

Strategic Planning Board

Agenda

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| Date: | Wednesday, 10th February, 2010 |
| Time: | 2.00 pm |
| Venue: | The Capesthorne Room - Town Hall, Macclesfield SK10 1DX |

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 - 8)

To approve the minutes as a correct record.

4. **Public Speaking**

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

A period of 3 minutes is allocated for the planning 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

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

5. **09/4074N-Proposed Manufacturing Building on the Former B Block Site, Including Ancillary Infrastructure Comprising Site Access Road, Security Gatehouse, Car Parking and an Internal Firing Range, BAE Systems, Land Systems Munitions, Radway Green, Alsager, Near Crewe for Mr K Mellis, Bae Systems Properties Ltd** (Pages 9 - 16)

To consider the above application.

6. **P09/3535C-Proposed housing development consisting of 43no. 1, 2, 3, & 4 bedroom dwellings, Land Southwest of Old Mill Road, Sandbach, Cheshire for Morris Homes Ltd** (Pages 17 - 28)

To consider the above application.

7. **09/2291W-South Eastern Extension of Existing Silica Sand Quarry, Arclid Quarry, Near Sandbach, Cheshire for Archibald Bathgate Group Limited** (Pages 29 - 64)

Consideration was given to the above application.

8. **Appeal Summaries** (Pages 65 - 70)

To consider the Appeal Summaries.

9. **Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4)** (Pages 71 - 74)

To consider the above report.

10. **Management of S106 Planning Agreements** (Pages 75 - 110)

To consider the above report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 20th January, 2010 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor H Gaddum (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, A Arnold, P Edwards, M Hollins and D Hough

OFFICERS PRESENT

Ms S Dillon (Senior Solicitor, Environment, Regulatory and Compliance), Mr J Ellis (Principal Development Officer), Mrs R Ellison (Principal Planning Officer), Mr S Fleet (Principal Planning Officer), Mr P Hooley (Principal Planning Officer) and Ms P Lowe (Development Control Manager)

158 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brown, W J Macrae, C Thorley and S Wilkinson.

159 **DECLARATIONS OF INTEREST**

Councillor J Hammond declared a personal interest in application P08/1258-Reserved matters for ground works for spine road, drainage, balancing ponds, plot formation, structural landscaping, public art, (with ecological assessment, lighting strategy, construction management plan, flood risk assessment), Land off Crewe Road, Basford West, Crewe for Goodman Logistics Development (UK) Ltd by virtue of the fact that he was a member of Cheshire Wildlife Trust which was an organisation that had been consulted on the application and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

Councillor G Walton declared a personal interest in item 11 Consultation by Adjoining Authority on 09/02430/WAS-Waste Treatment Plant, Wincham, Northwich by virtue of the fact that he had attended Parish Council meetings where the issues had been discussed however he had not made any comments and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

160 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting be approved as a correct record and signed by the Chairman.

161 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

162 **P08/1258-RESERVED MATTERS FOR GROUND WORKS FOR SPINE ROAD, DRAINAGE, BALANCING PONDS, PLOT FORMATION, STRUCTURAL LANDSCAPING, PUBLIC ART, (WITH ECOLOGICAL ASSESSMENT, LIGHTING STRATEGY, CONSTRUCTION MANAGEMENT PLAN, FLOOD RISK ASSESSMENT), LAND OFF CREWE ROAD, BASFORD WEST, CREWE FOR GOODMAN LOGISTICS DEVELOPMENT (UK) LTD**

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

Consideration was given to the above application.

It was noted that at the top of page 31 of the officer report it stated that a commuted payment was required for the construction of a pedestrian/cycle link at the rear of the Cheshire Cheese Public House. This was incorrect. The S106 agreement required the owner to form this length of pedestrian / cycle route and no commuted payment was to be made for this route. Other off site improvements and works required commuted payments to be made.

(Mr Wild, a representative of Basford East Basford West Action Group, Mr Tittensor, an objector and Mr Rolinson, the agent for the applicant attended the meeting and spoke in respect of the application.

RESOLVED

That the application be approved subject to the completion and signing of a deed of variation to implement the Habitat Management Plan for the planting on both sides of the spine road including the planting around the water storage ponds and to provide an appendix to secure a management and maintenance regime for the public art, street furniture including seating, fencing, access gates, barriers or other means of control, litter picking, control of dog waste, litter bins, dog waste bins, hard surfaces including paths and any related waymarking and maintenance of ponds and subject to Schedule 5 Part III of the S106 Agreement to be varied in respect of the pedestrian cycle link at the rear of the Cheshire Cheese and subject to the following conditions:-

1. Plans

2. Implementation of amended landscaping (as amended following negotiations)
3. Fencing to side of pedestrian cycle link in the vicinity of mitigation ponds.
4. Fencing to Great Crested Newt Mitigation ponds in southern boundary scheme.
5. Implementation of scheme for control and storage of surface water prior to the occupation of any building on the site, excluding substation and bat barn.
6. Oil interceptors to hardstandings.
7. Site to be drained on separate system with only foul drainage connected to foul sewer at the Cheshire Cheese.
8. Any discharges from yard areas which are contaminated by spillage should be connected to the foul sewer.
9. Permission for contouring of the land in accordance with the submitted details.
10. Samples of surface materials for use on paths in water storage areas and along southern boundary scheme.
11. Lighting strategy to be used to inform lighting proposals at each individual plot. Details of lighting at each plot including a lighting contour plan to be submitted with all application for new buildings.
12. Implementation of tree protection measures.
13. Implementation of Landscape Design Statement to inform landscaping of future plots.
14. Timetable and strategy for the delivery of the public art strategy including street furniture within the landscaped water holding areas east of the spine road to be submitted approved and implemented.
15. Samples of fencing material.
16. Framework construction management plan to be used as principles for construction management plans for whole site.
17. Construction Management Plan for highway works including formation of mounds to be submitted approved and implemented.
18. Construction Management Plan for phase 1 development to be submitted approved and implemented.
19. Construction of spine road and its western connection shall be completed and available for use prior to the occupation of any development on the plots.
20. Scheme for temporary highway signage as required by Section 2.3 Framework Construction Plan to be submitted approved and implemented prior to the commencement of development.
21. Closure of the exiting line of Crewe Road to all traffic except statutory undertakers/service providers for maintenance purposes only.

22. Implementation of Ecological Summary Document to whole Basford West development site.

23. Hours of working 08:00 to 17:30 Monday-Friday, any variation of hours to be agreed in writing-(Officers to inform Ward Councillors and Parish Councillors of any variation to the hours operation during construction)

In addition it was agreed that (A) authority be delegated to the Head of Planning and Policy in consultation with the Chairman and Vice Chairman to secure an increase in the percentage mix of evergreen planting in the landscaping scheme and that (B) authority be delegated to the Head of Planning and Policy in consultation with the Chairman and Vice Chairman and in consultation with the Highways Engineer to further consider the routing of the footpath link.

163 **09/1480N-ERECTION OF A BUILDING FOR USE WITHIN CLASS B8, USE CLASS B2 WITH ANCILLARY OFFICES, SECURITY GATEHOUSE AND ASSOCIATED CAR PARKING AND LANDSCAPING, BASFORD WEST DEVELOPMENT SITE, CREWE ROAD, SHAVINGTON-CUM-GRESTY, CREWE FOR GOODMAN**

Consideration was given to the above application.

(Mr Wild, a representative of Basford East Basford West Action Group and Mr Rolinson, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the completion and signing of a deed of variation to implement the Habitat Management Plan for the planting on both sides of the spine road including the planting around the water storage ponds and to provide an appendix to secure a management and maintenance regime for the public art, street furniture including seating, fencing, access gates, barriers or other means of control, litter picking, control of dog waste, litter bins, dog waste bins, hard surfaces including paths and any related waymarking and maintenance of ponds and culverts, subject to Schedule 5 Part III of the S106 Agreement be varied in respect of the provision of the pedestrian cycle link at the rear of the Cheshire Cheese and subject to the following conditions:-

1. Plans
2. Samples of materials to be submitted for approval.
3. Landscaping to be implemented in accordance with the submitted amended plans (as amended following negotiations)
4. Spine Road and its western arm to be completed and available for use before the unit is first occupied.
5. Wildlife tunnels to be provided in spine road.

6. Access to Unit A to be provided before the unit is first occupied.
7. Car parking to be provided before the unit is first occupied.
8. Cycle parking and motor cycle parking to be provided before the unit is first occupied.
9. Details of showers, changing facilities and lockers for use by persons cycling to work to be submitted approved and provided and to be made available to all staff working at the unit.
10. Details of driver overnight facilities to be submitted approved and implemented.
11. Development to comply with Noise Assessment.
12. Details of measures to reduce noise from mechanical service plant to be submitted approved and implemented.
13. Submission of Construction Management Plan for Phase1& 2 combined.
14. Flood risk attenuation measures from this site to Gresty Brook to be provided before unit A is first occupied.
15. Full details of security fencing
16. Details of waste recycling and storage facilities.
17. Details of lighting scheme to be submitted, approved and implemented.
18. Details of measures to improve the energy efficiency of the design of the building to be submitted approved and implemented.
19. Details of energy efficiency measures to be used by the operator in the use of the premises to be submitted, approved and implemented.
20. Hours of working 08:00-17:30 Monday to Friday, any variation to be agreed in writing-(Officers to inform Ward Councillors and Parish Councillors of any variation to the hours operation during construction)

In addition it was agreed that (A) authority be delegated to the Head of Planning and Policy in consultation with the Chairman and Vice Chairman to secure an increase in the percentage mix of evergreen planting in the landscaping scheme and that (B) authority be delegated to the Head of Planning and Policy in consultation with the Chairman and Vice Chairman and in consultation with the Highways Engineer to further consider the routing of the footpath link.

CONSIDERATION AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL FOR THE DEVELOPMENT OF A CARE VILLAGE COMPRISING 55 BEDROOM CARE HOME, 36 CLOSE CARE COTTAGES; 6 SHARED OWNERSHIP AFFORDABLE DWELLINGS - ALL FOR THE OVER 55'S; AND ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT, LAND ADJACENT TO, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE FOR GREYSTONE (UK) LTD

Consideration was given to the above application.

(The Ward Councillor, Ward Councillor P P Whiteley and Ms McCoy, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused because the proposed development was contrary to Macclesfield Borough Local Plan Policies GC7 (safeguarding land lying between the urban limits and the inner boundary of the Green Belt that may be required to serve development needs well beyond the plan period). It was not considered that there were material considerations in favour of this development proposal that would be sufficient to justify the departure from development plan policy”.

