury

2 Frith Hall Cottages, Wrenbury

1 South View, Frith Lane, Wrenbury

Yew Tree House, Willow Hey, Threeways, Hawk House, 1 & 3 Woodcott Barns, Woodcott House Farm, Nantwich Road, Wrenbury

The Green, 2 The Green, 4 The Green, Wrenbury

Wrenbury Hall Drive (x2), 1 Wrenbury Hall Drive, Wrenbury

Birchwood House, Wrenbury

Sproston Hill Farm, Sproston Wood Farm, Wrenbury

The Haven, Lyndale, Nantwich Road, Wrenbury Heath

Farcroft, Wrenbury Heath

Sandwood, Wren's Nest, Wrenbury Heath Road, Sound

Fields Corner Cottage, Baddiley Hall Lane, Baddiley

Corner Cottage, Baddiley Hall Lane, Baddiley

1 Lime Tree Barns, Frith Lane, Nantwich

The Bungalow, Gautons Bank, Norbury

59 Woodland Road, Rode Heath.

One representation with no address.

The grounds of objection/ concern can be summarised as follows:-

- Roads are narrow and cannot accommodate the traffic which will be generated
- Poor location between two bridges on bends and lack of visibility on this stretch of road.
- A vehicle recently went through the road fence into the site.
- There are a large number of substantial vehicles using local roads and more heavy traffic is not needed.
- Drivers speed which is dangerous for pedestrians because there are no footpaths at the side of the carriageway.
- Lights from the marina in drivers eyes.
- It is not acceptable to base traffic movements on a marina in Staffordshire. Using figures submitted the development would generate 2860 movements in a single week.
- Impact of the boat traffic on the swing bridge at the Dusty Miller, even at non-peak times road traffic has to wait while up to 6 boats pass on the canal. This can mean waiting up to 20 or 30 mins. Additional traffic would make waiting times even longer and it is likely that a good proportion of the boats would travel to Wales.
- Delays due to increased boat traffic over the lift bridge could affect emergency services.
- The submission does not look at the impact of the development on the lift bridge.
- Pedestrians would not have easy access to Wrenbury along the towpath since the route is often water logged and there are no footpaths alongside the road.
- There is already one marina in Wrenbury and a new one would jeopardise this business
- It is unlikely that visitors to the marina would use the bus or train. Bus connections are poor and the railway station is not within walking distance of the proposed marina.
- The Llangollen Canal is one of the most popular and most congested in the country and further marinas will only add to the congestion.

- The marina is not considered to be essential rural development.
- Loss of peace and quiet.
- Proximity to dwellings
- No need for another marina – Swanley and Audlem still have spare capacity and there are other marinas in the area with spare capacity as well.
- There are marinas at Swanley, Tattenhall, Nantwich and Barbridge with a total of 685 berths
- Loss of open countryside/ green field
- There will be no benefit to established business in the area.
- Proximity to Swanley marina
- The marina would take business from the existing boat base at Wrenbury Mill and the gift shop. Local pubs would also lose business.
- Construction traffic will have to navigate down narrow roads and across bridges. There is potential to damage road side verges, bridges and endanger pedestrians and cyclists;
- Impact of construction traffic on local residents.
- Damage to roadside verges by large vehicles.
- Nantwich Road is part of a designated cycle route and the introduction of unnecessary traffic would constitute a danger to cyclists and pedestrians;
- Roads public houses and shops in the village are already stretched during peak usage
- The site has not been designated for development
- Noise and light pollution
- Impact on wildlife/ loss of habitat
- The development would be an eyesore.
- Arable land is a decreasing resource and should not be further reduced.
- The large hardstanding appears to be for selling boats and for awaiting repair/ servicing
- No details of proposed fencing – 2m high metal fencing would be unacceptable
- Hedges will be removed to create the entrance north of the marina.
- Jobs would be open to anyone not reserved for local residents
- The development will not support the local shop. Boaters will use the shop on site.
- Impact of vehicles taking sand and soil to Chester on the village of Wrenbury.
- Congestion at locks and on the canal
- There are few on line moorings here so there is no need for a marina to provide off-line moorings on this stretch of the Llangollen canal.
- The proposed development is too large for this location.
- The FRA does not comply with 7 of the 11 requirements set out in Annex E of PPS25 and is not a suitable basis for assessment to be made in particular:-
 - it is not proportionate and appropriate to the scale nature and location of development and does not consider the risk of flooding from the development in addition to the risk of flooding to the development;
 - fails to include the authors name and does not appear to have been completed by a competent person
 - does not consider and quantify the different types of flooding and identify flood risk reduction measures or consider the effects of a range of flooding events
 - fails to consider a quantitative assessment of additional flood risk for a range of flood events
 - does not consider the ability of the water to soak into the ground may change with development along with how the development may affect drainage and is not supported by historical data
 - does not consider changes to the hydrological cycle nor whether the development adequately drain via sustainable drainage measures
 - does not consider appropriate guidance
 - Rain falling on the marina will get into the canal quicker via the marina than soaking into green fields and therefore development has the potential to increase flood risk elsewhere.

- In the event that the development is allowed then conditions should be attached for a scheme to control rate of rainfall passing into the hydrological network and a requirement for a SUDS drainage scheme.

In addition one letter of support from 5 The Green Wrenbury. The grounds of support can be summarised:-

- The location is entirely suitable being in a sparsely populated area and would bring employment;
- Road access would need to be carefully considered
- Landscaping with deciduous trees would be needed.

9. APPLICANT'S SUPPORTING INFORMATION:

Planning Support Statement, Design and Access Statement, Speed Survey and Traffic Assessment, Archaeological Assessment, Flood Risk Assessment, Phase I Habitat Survey, Badger Survey, Reptile Survey, Otter and Water Vole Survey, Great Crested Newt Survey and Mitigation Strategy.

Design and Access Statement (GJP Marina Developments Ltd October 2009)

- The marina will be situated on the south side of the pipeline;
- The soft edges will be formed by banks, another pond will be created and aquatic planting will be included to promote wildlife;
- No residential moorings or hire boats are included in the proposal;
- Toilets, showers, laundry a small chandlery, brokerage and administration facilities are included on the site together with a café which will be accessible for walkers and boaters;
- The workshop will allow the routine servicing and painting of hulls but be limited to boats from this marina and not boats passing by;
- The jetties will accommodate a variety of sizes of crafts;
- The buildings are considered to provide the minimum facilities necessary to support the marina;
- Car parking will be provided around the marina and on an area close to the facilities building providing a total of 80 spaces in all;
- The perimeter hedgerows will be retained (except for the removal of areas to form the access);
- The car parking and roadways adjacent to the facilities building will be constructed in tarmac but the roadway around the site itself will be constructed in road planings and the footpaths will be formed in crushed recycled brick compacted to be wheel chair accessible,
- The margins of the marina will be formed with coir rolls and planted with aquatic plants and native tree planting will take place;
- The facilities building has been designed to reflect a traditional style of canal side buildings with the use of brick, iron railings, slate roof and feature brick arch. Wharf side features are also introduced;
- The new access will result in the formation of visibility splays and the hedgerow on the frontage will be moved back to accommodate this;
- There is a railway station in Wrenbury and it is anticipated that local buses will stop within the site;
- Easy access/ disabled facilities will be provided in the building and a passenger lift will link the two floors.

Planning Support Statement (GJP Marina Developments Ltd October 2009)

- There is an increasing demand for water borne leisure which is expected to grow over the next decade;

- This is achieved by increases in personal spending, growing interest in the grey pound; also 80% of participants are over 50 years of age and this number is expected to grow by 1.4 % per year which would add 2.1 million people in this age bracket by 2015;
- Demand for boat licenses has increased by 2.5% per annum despite the economic down turn requiring more marinas
- BW believe that 20% of its current boats moored (on canals) would convert to marinas if the location was right and that this would justify 5,500 additional berths throughout the canal network by 2015;
- Nearly half the boats moored on the canal network do not have a berth in a marina and there are long waiting lists;
- Many boats are moored on line or have continuous cruising status
- Berths in marina offer more security and with boats costing in the region of £85,000 this is of prime importance;
- On-line mooring also causes congestion and erosion of banks as well as disturbance to wildlife;
- BW are unable to meet the demand for marina from its own resources
- Evidence from The British Marine Federation, The Royal Yachting Association and Humberts Leisure show that boaters look for somewhere to lift boats out of the water undertake repairs and maintenance and a good set of amenities including shower and toilet facilities;
- The Llangollen Canal runs from the junction with the Shropshire Union canal north of Nantwich to Llangollen. Currently 7 miles of the Montgomery Canal are navigable from Francton Junction with a further section navigable at Welshpool. Works to restore other sections of the Montgomery canal will result in an increase in demand for liner moorings which can cause congestion and concerns of security for boaters.
- The location for this proposed marina is justified by
 - o The location is ideally for the Llangollen Canal where there is strong demand for a quality marina
 - o Close to Wrenbury Heath within easy walking distance of shops and amenities at Wrenbury by either road or tow path
 - o Other sites along the canal are less suitable with either poor access or greater distance from settlements or have unsuitable topographic features;
 - o The site is flat and close to the level of the canal avoiding embankments
 - o The site is not in the green belt or close to an SSS1
 - o The site is not in the flood plain
 - o The site has good access to a large population being 1.5miles drive from A530 Whitchurch to Nantwich Road and 10 miles from M6
 - o Good public transport links by bus and from Wrenbury station by train to Manchester and Birmingham
 - o Landscaping will visually enhance the area and increase biodiversity including aquatic planting
- The marina is designed to be suitable for use by disabled persons with fixed jetties offering a more stable means to access
- The basin has an informal shape and services will be located north of the pipeline
- The boat workshop is essential because a narrow boat has to be taken out of the water every 2 years for the hull to be de-fouled and painted below the water line. The facility also allows repairs to propellers, rudder and other submerged equipment. The workshop is away from the water to prevent pollution of the water and is accessed via a slipway;
- The floating dock will be used to accommodate 2 narrow boats for repair and servicing whilst still in the water and offers protection to engineers;
- Fuel, water and sewerage pump out are located alongside the canal bank
- Broadleaved trees will be planted adjacent to the road frontage to screen it from the service yard.

- Peripheral hedgerows will be retained as will 2 existing ponds and one new pond will be created
- Sand excavated will be taken from the site to Sealand Road Chester.
- A new access will be formed by removing a section of hedgerow and providing a new hedgerow at the rear of the visibility splays this will include the re area to the adjacent field.
- The use of the marina will not have any adverse effects on air quality, it will be rare for more than 2 boats to move at the same time and the workshop is enclosed minimising impact on neighbours.
- There are no known or suspected contaminants on site should any be found during excavation they will be handled using the appropriate protective measures;
- Lighting is necessary for health and safety reasons and includes low level low wattage pontoon lighting, and low level bollard to illuminate obstacles on walkways around the site which will be controlled by PIR or time delay sensors. Buildings will have external low level lighting;
- The proposed workshop and floating dock will provide enclosed repair facilities screened visually and acoustically from the road by planting;
- Direct pump out from the boats and effluent from portable toilets will be to a holding tank which will be emptied via tankers
- A proprietary sewerage treatment system within the marina will be provided.
- Sustainable development measures include the use of low energy lighting and efficient heating systems. The pontoons will be constructed from timber certified under the Forestry Stewardship Council (FSC); piles supporting jetties will be constructed using recycled galvanised steel road barriers below the water level
- Solar panels will be provided to the south side of the facilities building for domestic hot water;
- Recycled crushed brick will be used for footpaths
- There will be a barrier at the entrance to the site.

Extended Phase I Habitat Survey: (Middlemarch Environmental Ltd September 2008)

- Identifies improved grassland, species poor hedgerows with trees, scattered broadleaved trees, species poor hedgerows and water bodies as the habitats present;
- There are no statutory or non-statutory conservation sites within 1 km of the boundary of the site;
- All habitats have low value at the national scale;
- With appropriate enhancement/ mitigation it is not considered that the development will have a long term detrimental impact upon any of the habitats at local level.

Great Crested Newt Survey and Mitigation Strategy (Middlemarch Environmental Ltd, June 2008 and September 2008)

- Five ponds have been identified on or within 500m of the development site which might provide suitable breeding site for Great Crested Newts, two of these are on the application site;
- Great Crested Newts were found at pond 3 on the application site and pond 5 on land to the east of Nantwich Road;
- The Canal was also included in the survey but no GCN were found in it;
- This indicates that a "small" Great Crested Newt population is present in the area;
- The proposal is to excavate the marina basin and provide the related development works on land north of pond 3. These works will have a moderate negative impact and result in the loss of terrestrial habitat for the Great Crested Newts. However this is predominately improved grassland. No aquatic habitat will be lost. The marina basin will be lined so that there is no risk to water quality at the ponds. The southern area of the site containing the ponds will be retained and managed with high quality habitat enhancing the area;
- Exclusion fencing will be provided around the development site and a programme of capture will take place prior to the commencement of development;

- The submission includes a timetable for the exclusion and capture programme which does not now fit with the dates of the submission of the application.

Otter and Water Vole Survey (Middlemarch Environmental November 2008)

- The survey area included the application site and land within 500m of the development site boundaries therefore including the canal;
- The canal could provide suitable sites for use by otters and records show otters have been seen within 2km of the site however no evidence of use of the area by otters was found despite the presence of suitable "hold up" and spraint sites;
- The canal is suboptimal for water voles as it has limited amounts of marginal vegetation and largely unsuitable banks. There was no evidence of use of the area by water voles;
- There will be no direct impact on otters and water voles as a result of the proposed development;
- If development does not commence before September 2010 it is recommended that the site be resurveyed for presence/ absence of otters and water voles.

Reptile Survey (Middlemarch Environmental November 2008)

- The survey took place over 5 days during September and October 2008 and one common toad and one juvenile toad were found on separate occasions.
- Areas of rough grassland, bramble, scrub, and tall ruderal vegetation and roots of trees and hedges could provide suitable habitat for reptiles which might use the site on an infrequent basis;
- It is recommended that where vegetation removal takes place a suitably qualified ecologist is present.

Badger Survey (Middlemarch Environmental November 2008)

- A number of badger setts are located at the periphery of the site and it is considered that these are subsidiary or annex setts to another main sett located elsewhere;
- The area of land to be lost due to construction of the marina, hardstandings and related development is not considered to be significant in terms of badger foraging areas and can be ameliorated through the inclusion of hedgerow and tree planting with fruiting trees in soft landscaping proposals;
- From the information available it is not considered that the effects of the development will have significant long term impacts although there will be temporary disturbance as a result of development.

Flood Risk Assessment (GJP Marina Developments Ltd October 2009)

- The chance of flooding at the site is 1 in 1,000 years or 0.1% and the canal ordnance datum is 70.60 and remains reasonably constant;
- The canal has a weir to control any surplus water into water courses to prevent flooding of adjoining land;
- There are no records of flooding on the site from run-off or ditches;
- The marina basin will occupy an area of 1.85 ha and the water level will be retained at approximately 500mm below ground level. Excavations will be to a depth of 1.4m below the water level of the canal;
- Surface water run-off will drain to French drains
- Hardstanding run-off will pass through oil interceptors and then into the marina basin;
- Since the site is outside the flood plain and there are no records of flooding at the site it is not considered that any increases in rain due to climate change will result in flooding.

Archaeological Assessment (Cotswold Archaeology October 2008)

- This is a desk based assessment

- No archaeological or cultural heritage features are recorded by English Heritage, the National Monuments Record AMIE or Cheshire County Council Historic Environment Records.
- Ditches on the site are post-medieval and of low archaeological value
- There is low potential for unrecorded below ground archaeological remains within the site and no prehistoric or Roman settlement recorded in the vicinity;
- No remains were recorded by Cheshire County Council in 2004 when a pipeline was constructed through the site.

Speed Survey (Road Data Ltd April 2008) and **Traffic Assessment** (GJP Marina Development Ltd October 2009)

- The speed survey used three survey points to take speed readings, location 1 was some 250m north of the canal bridge, location 2 was immediately north the canal bridge and location 3 just south of canal bridge;
- The speed readings show an 85th percentile for south bound traffic at location 2 (approaching the canal bridge) of 30.0 mph averaged out over the two days of survey. For traffic leaving the canal bridge north bound the percentile was 29.5 mph;
- The 85th percentile for north bound traffic at location 3 (approaching the bridge) 25.58 mph. for traffic south bound and leaving the canal bridge this was 24.5 mph;
- The traffic assessment uses surveys and information from British Waterways taken in 1996 based on 3 marinas at Sawley on the River Trent, Upton on Severn and Goytre (Monmouthshire and Brecon Canal) and also a 2008 survey from BW at Swanley marina close to this site;
- Using BW figures for 2008 at peak times (2.00pm -5.00pm Sundays) a 100 berth marina would generate the following car parking need:-

Visits to boats	11
Visits to boats/equipment sales etc	13
Looking around (general public)	13
Catering visits (café restaurant)	7
Other including deliveries and management needs	4
TOTAL	48

- The cafe will be restricted to users of marina, canal and walkers and the chandlery to berth holders and visiting boaters therefore it is expected that the boat/ equipment sales will only generate a need for about 4 spaces;
- There is a need to add in an element of parking for people out cruising and a figure of 10 additional parking spaces are added for that need;
- 5 spaces are also added for disabled persons;
- Since Wrenbury Marina will accommodate 160 berths of which 10 are set aside for visitors the marina will need 37 Spaces for 100 boats;
- However experience by GJP Marinas also shows more car parking needs particularly due to increased demand on Sunday afternoons at peak weekends in the summer. This is based on findings at Barton Under Needwood and Great Haywood;
- Based on the above information it is considered that 64 spaces will be needed for the 160 berth marina at peak period on Sunday in the summer;
- Using the figures from the BW 2008 survey for a marina with no hire boats and no shops for general use it is estimated that at peak periods in summer the marina will generate 17 vehicle movements per hour. During the 8am-9am and 5pm -6pm daily peak hours vehicles movements would be 5-6 vehicles' per hour.