(This decision was contrary to the Officer’s recommendation of approval).

165 **09/3050M-FORMATION OF NEW VEHICULAR ACCESS FROM COPPICE WAY AND ASSOCIATED ENGINEERING WORKS, LAND SOUTH OF, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE FOR GREYSTONE (UK) LTD**

Consideration was given to the above application.

RESOLVED

That the application be refused on the grounds that the proposed development would be premature and contrary to Macclesfield Borough Local Plan policy RT6 in the absence of an acceptable and approved planning permission to develop the adjoining safeguarded land that the proposed access would serve.

(The Officer’s recommendation had originally been one of approval, however as a result of the Committee’s decision regarding the previous application the Officer changed his recommendation to one of refusal).

(The meeting was adjourned from 4.00pm until 4.10pm).

166 **09/3535C-PROPOSED HOUSING DEVELOPMENT CONSISTING OF 43NO. 1, 2, 3, & 4 BEDROOM DWELLINGS, LAND SOUTHWEST**

OF, OLD MILL ROAD, SANDBACH, CHESHIRE FOR MORRIS HOMES LTD

Consideration was given to the above application.

(Mr Goodwin, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit in order to assess the impact of the proposals on the surrounding area, to allow Sandbach Town Council to respond to the proposals as they had not been consulted previously, to address concerns on affordable housing provision and in order to get viability figures independently assessed.

167 09/3639C-DEMOLITION OF ALL EXISTING BUILDINGS AND THE ERECTION OF 53 NO. RETIREMENT APARTMENTS, 13, CONGLETON ROAD, SANDBACH, CHESHIRE FOR GLADMAN CARE HOMES LTD/HACKNEY

Consideration was given to the above application.

(Mrs Thompson, an objector and Mr Still, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposal, by reason of its siting, scale, mass and design, represents an incongruous feature in the street scene, out of context with the environment and neighbouring properties and as such would be harmful to the street scene. As such the proposal is contrary to Policies GR1, GR2 and GR3 of the Congleton Borough Local Plan First Review.

2. The proposal, by reason of its close proximity to the southern boundary, scale and design, would, when viewed from Sandbach Park, appear obtrusive and would visually intrude into the park, to the detriment of the openness and character of the area, contrary to policy GR1, GR2, and GR3 of the Congleton Local Plan First Review.

168 CONSULTATION BY ADJOINING AUTHORITY ON 09/02430/WAS-WASTE TREATMENT PLANT, WINCHAM, NORTHWICH

Consideration was given to the above report.

RESOLVED

That the Council wishes to raise 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 and subject to the Council being consulted on routing agreements.

In addition the Committee requested that the proposed routing of vehicles be prescribed to avoid villages wherever possible, that the circumference of the collections direct to the facility be defined and that the routing agreement clarify the number and size of vehicles.

The meeting commenced at 2.00 pm and concluded at 5.30 pm

Councillor H Gaddum (Chairman)

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| Application No: | 09/4074N |
| Location: | BAE Systems, Land Systems Munitions, Radway Green, Alsager, Near Crewe, CW2 5PJ |
| Proposal: | Proposed Manufacturing Building On The Former B Block Site, Including Ancillary Infrastructure Comprising Site Access Road, Security Gatehouse, Car Parking And An Internal Firing Range. |
| Applicant: | Mr K Mellis, Bae Systems Properties Ltd |
| Application Type: | Reserved Matters |
| Ward: | Doddington, Crewe & Nantwich and Alsager, Congleton |
| Registration Date: | |
| Earliest Determination Date: | |
| Expiry Date: | |
| Date report Prepared | 27 January 2010 |
| Constraints: | Site allocated in Congleton Local Plan First Review as Royal Ordnance Factory |

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| SUMMARY RECOMMENDATION: |
| Approve Subject to Conditions |

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| MAIN ISSUES: |
| Impact on the character and appearance of the area. Scale and mass of the building. Development on contaminated land. |

REASON FOR REPORT

The application is included on the agenda of the Strategic Planning Committee as the scheme exceeds 1,000 m² floor area and is therefore a major development.

DESCRIPTION OF SITE AND CONTEXT

The site lies to the south of Alsager and forms part of the larger BAE complex at Radway Green. The site is identified in the Congleton Borough Local Plan under Policy E9 'Royal Ordnance Factory'.

The application site is located within an established manufacturing and assembly facility. In addition, there is an existing industrial estate located immediately west of the site.

The Royal Ordnance Factory at Radway Green was developed in 1939. The factory was established to produce small arms ammunition (SAA) and cartridges for HM Forces. Industrial production started at the site in 1940, although the site facilities were not fully completed until 1942.

The site originally comprised a number of buildings with production being based within four centrally located large open plan buildings, A, B, C and D blocks. In addition to the main production buildings, a number of firing ranges were constructed on the southern side of the site, along with infrastructure, including gas works, a boiler house, administrative units and waste treatment facilities. To the east of the site, a number of bulk storage magazines were

also constructed to store explosive material and finished munitions. To the north of the site, a substantial rail marshalling yard infrastructure yard was built to support site operations.

A line of Goat Willow lies to the south of the B block building and beyond the open air firing range lies open countryside.

At the Strategic Planning Board Meeting on 19 August 2009, outline approval was granted for the redevelopment of the manufacturing building subject to conditions (ref. 09/1285C). This current applications seeks approval for the matters that were reserved as part of the earlier scheme with the exception of the details for the replacement firing range. This element of the scheme will be subject to a separate application at a later date.

DETAILS OF PROPOSAL

As indicated, the application is for the approval of a number of reserved matters and seeks permission for the development of a manufacturing building, associated site access road, a security gatehouse, car parking, landscaping and ancillary infrastructure.

As set out in the outline application, the general vehicular access is gained from Number 1 Road North, which runs directly from Radway Green Road (B5078). The B5078 connects directly with Junction 16 of the M6, which is located approximately 1.5km south of the site.

RELEVANT HISTORY

Application P08/0131 was granted consent by Crewe & Nantwich Borough Council for the redevelopment of part of the adjoining employment site in 2008. This scheme was for the construction of 41 new small units for B1, B1(c), B2 and B8 uses.

Prior to the submission of the outline application, the applicants submitted a request for a screening and scoping opinion under Regulation 10 (2) and 10 (5) of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

After consideration of the site and the proposed development, it was confirmed that the scheme under consideration did not comprise development under Schedule 2 of the regulations and could therefore be considered under the normal planning regime.

Of particular relevance is the recent approval in August 2009 for application 09/1285C which is the outline consent under which these reserved matters are being considered.

POLICIES

Unusually, the site of the proposed building falls across the boundary between the former Congleton Borough Council and the former Crewe & Nantwich Council however, following Local Government reorganisation in April 2009, the site is now wholly within the area covered by Cheshire East.

Regional Spatial Strategy

Policy DP 4: Make the Best Use of Existing Resources and Infrastructure

National Planning Guidance

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Growth

PPS9: Biodiversity and Geological Conservation
PPS23: Planning and Pollution Control
PPG24: Planning and Noise

Local Plan Policies

Congleton Borough Local Plan

PS8: Open Countryside
GR2 & GR3: Design
GR4 & GR5: Landscape
NR1: Trees and Woodland
E5: Employment Development in the Open Countryside
E9: Royal Ordnance Factory

Crewe and Nantwich Borough Council

NE2: Open Countryside
NE5: Nature Conservation and Habitats
NE9: Protected Species
NE20: Flood Prevention
BE1: Amenity
BE2: Design Standards
BE6: Development on Potentially Contaminated Land
E4: Development on Existing Employment Area
E7: Existing Employment Sites

In both Plans, Green Belt land is identified as being approximately 300m beyond the southern site boundary.

Other Material Considerations

No other material considerations.

CONSIDERATIONS (External to Planning)

Highways:

The Strategic Highways and Transportation Manager has viewed the above application and considered the evidence in the Traffic Statement provided by Cass Associates, via a scope agreed with CEC Highway Authority engineers.

The Traffic Statement clearly defines the traffic implications of the proposed development and demonstrates to the satisfaction of the Strategic Transport and Highways Manager that the traffic generation from the development will not have any material impact on the local highway infrastructure.

In fact the Traffic Statement gives evidence demonstrating that there is likely to be a reduction in trips from the site, and therefore once the proposed development is operating at intended levels, there will in fact be betterment in local highway terms.

The Strategic Highways Manager therefore recommends that the Local Planning Authority secure by condition the following:

- A construction management plan.
- A Travel Plan for the proposed development, within 6 months of commencement of development.

Environmental Health:

At the time of writing, no comments have been received.

In respect of the outline application, the Environmental Health Officer did not raise any objection to the proposal in principal but suggested a series of conditions relating to the control of noise and the protection of air quality. These were placed on the outline application decision notice.

Nature Conservation Officer

No objection to the scheme although it has been suggested that when the future application for the firing range is submitted, the location of the range is reconsidered to ensure the development does not conflict with a nearby area of rough habitat/ scrubland.

VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council have confirmed they have no objections to the proposal. At the time of writing the report, no comment has been received from Doddington and District Parish Council.

OTHER REPRESENTATIONS

Environment Agency

The Environment Agency have considered the application.

No objection is raised although an informative is recommended in respect of seeking to utilise native species in the landscaping scheme.

A series of conditions were placed on the outline approval in respect of flooding and contamination based on the Agencies comments on the earlier scheme.

Natural England

No comments received at the time of writing.

Neighbours

No representations have been received from neighbours.

APPLICANT'S SUPPORTING INFORMATION

In support of the proposal, the applicants have submitted the following information:

- Design and Access Statement
- Traffic Statement
- Planning Statement
- Ecological Surveys including bats, breeding birds, invertebrates, reptiles and a Phase I habitat survey
- Landscape specification
- Construction management plan including assessment of viability of use of rail link

OFFICER APPRAISAL

Principal of Development

The principal of development of the building has already been accepted through the approval granted to the outline application in August last year.

In addition to the support the application received through Policy DP 4 "Make the Best Use of Existing Resources and Infrastructure" in the Regional Spatial Strategy, the proposal is also in compliance with the aims of the new PPS4 "Planning for Sustainable Economic Growth".