Tree Survey

A tree survey is submitted which identifies 23 trees on the site including the site boundaries and notes that four of these are in a poor condition or damaged.

10. OFFICER APPRAISAL

Principle of Development

Policy RDF2 of the Regional Spatial Strategy (RSS) states that in the rural areas development needs should be implemented and targeted towards achieving a more diverse economic base whilst maintaining support for agriculture and tourism. “Exceptionally, new development will be permitted in the open countryside where it-;

- Has an essential requirement for a rural location which cannot be accommodated elsewhere;
- Is needed to sustain existing businesses;
- Provides for exceptional need for affordable housing;
- Is an extension of an existing building; or
- Involves the appropriate change of use of an existing building.”

The supporting justification to this policy states that “Local Planning Authorities will need to take a balanced view on proposals for development outside Key Centres and development in the open countryside will be permitted in the exceptional circumstances listed.” Elsewhere it is stated that “Tourism is an important factor in diversifying and strengthening the rural economy but needs to be sustainably developed.”

The RSS policy for Tourism and the Visitor Economy is policy W6. This policy confirms that opportunities for diversifying the rural economy and regenerating rural areas should align with policy RDF2. Development should be of an appropriate scale and be located where the environment and infrastructure can accommodate the visitor impact.”

In the Replacement Local Plan policy NE.2 allows development which is “essential” for outdoor sport and recreation. Policy RT.8 allows development which will enhance the use of the canals for recreation, leisure and tourist uses and will not have an adverse impact on the surrounding environment and not adversely affect the capacity of the canal for boating use. Policy RT.6 allows for recreational development in the open countryside provided it does not harm the character and appearance of the open countryside, does not harm features of value for nature conservation, historical or archaeological importance, there is safe vehicular access, roads are suitable for the traffic generated, there is adequate car parking, the facility can be integrated with existing visitor attractions and can be accessed by a range of means of transport.

This need for “essential” tourist and visitor facilities is again emphasised in PPS7 which states at paragraph 35 that facilities should be provided in appropriate locations where identified needs are not met by existing facilities in the rural area. It also advises that where new or additional facilities are required these should normally be provided in or close to service centres.

Policy NE.12 states that development of Agricultural land of grades 1, 2 and 3a will not be permitted unless the need is supported by local plan policies; it can be demonstrated that the development cannot be accommodated on other land of a lower grade or other sustainability consideration suggest that the use is preferable in the submitted location. The land is identified as being of poor quality sandy soil. It is understood to be Grade 4.

Thus whilst the principle of allowing recreational development including marinas is accepted in the open countryside, this must be assessed against the full range of planning policies including the need to protect the character and appearance of the open countryside. Policy NE.2 allows for development which is “essential” for outdoor sport and recreation in the open countryside. Policy RDF2 allows for development which has “an essential requirement for a rural location”. It

also states that development should be allowed which provides for a more diverse economic base whilst maintaining support for agriculture and tourism.

Whilst marinas can be located in towns and villages they do require a relatively large area of land/ water which is often not available in such locations, also people use the canals for recreation, to enjoy the countryside, and therefore the rural location for a marina is accepted in principle.

The British Waterways Inland Marina Investment Guide states that nationally the forecast demand for mooring berths and marinas by 2010 and 2015 is :-

	total Moorings required by 2010	total Moorings required by 2015
Minimum	33700	44800
Expected	5300	88400
Maximum	6500	11700

Subsequently the figure of 11,700 has been revised down by British Waterways to 5,500 by 2015 taking into account marinas in the planning process.

Within the area of Cheshire East Council, the Shropshire Union Canal stretches from Bunbury in the north to Cox Bank south of Audlem. The Llangollen Canal (also known as the Llangollen Branch of the Shropshire Union Canal) within Cheshire East extends from Wirswall in the west to Hurleston Junction where it joins the main line of the Shropshire Union Canal. The Middlewich Branch of the Shropshire Union Canal stretches from the junction at Barbridge to the Borough boundary north of Church Minshull.

Swanley Marina has planning permission (granted 2005) for 313 berths and the Church Minshull Marina has planning permission for 147 berths (granted 2007). Both these marinas are operational. In addition a further marina has recently opened at Tattenhall with 300 berths, which is just outside the Cheshire East boundary. A marina is also under construction at Audlem for 206 berths (planning permission granted 2009) and is expected to open in the spring of 2010. This places a total of 966 berths (off-line moorings) on or close to the Shropshire Union Canal, the Middlewich Branch and the Llangollen Canal.

Representations raise concern about the amount of boat traffic using the Llangollen Canal and problems of congestion. Policy NE.11 (River and Canal Corridors) and RT.8 (Promotion of Canals and Waterways) seek to ensure that the capacity of the canal is not adversely affected. The views of British Waterways are awaited in relation to the proposed development which should also indicate whether the development will adversely impact on the use of the canal.

The applicant's reasons for locating a new marina on this site are noted in the supporting information. They include such reasons as enhancing biodiversity, improving landscaping, the proximity to railway and bus routes, British Waterways desire to see the reduction in on-line marinas and the increasing use of the canals for leisure activities etc. The submission does not include any quantified assessment of need. It fails to take account of the number of off-line berths recently provided in marinas in the area and the number of on-line berths in the area. Further no account is taken of the problems reported in representations as a result of vehicles waiting to use the lift bridge at the Dusty Miller. Swanley marina is 3 miles north of the proposed site and still has vacancies. Bearing in mind the amount of berths required nationally it is considered that planning permission has been granted for a substantial number of off line berths (966) in this area in the last 5 years and that the applicant has failed to demonstrate why it is

essential for further berths to be provided in this specific area. Whilst policies allow the provision of marinas in the rural areas it is considered that this needs to be balanced against the need to protect the character of the open countryside and ensure that development “has an essential requirement for a rural location, which cannot be accommodated elsewhere” as required by policy RDF2 of RSS and meets the requirements of policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan in terms of being “essential” development for outdoor recreation.

Impact of the Development on the Character and Appearance of the Open Countryside

The development of a marina is in principle acceptable in the open countryside. There are however specific reasons as to why it is not considered appropriate in this location. Whilst the excavation of the marina results in a change to the appearance of the area, being located adjacent to the canal it is a feature which would generally be considered acceptable subject to appropriate landscaping, layout and design. Narrow boats are relatively low level structures and although colourful because of their limited height and association with the canal, it is not considered that they are in themselves intrusive.

The site is generally low lying particularly relative to the height of the canal bridge to the east of the site. Public rights of way in the area are the towpath on the east bank of the canal and a footpath to the south and west of the site. The site will be clearly visible from the towpath although the landscaping scheme does propose planting to soften the views from this side. The footpath to the south is located at least 120m away and that to the west is further away still. Bearing in mind the principles for landscaping the site it is not considered that the marina would itself be detrimental to the character and appearance of the locality, provided the landscaping is appropriately designed and that the need has been demonstrated. This is discussed further below.

Design

The site is constrained by the presence of the water pipe through the northern area and the ponds, one of which was found to support Great Crested Newts, to the south. This therefore limits the area for the marina basin. The main car parking, facilities building and workshop are located on the area north of the pipeline. Amended plans relocate the workshop so that it aligns with the facilities building and is closer to the floating dock.

The facilities building is a two storey development constructed in brick with a tile or slate roof and sandstone detailing. It is larger than such buildings which have been permitted at other marinas in the former Crewe and Nantwich area. The 2008 scheme, which was withdrawn, proposed a footbridge over the canal to link with the facilities building. The footbridge has been removed from the scheme because the steps to it from the towpath would have had a detrimental effect on trees very close to the towpath and severely limited the width of the towpath. The building design has however been retained. It is designed to reflect a building which has evolved over time and has two distinct areas. The design also includes traditional details from historical canal side buildings. The building has a feature brick arch facing the water with a first floor balcony to the café. The ground floor lounge below the café also includes substantial areas of glazing in this elevation. Two roof lights are also proposed on the western part of the southern elevation. All elevations are well detailed with openings and features of interest. Although a relatively high building, compared with marina facility buildings permitted elsewhere recently in this area, it is considered that the facilities building is in this instance acceptable.

The workshop is a simple brick and tile building designed to accommodate one boat during repairs. There is also a floating dock situated over two parking bays on the marina which is constructed in ship lap boarding and profiled cladding to the roof.

Whilst there are no objections as such to the individual buildings it is considered that the layout could be improved. The service compound, substation and cycle store all stand prominent in the layout and the landscaping proposed is not adequately detailed to confirm that it will enhance the setting of the buildings. There is a timber footbridge from one side of the water basin to the other and the services compound rather than the facilities building is located at the end of the footbridge. Car parking is prominent when entering the site.

The proposal includes 2.1 high powder coated in black or green weld mesh fencing which will extend from the road bridge over canal on the east side of the site past the facilities building along the edge of the marina and car park to the northern boundary. In places this is screened by planting but in other areas it is very open. Whilst the weld mesh fencing is not a relatively light weight form of fencing nevertheless its provision over such a long stretch is not compatible with the rural nature of the location and will detract from the appearance of the marina.

Amenity

A workshop and a floating dock which will allow repairs to boats while they are in the water are proposed. The closest dwelling is located some 65m to the south east of the marina basin but 180m from the site of the proposed workshop. Approximately 180m to the north of the site boundary is a residential caravan park. The Environmental Health Officer raises no objections to the development provided conditions to ensure that the workshop building and any ancillary equipment is acoustically insulated and that no noisy works taken place outside the workshop building; workshop doors shall be kept closed while work takes place. In addition hours of boat repairs and servicing should be limited and a lighting scheme submitted. It is considered that with these controls in place the development will not adversely impact on residential amenities. The day to day comings and going at the marina will not generate sufficient vehicle movements to have a significantly adverse effect on nearby residential amenities.

No dwellings or caravans are sufficiently close to justify the refusal of the application on the grounds of having a detrimental impact on the dwelling. Whilst the site frontage to the canal is open there are trees on the eastern side of the canal which help to filter views of the development from dwellings to the south and east of the application site.

Notwithstanding comments elsewhere in this report no information is submitted in relation to vehicle movements for the removal of excavated material from the site. However if the application is approved conditions can be imposed to exercise control over the hours in which material is removed from the site.

Ecology

The proposed development is supported with a Phase 1 Habitat Survey and reports for Great Crested Newts, Reptiles, Otter and Water Voles and Badgers. The Phase 1 Habitat Survey provides no detailed descriptions of the target notes on the map hence making it difficult to determine where the various habitats are on site.

Great Crested Newts (GCN)

The document entitled Proposed Great Crested Newt Mitigation Strategy includes a different site layout to that which is proposed in this application. Whilst that written Mitigation Strategy states that the development will not adversely affect Great Crested Newts the layout proposed

includes a number of measures which are likely to adversely affect the habitat and ponds on the site. The Mitigation Strategy proposes to retain the 2 existing ponds and to create a new one. The original proposed site layout shows one pond entitled “existing pond” with the other pond which is present on the site being denoted as “new pond”. A revised site layout has been submitted which now correctly denoted both ponds as existing and provides a new pond within the wildflower meadow which is now denoted as grassland. This is because this area is to accommodate some spoil from the excavations. However the loss of the wildflower meadow and no details of the replacement habitat in terms of Great Crested Newt mitigation causes concern. No details of the construction or treatment of the pond have been submitted to show that it is appropriately formed and planted to create a suitable habitat for Great Crested Newts. There are other adverse impacts on the new habitats which this revised layout does not address. The proposed car parking spaces south of the water body and access to it will result in the significant isolation of the ponds from the surrounding terrestrial habitat. In addition a proportion of the proposed car parking spaces are outside the area that will be fenced and trapped to remove Great Crested Newts prior to work starting and so their construction poses a significant risk of killing or injuring newts.

A communal area is proposed adjacent to the ponds. Whilst the presence of people does not in itself present a risk to newts there is an increased risk of invasive species and fish being introduced into the ponds when breeding ponds are easily accessible to the public. There is also quite a significant amount of tree planting proposed around the ponds. This is not desirable as the increased shade cast by trees around the pond will lead to the ponds becoming less favourable for breeding Great Crested Newts.

The construction of the marina and associated facilities will result in the loss of a substantial area of terrestrial newt habitat in close proximity to the ponds. The Great Crested Newts mitigation proposals suggest that this can be compensated for through the enhancement of the remaining habitat by means of rough grassland creation and tree planting. However this is not adequately detailed. The habitat creation scheme should aim to provide Great Crested Newts with opportunities for shelter, foraging, dispersal and hibernation through the creation of a diverse mosaic of habitats including rough grassland, various densities of scrub/tree planting and hibernacula creation. The area of retained habitat on site appears small and may not be enough to support a population of great crested newts.

Extensive excavations close to the retained ponds may affect the water levels and water table and the impact of the formation of the basin on these two ponds should be fully assessed.

Badgers

No specific details have been submitted detailing the impacts of the proposed development upon badger setts and no specific mitigation is proposed. A more detailed impact assessment and mitigation proposal is required before an informed assessment of the impacts of the proposed development upon badgers can be completed by the Council.

There will be some loss of badger foraging habitat associated with the proposed development. The submitted badger report assesses this as being a minor impact and the inclusion of additional hedgerows and fruiting trees is suggested as a way of mitigating for this impact. This should be developed further in the landscaping scheme.

Bats

No bat survey appears to have been undertaken in support of the application. A detailed assessment is required to assess whether the removal of trees will impact on bats and if so to provide appropriate mitigation prior to the granting of any planning permission.

Biodiversity Action Plan (BAP) Habitats

Two BAP priority Habitats, ponds and hedgerow are present. These habitats are a material consideration and so should be retained and enhanced as part of the proposed development. A hedgerow is to be removed to facilitate the new visibility splay. Details of the specification for the replacement hedgerow are required.

Biodiversity Action Plan BAP Species (Birds)

Two BAP priority bird species have been recorded on site; lapwing and house sparrow. The presence of these species is a material consideration. Habitat for house sparrows can be provided through a good quality native species landscaping scheme and the incorporation of nest boxes (specifically designed for this species) into the proposed buildings on site.

The wet grassland areas of the site have been recorded as providing foraging habitat for lapwing. The lack of detailed descriptions for the target notes marked on the Phase One map makes it difficult to determine where the wet areas of grassland are located. It seems likely they are located at target note 6 and so will be lost to the proposed development. Replacement wetland scrapes should be provided as part of the habitat creation scheme to mitigate for the loss of lapwing habitat.

The Environment Agency requests a condition for the protection of the depressed river mussel. This is also a Biodiversity Action Plan species. The Agency also asks whether a survey for water plantain has been completed. This is also a Biodiversity Action Plan species. It is not known whether these two species are present in the locality and the Agency have been asked to confirm whether they are aware of their presence in the area or whether the request is made purely on the basis that the species are protected because they are Biodiversity Action Plan species.

In conclusion the submission fails to demonstrate that the development will not adversely affect Great Crested Newts, Bats, Badgers and that the proposed planting will provide suitable and appropriate landscapes to enhance the habitats for these species and other Biodiversity habitats and species present on the site. The application should therefore be refused for this reason. No detailed descriptions of target notes are supplied in the Habitat Survey. Insufficient detail is submitted in relation to the proposed landscaping and habitats to be created on the site, the formation of the proposed pond, removal of trees and whether they have potential as habitats for bats, formation of habitats for lapwing, provision of nest boxes, and detailed assessments of the suitability of the mitigation measures proposed to demonstrate that the favourable conservation status of the protected species are maintained where appropriate.

It should be noted that since European Protected Species have been recorded on the site and are likely to be adversely affected by the proposed development. If the development is to be permitted, in addition to agreeing appropriate mitigation/compensation the planning authority must consider the other two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest if the application is to be approved. Since the report recommends refusal this aspect is not discussed in any further detail.

Landscape

The Planning Statement confirms that the hedgerow on the northern field boundary is to be retained although it is not shown as such on the submitted site layout. A section of hedgerow on the site frontage is shown to be relocated at the rear of visibility splay although to all intents and purposes this is a fenced boundary. The hedgerow which fronts the field to the north where the

visibility splay is to be formed could be relocated if this takes place at the correct time of year. Otherwise a new hedgerow will be required to the whole of the road frontage and the rear of the visibility splays both to the north and south of the access point. The southern end of the site frontage contains gabions which form a retaining wall to the road. It is not clear how the gabions relate in position to the proposed hedgerow on this part of the site. It may be that the hedgerow has to be provided to the rear of the gabions in which case it will not be visible for a number of years and there will in effect need to be a fence or some other mechanism to define the changes in level.