Policy EC10 of PPS4 indicates that Councils should take a positive approach to economic development proposal especially if they are sustainable in terms addressing climate change and minimising carbon usage and are also accessible by a range of travel modes.

Highways

In addition to the request for a site management plan, a Travel Plan has also been requested. Whilst this recommendation would normally be considered as a possible condition, it is felt given the enhanced weight given to sustainability by PPS4, the requirement for a Travel Plan is now felt to be essential. Accordingly, this is put forward as a condition.

Design

The building is similar in appearance to that shown on the indicative drawings that accompanied the outline application and has a floor area of approximately 19,100 m sq. A brick clad two storey office element is to be provided on the western end of the building. The main part of the property would be similar to many other employment premises being of portal framed construction with a single apex.

Few openings are to be provided in the factory with loading bays situated on the northern element facing towards the access road within the site.

The proposed gatehouse at the entrance to the car park is of a similar design to the building and office block element being flat roofed.

Amenity

Due to the location of the building within the existing complex and the distance to neighbouring properties, the new structure will not result in any change or detriment to existing amenity levels.

Ecology

No objection is raised in respect of ecology and conditions on the outline scheme ensure the scheme will be undertaken in accordance with the earlier ecology reports and protect breeding birds.

Site Management

The applicants have submitted a detailed site management plan. Not only does this explain the methods the developer will use to construct the property but how the site compound will work and importantly, site security measures.

This approach should ensure that development does not impact on the public highways or neighbours.

Rail Access

A condition was placed on the outline application requiring the site management plan to show how usage could be made of the adjacent rail line.

The applicants have considered this in their Site Management Statement but have found it not to be viable for four specific reasons. These are firstly, the use a rail head would require specialist staff and incur a security risk which would be problematic on a munitions factory, secondly, the cost of bringing the rail head into use would be prohibitively expensive. Thirdly the cost of continual use post development would be expensive and result in difficulty in ensuring delivery to clients many of whom are not directly on the rail network and finally, the provision of a rail head would bring about significant time delays.

Although the site produced millions of bullets and other munitions each year, these are very small items but very dense in weight. Accordingly, the shipments leaving the site are often partially empty not due to inefficiencies in the process but weight restrictions on the vehicles.

Whilst the argument that the use of rail would necessitate employing specialist staff carries little weight in supporting the applicants case not to proceed with this element of the development, the other concerns especially the ability to maintain deliveries to clients, it is felt that the applicants have provided sufficient evidence to show that the use of rail in this instance would not be economically viable nor would it fully meet clients needs for flexibility of delivery.

CONCLUSIONS AND REASON(S) FOR THE DECISION

After consideration, it is felt that the proposed development will not have a detrimental impact on the character of the surrounding area or neighboring properties. Furthermore, as the development is in accordance with national and local planning policy and the parameters set in the outline application, it is recommended that approval subject to conditions be granted.

RECOMMENDATION:

Approve subject to conditions.

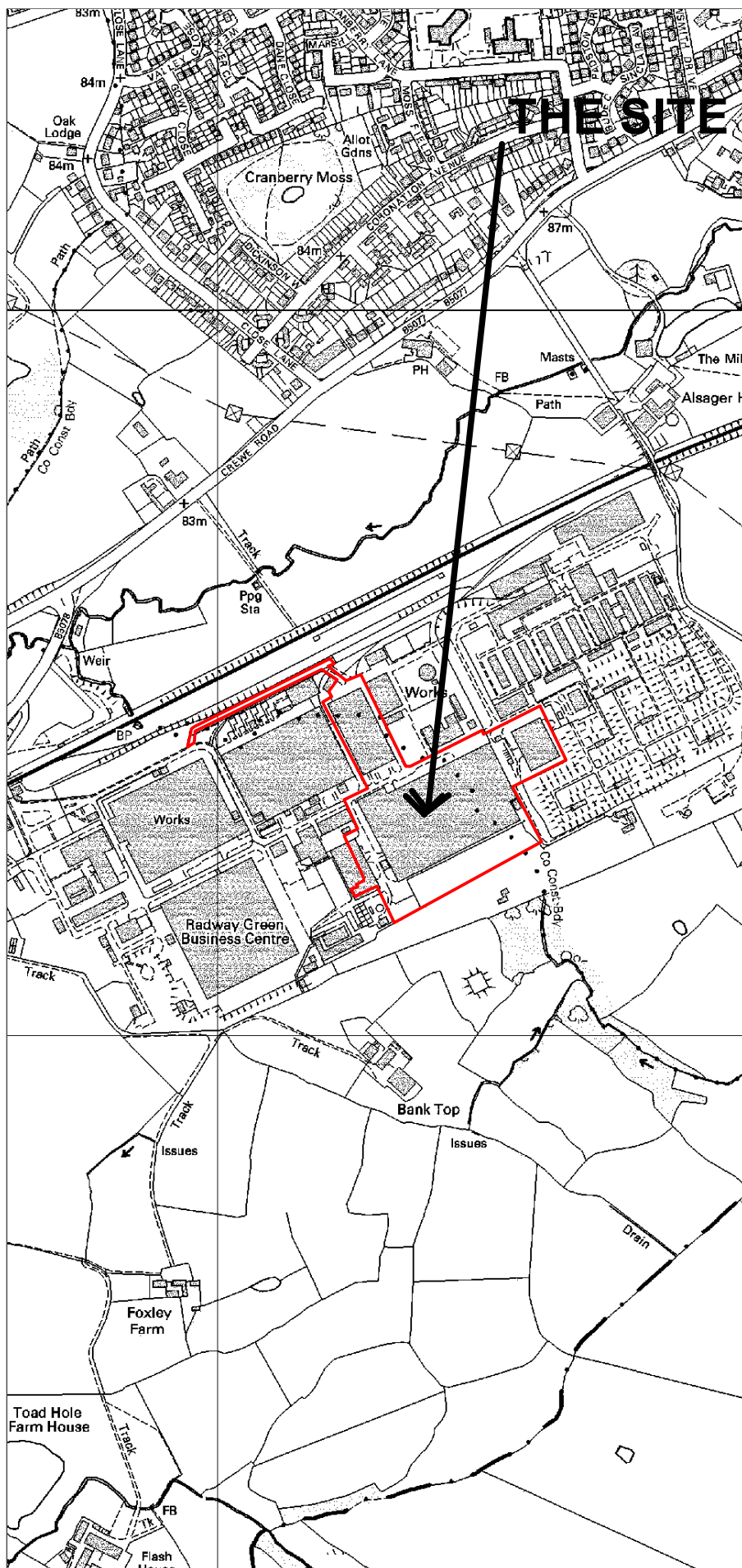
Conditions

Time Limits: Reserved Matters

Development in accordance with approved plans

Travel Plan to be submitted and implemented

Development to be undertaken in accordance with submitted site management scheme



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| Planning Reference No: | P09/3535C |
| Application Address: | Land Southwest Of, Old Mill Road, Sandbach, Cheshire |
| Proposal: | Proposed housing development consisting of 43no. 1, 2, 3, & 4 bedroom dwellings |
| Applicant: | Morris Homes Ltd |
| Application Type: | Full |
| Grid Reference: | 375745 360498 |
| Ward: | Sandbach East and Rode |
| Earliest Determination Date: | 20 January 2010 |
| Expiry Dated: | 24 February 2010 |
| Date of Officer's Site Visit: | 29 December 2009 |
| Date Report Prepared: | 7 January 2010 – Updated 27 January 2010 |
| Constraints: | Wind Turbine Dev. Consultation Area |

SUMMARY RECOMMENDATION:

- **APPROVE** subject to signing and completion of a S106 agreement and imposition of conditions and that authority be delegated to the Head of Planning and Policy to approve subject to the successful conclusion of negotiations requiring affordable housing and public open space.

MAIN ISSUES:

- **The acceptability of the development in principle**
- **Layout, design and street scene**
- **Impact on neighbour amenity**
- **Provision of affordable housing**
- **Open space provision**
- **Renewable energy**

UPDATE

This application was deferred at the Strategic Board meeting on 20 January for the following reasons:

That the application be deferred for a site visit in order to assess the impact of the proposals on the surrounding area, to allow Sandbach Town Council to respond to the proposals as they had not been consulted previously, to address concerns on affordable housing provision and in order to get viability figures independently assessed.

Since the date of the last meeting, details of the application have been forwarded to the Town Council and the viability assessment has been sent to the Liverpool office of the Valuation Office Agency.

Responses from both parties are anticipated prior to the date of the next meeting and an update will be given.

In addition, a site visit has been arranged prior to the next Committee Meeting.

The original report presented to Members at the last meeting follows.

1. REASON FOR REFERRAL

This application has been referred to the Strategic Planning Committee due to the significance of the application in terms of its location on one of the principle junctions in Sandbach and the scale of development proposed.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located on the edge of Sandbach town centre and is adjacent to the Old Mill Roundabout which joins the A534 Crewe Road to the A533 to Middlewich.

The site is bounded to the north by the existing Homebase store from which it shares an access of the main A533. The boundary between the two sites is defined by a close boarded fence with railings and a wall some 2.0m in height. To the west is an existing football pitch with associated pavilion. This site has recently received planning consent to be redeveloped into an extra care facility (ref 09/3400C).

To the east lies the Old Mill Road Roundabout and to the south there is a ribbon of vegetation and planting that follows the line of the A534 forming a soft boundary to this part of the site in contrast to the more defined boundaries to the north and west

The site itself is relatively level but does slope on the eastern side leading to the by-pass. There is also a slight drop down outside of the boundary of the site to the Homebase site which sits at a lower ground level than the site.

The site is in close proximity to the town centre being a relatively short walk past Waitrose which lies to the north of the A533.

The site has been remediated as part of the work undertaken in line with an earlier permission granted on the site and its current character is one of intermittent vegetation resulting in an untidy appearance. The site is also bounded on the north and east by hoardings protecting the area from intrusion.

3. DETAILS OF PROPOSAL

This application is for the development of 43 dwellings at an average density of nearly 33 d.p.h. comprising of a mix of detached and semi-detached houses with the remainder made up of apartments. In total, the split will be 31 houses and 12 apartments. The majority of the development will be open market housing but 2 dwellings or 5% of the total will be for affordable housing.

Although most of the development will be two storey, some of the units will be three storey in nature.

It is proposed that the scheme will be accessed off the roundabout leading to Homebase.