A Tree Survey is submitted with the application. It is not compiled in accordance with BS5837:2005 Trees in Relation to Construction and does not give details of name and qualifications of the surveyor or the date of survey. The location of trees is shown by a cross only and no details of crown spread are shown, although they are depicted on the topographic survey. The proposed development is likely to impact on the water table in the area and this should also be assessed in the tree survey. The survey makes no recommendations in relation to the retained trees although the Planning Statement notes that four trees the Beech near the canal, the Sycamore numbered 18 in the western hedgerow, and the Ash at the northern end of the western hedgerow and the Oak which stands away from the northern hedgerow are to be removed. The site layout then identifies this Oak tree as retained. There are concerns about the Beech and Oak trees adjacent to the junction of the road and canal. Further planting is also proposed in this area and the road is supported by gabions. Neither the tree survey nor the landscaping scheme include any details to show where and how the planting will be provided in the vicinity of the gabions. The Tree Survey makes no reference to the impact of the gabions on these trees.

Amended landscaping plans have been submitted. They do not include details of numbers or density and the exact position of plants which makes it difficult to fully assess the proposal. Large areas of land are denoted for a particular treatment but it is not clear whether that treatment will be across the whole of the area or only part of it. Species are generally more acceptable being largely natives although the use of extensive areas of cotoneaster is questionable. The provision of oak and ash planting around one of the existing ponds will cast shade once plants have matured which is detrimental to the habitat as Great Crested Newt.

The agent has confirmed that grassland will be planted on the area where spoil is to be spread at the south western corner of the site which will be more appropriate than a wild flower meadow as a habitat for Great Crested Newts.

A fence with a gate is proposed around the workshop service yard, to the rear of the facilities building and around part of the car park to fence off the marina and areas to the south of it. This will be a 2.1m high weldmesh fence finished in powder coated green or black. It will extend for 305 m across the site. In this open location the fencing would be very intrusive. The reduction in hardstanding to the boat yard is an improvement however the landscaping to the road frontage narrow to a modest belt at one point and a greater depth of planting would be preferable.

Further comments are awaited from the Council's landscape architect on the amended scheme which will be reported in the Updates. However there are a number of deficiencies in the scheme. Whilst the applicant's supporting statement notes that the development will enhance the landscape at this location from the information submitted to date it is not clear that this

would be so. The layout and landscaping proposed fails to comply with policy BE.2 (Design) of the Borough of Crewe and Nantwich Replacement Local Plan in that it will not “achieve a high standard of design and wherever possible enhance the built environment”. Further the submission fails to provide “good quality hard and soft landscaping as an integral part of the development” also a requirement of the same policy.

Access and Highways

The formation of the new access and its set back to form visibility splays in both directions will result in the removal or relocation of the hedge on the site frontage which extends for a distance of about 100m. A new or relocated hedgerow should be provided at the back of the visibility splays in both directions although this is not shown on the site layout only on the proposed landscaping plans. Part of this hedgerow will certainly need to be new planting and no details of its composition and plant stock are provided. Further the site frontage is formed from gabions and the submitted plans do not demonstrate how the gabions will relate to the visibility splays and whether they will inhibit the views of drivers leaving the site.

Parking

The site includes 80 car parking spaces of which 8 will be disabled parking spaces. The submission demonstrates by reference to existing marinas that a total of 64 spaces would be required at peak periods. This would include parking for people who have gone out on boats, people visiting their boats or the equipment sales, management and a small number of spaces for the public looking around. The café is designed for boaters and walkers only and if the development is permitted a condition will be imposed to ensure that the café is limited to the area shown on the floor plans so that it remains ancillary to the marina and does not become an attraction in its own right.

Additional car parking spaces are located around the sides of the marina and it is considered essential to have some additional spaces around the site in order to prevent people parking on grass and damaging the surface when unloading onto boats. Since the parking assessment is based on experience at existing marinas it is accepted that 80 spaces is appropriate provision for the marina. Cycle parking stands are located at the compound and at two of the parking bays on the south and the west of the marina. No details of the number of spaces or appearance of the cycle shelter are provided.

The views of the Highway Engineer are awaited and will be reported in the Committee Updates.

Sustainable Development Measures

Policy DP2 of the Regional Spatial Strategy seeks to promote sustainable development. The applicant's submission notes that the site is well located in relation to bus and rail services and proposes a bus stop within the site. If the bus service is to call at the site then this would need to be subject to later agreement with the bus companies but that may well depend on demand.

PPG13 recognises that the maximum distance people walk is generally 2km and the maximum distance people cycle is generally 8km. PPS7 states at paragraph 35 that facilities should be provided in appropriate locations where identified needs are not met by existing facilities in the

rural area. It also advises that where new or additional facilities are required these should normally be provided in or close to service centres.

The site is 2.8 km (1.7 miles) from the centre of the village at Wrenbury walking along the towpath which is more than the maximum distance people are usually prepared to walk according to PPG13. Representations note that the towpath is often in a poor condition and this also may deter people. The distance by road is similar although there are no footpaths at the side of the road and it is unlit for most of the way. The site is also 2.4 km (1.5 miles) from Wrenbury Station. The site is not therefore well related to the village and railway station in terms of walkable distances but is within cycling distance.

The site is served by bus service number 72 which links Nantwich and Whitchurch. The service provides five buses from Whitchurch to Nantwich in the work day Mondays to Saturdays inclusive (earliest departure from the site area to Whitchurch about 8.00am) and six buses from Nantwich to Whitchurch (earliest departure about 9.45am). The Wednesday service is slightly different. There is no Sunday service.

The site therefore has limited public transport links. The essential day to day needs of boaters would however be provided on site.

The development includes the provision of low wattage low level lighting around pontoons for health and safety of people walking around the site. Lights will be controlled by PIR or time delay sensors to ensure that lighting is only illuminated when required. Additional lighting will be provided to the buildings for health and safety reasons but not in the form of flood lighting.

The applicant's submission also notes that the provision of the marina itself is sustainable because it encourages people to holiday at home rather than aboard and the provision of moorings off-line helps to reduce potential damage to the canal banks. Moorings will be accessed from timber pontoons sourced locally and certified under the Forestry stewardship scheme but no details of the exact source are provided. Piles supporting the jetties will be formed from recycled galvanised steel road barrier piles. The submission refers to the use of efficient heating systems to meet Part L2 of the Building Regulations. Under floor heating will use air source heat pumps and solar panels on the south side of the facilities building will heat domestic hot water. Recycled crushed brick will be incorporated into the footpaths around the site. The proposal therefore includes measures to develop the site in accordance with the principles of sustainable development.

Waste

Policy 10 of the Cheshire Replacement Waste Local Plan requires that for significant leisure, recreation and tourist development facilities the applicant should submit a waste audit which should include the type and volume of waste generated by the development, steps to ensure the maximum amount of waste from the development process is incorporated within the development and steps to reuse and recycle and the waste which cannot be incorporated in the development.

No such audit is submitted. The original proposal was for all good quality sand excavated from the site to be sent to Sealand Road in Chester to be sold. The proposal has been modified to retain 20% of the excavated material on site (10,300 cubic metres) and remodel it into the open areas around the marina. The submission calculates that 46,171 cubic metres of material will be excavated which will bulk up to 55,406 cubic metres. There is no assessment of how much

material could be accommodated on site and whether this could be increased without detriment to habitats and wildlife or the appearance of the area. It is noted that excavated materials will be spread to a depth of 1.3m but no information is provided to show how this will be graded through the areas where it is to be spread.

There is no information about lorry movements, routes to be used, times of operation and numbers of trips to remove the excavated material from the site. This is required to assess the impact on residential properties.

The removal of material from the site to Chester is not in accordance with the principles of the sustainable management of waste arising from the development and in the absence of any such assessment this is considered to present a reason for refusal.

Policy 11 of the Waste Local Plan requires development to provide facilities for the source separation and storage of different types of waste generated. The site layout includes a service compound but no details of exactly what recycling facilities will be provided within the compound. Since the area for the storage of waste from the operational development is identified on the plan it is considered that if permission is granted a condition should be imposed requiring details of facilities for the storage of recyclable waste and non-recyclable waste to be submitted together with details of the boundary treatment to the service compound.

Drainage

A Flood Risk Assessment is submitted with the application which considers that the marina will reduce the risk of future flooding arising from climate change. The Environment Agency has stated that they have no objections to the Assessment subject to the imposing of conditions for ecological measures. A representation from a local resident who is a qualified flood risk engineer considers the submission unacceptable and notes that it fails to satisfy the requirements of PPS25 on 7 out of the 11 requirements. The Environment Agency has been asked to comment further on this representation. They explain that their response is based on the risk of flooding to the proposed development and the surrounding area. It is a risk-based approach. Annex E (paragraph E3) of Planning Policy Statement 25: Development and Flood Risk provides the minimum requirements for flood risk assessments. The first bullet point is that the flood risk assessment should "be proportionate to the risk and appropriate to the scale, nature and location of the development".

The site is shown on Flood Maps as being within Flood Zone 1, which is a low probability of flooding from a watercourse and not shown to be in an area that is susceptible to surface water flooding.

The proposed marina is water compatible, it involves a relatively minor increase in impermeable area and is unlikely to significantly increase surface water run-off into the canal. It is understood that the canal has an overflow that discharges into the River Weaver downstream of Wrenbury. The site is farmland with the nearest buildings on the opposite side of the canal.

The Environment Agency consider that the submitted flood risk assessment, contained sufficient information to satisfy the Agency that flood risk would not be a concern for this proposed development. In view of these comments from the Environment Agency and

particularly the need for the flood risk assessment to be proportionate to the risk and appropriate to the scale, nature and location of the development.

United Utilities have asked for additional information in relation to foul drainage and have advised the agent that there is no public sewer available to serve the development. It is now proposed that the foul drainage will be taken to a private sewage plant located near the facilities building. This will drain to a holding tank and soakaway will be provided underground in the area adjacent to the car park. The holding tank will also serve the pump out for the boats adjacent to the canal. The views of the United Utilities on these amended proposals are awaited.

The surfacing materials will allow for some permeable surfaces. However the main access to the car park which will also be used by a bus if a bus stop is provided in the site and hardstanding to the workshop will be tarmac and concrete respectively. Drainage from the workshop hardstanding would need to pass through oil interceptors prior to entering the water system.

11. CONCLUSIONS

It is considered that the submission fails to justify the need for a further marina at this location, which is close to Swanley marina. In the absence of specific figures to demonstrate need it is considered that the provision of a further marina fails to take account of policies to restrict development in the open countryside.

The proposed ecological mitigation in the written submission does not relate to the site layout proposed. Further the presence of the access road and parking between the existing ponds which are retained and the proposed grass land to the south will not provide adequate mitigation to account for the fact that Great Crested Newts have been recorded as present on the site. The submission fails to demonstrate that the favourable conservation status of protected species will not be adversely affected by the development. It also fails to take reasonable steps to ensure appropriate measures for Biodiversity Action Plan species and habitats.

No waste audit is submitted with the application to assess whether more excavated material could be retained on site without adversely affecting ecological and landscape mitigation for the development.

The proposal does not demonstrate that the egress from the site will provide appropriate visibility particularly bearing in mind the presence of gabions close to the site frontage. Further the submission does not explain how the hedgerow at the back of the visibility splay will be provided in the area of the gabions.

The submission does not provide an adequate layout and landscaping within the site. The layout of the buildings and services gives excessive prominence to the services compound, substation and bus stop whilst the facilities building is located further into the development site. The fencing extending across the site would be detrimental to the character and appearance of the marina and the landscaping details are not sufficient to allow the Council to fully assess the impact of the development and ensure a development which achieves a high standard of design.

The application is therefore recommended for refusal.

12. RECOMMENDATIONS

The application is recommended for refusal as detailed below. However a number of aspects of the development are still under negotiation and consultation and these reasons may be changed in whole or in part subject to the conclusion of this process.

REFUSE

1. The submission fails to justify the provision of a marina at this specific location by reference to the need for additional off-line berths on this stretch of the Llangollen Canal, particularly bearing in mind the number of berths allowed under recent planning permissions for new marinas at Swanley, Church Minshull, Tattenhall and Audlem in the last five years. To allow the development, without a demonstration of need would be detrimental to the rural character and appearance of the open countryside and contrary to policies which seek to protect the countryside from encroachment and to limit development in the rural areas. In particular the development would be contrary to policy RDF2 (Rural Areas) of the North West of England Plan Regional Spatial Strategy to 2021 and policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposed layout and supporting information fails to demonstrate that the development will not have any adverse effects on Great Crested Newts, Badgers, Bats and Biodiversity Action Plan species (depressed river mussel, house sparrow and lapwing) and habitats (hedgerows and ponds). No detailed descriptions of target notes are supplied in the Habitat Survey. Insufficient detail is submitted in relation to the proposed landscaping and habitats to be created on the site to demonstrate that the favourable conservation status of the protected species are maintained. To allow the development would be contrary to policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species) and NE.11 (River and Canal Corridors) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and government guidance in PPS9: Biodiversity and Geological Conservation.

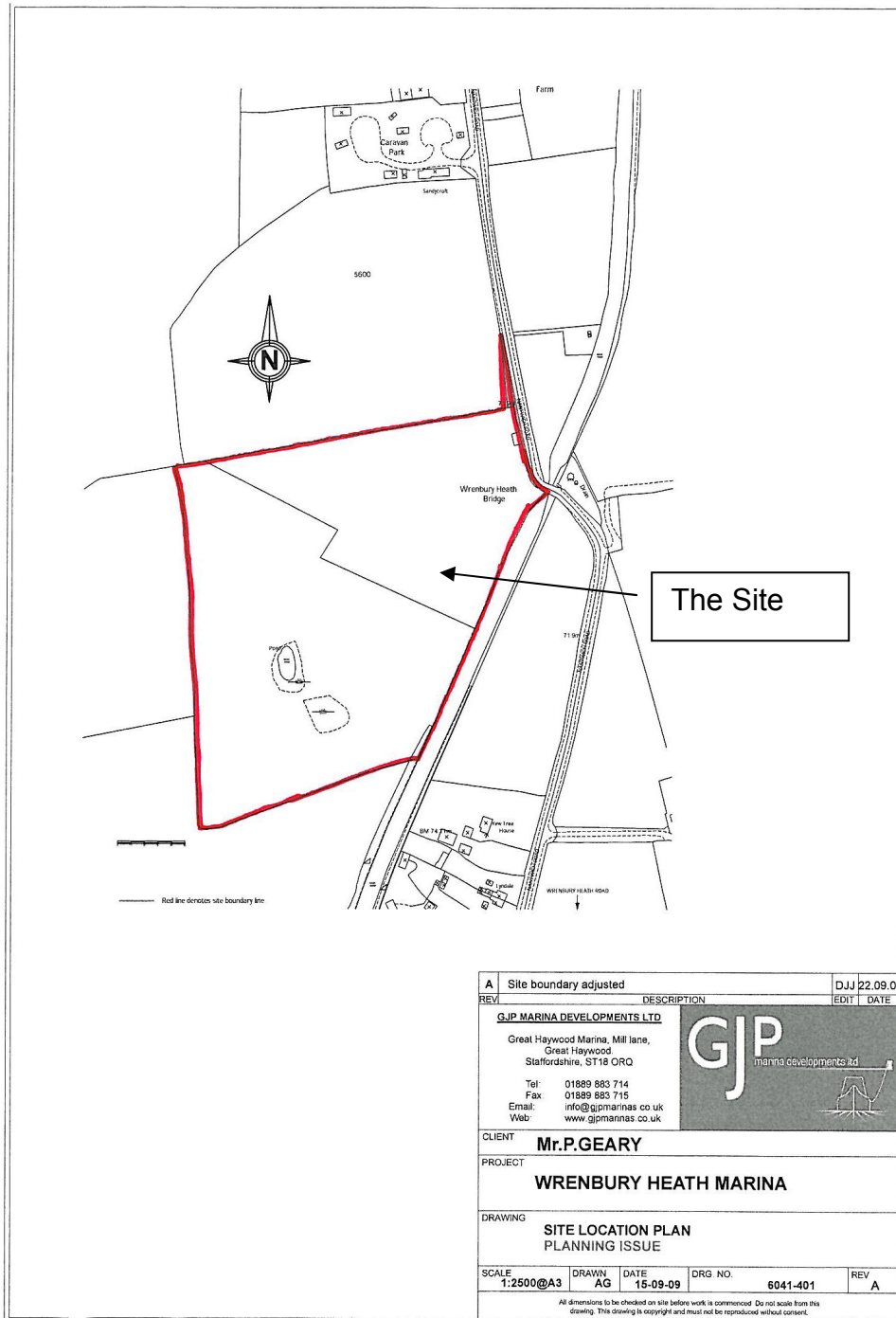
3. The proposal to remove 80% of excavated material from the site to Chester is not in accordance with the principles of the sustainable management of waste arising from the development. No detailed assessment has been submitted to justify the removal of this material and to ascertain whether more could be retained on the site without adversely impacting on the landscape, habitats and biodiversity of the site. To allow the development would be contrary to policy 10 (Minimising Waste during Construction and Development) of the Cheshire Replacement Waste Local Plan.

4. The submission fails to demonstrate that the existing gabions on the road frontage will not adversely impact on the visibility of drivers leaving the site. In addition large scale drawings/ sections and details of levels are required to show how the hedgerow fronting the site will be provided so that it is located at the rear of the visibility splay in a manner and at a level which provides effective visual boundary treatment bearing in mind the presence of the gabions. In the absence of this information the application fails to demonstrate that safe egress can be achieved and that the site frontage can be adequately planted in the interests of the appearance of the locality in the rural area. To allow the development would be detrimental to highway safety and contrary to policies BE.2 (Design), BE.3 (Access and Parking) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

5. The layout of the proposed marina with the service compound, substation and bus stop being more prominent on entering the site and the presence of 2.1m high fencing extending across the site would be detrimental to the appearance of the marina in the rural area. Further insufficient information is submitted in relation to the proposed

landscaping of the site to adequately demonstrate that the planting will enhance the layout and appearance of the site. The proposal therefore fails to achieve a high standard of design, enhance the built environment and to provide good quality hard and soft landscaping as an integral part of the development. To allow the development would be contrary to policies BE.2 (Design), RT.6 (Recreational Uses in the Open Countryside) and RT.8 (Promotion of Canals and Waterways) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

6. The Tree Survey is not compiled in accordance with BS 5837: 2005 Trees in relation to Construction and does not explain the impacts of the proposed development on existing trees on the site. To allow the development would not be in the interest of enhancing the landscape and nature conservation and would be contrary to policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.





Planning Reference No:	09/3602N
Application Address:	Land off Rose Terrace, Crewe, Cheshire
Proposal:	Twenty Six Extra Care Apartments
Applicant:	Wulvern Housing
Application Type:	Full
Grid Reference:	370080 356323
Ward:	Crewe East
Earliest Determination Date:	16th December 2009
Expiry Dated:	28th December 2009
Date of Officer's Site Visit:	4th December 2009
Constraints:	None applicable

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES: Impact of the proposal upon:

- Principle of extra care development and requirement for affordable housing
- Adjacent residential amenity through loss of privacy/over domination
- Appearance within the locality
- Access and car parking

1. REASON FOR REFERRAL

This application would normally be referred to the Southern Planning Committee by virtue of its scale. However, due to the timing for the end of public consultation and the expiry date for the determination of the application, the scheme has been brought to the Strategic Planning Board to enable a decision to be issued to the applicants within the prescribed time period.

2. DESCRIPTION OF SITE AND CONTEXT

The site currently comprises a complex of 2 storey flats as well as grassed areas and footpaths. The site is part of a wider extra care and sheltered housing development programme by the applicant and this application comprises the final phase of the development. Vehicular access is provided from the south via Rose Terrace and there are a number of pedestrian routes through the site. The site has outline planning permission for 74 units of extra care accommodation together with detailed permissions for individual components of the overall scheme. The development is being constructed in five phases and some of these works have been completed and others are on-going.

3. DETAILS OF PROPOSAL

The proposal comprises a two storey development including twenty six extra care apartments and one guest sleepover flat and features a U-shaped layout. The proposed building features a predominantly brick and render finish as well as a standing seam metal roof. The elevations also feature projecting two storey square bays. Parking is proposed in a communal area to the north as well as parallel to the southern edge of the building.

4. RELEVANT HISTORY

P07/0854 – 12 Sheltered Housing Apartments. Approved with conditions 12th September 2007.

P07/1157 - Outline Application for 74 Extra Care Units in Two Storey Building. Refused due to absence of flood risk assessment 2nd November 2007.

P07/1654 - Outline Application for 74 Extra Care Units in a Two Storey Building. Approved with conditions 18th February 2008.

P08/1250 - Development of 48 Extra Care Apartments Comprising Refurbishment of Existing Building, Two Storey New Build and Construction of Third Storey onto Existing Building together with Parking Spaces and Landscaping. Approved with conditions 13th January 2009.

09/0780N – New Build Communal Block. Approved with conditions 4th August 2009.

5. POLICIES

The development plan includes the Northwest of England Plan, Regional Spatial Strategy to 2021, and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Regional Spatial Strategy

DP.1 Spatial Principles

Local Plan Policy

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.9 (Car Parking Standards)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)

PPG.13 (Transport)

6. CONSULTATIONS (External to Planning)

Highways: Comments awaited at time of writing the report

Public Rights of Way: The development does not appear to affect a public right of way as shown on the definitive map

Environment Agency: No objections

Environmental Health (Contaminated Land): Part of site currently includes a builders yard and therefore potential for contamination to future sensitive end users. Request a condition is attached to require appropriate contaminated land studys

United Utilities: No objection providing the site is drained on a separate system with only foul drainage connected to the foul sewer. Surface water should discharge to the surface water sewer with attenuation.

Public sewer runs along the road to the west of the site and we will require an access strip of at least 12 metres wide. There is also a public sewer to the south east which may require diverting or abandoning. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer or overflow system.

7. OTHER REPRESENTATIONS

None received at time of writing report

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement: Submitted by Pozzoni Design Group.

The main points are:

- Site is located in an urban area within a residential neighbourhood
- Strong Victorian street patterns surround the development
- Surrounding buildings are traditional brick although there are areas of render
- Existing buildings create little sense of place and existing landscape does not clearly define the public and private realms
- Use of alternating brick and rendered facades enhance the building as a secondary point of entrance into the overall scheme
- High quality re-rendered planes define the building prominence and reinforce the urban edge to Rose Terrace, breaking down the scale of the building
- Domestic proportioned windows create a human scale
- Landscaping strategy is to use good quality hard landscaping material to define car parking courts with soft landscaping acting as a buffer zone
- Proposal is for communal facilities to support the extra care apartments
- Key design principles include reinforcing the urban edge relating to the strong existing street patterns, creation of distinct public and private realms, creation of a natural landscape enclosure and maintaining access from Rose Terrace and Stafford Street
- Layout naturally forms distinct zones with the public entrance and car park and protected gardens to the west
- Proposals define a strong urban edge responding to the terrace streets surrounding the site
- Overall scale is broken down into smaller elements to reflect a domestic scale

9. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary of Crewe and is within a predominantly residential area. Policy RES.2 (Unallocated Housing Sites) permits the development or redevelopment of unallocated or "windfall" sites for housing in order to help deliver the

Borough's housing provision. The justification for this policy explains, however that a balance must be struck between providing housing on unallocated sites and protecting the quality of the urban environment. It also explains that the council will seek to maintain green spaces within the built environment where they are useful and attractive.

In this instance the proposal would deliver twenty six extra care units and this is consistent with the outline application already approved for the wider site. Accordingly the principle of the development is considered to be acceptable.

Affordable Housing

Prior to PPS.3 (Housing) coming into force extra care developments were considered to be excluded from the housing survey figures and the affordable housing policy requirements as they provide accommodation for a specific community need. Extra care developments essentially provide varying levels of care for their occupants depending on their personal requirements and also provide a range of facilities that are available to the wider community. However, following PPS.3 coming into force it has been regarded that extra care developments can be included in the housing delivery figures and also therefore the affordable housing requirements. In the case of extra care developments provided by Registered Social Landlords (RSL's) or Housing Associations (HA's) it is accepted that the accommodation will be provided solely to people in local need and therefore, subject to controlling conditions it is accepted that the accommodation does comply with the affordable housing requirements expressed through the housing needs survey. In this instance the applicant is an RSL and therefore it would be possible to control the provision of the accommodation by planning conditions.

Design

The applicant has designed the building to assimilate with the earlier phases of the Pickmere Court scheme. The proposal is two storey in height which will compliment the surrounding built form. The proposed building occupies a sizeable footprint and will adjoin with the first phase of the development which fronts onto Stafford Street to the west. However, as with the earlier phases the horizontal emphasis and massing of the building is broken down with the use of alternating brick and rendered sections. In addition the use of projecting two storey square bays, which are of a similar form to those already on the building further helps to break down the massing into smaller components and adds visual interest to the building.

The proposal also includes for landscaped areas as part of the overall scheme and will create a central courtyard which serves all phases of the development. The design and specification of these areas can be secured by a planning condition.

The surrounding development comprises a mixture of housing types and ages and there are also a variety of materials. However, it is considered that the design and external appearance of the proposed building will not appear alien against the existing built form.

Amenity

The proposed development is located predominantly along the footprint of the existing two storey flats which front onto Alban Street and Rose Terrace. The proposed development faces onto the flank elevation of the existing houses on Adelaide Street and accordingly will have no adverse impact upon the amenity of these dwellings. There are

three properties which front onto Alban Street although these are separated from the new development by the road and it is considered that there is a sufficient distance to ensure that the existing and future occupants will have sufficient privacy and amenity. However the western elevation of the scheme is proposed within 15m of the rear elevation of a group of existing flats on Stafford Street to the west and unlike those on Alban Street there is limited physical separation. The facing elevation of the development includes for a first floor kitchen window to one of the units. It is considered that this should be obscurely glazed up to head height to prevent undue loss of privacy to the existing flats. The kitchen window is not the only source of light to the room and accordingly this condition could be reasonably enforced.

In regard to the potential for noise disturbance to nearby residential properties the proposed development would be located a sufficient distance from the surrounding residential development and would not give rise to undue noise and disturbance.

As mentioned above the proposal is part of a larger extra care and sheltered housing development which is being constructed in phases. The complete site will have central communal gardens which will provide for sufficient levels of amenity for the future occupants.

Access and Parking

Vehicular access to the development is maintained predominantly via Rose Terrace and is within the ownership of the applicant. The access arrangements to the site as well as the levels of car parking have already been approved as part of the earlier applications for the extra care development and although the comments from the Highway Authority have yet to be received it is not considered that the proposal raises any adverse highway issues that could not be controlled via conditions. It is also worth noting that the proposal replaces an existing complex of flatted accommodation and extra care facilities are recognised to involve lower levels of car ownership than open market accommodation and accordingly generate less demand for car parking spaces. Equally the site is located within walking distance of public transport routes as well as shops and services on West Street to the north. The proposal is therefore considered to occupy a sustainable position and this further justifies reduced levels of car parking.

The earlier applications on this site for the extra care development have been subject to conditions requiring the diversion of public footpaths which intersect the site. Applications have been made to divert these rights of way and some are now in place. However, the current proposal does not affect any of the rights of way and therefore does not require any further diversions.

Other matters

The Environmental Health officer has requested a condition in regard to contaminated land as part of the application site red edge includes a former builders yard.

10. CONCLUSIONS

The principle of the proposed extra care facility is considered to represent an acceptable form of development and compatible with the surrounding residential land uses. The proposed siting of the development will not result in a loss of amenity to adjacent or future occupants and reflects the character and rhythm of the surrounding development. A

satisfactory level of car parking is proposed and the vehicular access arrangements are considered to be acceptable.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1: Standard**
- 2: Materials**
- 3: Surfacing materials**
- 4: Car parking provision**
- 5: Landscape scheme**
- 6: Landscape implementation**
- 7: Drainage details**
- 8: Extra care only**
- 9: Bin storage**
- 10: Contaminated land survey**
- 11: Obscure glazing**
- 12: Approved plans**



Planning Reference No:	09/3413M
Application Address:	Land to West of Kiln Croft Lane, Handforth
Proposal:	Extension of Time Limit For Outline Application for BI (Use Class) Units (06/0278P)
Applicant:	Tesco Stores Ltd
Application Type:	Extension To Time Limit
Grid Reference:	386227 383506
Ward:	Wilmslow North
Earliest Determination Date:	9 December 2009
Expiry Date:	17 January 2010
Date Report Prepared:	14 December 2009

SUMMARY RECOMMENDATION - Refuse extension of time on grounds of insufficient information

MAIN ISSUES

Whether there is sufficient information submitted to enable an extension of time to the original outline permission 06/0278P

1. SCOPE OF THIS APPLICATION

Extensions to the time limits for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

The original planning permission (ref 06/0278P) concerns a major office development on land to the north of the Handforth Dean shopping complex. The original report for the approved scheme is attached to this report as Appendix 1.

2. APPLICANT'S SUPPORTING INFORMATION

The extension is required due to the downturn in the market, however, the applicant is still committed to the delivery of the development.

The application is submitted in accordance with the Regulations as set out in the Town and Country Planning (General Development Procedure) (England) Order 2009. The original permission was granted permission before 1 October 2009 but would expire on 26 October 2009.

3. CONSULTATIONS (External to Planning)

United Utilities: No objections subject to drainage being on a separate system

Manchester Airport Reserve right to comment on reserved matters details.

Environment Agency : The original application for this site (06/0278p) was submitted to the Environment Agency in February 2006, prior to Planning Policy Statement 25: Development and Flood Risk (PPS25) becoming a material consideration in December 2006. The Environment Agency have therefore not had sight of a Flood Risk Assessment.

The site lies within Flood zone 3 therefore in line with PPS25 all development proposals in this zone should be accompanied by a Flood Risk Assessment (FRA). An objection is raised in the absence of such information being submitted with the application.

Cheshire East Nature Conservation Officer: The site is adjacent to a site where it is known that the Great Crested Newt (a European Protected Species) are breeding. As a European protected species has been recorded on land adjacent to the development site and may be affected by the proposed development the Council must have regard to the test Prescribed by the Habitat regulations when determining this application. An objection is raised on the grounds that a habitat survey has not been submitted in support of the application.

4. OTHER REPRESENTATIONS

None received

5. MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

There are considered to be fundamental changes in policy and important material considerations, namely changes in legal interpretation of protected species issues as interpreted by the Courts since the scheme was originally determined in 2006.

In addition, Planning Policy Statement 25: Development and Flood Risk (PPS25) was adopted in December 2006, after the original development was granted outline planning permission. No flood risk assessment was submitted with that scheme. It is incumbent upon the Applicant to ensure that adequate information is submitted with the application in the first instance.

The application site lies within Flood Zone 3 defined by Planning Policy Statement 25: Development and Flood Risk (PPS25) as having a high probability of flooding. Paragraph E9 of PPS25 requires applicants for planning permission to submit a FRA when development is proposed in such locations.

In the absence of a FRA, the flood risks resulting from the proposed development are unknown. The absence of a FRA is therefore sufficient reason in itself for a refusal of planning permission. This reflects the precautionary approach to development in flood risk areas set out in paragraphs 10 and E9 of PPS25.

This is an important material consideration which is fundamentally different to when the detailed scheme to which this application seeks an extension was originally determined. In the absence of a detailed Flood Risk Assessment in support of this application, the precautionary approach must be taken.

IMPACT UPON PROTECTED SPECIES AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect .. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In PPS9 (2005) the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse

permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Recent legal challenges and interpretation of the Habitat Regulations by the Courts are considered to result in a material change in circumstances in this case. No ecological reports or information/mitigation has been submitted in support of this application.

The site is adjacent to a site with known conservation interest. The precautionary approach must be taken in terms of this issue.

SCALE PARAMETERS

Circular 01/06 introduced changes to the Planning System which included changes to information submitted in support of outline planning applications. For the first time scale parameters (i.e. maximum and minimum heights/widths/lengths of building were required to be submitted to define the scope of built form in any outline scheme.

The conditions attached to the original permission are prescriptive in terms of floor area and height. In this respect, whilst no specific scale parameters are submitted, the conditions could be replicated which would address this particular change in circumstances.

7. CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst it is recognised that there are situations where flexibility and responsiveness to the challenging circumstances faced by the development community can easily be accommodated by the Local Planning Authority.

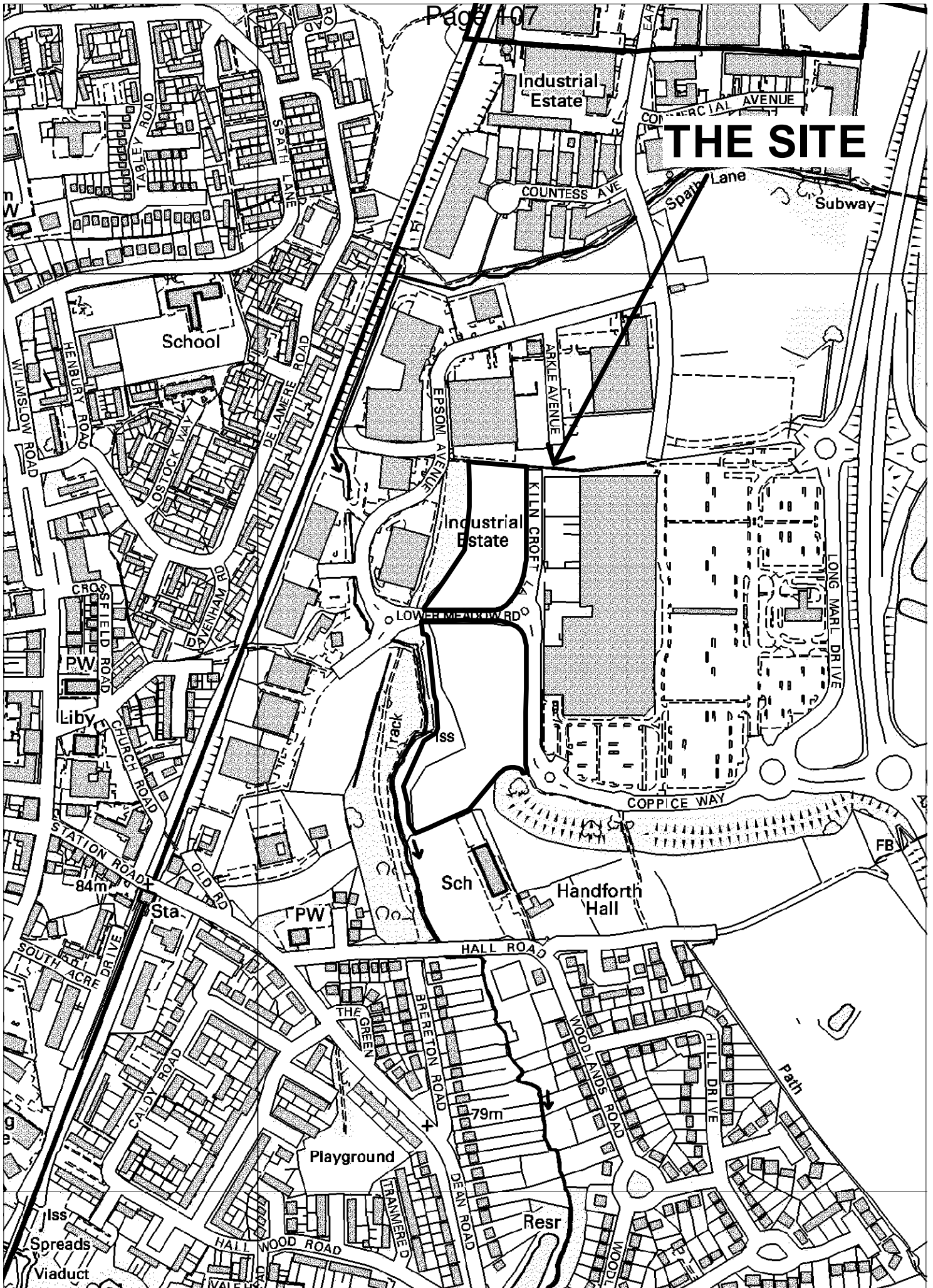
It is considered that such support for time extensions to development schemes that have a planning permission can only be accommodated where there are no material changes in policy either at development plan level or at national government level.