Although the site benefits from consent granted in 2007 (see below) the applicants have submitted this scheme to introduce a different mix of property types on the site to more closely reflect the requirements of the current housing market which has shifted away from apartments to more traditional forms of accommodation.

4. RELEVANT HISTORY

There are two main applications in respect of this site.

Application 37691/3 was approved on 26 September 2007 for the development of 70 private dwellings and associated works. This was for a scheme predominantly comprising of apartment but linked to a section 106 agreement to provide a financial contribution in respect of public open space and to secure 25% of the dwellings i.e. 18 units for shared ownership tenure. This was to comprise 17 apartments and 1 mews flat.

The second application, 05/0265/FUL approved on 25 October 2007 was for the development of the Homebase store and the access roundabout off Old Mill Road. This scheme was followed in 2008 with approval on 29 May of application 08/0595/FUL for the addition of a garden centre on the side of the store.

5. POLICIES

National Policy

PPS 1: Delivering Sustainable Development

PPS3 Housing

PPG 13: Transport

North West of England Plan - Regional Spatial Strategy to 2011

DP1 Spatial Principles

DP7 Environmental Quality

L1 Health, Sport, Recreation, Cultural and Education Service Provision

L4 Regional Housing Provision

L5 Affordable Housing

EM11 Waste Management Principle

EM18 Decentralised Energy Supply

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Congleton Borough Council Local Plan First Review 2005

PS4 Towns

H1 & H2 Provision of New Housing Development

H4 Residential Development in Towns

H13 Affordable and Low Cost Housing

GR1 New Development

GR2 & GR3 Design

GR4 & 5 'Landscaping'

GR6 & 7 'Amenity and Health'

GR9 Accessibility, Servicing and Parking Provision (New Development)

GR17 Car Parking

GR22 Open Space Provision

RC1 'Recreation and Community Facilities – General'

SPG1 Provision of Public Open Space in New Residential Development

SPG2 Provision of Private Open Space in New Residential Development

SPD6 Open Space Provision

6. CONSULTATIONS (External to Planning)

Environmental Health

Comments are awaited.

Nature Conservation Officer

Comments awaited.

Affordable Housing Officer

Comments awaited.

Senior Landscape & Tree Officer

Comments awaited.

Highways

The Strategic Highways Manager has assessed this application and has read the attached Traffic Statement from Singleton Clamp & Partners. The Strategic Highways Manager has confirmed that he agrees with the figures contained therein and that the proposed change in unit type for the development is acceptable.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

No comments have yet been received from the Town Council. They have however indicated that they will be commenting on this proposal following the Christmas break.

8. OTHER REPRESENTATIONS:

None received.

9. APPLICANT'S SUPPORTING INFORMATION:

Planning Statement

The applicants have supported the application with a planning statement from Nathaniel Lichfield & Partners that seeks to justify the development and looks closely at policies appertaining to the scheme proposed and the relevant planning history of this site and the adjoining Homebase site.

The Statement also looks at the main planning issues and details why the scheme is considered by the applicants to be in compliance with the Local Plan and other policy guidance.

Transport Assessment

A transport assessment undertaken by Singleton Clamp & Partners was prepared by the applicants and submitted with the application. This study shows the change in levels of impact between the permitted scheme and that currently proposed would be insignificant.

Accordingly, it is the consultants view that the development would not have a material impact on the operation of the local highway network.

Wildlife Surveys

The applicant has recommissioned an Extended Phase 1 Habitat survey from Trevor Bridge Associates in respect of protected species that may be present on the site. This is an update to the original survey they undertook in 2004.

The survey found that no protected species had become established on the site since the time of the original survey.

Design and Access Statement

The applicants have produced a Design and Access statement by Nathaniel Lichfield & Partners which examines the viability of the proposal and the character of the surrounding area. The report also looks at the earlier proposal in terms of its relationship to the surrounding area and the potential for improvements in the form of development proposed for the site.

Financial Statement

The applicants have considered the viability of the development in light of the current housing market and submitted supporting information in

respect of their offer of 5% provision of affordable housing on the site.

Sustainability Statement

The applicant has submitted a statement detailing the specific measures that will be taken to incorporate sustainability measures into the dwellings and to promote waste management measures.

Sustainable Drainage Statement

A report by REFA Consulting has been submitted detailing how attenuation measures will be employed on both this site and the adjoining Homebase store to reduce flow rates from the site in line with the guidance in PPS25.

Site Contamination Report

Following the remediation of the site for the previous approval Opus Joynes Pyke have submitted evidence to show that the site is now clear of contamination.

Air Quality Assessment

A report from the Waterman Group accompanies the application and shows that current pollutant levels around the site are well below the current air quality strategy standards and as such would be unlikely to give rise to health concerns.

Additional Material

A draft Heads of Terms for a Section 106 agreement has been offered by the applicant. This details provision for public open space in line with the previous approval for 70 dwellings on site but reduced pro-rata to reflect the reduced number of dwellings on site. The agreement also details the framework for the provision of 2 dwellings (5% of the total site) for affordable housing to be managed through an RSL.

10. OFFICER APPRAISAL

Principle of Development

As the site already benefits from an extant approval for the development of 70 dwellings, it is recognised the principle of residential development on this site has already been established. What is at question therefore is the detail surrounding the scheme.

Layout, Design and Street Scene

In appraising the current scheme, consideration has to be given to the extant approval which is an important material consideration.

The original scheme was a product of its time reflecting the move towards higher density development driven by apartments and flats. Whilst there are places within Cheshire East where such scheme would not only be acceptable but preferable to complement the character of the surrounding development.

The new scheme seeks to address these issues which are facilitated through the greater use of more traditional dwelling types as opposed to apartments. The layout now faces the street scene more effectively and where possible the majority of the parking is relegated to small courtyards leaving only a few cars on the frontage to ensure a degree of vitality remains about the area.

In considering each plot, it is felt that only unit 28 on the western side of the site represents a weakness to the layout with the boundary fence to the rear garden being a prominent feature. This could readily be resolved through the submission of an amended drawing showing the building re-orientated 90o clockwise to face the main road similar to its neighbours to the south. Whilst this means the neighbours to the north would face a gable elevation, this is felt preferable to the current arrangement on balance. This matter can be effectively addressed through the use of a condition.

The buildings themselves are traditional brick and tile properties and the developers have sought to provide a range of differing house types to ensure a degree of variety within the scheme which is brought together as a cohesive development through the use of a complementary range of materials.

Amenity

Given the location of the development in respect of other developments, it is recognised that the scheme will not have an impact on existing properties in the area. It is noted however that consent has recently been given for the development of a new extra care facility on the land to the west. Given the distances involved however, it is felt that the two developments will not result in detriment to residential amenity levels and the scheme is therefore felt to be acceptable in this respect.

Landscape

The site as it currently stands is clear of any significant landscaping features given the extent of remediation work that has been undertaken on the site.

A detailed landscaping scheme has been provided and this will bring some planting to the front of the dwellings helping to soften the character of the site.

Ecology

In light of the habitat survey, it is noted that there are no protected species on the site. Accordingly, there are no objections to the development on these grounds.

Highways and Parking

This matter has been considered by the Strategic Highways Manager. As the scheme is essentially similar to the earlier approval utilising the

access past Homebase but comprising of a reduced number of dwellings, no objections are raised.

Like the earlier scheme, this proposal incorporates two access points leading to the land to the south which may come forward for development at a later date.

Contamination

Extensive clearance work have been undertaken by the applicant following the granting of approval of the earlier scheme in 2007 and this has been verified through the supporting documents by Opus Joynes Pyke. As a result, it is felt that in principle there are no objections to this development proceeding.

The comments of the Environmental Health Officer are awaited however and should any conditions or objections be raised, these will be highlighted in an update sheet to Members.

Open Space Provision

Policy GR22 requires the provision of Public Open Space. Policy GR22 requires that this public open space is of 'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'. It goes on to state that the 'Council may accept a commuted payment in lieu of on site provision, providing the alternative is near to and easily accessible from the housing site'.

Through the draft Heads of Terms for a Section 106 agreement, the applicants have offered to provide a financial contribution in lieu of provision. This is in line with the agreement reached in respect of the earlier approval subject to being discounted pro-rata in line with the reduction in the number of dwellings on the site.

The comments are awaited from the Streetscape officer and these will be referred to in an update sheet to the Committee.

Affordable Housing

The earlier approved scheme provided for 25% of the 70 units to be delivered as shared equity dwellings.

Since that time however, the market has changed and the demand for shared equity properties has changed. In addition, the applicants are arguing that the scheme is not as financially viable as previously considered. As a result, they have reduced the provision to only 5% and supported this with a viability assessment and cited case law through recent appeal decision to support this stance.

One of these decisions is the recent Bath Vale case in Congleton where the applicant successfully proved that they could only afford a 5% provision on the site.

In this case it would appear on first reading that the viability of the site is slender but further advice from the Housing Officer has been sought on the suitability of the figures put forward by the applicants. An update to this will be provided through the update sheet for Members.

Renewable Energy

Although the applicant has not met the requirements of the Region Spatial Strategy in showing that the development will provide 10% of its energy requirements through renewable energy sources, they have set out a series of building standards to provide for sustainable development.

These are felt to be appropriate measures and, given the difficulty the applicants are facing in providing an adequate level of affordable housing due to the limited viability of the development, are deemed to be acceptable. This can be secured through condition requiring the development to be undertaken in accordance with the submitted details in the applicants Sustainability Assessment if the scheme is approved.

Other Matters

On the matter of drainage, it is felt that this scheme will represent an improvement over the approved scheme improving attenuation and minimising the risk of local flooding. It is recognised that the site has a low probability of flooding and on this basis no objection is raised to this aspect of the scheme.

11. CONCLUSIONS

As indicated earlier, the principle of development on this site is accepted as the application site is on a brownfield and benefits from an extant approval for a larger residential scheme.

Although there are a number of details to be confirmed in respect of the level of affordable housing on the site and the contribution in lieu of public open space, it is felt that the overall scheme is not only acceptable but represents an improvement over the approved scheme in terms of the design and character of the development being proposed.

On this basis, it is felt that the scheme as a whole subject to the details as mentioned above is acceptable.

12. RECOMMENDATIONS

A: That subject to the satisfactory conclusion of negotiations by 22nd February 2010 regarding affordable housing and the provision of public open space and the signing and completion of a S106 agreement in respect of these matters, that authority be

given to the Head of Planning and Policy to grant approval subject to the imposition of conditions.

B: Should no agreement be reached by the 23rd February 2010, then authority be delegated to the Head of Planning and Policy to refuse the application on the following grounds; a) The applicant has failed to demonstrate that the proposed development makes appropriate contribution to the delivery of affordable housing in line with the requirements of Policy H13 of the adopted Congleton Local Plan First Review 2005 and b) The applicant has failed to demonstrate that the proposed development makes appropriate contribution to the delivery of sufficient public open space in line with the requirements of Policy H4 of the adopted Congleton Local Plan First Review 2005

Heads of Terms for Legal Agreement

1. Contribution towards public open space
2. Contribution towards affordable housing

Conditions

General

1. 3 Time limit
2. Development in accordance with submitted plans
3. Submission of material samples

Environmental Health

4. Hours restriction - construction.
6. Hours restriction - piling activity.

Highways and Drainage

6. Details of junctions to be submitted prior to the commencement of development
7. Drainage - surface water and sewerage to include SUDS.
7. Design of flood storage and mitigation.
8. Detailed junction design to be submitted and agreed.
9. Parking area to be completed and marked out prior to first occupation

Ecology and Trees

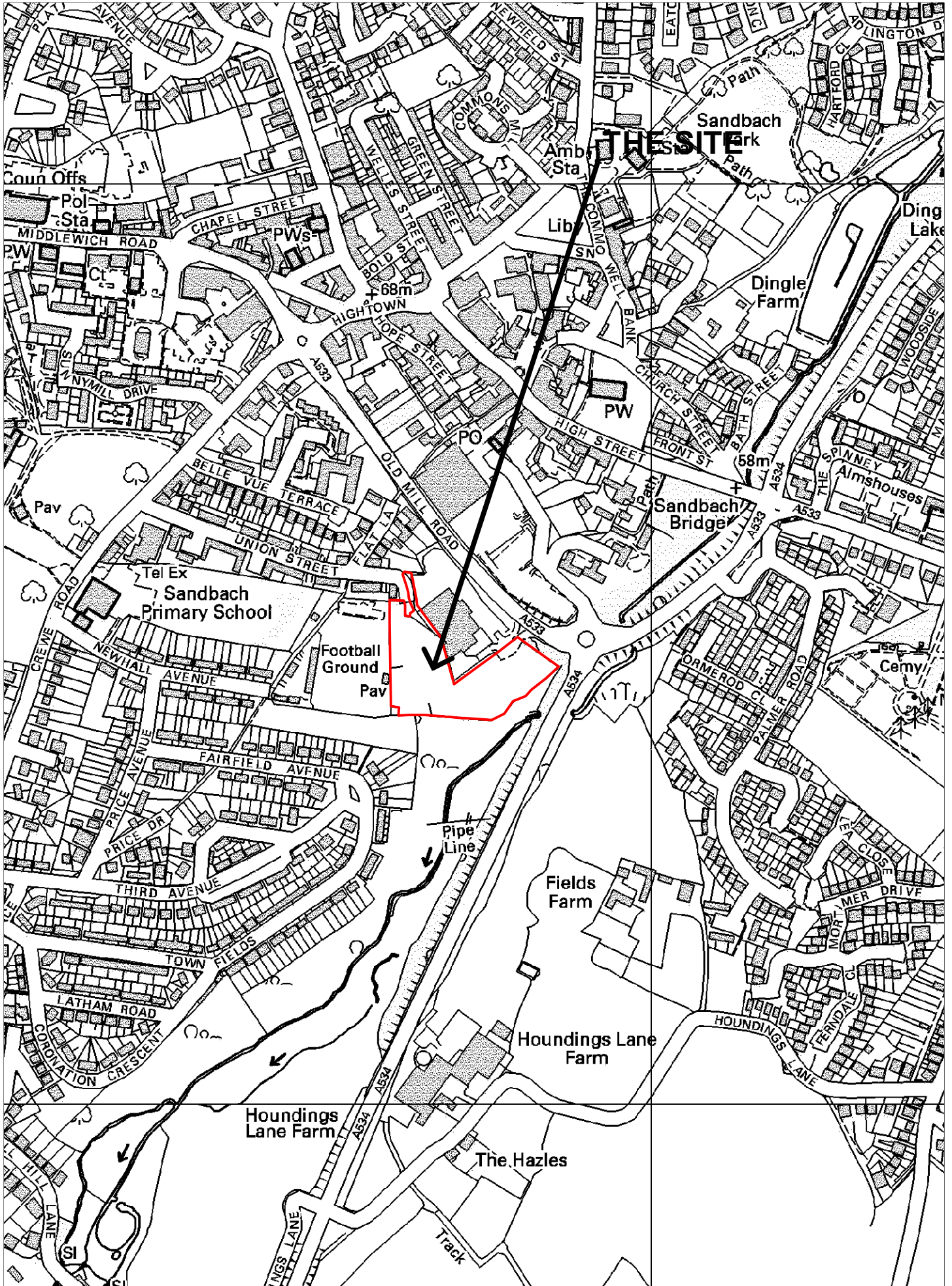
9. Breeding bird protection.

Sustainable Development

10. Waste management plan.
11. Development in accordance with submitted Morris Homes Sustainability Statement dated November 2009

Other Matters

12. Amended plans to be submitted in respect of the siting of plot no. 28
13. Landscaping in accordance with submitted details
14. Landscaping to be maintained for 5 years
15. Details of boundary treatments to be submitted



| | |
|-------------------------------|---|
| Planning Reference No: | 09/2291W |
| Application Address: | Arclid Quarry, Near Sandbach, Cheshire |
| Proposal: | South Eastern Extension of Existing Silica Sand Quarry |
| Applicant: | Archibald Bathgate Group Limited |
| Application Type: | Full |
| Ward: | Congleton Rural, Sandbach East and Rode |
| Constraints: | Open Countryside, Agricultural Land and partly outside the Preferred Area for silica sand extraction, protected species |

SUMMARY RECOMMENDATION:

- Approve subject to section 106 legal agreement and conditions

MAIN ISSUES:

- Need for silica sand
- Landscape and visual amenity
- Ecology and nature conservation
- Trees and Hedgerows
- Impact on neighbouring residential amenity
- Noise
- Air Quality; Dust
- Soils and Agricultural Land
- Restoration and aftercare
- Hydrology and Hydrogeology
- Public Rights of Way
- Archaeology
- Stability
- Highways/Transport

1. REASON FOR REFERRAL

1.1 This application has been referred to the Strategic Planning Board as the proposal involves a major minerals application which required the submission of an Environmental Impact Assessment. Furthermore, the majority of the site is not identified as a Preferred Area for silica sand extraction in the Cheshire Replacement Minerals Local Plan 1999; as such it is considered to be a significant departure from the Development Plan.

2. DESCRIPTION OF SITE, CONTEXT AND RELEVANT HISTORY

2.1 Arclid Quarry lies 2.5km north east of Sandbach, 8.5km west of Congleton and 5km south of Holmes Chapel. The A534 Congleton to Sandbach road splits the Quarry site; with 'North Arclid' lying to the north and 'South Arclid' located to the south of the A534 road. This is a predominantly agricultural area, mainly in arable use although some land is used for grazing.

2.2 Planning permission for silica sand extraction at Arclid Quarry was initially granted in December 1948 for an area of 2.7 hectares to the north of the A534. This planning permission was subsequently extended on eight occasions to cover the whole area now referred to as 'North Arclid', where sand extraction has now ceased. However, the site's plant and processing machinery, office complex and the quarry's highway access on to the A534 are all located at North Arclid, as the logistical hub.

2.3 Sand extraction is currently being undertaken at South Arclid which lies to the south of the A534. Extraction commenced here in 1996. Sand is transported from South Arclid to the processing plant at North Arclid via two parallel underground pipelines where it is then processed and transported off site.

2.4 In December 2001 planning permission ref 8/31604 for the determination of new conditions for Arclid Quarry, under the provisions of the 1995 Environment Act, was granted. The revised schedule of conditions was effectively separated into a set of conditions covering North Arclid, and set of conditions covering South Arclid.

2.5 In 2003 a subsequent permission ref 8/33385 was granted for a small eastern extension to South Arclid which included a section 106 legal agreement which effectively consolidated the planning conditions for the new consented area and the existing 2001 consent at South Arclid. This effectively provided the South Arclid site with a comprehensive set of updated planning conditions, instead of the site being governed by two sets of planning conditions.

2.6 In October 2008, a further planning permission ref 8/07/0222/CPO was granted for a Western Extension to South Arclid to extract approximately 900,000 tonnes of silica sand from an 8.7 hectare site. This was also subject to a section 106 legal agreement for extended management of the site for 15 years post restoration; it also consolidated all the planning conditions for the various permissions over the South Arclid site area for consistency and for monitoring and enforcement purposes. The current permission for mineral extraction at South Arclid expires on 31st December 2022.

3. DETAILS OF PROPOSAL

The proposed development

3.1 Archibald Bathgate Group Ltd has submitted a planning application accompanied by an Environmental Statement (ES) for a South Eastern Extension (SEE) to the current silica sand workings at South Arclid. The extension would provide approximately 7 million tonnes of high quality silica sand from a 57.8 hectare site at South Arclid.

3.2 The application site boundary has been delineated so that it covers the entire permitted site at South Arclid; including the 2001 and 2003 consents, the recent western extension (2008), and the SEE to which this application is related. This extended area would result in a single consolidated planning permission for the whole of South Arclid, with one comprehensive list of planning conditions should planning permission be granted.

3.3 The total application site area is 105 hectares, which includes 52.7 hectares of land at South Arclid that already benefits from planning permission. The SEE area, which overlaps slightly with the current consented mineral permissions at South Arclid, covers 57.8 hectares.

3.4 As of 31st December 2008, there were approximately 2.3 million tonnes of permitted reserves remaining at South Arclid. This equates to a life of approximately 5 years at current extraction rates (5 year landbank). The reserves with the proposed SEE would extend the life to 15 – 18 years; projecting an approximate end of December 2030, should extraction commence in 2012. However, to allow a degree of flexibility, taking into account fluctuations in demand for silica sand, the applicant has requested an end date for mineral extraction to the end of 2035.

The application site

3.5 The proposed SEE area has been divided into two silica sand resource blocks known as the Eastern Block and the Southern Block. The blocks are separated by a strip of land running ESE-WNW; where no sand extraction is proposed due to the depth of overlying clay and where the overburden to mineral ratio makes extraction uneconomic; this has been referred to as 'The Barren Area'.