In this case there are fundamental changes to the planning policy framework that require both a flood risk assessment and Habitat Surveys for both the Great Crested Newts and Badgers.

As no such supporting information is submitted, there is insufficient information to determine this application and on this basis it should be refused permission.

8. RECOMMENDATION

That planning permission should be refused due to insufficient information and the development's potential to harm the habitat of a European protected species and to exacerbate or suffer from flooding.



06/0278P: LAND TO WEST OF KILN CROFT LANE, HANDFORTH, WILMSLOW

N.G.R: 386,220 - 383,610

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. LA078476

Scale 1:5000

#

APPENDIX 1

REPORT FOF PLANNING APPLICATION 06/0278P

DATE REPORT PREPARED

13 March 2006

POLICIES

Most of the site is designated as an Employment Area in the Local Plan and the southernmost part is identified as Proposed Open Space. Relevant policies consist of Cheshire Replacement Structure Plan Policies IND1, T3, GEN3 and GEN7, and relevant policies in the Local Plan NE9, NE11, BE1, E1, E3, E4, T3, T5, RT1, RT6, IMP1, IMP2, DC1, DC3, DC5 – 10 .

Policy 4 of the draft Cheshire Replacement Waste Local Plan identifies the site as a preferred site for a household waste recycling centre.

RELEVANT PREVIOUS APPLICATIONS

05/1000P – Erection of B1 Use Class Units (outline) – refused 20 June 2005 (appeal lodged).

05/2340P- Erection of B1 Use Class Units (outline) – refused 20 December 2005

06/0052P – Household Waste Recycling Centre on land to north of Lower Meadow Road only – no decision yet (County Council application)

CONSULTATIONS

Highways Authority – no objections, subject to all matters being reserved for subsequent approval at detailed application stage, including parking provision, visibility splays and servicing facilities (including turning). The developer will be required to enter into a S106, which incorporates Travel Plan requirements and the basis for this has effectively been agreed with their traffic consultant. As with the previous application 05/2340P, which was refused, the developer will be required to undertake some signing and some carriageway marking on the approach to the southerly roundabout junction where Coppice Way meets with the A34 Bypass. This and other matters can be addressed by conditions.

Cheshire County Council Public Rights of Way Unit – the development potentially affects a public footpath, which crosses both parts of the site. This was subject of a Diversion Order in 1989, before development took place in the area. A discrepancy exists between the text of the Order and the associated plan. It is assumed the intention was that the line of the path should follow subsequently constructed Kiln Croft Lane. This is not the case and it is recommended that a new Order would be needed to deal with the discrepancy.

Community Leisure Section – formal comments awaited, but see “Landscaping and Tree Implications” section below.

United Utilities raise no objection subject to compliance with various statutory requirements relating to the drainage and supply of water on the site.

Environment Agency – no objection, subject to conditions
Stockport Metropolitan Borough Council – comments awaited.

PUBLICITY

Newspaper advertisement, site notice and neighbour notification with last date for comments on 8 March 2006.

REPRESENTATIONS

Cheshire County Council Waste Management Service objects since the application fails to satisfy criteria in Cheshire 2016 Structure Plan Policy IND1. This is more recent than policies in the Macclesfield Borough Local Plan. The County Council is obliged to provide waste management facilities and these have been lacking in the Wilmslow area since 2000. The site is allocated as a Household Waste Recycling Centre (HWRC) in the Redeposit Draft of the Cheshire Replacement Waste Local Plan. Following a robust appraisal of all options, an application was submitted to the County Council in January for an HWRC on the northern part of this application site. It would be prejudicial to provision of the HWRC for which there is a much greater public need. Determination should be deferred until after the County Council's decision on the HWRC. The application also lacks information in relation to nature conservation.

Three letters of objection have been received from residents, objecting on the following grounds:

- St. Benedict's School would be adversely affected by noise, light and air pollution, as well as the development's visual impact.
- Handforth Hall is a listed building and historic garden which would also be adversely affected.
- The local residential area has, over the past few years, had to endure increasing noise, pollution and litter problems due to the by-pass and retail area, a business development would add to this even further.
- It would add to traffic problems in the area. At busy times the traffic comes to a standstill at the Stanley Green and Marks and Spencer roundabouts as well as the roads through the trading estate.
- The proposed area encroaches on a rich wildlife habitat.
- There are plenty of unoccupied business units in the local area, so more are not needed.
- Should planning permission be granted a continuation of the existing environmental bund should be provided to protect against noise, light and air pollution and against the development's visual impact.

APPLICANTS SUBMISSION

The application is accompanied by a planning statement, a landscape assessment, a traffic assessment and a travel plan. The following is a summary of these documents, which are available for inspection.

The site is split into two parts by Lower Meadow Road running through the middle of the site. Site A, which is 1.9 hectares is located to the south of this road and Site B which is 1.1 hectares is to the north. To the west of the site is existing open site and a stream corridor which is vegetated and beyond which lie similar B1 Uses to that proposed. To

the east are the shops at Handforth Dean. The sites have a level topography with a small embankments running around the parameters. All matters are reserved with the application, but various parameters can be established. The southern part of the Site A will be left undeveloped and will be retained for landscaping. Approximately 9,500 sq. m of B1 floor space is proposed and the buildings will be no greater than two/three-storeys, which reflects similar recent development on the Stanley Green Industrial Estate. The submitted master plan is indicative only, regarding layout and size of units.

Local Plan policies provide strong support for the development of the site for employment purposes. Regional Spatial Strategy for the North West, Policy SD4, indicates development plan allocation should be reviewed to ensure that any existing proposed land allocations in North Cheshire are fully justified. The Local Plan was recently reviewed and adopted in January 2004, so the proposal is in full accordance with regional planning policy. Nor was the allocation questioned in the Borough Plan's Monitoring Report in July 2004. Although the exact type of operators are not known at this stage it is envisaged that 80% of the uses would be offices and the remaining 20% would be research and development or light industry. A thorough land use survey of the Stanley Green Industrial Estate has been undertaken and this indicates that there is an existing wide range of uses and capacity to facilitate further development. The wide range of use would be in line with Local Plan Policy E3.

The site is accessible by walking, cycling and public transport. The proposals would aim to encourage such non-car modes by the implementation of a Travel Plan. Since the site is allocated in the Local Plan the Council will have already assessed the site in terms of its location and its accessibility. A capacity assessment has been carried out for all the junctions experiencing greater than 5% impact. The results show that they would operate within their practical capacity and with acceptable levels of queuing under all scenarios. Access to the site would be via two new junctions. These junctions and the internal layout will be designed to accommodate all vehicle types and parking will comply with national guidance.

The impact on the local environment is indicated in the landscape statement. The application will comply with all Local Plan policies and the built form, heights, materials and finish can be dealt with by conditions. Both the historic parkland and the proposed open space will be respected in the treatment of the site. There would be no adverse impact on residential amenity.

KEY ISSUES

This application relates to an area of open undeveloped land situated to the rear of Marks and Spencer and Tesco at Handforth Dean. A description of the site and application is provided in the applicant's submission above. The application is entirely outline so that all matters including, siting, design, external appearance, means of access and landscaping would to be approved as part of a subsequent reserved matters application. An earlier application (05/1000P) was refused due to insufficient information and this is subject of an appeal. Subsequently, application (05/2340P) was refused due to a failure to agree the contents of a unilateral undertaking with respect to the travel plan and open space provision. The main issues with this application are whether the information submitted overcomes the previous reasons for refusal. Other issues include whether it complies

with Local Plan policies, the impact on the surrounding highway network and the effect on the local environment including areas of open space.

RELEVANT PLANNING POLICIES

Local Plan Policy E1 states that permission for employment purposes will normally be granted on existing employment areas in accordance with Policies E3 – E5. Policy E3 allows up to 20 hectares of B1 Use at Stanley Green Industrial estate. The proposal would not exceed this requirement, but the supporting text states that it is necessary to restrict the amount of offices to ensure that a wide range of employment uses are available in the location. It is proposed that 80% of the floor areas of the buildings would be offices, as opposed to research and development or light industry. The applicants have undertaken an analysis of the land area on the industrial estate. The total figures includes adjacent retail development, roads and landscaping within the totals, which is considered to distort the true situation. However, if these areas are excluded, the resulting proportion of offices would still be approximately 50% of the estate. Policy E3 does not proscribe an upper limit, but it is considered that an objection is not warranted due to the mix of uses. A condition should be imposed to limit the amount of offices.

The land adjacent to St Benedict's School is proposed as informal open space in the Local Plan (Policy RT6). Application 05/1000P originally proposed that development should extend onto this land. This was amended during the course of the previous application and is now proposed as open space. Therefore, there is no policy objection and the detailed treatment/landscaping of this area is discussed later in the report.

The Redeposit Draft of the Cheshire Replacement Waste Local Plan identifies most of the application site as a preferred site for a Household Waste Recycling Centre (HWRC). Consequently, this does not preclude other employment uses in accord with Macclesfield Borough Local Plan. This application and the one submitted to the County Council for a HWRC need to be assessed on their own individual merits and it is feasible that two planning permissions for different uses of the northern part of the site could exist in tandem.

STRATEGIC IMPACT OF THE DEVELOPMENT

Policy SD4 of the Regional Spatial Strategy encourages restraint in North Cheshire given the high demand for employment development. It states that Local Planning Authorities should review allocations to ensure that they are fully justified. The applicant's analysis of this policy is broadly accepted in that the Local Plan has been reviewed relatively recently. Whilst the policy encourages restraint it is not considered to override the designation of the site for employment purposes in the Local Plan. The development is also considered to meet the requirements of structure Plan policy IND1. It requires the review of existing commitments, directing development to sites, including those on previously developed land or on the edge of towns and with regard to access by public transport walking and cycling. Although the site is not developed, it is in an otherwise built up area and is within walking distance of public transport facilities in the centre of Handforth.

SITE PLANNING FACTORS

Existing buildings surrounding the site are largely in commercial use, so residential amenity is not considered to be of significant concern. The distance between the part of the site to be developed for commercial purposes and the nearest dwelling would be approximately 150 metres. This property is Handforth Hall which is listed, but the proposals would be sufficiently distant not to cause harm to its setting. There is an existing landscape buffer to the south of Coppice Way which already provides some screening, and this could be further extended further along the southern boundary of the proposed open space which abut St Benedict's Primary School.

DESIGN

The layout showing the erection of 12 buildings on the land is illustrative in nature. The same applies to the illustrations of proposed buildings shown in the landscape statement. The layout of buildings, as shown, particularly on Site A to the rear of Marks and Spencer's, could relate better to Kiln Croft Lane and the woodland to the west. The applicants have sought permission for two/three-storey development, whilst neighbours have requested that only 2 storey development be permitted. It is considered that no development on the southernmost part of the site, directly to the west of Marks and Spencer's car park should be more than two-storey. However, on the remainder of the two sites a case can be made for a limited amount of three-storey development. This takes account of the need to make efficient use of the land, the sheer bulk of the existing neighbouring buildings (notably the retail development) and the fact that some variation in roof height would facilitate greater interest in the design. The precise nature of these height limitations are set out in the conditions below.

LANDSCAPING AND TREE IMPLICATIONS

Various self seeded trees have established themselves on the western side of Site A, in effect, providing an extension to the existing woodland. A specific objection is not raised to the loss of these trees individually, although mitigation would be required to compensate for their loss which collectively form an important part of the setting of the woodland. Landscaping proposals for the site as a whole would be a critical issue when determining any subsequent detailed reserved matters application.

The Council's Supplementary Planning Guidance on Section 106 Agreements indicates that commuted sums should normally be paid in connection with commercial development to contribute towards to both recreation/sports provision as well as open space. In the case of open space, this needs to take into account the fact there is land designated for such purposes on the site. This also incorporates a small finger of land allocated for employment proposes, which due to its shape would be impracticable to develop. At the time of report preparation, detailed discussions were still taking place with the Borough Council as to how the future of the public open space could be best secured. It is likely that this would take the form of a unilateral undertaking submitted by the applicants. This would include relevant clauses which would otherwise be contained within a Section 106 Agreement. A summary of the likely contents of such an undertaking are provided at the end of this report.

The exact form and layout of the proposed space is yet to be determined. Local residents have requested that a landscape bund is provided of a similar nature to the one to the south of Coppice Way. Whilst it is agreed that a landscape buffer would be appropriate at the boundary site with the school, this need not be of the same width (30M) as the existing, which would leave virtually no room for any other informal recreational use of the land. It lends itself to be used for such purposes in conjunction with the woodland to the west, which is partly in the control of the Borough Council. Where commuted sums for open space are not spent on the site itself, there is potential to upgrade public access to the land the ecological value of adjacent woodland.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

The site currently supports wildlife habitats within an otherwise intensively developed setting, but it is not the subject of any formal designation. It is recommended that habitat surveys are conducted with any reserved matters application. The proposed open space area could also be in part used for the enhancement of biodiversity on the site. A condition would be required to ensure that breeding birds are not disturbed. The main potential concern relating to nature conservation is the impact on badgers. The adjacent woodland contains a substantial badger set and the application site is used as foraging ground. Recently introduced guidance in PPS7 states that disturbance to foraging habitat is capable of being a material consideration. To avoid an adverse impact on badger populations, it may be necessary to provide mitigation in the form of relocation. This may involve land outside the application site and in the Borough Council's ownership. It has been concluded that this is a matter that can be addressed by a condition.

HIGHWAY AND TRANSPORT IMPLICATIONS

The Highway Authority has analysed the submitted Transport Assessment and Travel Plan with regard to the impact on highways in the Borough. While the development would generate additional traffic, it has been necessary to take account of the fact that the land is allocated for employment purposes. The travel plan would reduce reliance on the private car. The failure to reach an agreement on this issue was one of the reasons the last application was refused, but it is understood that an acceptable form of wording has now been found. The developer would need to undertake new signage and carriageway marking on the approach to the A34 from Coppice Way. In addition, the views of Stockport Metropolitan Borough Council will be of importance. This is due to the fact that traffic flows are likely to have an impact on highways within their area. On the previous application no objection was raised, subject to a commuted payment towards a highway scheme improving traffic flows in the area of Earl Road and Stanley Road. The appropriate level of parking would have to be determined at the reserved matters stage. Assuming the level of parking satisfies the Highway Authority, taking account of national and local standards, it would be difficult to reject the scheme on the basis that it could result in additional on-street parking on Hall Road or other highways in the vicinity.

Maps of the area indicate a public footpath running parallel to the Kiln Croft Lane frontage of the site roughly 4m back from this highway. There are no obvious signs of such a path on site and as explained by the Public Rights of Way Unit above, this may be a discrepancy due to an error when it was previously diverted. This issue is not a reason to refuse the application, but permission would need to indicate that the route would need to be protected or diverted under the appropriate procedures.

ENVIRONMENTAL FACTORS

Part of the site is identified as a flood risk zone. This consists of areas adjoining the woodland and would be predominantly within an area designated as proposed open space and the Environment Agency does not object regarding this issue. The Head of Environmental Health has previously indicated that this is not a location or form of development which would warrant an air quality assessment to be undertaken.