3.6 The Eastern Block is bounded by Arclid Brook to the north, and by a small stream to the east. Hemmingshaw Lane, which is a private road and forms part of a public footpath for some of its length, runs along most of the western boundary of the Eastern Block. The Southern Block comprises of several large fields, bounded by hedgerows. Hemmingshaw Lane runs through the central part of the Southern Block, and a hangar, used by the Cheshire Microlight Flying Club, is located to the south of the Southern Block. A poultry farm lies 130 metres to the east of the application site.

3.7 Virtually all of the proposed SEE area is agricultural land, mainly in arable use although some is used for grazing. The majority of the fields and the perimeter of the SEE area are bounded by hawthorn hedges which have gaps in places with occasional mature hedgerow trees.

3.8 A number of footpaths cross, or run close to the edge of the SEE area. It is proposed that all of the sections of footpath that lie within the proposed SEE area would be diverted to new routes around the perimeter of the extraction area well in advance of the mineral extraction that would take place. Following the restoration of the site, it is proposed to permanently divert one of the public footpaths within the site to an alternative route. A number of overhead power lines cross the SEE area and these would be diverted in advance of mineral extraction; utilising the 'Barren Area' for the diversion of power lines and footpaths where appropriate.

Proposed Operation

3.9 It is proposed that the sand present in the Eastern and Southern Block would be worked in seven phases. The Eastern Block is split into Phases E1, E2, and E3. The Southern Block is split into Phases S1, S2, S3 and S4.

3.10 It is proposed to utilise the same type of plant and machinery to work the SEE area as is currently used at South Arclid. Also, the general method of working would be similar to that currently employed. The main difference would be that dewatering would only take place occasionally, where sand lies below the water table. As most of the silica sand resource lies above the water table in the SEE area, a continuous programme of extraction and progressive restoration would be implemented.

3.11 However, in order to supply a range of sand products, due to the difference in geology, and the different grades of sand available in the Eastern and the Southern Blocks, it would be necessary to have part of the Eastern Block opened up for working at the same time that the Southern Block is being worked. This is required to enable the different sand grades to be blended and used to produce different sand products. However, it should be noted that whilst both areas would be opened up for working at the same time actual sand extraction would not take place from both Blocks simultaneously; only one area would be worked at any one time.

3.12 Phase E1 involves working up to Hemmingshaw Lane, and then using the overburden to create a new lane slightly further west; this would divert Hemmingshaw Lane slightly to the west to allow sand extraction to take place in the Eastern Block. Once this has been done, the current permitted South Arclid areas would be restored and allowed to fill with water to create a lake. Extraction would then proceed to Phases E2 and S1. Phase E2 would be worked in conjunction with the Southern Block as it contains a particular grade of fine, light coloured sand which would be blended with sands from the Southern Block to produce different sand products. Extraction in the Southern Block would be progressive from Phase S1 to S4, with progressive restoration taking place behind the working face, as extraction is completed. Once extraction is finished in Phase S4, Phase E2 would become the sole silica sand extraction area, followed by E3.

3.13 It is predicted that silica sand would be extracted from the SEE area at a rate of around 400,000 to 450,000 tonnes per annum. Most of the Phases would take between 3-4 years to be worked and the total working life of the SEE area would be in the region of 15 to 18 years; projecting the estimated life of the quarry to 2030, if extraction commence in 2012 as anticipated, should planning permission be granted.

3.14 The proposed hours of working for operations within the SEE area would be the same as those currently permitted at South Arclid:

- 0700 hours to 1800 hours Monday to Friday
- 0700 hours to 1230 hours on Saturdays
- No workings on Sundays or public holidays

Plant maintenance shall only be permitted outside these times between the hours of:

- 1800 to 1830 from Monday to Friday
- 1200 and 1800 on Saturdays together with such subdued lighting as required for this purpose.

Restoration and aftercare

3.15 Restoration would take place progressively as mineral extraction and overburden/soil placement progresses through the SEE area. The progressive working and restoration scheme has been designed to keep restoration as close behind mineral extraction as practicably possible to reduce its impact. The restoration proposals have been designed to ensure that high quality agricultural land is not lost, whilst enhancing the nature conservation value of the area by creating a range of habitats that help meet local biodiversity targets and providing a range of public routes through, or around the site to increase accessibility to the countryside.

3.16 Approximately 40 hectares of the SEE area would be restored back to agriculture with field boundaries recreated using species rich hedges. Where the extraction is proposed to take place below the water table, three lakes between 1.1 and 2.3 hectares in size are proposed to be formed. These would have shallow margins to maximise the potential for wetland marginal habitats to develop. 10 small ponds would also be created across the SEE area, primarily to provide habitats for great crested newts. Around 8 hectares of native, broadleaved woodland would be planted, in a number of small copses around the lakes, and in the corners of fields. Areas of nature conservation grassland would also be created around the lakes and on the southern edge of the Eastern Block.

3.17 All restored agricultural land would be subject to five years of aftercare. All land restored to nature conservation after-use would be managed for 15 years, in accordance with a detailed, on-going management plan that would be required by a section 106 legal agreement similar to that signed and agreed in association with the 2008 planning permission for the Western Extension at South Arclid.

4. POLICIES

4.1 The proposed development has been considered against the relevant policies of the Development Plan. The Development Plan in this case includes the North West of England Regional Spatial Strategy 2021 (RSS), the Cheshire Replacement Minerals Local Plan 1999, and the Congleton Borough Local Plan First Review 2005.

4.2 The relevant Development Plan Policies are:

Regional Spatial Strategy:

DP1: Spatial Principles

DP4: Make the Best use of Existing Resources and Infrastructure

DP7: Promote Environmental Quality

EM7: Mineral Extraction

Local Plan Policy:

Cheshire Replacement Minerals Local Plan

Policy 1: Sustainability

Policy 2: Need

Policy 5: Safeguarding

Policy 9: Planning Applications
Policy 10: Geological Evidence
Policy 11: Pre-application Discussions
Policy 13: Planning Obligations
Policy 15: Landscape
Policy 16: Plant and Buildings
Policy 17: Visual Amenity
Policy 18: Jodrell Bank Consultation Zone
Policy 20: Archaeology
Policy 22: Nature Conservation
Policy 23: Nature Conservation
Policy 25: Hydrology; Ground water/surface water/flood protection
Policy 26: Noise
Policy 27: Noise
Policy 28: Dust
Policy 30: Agricultural Land – Silica Sand
Policy 31: Cumulative Impact
Policy 32: Advanced Planting
Policy 33: Public Rights of Way
Policy 34: Highways
Policy 35: Alternative Forms of Transport
Policy 37: Hours of Operation
Policy 39: Stability and Support
Policy 41: Restoration
Policy 42: Aftercare
Policy 54: Future Silica Sand Extraction

Congleton Borough Local Plan

PS8: Open Countryside
GR1: General
GR5: Landscaping
GR6: Amenity and Health
GR7: Amenity and Health
GR18: Traffic Generation
NR1: Trees and Woodland
NR2: Wildlife and Nature Conservation; Statutory Sites
NR3: Wildlife and Nature Conservation; Habitats
NR4: Wildlife and Nature Conservation; Non-Statutory Sites
NR5: Wildlife and Nature Conservation

Other Material Considerations:

National Planning Policy Statements and Guidance Notes

PPS 1: Delivering Sustainable Development
PPS 7: Sustainable Development in Rural Areas
PPS 9: Biodiversity and Geological Conservation
PPG 16: Archaeology and Planning
PPS 23: Planning and Pollution Control
PPG 24: Planning and Noise
PPS 25: Planning and Flood Risk

Mineral Planning Policy Statements and Guidance Notes

| | |
|--------|---|
| MPS1: | Planning and Minerals |
| MPS 2: | Controlling and Mitigating the Environmental Effects of Mineral Extraction in England |
| MPG5: | Stability in Surface Mineral Workings and Tips |
| MPG7: | The Reclamation of Mineral Workings |
| MPG15: | Provision of Silica Sand in England |

5. CONSULTATIONS (External to Planning)

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

5.2 The Borough Council's Nature Conservation Officer: does not object to this development subject to conditions in relation to replacement habitat, additional survey work throughout the life of the development and mitigation measures.

5.3 The Borough Council's Arboricultural Officer: has indicated that there are hedgerows proposed for removal that are classified as 'Important' under the Hedgerow Regulations 1999. The balance between the need for the silica sand is required against the impacts of the proposal and potential losses of important hedgerows.

Should the benefits of the application be deemed to outweigh the loss, it is however considered that the level of detail in the submission is insufficient to ensure comprehensive protection would be secured for retained trees and hedgerows. Prior to commencement of works detailed information in respect of protection would need to be submitted for approval. It would also be necessary to ensure remedial works are carried out to retained trees. In principle, the proposals for replacement planting and restoration appear reasonable, although, as they are described in the submission as outline, approval of a detailed landscape proposals and specifications would be a future requirement.

5.4 The Borough Council's Landscape Officer: does not object to this development. It is considered that the proposed South Eastern Extension would not introduce landscape elements that are incongruous to the character area, and therefore the Borough Council's Landscape Officer would offer no objections to this application on the grounds of landscape or visual impact.

5.5 The Cheshire Archaeology Planning Advisory Service: does not object to the proposed development subject to a written scheme of investigation being submitted by the applicant and approved in writing by the Mineral Planning Authority to ensure that a programme of archaeological work is implemented, including a watching brief during topsoil stripping. The work shall be carried out strictly in accordance with the approved scheme.

5.6 The Borough Council's Environmental Protection Officer: does not object to this proposal subject to appropriate noise mitigation and dust management similar to that of the existing consent at South Arclid. This should ensure that noise and dust nuisance is adequately controlled.

5.7 The Borough Council's Environmental Health Officer: does not object to this proposal.

5.8 Public Rights of Way (PRoW) Unit; has concerns regarding the proposal to divert Public Footpath Arclid FP No. 9, which is already the subject of a temporary diversion order under section 210 of the 1971 Town and Country Planning Act, due to be reinstated in 2016. Furthermore, the PRoW Unit does not consider the permanent diversion proposed regarding Arclid FP No.7 to be entirely satisfactory, as the east west alignment of Arclid FP No.7 would be lost as a result of the restoration, therefore suggests that diversion of Arclid FP No.7 be temporary, or an alternative additional route be considered at the south of the site. Also, there is a Definitive Map Modification Order application outstanding on Arclid FP Nos. 6 & 7 and Smallwood FP No. 16 to upgrade these routes to a bridleway, therefore any diversion orders should be considered as bridleways and footpath status. A full consultation with user groups and statutory undertakers would be required before any permanent or temporary diversion under the Town and Country Planning Act could be agreed.

The PRoW Unit expects that the planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition requests for an informative to be added to any decision notice, should planning permission be granted, to inform the applicant of their obligations regarding public rights of way.

5.9 The Council's Countryside Access Development Officer: has offered further comment in addition to the PRoW Unit on the restoration Masterplan. They have suggested that the restoration scheme offers potential for the creation of several additional paths which would create circular routes around the areas of woodland, open water, and grassland that are planned. They have also requested the applicant enter into a section 106 legal agreement for a commuted sum to provide for the maintenance of the proposed permissive path and diverted public rights of way to cover costs such as strimming, weed control and maintenance.

5.10 Natural England (Ecology and Hydrology Section): initially submitted a holding objection to the proposal subject to further information being provided as they were concerned that the ES did not take into account internationally important features of the Midlands Meres and Mosses RAMSAR site. Furthermore, they felt that the ES did not consider and subsequently discount all nationally important designated sites that may have connectivity to the site. However, Natural England wishes to withdraw their holding objection to this proposal due to subsequent information provided by the applicant. They are content that the RAMSAR site would be safeguarded, should planning permission be granted.

Natural England is also content that the supplementary information provided gives assurance that the impact on the 15 sites of Biological Importance, within 3km of the proposed quarry extension would be safeguarded. They are also content that the potential impacts on the features of Sandbach Flashes SSSI have been fully considered. As such, Natural England does not object to this proposal on ecological or hydrological grounds.

5.11 Natural England; Soils, agricultural and land use section: does not wish to object to the application, but would expect that any granting of planning permission should be made subject to appropriate conditions to safeguard soil resources and agricultural interests.

Whilst this proposal would result in the disturbance of some 34.8 hectares “best and most versatile” land under the DEFRA system of Agricultural Land Classification, Natural England are generally satisfied that, subject to successful implementation and monitoring, the proposals outlined by Appendix 2 of Chapter 10 of the ES (Scheme of Soil Handling, Restoration and Aftercare), should permit the reinstatement of a broadly equivalent area, without loss of quality and in discrete blocks, suited to more productive agricultural use.

Natural England also confirms that it would be appropriate to specify agriculture as an afteruse, and for the relevant land to be reclaimed in accordance with Para 3 (1) of the 1990 Act; namely that the physical characteristics of the land be restored, so far as practicable, to what they were when last used for agriculture.

5.12 The Environment Agency: have no objection in principle to the proposed development but recommends that the proposed development will only be acceptable if a planning condition is imposed to ensure the flow of Arclid Brook is maintained to protect the ecological value of the watercourse.

It will also be necessary to ensure that the recommendations with respect to monitoring and mitigation contained within section 5 of the Hydro-geological Impact Assessment and within the Water Management Plan are implemented. In particular, it is recommended that a planning condition is imposed requiring mitigation measures in order to maintain flow in Arclid Brook upstream of the eastern lagoon at North Arclid, as detailed in Section 3 of the Water Management Plan.

The Environment Agency have also suggested a number of informatives to be attached to any decision notice, should planning permission be granted, with regards to groundwater and information on licensing exemption on dewatering, the impact on nature conservation and the need to consult Natural England.

5.13 United Utilities: Does not object to this proposal

5.14 Cheshire Wildlife Trust: does not object to the proposal but offered a number of comments in relation to the restoration proposals and the management plan, and has suggested including a clause within the section 106 legal agreement to make provision for monitoring of Cheshire BAP species.

5.15 Manchester Airport: has no safeguarding objection to the proposal subject to the contact details of those who would be responsible for the site management, including the restoration scheme and its aftercare, are to be provided to the Manchester Airport Safeguarding Authority before site operations commence.

5.16 The Health and Safety Executive (Quarries Department); does not object to this proposal and confirms that the proposal has taken into account the Quarry Regulations 1999.

6. VIEWS OF THE PARISH / TOWN COUNCIL:

6.1 Sandbach Town Council does not object to the proposal, however due to the on going use and wear of the A534, Sandbach Town Council have requested if there could be a small charge per load of sand dispatched as 'planning gain', to go towards highway maintenance in the area.

6.2 All parish council's potentially affected by this development have been consulted; both at the pre-application stage and during the statutory consultation period but no comments have been received to date.

7. OTHER REPRESENTATIONS:

7.1 Four letters of objection and concerns have been received from local residents of Arclid Shire Barns and the Villa Farm Residential Development. Concerns raised include:

- The need for the South Eastern Extension;
- Extending the life of the quarry and cumulative impact of more extensions at the site;
- Lack of timeframes for phases;
- Loss of high quality fertile farmland;
- Destruction and management of existing wildlife habitat;
- Landscape and visual impact;
- Impact on residential amenity from proximity to residential properties, noise, dust, light pollution, hours of operation and request appropriate mitigation/controls, should planning permission be granted;
- Stability and subsidence issues;
- Monitoring and enforcement;
- Impact on highways and vehicular access to and from Hemmingshaw Lane;
- Destruction of footpaths;
- Effect on property prices; and
- Health and safety regarding the possibility for children drowning in lakes;

A letter has also been received from the Villa Farm Resident's Limited who raises concern over the impact on dewatering, water flow on Arclid brook, and the impact on hydrology.

7.2 Seven letters have been received supporting the proposals at South Arclid. These have been mainly from employees of the Archibald Bathgate Group or businesses associated with the sand quarry. The main issues raised include the economic benefits of keeping the quarry open and maintaining silica sand supplies at the quarry, the retention of local jobs, and the importance of the quarry to the local economy which would maintain other local companies who rely on the quarry for their business.

A letter of support from a local ornithologist also highlights the environmental and ecological benefits of the quarry, which will be examined in detail subsequently within the report.

8. APPLICANT'S SUPPORTING INFORMATION:

8.1 The planning application was accompanied by a Written Statement and an Environmental Statement (ES) which were both prepared by Sloane Mead dated July 2009 on behalf of the Archibald Bathgate Group Ltd.

8.2 The scope of the ES includes;

- Landscape and Visual Amenity;
- Ecology (including protects species surveys);
- Noise;
- Air Quality;
- Soils and Hydrogeology;
- Stability; and
- Archaeology.

8.3 Additional surveys were required subsequently as a result of the consultation exercise. These included;

- A Tree Inspection for Bats (27th November 2009);
- A Further Aerial Tree Inspection of tree 1629 (14th January 2010); and
- A Hedgerow Survey and Assessment (December 2009)

9. OFFICER APPRAISAL

9.1 Policy Consideration

9.1.1 The proposed development has been considered against the relevant policies of the Development Plan. The Development Plan in this case includes the North West of England Regional Spatial Strategy 2021 (RSS), the Cheshire Replacement Minerals Local Plan 1999 and the Congleton Borough Local Plan First Review 2005.

9.1.2 Policy 54 of the Cheshire Replacement Minerals Local Plan 1999 specifically relates to future silica sand extraction. This policy advises that the Council will seek to maintain a landbank of at least ten years of silica sand at each production sites throughout the plan period. Policy 54 stipulates that any proven additional sites needed to maintain the landbanks should only be provided from land identified in the Preferred Areas as defined by the proposals map, unless exceptional circumstances

prevail. The majority of the application site is not identified as a Preferred Area and the application is therefore considered to be a departure from the Development Plan.

9.1.3 Minerals Planning Guidance Note 15 (MPG15) contains guidance on silica sand, its uses and extraction issues. MPG15 states that silica sand resources are scarce within the UK, with extraction concentrated in a few areas of the country. Furthermore, silica sand is a nationally strategic resource recognised by national and local planning policy for its uses. The guidance emphasises the importance of maintaining an adequate supply of silica sand from all sources, and advises that, the environmental implications of working the mineral must be carefully balanced against the need for the mineral. MPG15 advises that the Mineral Planning Authorities (MPAs) should aim to ensure that landbanks of at least 10 years are maintained for individual sites, and that when calculating landbanks regard should be had to the quality of the sand and the use to which the material is to be intended. Silica sand is an essential raw material for many industrial processes including the manufacture of glass, production of foundry castings, and ceramics.

9.1.4 On careful consideration of the application against the relevant policies set out above section 4, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the subsequent text below.

9.2 Principle of Development – Need and impact on site reserves

9.2.1 MPG15 emphasises the importance of Silica Sand as a nationally strategic resource. Due to the national need for silica sand it is important that each production site is adequately provided for. MPG15 and Policy 54 'Future Silica Sand Extraction' of the Cheshire Replacement Minerals Local Plan seek to maintain a landbank of *at least* 10 years at each silica sand site. At the end of December 2008, the quantity of permitted, workable silica sand reserves at South Arclid was approximately 2,322,000 tonnes. Average annual outputs provided within the application over 2006, 2007 and 2008 was 450,000 tonnes. Consequently the Arclid Quarry landbank was approximately 5 years, based on figures provided at the end of 2008. This is considered to be a very low level of reserves for a specialist, capital intensive silica sand operation such as Arclid Quarry, and is below the guidance landbank reserves for each site. There is a clear need for further reserves to be released at Arclid Quarry to maintain future production and the landbank at this site.

9.2.2 The proposed SEE would release a further 7,023,000 tonnes of silica sand, which equates to a landbank of 15 years based on the average production between 2006 – 2008 at Arclid Quarry. Furthermore, the applicant predicted that it would be unlikely for the application to be determined before the end of 2010 (taking into account potential delays in agreeing the heads of terms for the section 106 legal agreement), by which time the remaining permitted reserves and landbank at Arclid Quarry would be only around 3 years. The existing permitted reserves within South Arclid, added to the proposed reserves within the SEE would therefore increase the site's landbank to around 18 years as of the end of 2010. Such a landbank is considered to be in accordance with current policy where a minimum landbank of 10 years is required.

9.2.3 Policy 54 of the Cheshire Replacement Minerals Local Plan requires that any proven additional need for silica sand should be taken from areas identified as Preferred Areas within the plan. The Preferred Area for future silica sand extraction at Arclid (illustrated in Inset Map No.7 in the Cheshire Replacement Minerals Local Plan) covers the majority of the Eastern Block. Land to the east and the north of the proposed site area is also part of the designated Preferred Area, but due to potential environmental impacts the entire Preferred Area was not included within this planning application as a stream runs through the north of the Preferred Area. The Southern Block however does not lie within the Preferred Area.