OTHER RELEVANT INFORMATION

As members will recall the previous application was refused due to the failure of the applicants to submit a unilateral undertaking within the time limits specified by the Committee, which provided adequate commitment with regard to the Travel Plan and public open space. While agreement has been reached in principle with respect of the former, discussions are still taking place in relation to the latter. The recommendation of approval is therefore dependent on satisfactory clauses with regard to public open space/recreational provision being agreed. It is envisaged that the unilateral undertaking would provide for the following:

- A commitment to submit a schedule of groundwork/landscaping for the proposed open space to be agreed with the Council.*
- Provisions for the retention of the land as public open space including maintenance costs for a specified period.*
- Phasing of the provision of open space relative to the remainder of the site.*
- A commuted sum for off-site provision of recreation and sports facilities and open space in the Handforth area.*
- Payment of a commuted sum for any highway works deemed necessary by Stockport Borough Council*
- Implementation of an agreed Travel Plan.*

CONCLUSION

Since the application is outline, there are inevitably a number of uncertainties relating to the proposal. However, sufficient details have been submitted with this application to enable the Local Planning Authority to make an informed decision. The consent would form a framework for the development of the site, the full details for which would still need to be submitted as a reserved matter application(s). Certain matters can be dealt with by conditions as set out below. The main outstanding matter is reaching an agreement on the recreational elements of the unilateral undertaking.



STRATEGIC PLANNING BOARD

Date of meeting: 23rd December 2009
Report of: Philippa Lowe, Development Manager
Title: Performance Management Framework

EXECUTIVE SUMMARY:

In September 2009, a Service Improvement Group was set up and now forms the Executive Steering Group for the Development Management Transformation Project. The Group's remit is to monitor delivery of the Project and the realisation of the benefits as well as scrutinising the support needed to deliver the benefits.

The core membership of the Group is as follows:

Cllr Rod Menlove (Chairman)	Philippa Lowe – Development Manager
Cllr Barry Moran	David Malcolm – South Area Manager
Cllr John Narroway	David Garratt – North Area Manager
Cllr Jackie Weatherill	Lorraine Rossiter – Business Lead –
Julie Williams (Project Manager)	Planning Support
Nick Hulland (Project Support)	Gareth Pawlett – IT Strategy

The Service Improvement Group meets on a monthly basis and has been presented with a significant amount of detail regarding the Transformation Project; cause and effect of performance issues and action required to ensure robust reporting of data.

The Group confirmed its support for the format and content of the Performance Management Framework report and the draft Local Performance Indicators and recommended their approval by the Strategic Planning Board.

The following report is divided into four main sections covering:

1. Purpose and Background;
2. Performance Management Information and Reporting;
3. Key issues identified as impacting on performance;
4. The proposed measures, resources and actions required to deliver sustainable improvements and feed into Service Plan.

1.1 Decision Required

- 1. That the format and content of future performance reports to Strategic Planning Board be approved;***
- 2. That the proposed Local Performance Indicators as a measure of service delivery be approved.***

1.2 Financial Implications

The performance of the Development Management service will have a direct impact on the amount of Housing and Planning Delivery grant the Council receives in future awards. Furthermore, the Transformation Project is resource intense and bids for additional resources are likely to be needed to ensure timely delivery of the efficiency savings.

1.3 Legal Implications

Since April 2008 Councils have been reporting planning performance against National Indicators NI 157a, 157b, 157c and 157d. The performance figures are now accessed by the Audit Commission directly from quarterly statistical returns to Communities and Local Government (CLG).

1.4 Risk Assessment

Failure to meet National Targets and performance Indicators will adversely affect the Council's award of Housing and Planning Delivery grant and impact negatively on its Comprehensive Area Assessment.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Philippa Lowe, Development Manager
Tel No: 01270 537502
Email: planning@cheshireeast.gov.uk

DEVELOPMENT MANAGEMENT: PERFORMANCE MANAGEMENT FRAMEWORK

1.0 PURPOSE AND BACKGROUND TO REPORT

The purpose of the report is to set out the basis for a new Performance Management Framework and in doing so to consider issues surrounding the current performance for Development Management and the measures being put in place to improve and sustain levels of performance.

The framework forms part of the Development Management service Transformation Project. This improvement project has been running since June 2009 with the objective of moving the service towards a Development Management Approach. A fundamental review of the way the service is currently being provided is being undertaken with a view to drive improvements and deliver more effective and efficient working practices.

This project is being run using Prince2 principles and is led by Philippa Lowe, Development Manager and a Project Board. The project is resource intensive from the service point of view and is addressing 7 key areas of work, as set out below:-

TASK	TITLE	LEADS
1	Integrated Single Planning IT Systems	David Malcolm
2	Customer Access and Accommodation	Lorraine Rossiter
3	End-to-end planning process	Ben Haywood
4	Performance Management Framework and Employee Development Protocol	David Garratt
5	Planning Website	Martin Lomas
6	Development Team Approach for major developments	Paul Moore
7	Market Development and Income maximisation	David Snelson

2. PERFORMANCE MANAGEMENT FRAMEWORK

As a front line, customer facing service it is essential to establish a 'measurement' of the performance of Development Management, and that relevant information is identified, collected and reported.

Information can be collected covering the following, and as set out in more detail below:

- a) National requirements;
- b) Local requirements;
- c) Throughput of work;
- d) Customer satisfaction; quality of service and outcomes.

A robust performance management framework is a key element of the day to day performance and operational management of the service. Together with driving service improvement it is also an integral part of the overall objective of providing a more efficient, effective and transparent planning system. This supports and facilitates the aims of delivering sustainable development,

including the Government's objectives in relation to housing growth, infrastructure delivery, economic development and climate change.

2.1 RELEVANT INFORMATION

a) National requirements

National Indicator 157 measures the percentage of planning applications by type determined in a timely manner, which is defined as:

- Within 13 weeks for Major applications;
- Within 8 weeks for Minor and Other applications;
- Within 8 weeks for Other applications and
- Within 13 weeks for all County Matter applications.

Note: Applications that are part of a Planning Performance Agreement and the timetable agreed with developers is adhered to will be excluded from the calculations.

Definition of categories is as follows:

Major applications = e.g. new housing over 10 dwellings; industry and retail over 1,000 sq metres or/hectare,

Minor applications = e.g. new housing, commercial, retail under thresholds for major'

Other applications = e.g. change of use, householder, adverts, listed buildings,

County Matters = e.g. minerals and waste applications

Details of the performance of the Development Management service, since 1 April 2009, against this Indicator are set out in Table 1 in the Appendix.

Performance against NI 157 is a key performance measure in the Comprehensive Area Assessment (CAA), however Communities and Local Government (CLG) has consulted on options to replace performance targets based around Council's traditional 8 and 13 week determinations. The Government's intension is to revise the current approach to performance targets, to move away from a narrow focus on the time taken to decide an application once submitted, to an approach which measures performance in a more holistic way. The options are contained in '**Taking Forward the Government's response to the Killian Pretty Review: Progress Report**' (31 July 2009). See:

<http://www.communities.gov.uk/publications/planningandbuilding/killianprettyprogress>

b) Local requirements

As noted above, the principal aim of the National Indicator is to measure the timeliness of the decision. They do not however measure the quality of the decision, outcomes delivered or the satisfaction of the customer and therefore they provide little indication as to the overall performance of the service.

In order to provide a better measure of service delivery, Task Group 4 of the Transformation project was established with the objective of developing a Performance Management Framework based on national targets but also developing Local Indicators based on application stages and costs. The

Group were also tasked with developing a template and process for quarterly reporting to Members through the Strategic Planning Board.

The Task Group completed a customer/value matrix which identified the most important things customers want from our service and then explored ways of measuring these. The results of their work are summarised in Table 2 in the Appendix which sets out the recommendations in terms of the proposed new Local Performance Indicators.

c) Throughput of work

The day to day Statutory Functions of the service focus around the following main areas:

- Planning Applications, Listed Buildings, Conservation, Advert consents, Appeals as well as;
- Planning Obligations & Unilateral Undertakings; and
- Enforcement Investigations.

In addition a large volume of work is received and undertaken by the service in connection with:

- Permitted Development Enquiries;
- Pre-application Enquiries and Advice
- Discharge of Conditions; and
- Consultations from neighbouring authorities and Notifications.

There is currently no integrated system for recording much of this work, or method for monitoring or reporting on performance. Options are being explored to purchase a new module for the computer system to allow recording and monitoring but this is tied up with implementation of the single integrated system and awaits resolution of the outstanding IT issues.

d) Quality of Service, Outcomes and Customer Satisfaction

As part of the Transformation Project, the Task Group 2 has been leading work to gather information about the services customers and also to gain a better understanding as to how and why customers contact the service.

This type of information plays a crucial role in the transformation process as it will provide a better understanding as to where to focus attention and resources to maximize benefits in the service and for the people of Cheshire East.

To support the Transformation Project a number of data gathering exercises have been carried out. The data is now being analysed and will inform the service about how customers are engaging with the service and how effectively the service responds to their needs. The data will also give an indication of where staff resources are being spent dealing with failure demand and avoidable contact.

2.2 REPORTING PERFORMANCE

Having established what information is available for collection, the process for reporting needs to be established.

a) **National requirements**

Local Planning Authorities are asked to report to members at quarterly intervals on the number of applications by category of development decided during the quarter, the number of applications on hand and not yet decided and a list of all applications over 13 weeks old and still awaiting a decision. This is in accordance with the Code of Practice in Circular 28/83 (Publication by Local Authorities of Information about The Handling of Planning Applications).

Draft figures are attached but these are subject to on-going scrutiny. However, what is clear is that performance on Majors is significantly off target and in conjunction with work on delays in connections with the completion of S106 Agreements, further analysis is being undertaken to determine the cause of delay.

Whilst it is recommended that reports are produced for Strategic Planning Board on a Quarterly basis (at the end of January, April, July and October), the first priority is to ensure that the performance information is suitably robust. The work undertaken to date to rectify the matter and ensure their accuracy, prior to formal reporting and this has been considered in more detail by the Service Improvement Group.

b) **Local requirements**

The proposed Local Performance Indicators, as set out in Table 2 of the Appendix, will be developed to provide a better measure of service delivery and to enable the reporting of performance these indicators.

Further work is on-going by the Task Group 4 to gather the relevant baseline information and to set out appropriately challenging targets to drive improvement, all of which will be subject to future report to the Service Improvement Group, in their role as Executive Steering Group to the Transformation Project.

Set out below is an example of the suggested format for reporting, see also Table 2.

LOCAL PERFORMANCE INDICATOR (LPI)	BASELINE INFORMATION	TARGET	ACTIONS TO MEET TARGET
LPI 1: The percentage of applications made invalid of the total number submitted.			

c) **Throughput of work**

Applications:

Under National Indicator 157, not all the applications determined by the Service have to be reported nationally, as set out in the Note under Table 1.

Those dealt with by the Service, but not reported include applications for works to Trees covered by Tree Preservation Orders and in Conservation Areas; Agricultural and Telecommunication operations, for example.

Table 1 therefore includes further figures of the total number of applications to accurately record the full extent of application work. This information can be reported to Strategic Planning Board (SPB).

Appeals:

Performance information can be gathered on appeals such as percentage of successful appeals or number of member over-turns. It is important to monitor performance to ensure consistent application of policy which safeguards character and appearance of area and therefore liaison with colleagues in Spatial Planning needs to be part of the Performance Management Framework. A separate report is included on the agenda which sets out the proposed format for reporting appeal decisions, for approval by the Strategic Planning Board.

Planning Obligations & Unilateral Undertakings:

Work is currently being carried out, in conjunction with colleagues in Legal Services to establish full data sets on outstanding Obligations awaiting completion as well as the monitoring of completed Agreements.

The impact on performance of the service with regard to major applications is being adversely affected by reason of those requiring S106 Agreements. A more detailed report will be presented to a future meeting of the Strategic Planning Board to set out the priorities for improving performance in this area of work.

Enforcement:

Prior to the 1 April 2009, an Enforcement Protocol was adopted by Cheshire East which set out the Council's approach to investigating Planning Enforcement matters in terms of priorities and timescales for investigation.

A separate report is included on the agenda which includes details of live enforcement cases, amount of work done over last quarter, number of complaints received and closed and performance against targets set out in the Protocol.

Permitted Development Enquiries; Pre-application Enquiries; Discharge of Conditions; and Consultations from neighbouring authorities and Notifications:

As noted in Section 2.1 c) above there is no single system in place to record and monitor workloads in terms of the above. This matter is to be investigated as part of the IT Task Group work and the implementation of a single integrated IT System for planning. Until that is in place no formal reporting can take place.

d) Quality of Service, Outcomes and Customer Satisfaction

In order for the service to fulfil its Place Shaping function it is vital to drive improvements in the quality of all development. There is a new national requirement to report on Building for Life Assessments, and at present there are no staff resources available to carry out this function. A resource bid is being prepared to deal with this matter.

There is also a desire to raise standards by the development of a local Design Award, where excellence is celebrated and promoted.

In addition review of new development is also a good measure of the services performance and this can take the form of annual review, attended by Members and Officers. All these matters are subject to on-going work and progress will be monitored by the Service Improvement Group.

Further work is also needed to develop service standards which respond to our customers needs and this work will include mechanisms for measuring customer satisfaction.

3. KEY ISSUES IMPACTING ON PERFORMANCE

An essential element of any robust Performance Management Framework is to identify the causes for delay and to set out what action needs to be taken to improve performance.

Since the aggregation of the four Councils in April 2009, not all service standards have been met and this is of great concern to the service and wider organisation.

A cause and effect exercise has been carried out considering "Why is the Service not meeting its Statutory Targets". The output from this analysis was considered by the Service Improvement Group at its last meeting and has informed the work and priorities of the Transformation Project Task Groups.

4. THE PROPOSED MEASURES, RESOURCES AND ACTIONS

The main driver for tackling performance is through the Transformation Project and the work of the individual Task Groups which is focused on the areas already identified as contributing to poor performance.

The project was scheduled to begin delivering benefits early in 2010 however this may not be soon enough to meet the desire to bring service targets back on track.

The IT Group have experienced difficulty initially in receiving the required support to deliver the objectives of their task. However, support is now in place and work must now accelerate in terms of producing an IT implementation plan and associated target dates.

The Processes Group are well on the way to producing a high level “Perfect” Process. This will be the starting point for changing the way that the service works and will eliminate waste and failure from the system. However, the complexity of implementation should not be underestimated. Quick wins will be identified but achieving the new ways of working completely will require a great deal of time and effort.

Similarly the Development Team Approach Group are at a similar point. The same caveats apply to this project.

At this point it is difficult to state with certainty whether Service Standards will be back on track at the end of the financial year. This will depend on how far away the service is currently.

Speeding up the delivery

The service has been delivering the improvement project using existing resources. This has not only resulted in delivery taking longer but has also taken key staff away from day to day delivery.

The project is being run according to Lean principles which is the method supported by Cheshire East. Lean principles rely on using the people who carry out the work and know customers to redesign service delivery. A project run on Lean principles relies heavily on support from operational staff.

Short-term additional resources to “back-fill” those involved in the project would result in earlier realisation of benefits. This is particularly important at the implementation stage which is notoriously difficult without back-fill.

Resource Issues

The failure to meet service standards has had a number of contributory factors including inefficient working practices, staff resources and the stability and capacity of the IT system to deal with the volume and complexity of data.

Significant bottlenecks have occurred across the service as a result of a number of major and controversial planning application and these have adversely impacted on performance.

Changing practices and procedures to ensure that they meet the purpose, minimises waste and failure and have efficient flow is underway but is hampered by lack of resources. This will be magnified once projects reach the implementation stage.

Without additional support there is a high risk that the projects will not be able to fully realise the potential benefits in time to avoid the service failing to meet all national requirements.

The service has been running a large improvement project wholly from within the service since June 2009. The benefits expected from the project are now high priority for both the Department and Cheshire East Council due to the effect of not meeting statutory targets. The service now requires additional support to deliver those benefits.

Conclusions

Whilst performance on Minors and Other applications is currently meeting National Targets, performance on Majors is failing against NI 157. Intensive work is being undertaken and the Performance Management Framework will be used to help priorities action and drive service improvement.

The Service Improvement Group, as Executive Steering Group to the Development Management Transformation Project will continue to monitor the delivery of the project and the realisation of benefits.

APPENDICES

PERFORMANCE INFORMATION FOR CHESHIRE EAST DEVELOPMENT MANAGEMENT SERVICE

	Quarter 1		Quarter 2		Rolling figure	
National Indicator 157	Apr-Jun 2009		Jul-Sep 2009			
	No. of apps determined	Percentage within target % (target)	No. of apps determined	Percentage within target % (target)	No. of apps determined	Percentage within target % (target)
(a) Majors (13 weeks)	14	42.86 (60%)	17	52.94 (60%)	31	48.39 (60%)
(b) Minors (8 weeks)	259	67.57 (65%)	285	74.74 (65%)	544	71.32 (65%)
(c) Others (8 weeks)	487	78.44 (80%)	611	81.51 (80%)	1098	80.15 (80%)
(d) County matters (13 weeks)	4	50				

List of (outstanding applications beyond the target date i.e. 8 or 13 weeks)

	Apr-Jun 2009	Jul-Sep 2009	Yearly figure (to date)
No. of applications received	940	961	1901
Total no. of applications determined	760	912	1672
No. of applications withdrawn, called in or turned away	55	68	123
No. of applications on hand at end of quarter	1083	1064	N/A (or 1064)

Note figures above do not represent all the applications received – only those required to be reported nationally. In addition, the following types of application have been processed:

- Tree Preservation Orders applications, issues of TPOs, applications to fell under TPOs, and applications to fell in conservation areas; Hedgerow removal notices under the Hedgerow Regulations 1997; High hedges; 'Wasteland' Notices under s215 of the Town & Country Planning Act 1990.
- Applications, determinations and approvals for the erection or significant alteration etc of agricultural and forestry buildings in National Parks;
- Applications, determinations and approvals under Parts 6 and 7 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (agricultural and forestry buildings and operations);
- Applications, determinations and approvals under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (development by telecommunications code system operators);
- Applications, determinations and approvals under Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (demolition of buildings);
- Applications for Hazardous Substances Consents under the Planning (Hazardous Substances) Regulations 1992.

TABLE 2

LOCAL PERFORMANCE INDICATORS

Issue to be addressed	Performance Indicator	Constraints	Action
Accuracy Need to improve accuracy and compliance with validation requirements of submitted applications. Need to reduce waste and failure in terms of numbers of invalid applications	LPI 1: The percentage of applications made invalid of the total number submitted.	Whilst this performance measure is not an indication of our performance, the task group strongly argued that there is a need to reach out to applicants and agents to influence their behaviour to the good of the service	<ul style="list-style-type: none"> Set target for validation process Hold Agents forum Get agents accredited Tackle key accuracy/information issues
Accessibility Need to reduce avoidable contact Need to provide good quality and accessible information	LPI 2: The number of hits to our website.	Need measuring/recording tool for web site Limited measurement unless define specific pages and link to improving data/information/layout of those pages to encourage self serving by customers	<ul style="list-style-type: none"> Need to specify which page and why Need to be clear about what improvement this is intended to make Measure if felt satisfied with information i.e. use online questionnaire
Communication Need to address climate change issues by reducing paper and printing Need to improve speed of contact with applicants	LPI 3: The percentage of agents communicated with via email or sms (text) as a default.	Limitations from Portal Limitations from computer system	<ul style="list-style-type: none"> Need single email address/contact point for agents rather than multiple addresses Need to target agents Need to communicate benefit of this form of contact

Timeliness Need to drive sustainable improvement in performance by spreading out current peaks at start & end of process	LPi 4: The average determination time. LPi 4a - Major LPi 4b – minors LPi 4c - others LPi 4d - County LPi 4e –requiring S106	Potential skew when very old majors come through	<ul style="list-style-type: none"> ▪ Need to assess data gathered on how long it takes for each stage of an application ▪ Need to complete field in APAS to indicate reason for delay ▪ Need to divide into categories: major, minor, others, county apps, plus category for applications requiring S106 Agreement
Quality 1: Outcomes Need to maximise development opportunities and quality of design.	LPi 5: The percentage of applications approved with and without pre-application advice.	Potentially too broad as could include applicants who have just had advice on how to complete a form	<ul style="list-style-type: none"> ▪ Need to consider more focused measure

STRATEGIC PLANNING BOARD

Date of meeting: 23rd December 2009
Report of: David Garratt, Development Management Business Lead – North
Title: Reporting on Planning Appeals

1.0 Purpose of Report

- 1.1 Members will be aware of the ongoing projects towards transformation of the amalgamated Development Control sections of the constituent councils into an excellent and consistent Development Management service. Reports elsewhere on this agenda deal with the Performance Management Framework and Enforcement of Planning as part of these projects.
- 1.2 This report deals with the most appropriate feedback to Members on recently determined planning appeals especially in relation to the principals of 'lean' service delivery.

2.0 Current Procedure

- 2.1 The current procedure requires that a summary report of each determined appeal is presented to the Strategic Planning Board, regardless of the scale of development or complexity of appeal decision. This is a labour intensive procedure which involves a description of the issues, a re-wording of the Planning Inspector's reasoning and comments. A copy of a typical appeal summary is appended (1). The preparation of the reports in this format is not 'lean'.
- 2.2 Whilst a useful source of information to Members it is questioned whether this process is necessary in its current format.

3.0 Proposal

- 3.1 Making this process simpler and leaner would free resources to help deal with demands elsewhere in the service. It is therefore proposed to alter the current arrangements for reporting appeal decisions as follows;
 - To report all appeal decisions to Board in tabular format (see Appendix 2)
 - To limit the production of the more detailed Appeal Decision summaries to those cases which are either;
 - a) Controversial,

- b) Involve Significant Departures from the Development Plan, and/or
 - c) Are part of a pattern suggesting that a review of policy or practice is needed.
-
- Members would receive e mail notification of appeal decisions in their wards.
 - All appeal decisions would be available via the Cheshire East website.

4.0 Recommendation

4.1 That members receive this report and also confirm the proposed future reporting procedures as recommended in paragraph 3.1 above.

For further information:

Portfolio Holder: *Jamie Macrae*
Officer: *David Garratt*
Tel No: *01625 504615*
Email: David.Garratt@cheshireeast.gov.uk

Example of Report Summarising a Recent Appeal Decision

Application No: 09/0289P

Appellant: Mr F Pelle

Site Address: Robins Cob, Fanshawe Lane, Henbury, Macclesfield.

Proposal: Appeal against the refusal of planning permission by Macclesfield Borough Council for the retention of existing single storey building for purposes incidental to the enjoyment of the dwelling-house (excluding garaging).

Level of decision: Delegated – former Macclesfield Borough Council

Decision: Refused: 16/04/09

Appeal Decision: Dismissed: 08/10/09

MAIN ISSUES

- a. Whether the building is inappropriate development in the green belt
- b. The effect of the development on the openness, character and appearance of the green belt
- c. If inappropriate, are there any very special circumstances which would justify the development in the green belt.

INSPECTOR'S REASONS

The appeal building is the subject of a valid enforcement notice which should have been complied with in Jan 2008, which had already been determined to be inappropriate development by a previous Inspector. The Inspector acknowledged the additional planting along the roadside that had grown since the previous enforcement appeal decision, however, she gave little weight to this additional screening given the substantial scale of the building and the fact that in terms of openness in the green belt, it is the absence of structures and buildings which is of greater importance than any additional growth of screen planting. This was detrimental to rural character and openness.

The Inspector considered the building to be neither limited nor proportionate to the dwelling. She found the building, which even if reduced in height to 4m and claimed as a potential permitted development by the Appellant, would still have a discernable impact upon the open character of the countryside. On this basis, she found the building to be an inappropriate development in the green belt.

The Appellant sought to demonstrate very special circumstances by utilising changes in the permitted development regime and that the requirements to remove the structure would interfere with the Appellants Human Rights under Article 1 of the First Protocol and Article 8 of the Convention. The Inspector considered these cumulatively and individually to not be the very special circumstances necessary to justify inappropriate development in the Green Belt.

IMPLICATIONS FOR THE COUNCIL

This building is in situ and in breach of a valid enforcement notice that should have been complied with in January 2009. Legal action is now necessary.

Appendix 2

Proposal for Presenting All Appeal Decisions

Table of appeal decisions received for the period ... to ...

Ref Number	Address	Description	Level of Decision Del/Cttee	Over- turn Y/N	Rec and Decision	Appeal Decision
09/0289P	Robins Cob, Fanshawe Lane, Henbury, Macclesfield	Retention of existing single storey building for purposes incidental to the enjoyment of the dwelling-house (excluding garaging).	Del	-	Refused: 16/04/09	Dismissed: 08/10/09
08/1037/C	Bank Farm, Audley Road, Alsager	Certificate of lawful existing use or development for use for general industry (Use Class B2).	Del	-	Refuse. 10/10/08	Dismissed
08/1637P	89 Mill Street, Macclesfield	Change of use from A1 retail to A3 coffee shop	Del	-	Refused 11/09/08	Allowed 06/05/09
P08/1112	Rose Cottage, Longhill Lane, Hankelow, Crewe	Two Storey Side Extension and Single Storey Link Extension	Del	-	Refused 10/11/08	Dismissed 08/05/09
P08/0734	Site at rear of 315-319 West Street, Crewe	Eight 2 Bedroom Apartments, Secure Site Enclosure, Eight Parking Spaces, Access Road and Parking Area	Cttee	N	Refused 14/08/08	Dismissed 22/04/09



STRATEGIC PLANNING BOARD

Date of meeting: 23rd December 2009

Report of: David Snelson (Principal Planning Officer) Cheshire East Borough Council

Title: Update Report on Planning Enforcement Performance

1.0 Purpose of Report

- 1.1 A report detailing existing live enforcement notices was included onto the agenda of the Strategic Planning Board on the 6th May 2009. The following report provides an update on both live enforcement notices and also an update on the work done by the planning enforcement teams since the formation of Cheshire East Council on 1st April 2009. Table 1 details all existing live enforcement reports and their status. Table 2 provides details of the quantity and type of enforcement complaints and investigations carried out to date.

2.0 Enforcement Protocol

- 2.1 At the meeting of the Strategic Planning Board of the 4th March 2009 members considered the Draft Enforcement Protocol for Cheshire East. The Strategic Planning Board resolved to adopt the Protocol from the 1st April 2009 subject to certain amendments and delegated the authority to approve these amendments to officers in consultation with the Chairman. Accordingly the Protocol has subsequently been adopted.

3.0 Table 1 Content

- 3.1 Table 1 lists breaches of planning control which have reached a stage where an enforcement or other type of notice has been issued. There are many other investigations which are ongoing and which may result in formal action or may be resolved through negotiation. There are also numerous investigations which have been carried out where no breach of planning control has been established. Table 1 lists the enforcement notices in the areas of the former District Councils together with minerals and waste planning enforcement notices. Whilst produced for information only officers will take any questions or provide further clarification at the meeting.

4.0 Table 2 Content

- 4.1 Table 2 details the number of complaints concerning alleged breaches of planning control received by Cheshire East Council since the 1st

April 2009. This also details the percentage breakdown of the types of complaints (i.e. operational development, Change of Use, Breach of Conditions, Advertisements etc). The details are shown for each area office which currently reflects the administrative boundaries of the former district offices.

- 4.2 In line with Cheshire East Council's Enforcement Protocol planning complaints are investigated in line with the priority system which broadly reflects the harm arising from each type of complaint. Accordingly unauthorised works to listed buildings or works affecting protected ecology are given a priority 1 and a site visit is carried out within 1 working day. More minor breaches such as untidy land are allocated as a priority 4 and are visited within 65 days. The enforcement area teams are working on the former legacy computer systems pending the implementation of the combined enforcement module which is currently being prepared. As a result it is not possible to produce data in regard to the performance against the target site visit timescales for the four priorities. However, following the implementation of the combined system future reports to the Strategic Planning Board will provide additional information on performance.
- 4.3 Overall the data so far shows that Cheshire East Council have received a large quantity of planning enforcement complaints. The majority of these are however resolved without the need for formal enforcement action which is positive given the costs and timescales involved with formal action. The majority of complaints relate to operational development (50%) with other significant numbers of complaints concerning changes of use (19%) and breach of conditions (14%). Investigations reveal that the majority of these are not breaches of planning control (48%) but under the current Protocol still require an investigation to establish this. In regard to the minerals and waste team the majority of complaints relate to breach of conditions (52%) and the majority of complaints resolved through negotiation (87%).

5.0 Future Reporting Procedures

- 5.1 It is recommended that an update report is presented to the Strategic Planning Board on a quarterly basis. As described above once the combined IT enforcement module is adopted it will be possible to provide a greater level of information in regard to enforcement performance.

6.0 Recommendation

- 6.1 It is therefore recommended that members receive this report and also confirm the proposed future reporting procedures as recommended in paragraph 5.1 above.

For further information:

*Portfolio Holder: Jamie Macrae
Officer: David Snelson
Tel No: 01270 537498*

This page is intentionally left blank

Table 1: Planning Enforcement Notices - Cheshire East Borough Council

Site Address	Breach	Type of Notice	Current Status
Former Borough of Macclesfield			
Land at Carr Lane, Chorley	Steel structure clad in blue corrugated sheeting	Enforcement notice	Enforcement Notice served. Appeal dismissed. High Court challenge to appeal decision dismissed. Planning Permission 02/2280P granted subject to conditions by NAPC on 8/1/03 for retention of building with new facing and roofing materials. Appeal against imposition of conditions in relation to the timing of implementation upheld 17/10/03. Legal proceedings against non compliance with Enforcement Notice deferred to allow for implementation of planning permission 02/2280P. Planning permission expired on 08/01/2008. Legal proceedings now being considered.
Land at Carr Lane, Chorley	(1) Hardstanding (2) Use of land for stationing of caravan and Portacabins for residential and non agricultural storage	Enforcement notice	Enforcement Notice served. Appeal dismissed. No compliance. Prosecution commenced but withdrawn due to legal advice regarding nature of respondents defence. External legal advice received and considered, decision required as to whether commence further legal proceedings
Lindow End Smithy, Edge View Lane, Chorley	Erection of building	Enforcement notice	Enforcement Notice served. Appeal dismissed. Building collapsed and so only slab remains. Full compliance still required, but awaiting compliance with a subsequent Enforcement Notice required beforehand (see 08/00011E)
Styal Moss Nursery, Moss Lane, Styal	Unauthorised use of land for airport parking	Enforcement notice	Enforcement Notice served. Appeal lodged 12/10/2006. Public Local Inquiry commenced 20 November 2007, but adjourned until 12 and 13 February 2008. Appeal dismissed 10/03/08. Awaiting compliance with Enforcement Notice , but High Court Challenge lodged by Appellant. Awaiting outcome of High Court case.
Lode Hill, Altrincham Road, Styal, Wilmslow	Unauthorised use of land for commercial parking (airport parking)	Enforcement notice	Enforcement Notice served. Appeal lodged 12/02/08. Appeal part allowed and part dismissed (use allowed to continue, but hardstanding to be removed. Awaiting compliance.
Lindow End Smithy, Edge View Lane, Chorley, Alderley Edge	Change of use of land from industrial to residential including the siting of residential caravans, greenhouses, shed, meter housing and other domestic paraphernalia	Enforcement notice	Enforcement Notice served. Appeal lodged 08/04/08. Appeal Dismissed 07/01/09, Notice upheld. Awaiting compliance.
Croker Farm	Unauthorised building	Enforcement notice	Continued non-compliance with Enforcement Notice. Two prosecutions for non-compliance. On each occasion owner fined £250 and ordered to pay £250 costs to MBC. Planning application to retain as replacement dwelling refused 12/12/01. Appeal lodged and dismissed. Considering further prosecution.

Deans Farm, Congleton Road, Gawsworth	Formation of hardstanding and storage of caravans	Enforcement notice	Caravans removed several years ago but hardstanding remained. Planning Application 03/2268P for barn conversion which incorporated hardstanding into garden areas was approved subject to a section 106 agreement. The section 106 agreement was never signed and the application was therefore remitted back to the Planning Sub-Committee on 10 May 2006 which subsequently refused the application. Further planning application submitted January 2007 but withdrawn March 2007 Decision required as to whether to pursue removal of hardstanding through legal proceedings.
1 Putty Row, Macclesfield Road, Eaton	Erection of front porch, boundary wall, railings and gates	Enforcement notice	Enforcement Notice served. No appeal. Partial compliance with Notice. Porch not removed. Decision required as to whether to pursue removal of porch through legal proceedings.
Hollands nursery, Maley Pole Farm, Congleton Road, Gawsworth	Breach of planning condition that required removal of building	Breach of Condition Notice	Breach of Condition Notice served (no right of appeal). Not complied with. Legal Department instructed to commence prosecution, but property was about to change hands which made prosecution no longer possible. Sale was never completed and therefore decision required as to whether to pursue removal of building through legal proceedings.
Robins Cob, Fanshawe Lane, Henbury	Unauthorised detached garage and extension to dwelling	2 x Enforcement notices	Two Enforcement Notices Served (Notice A - Garage and Notice B - Extensions). Appeals Lodged against both Notices. Inspector upheld Notice A and quashed Notice B. Time for compliance with Notice A extended to 12 months. Awaiting compliance with Notice A, but protected bats found roosting in garage which is causing delay with demolition of the garage
Jarmans Farm	Unauthorised boundary wall	Enforcement notice	Enforcement Notice served. Appeal lodged. Appeal dismissed. No compliance, but liaison with applicant has resulted in planning application for modified version of wall being submitted 20 March 2007. Refused 11 May 2007. Further negotiations ongoing in relation to acceptable modifications before further planning application submitted
3 Georges Road West, Poynton	Unauthorised erection of two storey side extension	Enforcement notice	Enforcement Notice served. Appeal lodged 3/12/2007. Appeal dismissed 31/03/08. Notice not complied with. Legal action being pursued.
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	Unauthorised erection of two buildings and an area of hardstanding	Enforcement notice	Enforcement Notice served. Appeal lodged 27/05/2008. Appeal decision awaited
Stable Cottage, Mereside Road, Mere	Unauthorised single storey link extension	Enforcement notice	Enforcement Notice served. Appeal lodged. Appeal dismissed. No compliance. Prosecution was being considered, but documented medical advice was submitted which rendered legal proceedings inappropriate. Property sold January 2009, so pursuing compliance with new owner.
Crabtree Farm, Crabtree Lane, High Legh	Unauthorised change of use of land, formation of ménage and erection of buildings	Enforcement notice	Enforcement Notice served. Appeal lodged 20/04/2007. Appeal dismissed and Notice upheld 05/03/08 in relation to buildings and hardstanding. Appeal allowed and planning permission granted for change of use of land and ménage. Planning permission 08/1575P granted on 9/10/08 for a modified version of one of the buildings and part of the hardstanding. No compliance with Notice. Liaising with owner regarding compliance.
Breach Cottage, Breach House Lane, Mobberley	Construction of an unauthorised building	Enforcement notice	Enforcement Notice served. Appeal lodged 05/12/07. Appeal dismissed and Notice upheld in relation to the building that was the subject of the Enforcement Notice, however planning permission granted for the building as it existed as the time of the Public Inquiry (the building was reduced in

			size shortly before Public Inquiry). The Council is challenging the appeal decision in the High Court. Awaiting outcome of court proceedings.
Maple Farm, Paddock Hill, Mobberley	Construction of an unauthorised building	Enforcement notice	Enforcement Notice served. Appeal lodged 21/12/07. Appeal dismissed 08/01/09. Awaiting compliance.
1 Pear tree Cottage, Paddock Hill, Mobberley	Construction of unauthorised building	Enforcement notice	Enforcement Notice served. Appeal lodged 28/12/2007. Appeal allowed 05/01/2009. Notice quashed. Case closed
Stockin Moss Field, Chelford Road, Mathall	Unauthorised erection of building	Enforcement notice	Enforcement Notice served. Appeal lodged 25/05/2007. Appeal dismissed 27/03/08. Notice complied with. Case closed
Mere End Cottage, Mereside Road, Mere, Knutsford	Unauthorised erection of dwellinghouse and detached garage	Enforcement notice	Enforcement Notice served. Appeal lodged 29/04/08. Public Inquiry to be held 10/02/09. Appeal Decision awaited.
Land at Spinks Lane, Pickmere	Unauthorised MCU of land for agricultural use to the siting of residential and touring caravans etc	Enforcement Notice	Notice served 31/03/09 Appeal Lodged 29/04/09. Appeal Inquiry opened by adjourned until December
Land of Prestbury Road, Macclesfield	Unauthorised shipping container, hardstanding and fencing	Enforcement Notice	Notice served 07/07/09, Appeal Lodged 28/07/09. Appeal dismissed 16/11/09. Compliance Due Date 16/05/2010
Former Borough of Crewe and Nantwich			
Land off Groby Road, Crewe	Unauthorised skip hire	Enforcement notice	Lawful Use application for use of site for operation of skip hire (Ref P04/1614) was refused 31 st March 05. Correspondence from owner regarding the submission of a further Lawful Use application. Then in December 07 an appeal against the refusal of the lawful use application was received. Appeal Inquiry was scheduled for 23 rd September 2008 but the appeal has been withdrawn. An application for lawful use in respect of a smaller area has been received and is under consideration
Plum Tree Moorings, Nantwich Road, Wrenbury Heath	Unauthorised change of use to permanent moorings and unauthorised engineering works – construction of retaining wall	Enforcement notice	Appeal made against Notice. Appeal hearing held 28 th June 2006. Appeal dismissed and Notice upheld. 12 months given within which to comply with the Notice. Correspondence with the Planning Inspectorate for clarification on decision. Meeting held on 6/11/7 with owner and agent but British Waterways did not attend so a letter sent to BW asking for comments. BW replied that they fully supported the requirements of the Enforcement Notice. Legal in communication with owner's solicitor. Recent visit by enforcement officer to investigate whether the notice is being complied with.
39 Welsh Row, Nantwich	Unauthorised alterations to a listed building	Enforcement notice	Appeal made against Notice. Inspector dismissed Appeal and upheld Notice. 2 months given within which to comply with the Notice. Site visit on 20 th December 2007 shows notice not complied with. Matter passed to Legal Services. Legal In dialogue with the owner. Date for compliance extended to 6 th February 2009. The site was inspected on the 12 th March 2009 and the Notice was complied with. Accordingly the Notice has subsequently been withdrawn.
4 Bridge House Farm, Baddington	Unauthorised extension	Enforcement notice	Appeal lodged. Planning Inspector upheld the notice and extended the date

Lane, Nantwich			for compliance to 23 rd February 2008. Planning permission granted for a smaller extension to be implemented within 1 year therefore, applicant has until 7 th march 2009 to implement the permission. Enforcement notice remains effective should the planning permission not be implemented. Owner has erected scaffolding and informed enforcement team that demolition of the external part of the extension is due to start within a week
Land off Waldrons Lane, Coppenhall, Crewe	Unauthorised engineering works – track and parking	Enforcement notice	Planning application was submitted and refused at October meeting. Planning Compliance Officer has notified Legal that the Notice has not been complied with. A 2 nd planning application was submitted and refused at Committee on 2 nd April. Notice not complied with. A planning application for access track was submitted May 2008 and approved on 22 nd July 2008 to be implemented within 3 years. The permission also deals with ecology. Enforcement notice remains effective should the permission not be implemented.
Haycroft Farm, Peckforton Hall Lane, Spurstow	Unauthorised operational development and engineering works	Enforcement notice	Appeal lodged to be dealt with by written representations. Decision from Inspector received 9 th July 2008 and appeal was dismissed and notice upheld. The Enforcement Notice is currently being complied with.
Land at Swallow Farm, Elton Lane, Winterley	Unauthorised siting of mobile home unit and wooden structure	Enforcement notice	A Planning application has been submitted for residential occupation on site and the application refused at September Committee meeting. Enforcement Officer is in communication with the applicant who confirms that following lengthy negotiations with the Highways Authority the form of a realistic application has been agreed and he will be submitting that further application imminently.
Oakhanger Equestrian Centre	Unauthorised repairs/adaptions to motor vehicles	Enforcement notice	Appeal lodged to be dealt with by written representation. Appeal dismissed and notice upheld. Further complaints regarding noise disturbance have been received although recent site visits have not revealed any evidence of the notice being breached. This remains under investigation.
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works and siting of 3 caravans	Temporary stop notice	Temporary Stop Notice expired
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans.	Stop notice	
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans.	Enforcement notice	Appeal lodged and to be conjoined to and heard with the Planning Appeal at a Public Inquiry to be held 28 th to 30 th April 2009.
54 Barthomley Crescent, Crewe	Untidy land	Section 215 notice	Notice has been complied with
153 Wistaston Road, Crewe	Construction of railings on single storey extension	Enforcement Notice	Notice Served 25 th June 2009. Notice takes effect : 29 th July 2009. Notice partially complied with, subject to receipt of an application for the construction of first floor railings around roof of single storey extension. Site visit/re-assessment due in the new year.
Land at Sunnyside Farm, Peckforton Hall Lane, Spurstow	Unauthorised formation of concrete base and erection of	Enforcement Notice	Notice issued and served 30 th . November 2009. Notice takes effect on 28 th . December 2009. Three months given to remove stable and base and

	wooden stable thereon		leveling and seeding of footprint to match immediately surrounding land. Landowner has given verbal undertaking that work, in compliance with the terms of the Notice will begin on 6 th . January 2010.
Former Borough of Congleton			
Horseshoe Farm, Warmingham Lane, Warmingham	Unauthorised change of use from keeping horses to a mixed use for the keeping of horses/stationing of caravans/mobile homes and associated works and structures	Enforcement notice	The enforcement appeal was dismissed and planning permission granted with conditions, the conditions have not been complied with therefore the expediency of further enforcement action in relation the breach of conditions is to be considered alongside the failure to meet the requirements of the enforcement notice in relation to land outside the red line of the application. However, a further planning application for an extension to the site previously permitted on appeal has been submitted.
Oakotis Heath Road, Sandbach	Unauthorised stationing of caravans and unauthorised creation of hard standing.	Enforcement notice	Enforcement Notices were issued against both breaches of planning control and the period for compliance has now lapsed. Further action is therefore now anticipated, this will take the form of prosecution in the Magistrates Court in the first instance a report has been prepared seeking the relevant authority in February 2009, in September additional information was requested via the Head of Planning and Policy, this was provided at the end of September, that report remains with the Head of Planning and Policy.
Owls Hoot, Blackden Lane, Goostrey	Unauthorised erection of a dwelling, double garage and boundary wall, gate piers and gates.	Enforcement notice	Separate enforcement notices have been issued in relation to the dwelling, garage and wall each notice requires demolition of the structure detailed. An appeal was lodged only that Notice which relates to the dwelling, the appeal was dismissed and the notice, which requires demolition of the dwelling, was due to be demolished by 23 November 2009 the remaining notices should also have been complied with. A report is to be prepared seeking authority from the Director of Places to instigate prosecution proceedings and/or undertake works in default.
Ye Old Kings Arms, Congleton	Unauthorised works to a listed building	N/A	The property is a grade II listed building and the exterior of the premises has been painted without the necessary listed building consent, i.e the plaster in fill panels and the timber. Criminal investigations are currently under way and two people have so far been interviewed under caution with a third likely. Remedial works to the building have been explored to ensure the integrity of the building is not further compromised. A Listed Building Enforcement Notice was issued on 11 November 2009 which requires the paint to be removed from the external timbers and the infill panels to be painted in an agreed colour.
56 Crewe Road, Alsager	Take-away premises operating outside its permitted hours	Enforcement Notice	Appeal against the enforcement notice dismissed on 9 th June 2009. The Notice has not been complied with and a report was sent to the Director of Places on 24 September 2009 seeking authority to prosecute, confirmation of authority is still awaited at the time this report is being prepared..
30 Lime Close, Sandbach	Unauthorised erection of a front dormer window	Enforcement notice	The notice was appealed and the appeal dismissed. Currently awaiting compliance with the Notice. Its requirements have not been met and a report

			is to be produced considering appropriate further action.
4 Model Cottages, Cranage	unauthorised change of use of residential premises to a mixed residential and commercial use	Enforcement notice	The Notice was appealed and the appeal was heard at a Public Inquiry in 2008. The appeal was dismissed, however, the appellant applied for judicial review, the appellant did not attend the hearing and leave to appeal was not granted. A letter under caution has been sent to the occupier of the premises and a response is awaited. It is likely that a report seeking authority to prosecute will be required.
24 Astbury Lane Ends	Unauthorised first floor conservatory	Enforcement notice	Unauthorised first floor conservatory refused planning permission and an enforcement notice was issued, both the refusal of planning permission and the enforcement notice were appealed, both of which were dismissed. The conservatory has been removed and this case has been closed.
The Mere Inn, Crewe Road, Alsager	Unauthorised erection of a building used as a smoking shelter	Enforcement notice	Planning permission was granted for the erection of a structure to be used as a smoking shelter however, a totally different building has been erected. An enforcement notice has been issued requiring its removal, an appeal against the notice was dismissed and the structure has now been removed, the case has been closed.
13 Hazel Grove, Alsager	Unauthorised fence in excess of 1 metre adjacent to highway	Enforcement notice	A retrospective planning application was refused for the retention of a fence is excess of 1 metre high adjacent to a highway. An enforcement notice was been issued and a subsequent appeal dismissed, there requirements of the notice have now been complied with and the a case has been closed.
28 Kendal Court, Congleton Borough Council	property which has been allowed to fall into a state of disrepair so much so that it is considered to have an adverse impact on the visual amenity of the area.	S215 notice	A S215 (Untidy Site) Notice has been issued and was due for compliance by the end of February 2009. The requirements of the notice have not been met, the owner was convicted of failing to comply with the notice in Crewe Magistrates Court. A further report is to be prepared considering the expediency of carrying out works in default.
4 Nidderdale Close, Congleton	Unauthorised raised decking	Enforcement Notice	Retrospective planning permission has been refused for raised decking and an enforcement notice has been issued. Appeals against both the refusal of planning permission and the enforcement notice were dismissed. The Notice is due for compliance and a site visit is to be undertaken.
Land North of Pedley Lane, Timbersbrook	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Awaiting confirmation from the Head of Planning and Policy that enforcement notice drafted in September can now be issued.
School Farmhouse, Walnut Tree Lane, Bradwall	Unauthorised outbuilding in cartilage of listed building	Enforcement Notice	Planning permission refused, notice drafted, amended retrospective application submitted.

86 Crewe Road, Alsager	Non-compliance with hours of operation condition	Enforcement Notice	Enforcement Notice due for compliance mid December, monitoring to take place to ascertain compliance.
Betchton Cottage Farm	Unauthorised change of use from agricultural land to use in association with a skip hire business and laying of hardcore	Enforcement Notice	Enforcement Notice drafted, refusal of planning permission appealed, appeal date awaited.
Former Cheshire County Council Waste and Minerals Enforcement			
Land at Halith Cottage, Higher Poynton	Importation and Deposit of Waste	Enforcement notice	EN served and appealed by Ms Preston. Planning Inspectorate upheld Notice, but Ms Preston has failed to comply with steps of EN for removal of waste. Prosecution is next.
Whittakers Green Farm Composting Site	Unauthorised waste transfer station	Enforcement notice	Notice upheld at appeal. Currently awaiting notification of appeal to the High Court

This page is intentionally left blank

Table 2 - Planning Enforcement Statistics (1st April – 30th November 2009)**Macclesfield Office**

Total complaints received – **395**. (189 (48%) of these have been closed within the same period)

Complaints by type

	<u>Number</u>	<u>%</u>
Operational development	223	56%
Change of use	57	14%
Breach of condition	57	14%
Advertisement	39	10%
Untidy Land	7	2%
Works to protected trees	1	0.25%
Works to listed buildings	5	1.75%
Unlawful demolition -	6	2%

Reasons for closure

Of all of the 281 of complaints closed within the same period (including those cases not opened within the same period), the reason for closure was as follows:

	<u>%</u>
No breach of planning control	56%
Breach resolved through negotiation	27%
Planning permission granted	15%
Not expedient to take enforcement action	1.75%
Immune from enforcement action	0.25%

Sandbach Office

Total complaints received – **117**

Complaints by type

	<u>Number</u>	<u>%</u>
Operational development	62	52%
Change of use	22	18%
Breach of condition	13	10%
Advertisement	12	10%
Untidy Land	4	3%
Works to protected trees	2	2%
Works to listed buildings	2	2%
Unlawful demolition	0	0%

Reasons for closure

Of the 45 complaints closed within this period the reason for closure was as follows:

	<u>%</u>
No breach of planning control	64%
Breach resolved through negotiation	22%
Planning permission granted	9%
Not expedient to take enforcement action	2%
Immune from enforcement action	2%

Crewe Office

Total complaints received – **186**

Complaints by type

	<u>Number</u>	<u>%</u>
Operational development	84	45%
Change of use	45	24%
Breach of condition	14	7%
Advertisement	10	5%
Untidy Land	23	12%
Works to protected trees	9	4%
Works to listed buildings	1	0.5%
Unlawful demolition	0	0%

Reasons for closure

Of the 104 complaints closed within this period the reason for closure was as follows:

	<u>%</u>
No breach of planning control	60%
Breach resolved through negotiation	22%
Planning permission granted	2%
Not expedient to take enforcement action	10%
Immune from enforcement action	5%

Minerals and Waste

Total complaints received – **42**

Complaints by type

	<u>Number</u>	<u>%</u>
Operational development	0	0%
Change of use	20	48%
Breach of condition	22	52%
Advertisement	0	0%
Untidy Land	0	0%
Works to protected trees	0	0%
Works to listed buildings	0	0%
Unlawful demolition	0	0%

Reasons for closure

Of the 30 complaints closed within this period the reason for closure was as follows:

	<u>%</u>
No breach of planning control	13%
Breach resolved through negotiation	87%
Planning permission granted	0%
Not expedient to take enforcement action	0%
Immune from enforcement action	0%

Totals

Total number of complaints received 1st April – 30th November 2009 – **739**

Complaints by type

	<u>Number</u>	<u>%</u>
Operational development	369	50%
Change of use	144	19%
Breach of condition	106	14%
Advertisement	61	8.2%
Untidy Land	34	4.6%
Works to protected trees	12	1.6%
Works to listed buildings	8	1%
Unlawful demolition	6	0.8%

Reasons for closure

Of the 460 complaints closed within this period the reason for closure was as follows:

	<u>%</u>
No breach of planning control	48%
Breach resolved through negotiation	40%
Planning permission granted	6.5%
Not expedient to take enforcement action	3.4%
Immune from enforcement action	1.8%

Application No: 09/0161P

Appellant: Mr Muhammad Akhtar

Site Address: 19 Osprey Drive, Wilmslow, Cheshire, SK9 2LA

Proposal: Proposed single storey side extension with two storey rear extension

Level of decision: Planning Subcommittee

Decision: Refused

Appeal Decision: Dismissed

MAIN ISSUES

The application site serves a large, detached, brick built dwellinghouse. The site is situated at the north end of Osprey Drive, it was built after the other houses on the estate and is large in scale and is of a different design. The dwellinghouse has been extended previously to incorporate a single storey side/ rear extension.

In determining this appeal, the inspector considered the main issue to be the effect of the extensions on the living conditions of neighbours with regard to outlook.

INSPECTOR'S REASONS

The dwellinghouse is well set back behind the front elevation of No.17 Osprey Drive. Due to this position and because the house is deeper than its neighbour, the main rear wall is set significantly back beyond the rear wall of No. 17 Osprey Drive.

By extending further beyond the rear building line of No.17 Osprey Drive the two storey side wall of the house would be significantly more prominent in the outlook from the windows and garden of the house next door. The extended side wall combined with the single storey extension would create a sense of enclosure, be overbearing and intrusive.

In conclusion, the development would be significantly detrimental to the living conditions of neighbours at No.17 Osprey Drive, contrary to Policy DC3

IMPLICATIONS FOR THE COUNCIL

This is a good decision that is supportive of the amenity policy of the Council.

This page is intentionally left blank