9.2.4 The main reason why the Southern Block is not within a Preferred Area in the plan is because the Cheshire Replacement Minerals Plan is an old document; the Arclid Preferred Area was originally delineated more than 17 years ago, based on geological information available at the time. Since then, extensive geological surveys have been undertaken, within the preferred area, and on land to the south. This geological work identified a viable, high quality silica sand resource within the Southern Block.

9.2.5 At an early stage of formulating the proposal for the SEE planning application, a detailed assessment of the whole of the Preferred Area was carried out. This assessment took account of the geological information and environmental constraints and identified the Eastern Block as the main resource within the Preferred Area. The land to the east of the Eastern Block was discounted because it contains a significant population of protected species. The land to the north of the Eastern Block was discounted as it lies to the north of Arclid Brook and is not a large enough deposit to be economically viable if worked in isolation. Continuous extraction north of the Arclid Brook would entail the removal and diversion of the brook which would have significant environmental and ecological impacts.

9.2.6 The main viable silica sand resource within the designated Preferred Area lies within the Eastern Block and only contains 2.1 million tonnes of silica sand. It is therefore considered that the Preferred Area does not therefore contain a sufficient silica sand resource to maintain the minimum 10 year landbank as this would only amount to approximately 4.5 years.

9.2.7 The Preferred Area at South Arclid is based on out of date information, but there has not been an opportunity to update this until work commenced on the Cheshire Minerals Development Framework (MDF) in 2006. Detailed representations were made to Cheshire County Council by the applicant to include the Southern Block as part of the Arclid Quarry Preferred Area within the MDF. Unfortunately due to Local Government Reorganisation, the timescales for the adoption of a new MDF to replace the existing Cheshire Replacement Minerals Local Plan are uncertain. It is considered not practical or viable for the applicant to wait for the outcome of the MDF process before submitting the planning application for the SEE.

9.2.8 For the reasons outlined above, it is considered that sufficient exceptional circumstances set out by the applicant justify working outside of a designated Preferred Area.

9.2.9 Policy 5 of the Cheshire Replacement Minerals Local Plan 1999 states that working of minerals will not be permitted where it would involve the use of high quality minerals for low grade purposes. The sands extracted at Arclid Quarry serves important industrial sectors such as the foundry industry, and the quarry supplies specialist sands to a range of other uses. The applicant states that silica sand sales from the quarry have increased in recent years as a result of growth in the leisure industry, tile adhesives and fibreglass loft insulation markets, where specialist sands are required to meet customer specifications. The applicants state that the specialist markets supplied by the quarry requires a high specification sand, and that general construction sand would not be appropriate for these end uses.

9.3 *Landscape Character*

9.3.1 Mineral extraction is a major land-use in the area surrounding the application site and has been a predominant activity in this area for more than 60 years. Sand quarrying over large parts of this area has changed the landscape from that normally associated with the Cheshire Plain. Sand extraction is currently taking place in the South Arclid Quarry and is progressing in a north westerly direction. The farming practices in this area have led to medium scale farmland with primarily arable, but also some pastoral farming. Hedgerow oaks and thorn hedges are important features in this landscape.

9.3.2 The topography of the area is undulating and consequently views across this area are restricted. The application area has elevations ranging from approximately 75m to 80m AOD, with the land at its highest level to the east and falling to the west of the application area. The land rises gradually to the south east then increases to the southeast of the Macclesfield Canal. There are distant views across to the Pennines, and Mow Cop and The Cloud are visible from a number of locations.

9.3.3 The ES identifies the relevant National Character Areas, as well as the relevant Character Type and areas, as indicated in the most recent Landscape Character Assessment adopted by Cheshire County Council in March 2009; namely the Lower Undulating Farms and Woodlands and the character type as LFW2 Brereton Heath Character Area.

9.3.4 There are a number of residences at various distances around the SEE site, amongst those identified, to the north, is the Legs of Man Public House, to the west Arclid Cottage Farm and Arclid Shire Barns, to the north Fairfield Villa Farm Housing Development, to the north west Arclid Green House Farm and Arclid Green Farm, also Arclid Hall Farm.

9.3.5 Policy 15 'Landscape' of the Cheshire Replacement Minerals Local Plan 1999 states that an application for the winning and working of minerals will not be permitted unless during the operational life of the development it would not have an unacceptable impact on the landscape. It is considered that the proposal at South Arclid would not introduce landscape elements that are incongruous to the character of the area. Furthermore, it is considered that the landscape restoration Masterplan would make a positive contribution to the landscape, and as such is in accordance with Policy 15 of the Cheshire Replacement Minerals Local Plan 1999.

9.4 Visual and Landscape Impact

9.4.1 Policy 17 'Visual Amenity' of the Cheshire Replacement Minerals Local Plan 1999 requires any application to be adequately screened from public view, and that any development would not have an unacceptable impact on the visual amenities of sensitive properties.

9.4.2 The ES includes a Landscape and Visual Impact Assessment which identifies that the area is dominated by elements related to existing quarry workings, such as exposed sand and bunds, and then identifies the landscape quality of South Arclid as being low. It is considered that this is an accurate description of the landscape, which would also apply to the existing working quarry area of South Arclid. The landscape quality of the proposed SEE area is classified as 'medium' to 'good'.

9.4.3 The ES indicates that the low lying and generally undulating landform of this area prevents mid to long range views of the proposed SEE area, and also, that close range views were determined to be within 400m of the SEE area boundary.

9.4.4 It is considered that the 'Zone of Visual Influence' is generally limited to approximately 350m from the boundary. The ES indicates views are generally restricted because of the flat, low lying landform, combined with existing trees and hedgerows. The Visual Impact Statement indicates that the main visual receptors would include users of public footpaths, as well as users of minor roads, and a number of individual residents. It is considered that the most significant visual impacts will be from public footpaths, relating to a loss of visual amenity. There would be significant impact for users of a number of footpaths, in some cases the impact this will extend for the whole working life of the south east extension, a period of up to 18 years.

9.4.5 The application shows that there would be a screening mound to the north of the Eastern Block, formed from overburden and soils removed from phase E1 and planted with native shrubs. This screening mound would remain in place until the end of the extraction period, to help screen views from the north, NW and NE.

9.4.6 It is considered that there would be a number of visual impacts as a result of this SEE, including the loss of existing trees, as well as the creation of soils screening bunds/mounds and overburden storage bunds/mounds. However, the soil screening bunds/mounds would be erected strategically in places during extraction phases around the boundary of the site and also the boundaries of the different phases of the Southern Block which would effectively screen views from users of the public footpaths. These screens would be moved, as the site would be worked and subsequently restored progressively in a phased manner.

9.4.7 All topsoil storage bunds/ mounds would not exceed 3 metres in height, all subsoil bunds/ mounds would not exceed 5 metres in height, and all overburden mounds proposed shall not exceed 5 metres in height in the Southern Block, and shall not exceed 10 metres in the Eastern Block. All soils placed into stores for a period exceeding 6 months would be seeded to grass to prevent erosion and stored in accordance with best management techniques. These bunds/mounds would also act as a visual screen.

Trees and Woodland

9.4.8 The development proposal would require the removal of significant lengths of existing hedgerows and hedgerow trees together with a copse of trees, which would also have an impact on the landscape. A total of 2,400 metres of hedgerow would be removed and 5 trees would be removed on grounds of sound arboricultural management. A further 14 low quality trees and 55 moderate quality trees would be removed due to conflict with the proposal. No high quality trees would be removed. There are no Tree Preservation Orders in the vicinity and no record of ancient woodland.

9.4.9 Boundary hedgerows would be retained with gaps planted up as soon as possible, this would be conditioned. Stand off areas would be provided to protect retained hedgerows and trees on the periphery of the site. The mitigation proposals would involve phased restoration replacing field boundaries using species-rich hedgerows and a number of small woodland areas (approximately 8 hectares in total) to replicate the pattern of woodland in the local landscape and to increase woodland provision in the area.

9.4.10 Cheshire has a low percentage of woodland cover and mature hedgerow trees make an important contribution to landscape character. The removal of hedgerows and a large number of trees would result in a significant loss in the landscape and it would take many years for replacement planting to establish and have visual impact. Whilst the restoration scheme has the potential to make a positive contribution to the landscape in the longer term, and proposed new woodland areas are to be welcomed, in the short term replacement planting cannot replicate mature features in the landscape. The successful retention of trees and hedgerows on the boundaries would be entirely dependant on comprehensive protection measures with appropriate stand off distances.

9.4.11 An assessment has also been undertaken to establish if any of the hedgerows proposed for removal qualify as 'Important' under the Hedgerow Regulations 1997. The assessment identified one hedgerow as important due to wildlife/landscape grounds as it contains an average of 4 woody species, and it is adjacent to a public footpath. It should be noted however that the adjacent FP No.9 is only temporary in this location, as it is subject to a diversion order which expires in 6 years time. However, before any substantial development can commence in Phase E1 (the first Phase) FP No.9 would be required to be diverted. As soon as the Diversion Order is confirmed the important hedgerow would cease to be categorised as such. In terms of timescales, should planning permission be granted, the applicant would submit the application to divert FP No.9, as soon as planning permission is received. In such circumstances it would therefore be anticipated that this hedgerow would cease to be 'important' later this year or early next year, rather than 6 years time.

9.4.12 The assessment also indicates that there is cartographic evidence of a pre-enclosure field system in the vicinity, although the comment is made that the system has been severely compromised by the removal of a significant number of field boundaries since the 1970s.

9.4.13 An amendment to the Hedgerows Regulations 1997: A guide to the Law and Good Practice states that a hedgerow is 'important' if it was recorded by 24 March 1997 in a Record Office document as forming part of an integral part of the pre-1845 field system. It is relevant to note that the document states "The completeness of the field pattern is irrelevant". Taking this into account, it appears that despite the footpath diversion, the proposed development would impact on hedgerows considered to be "important" under the Hedgerow Regulations 1997. The potential impact on historic field boundaries therefore remains an issue. However, Policy NR3 of the Congleton Borough Local Plan First Review states that proposals for development that would result in the loss or damage of important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated, or the habitat successfully recreated on or adjacent to the site.

9.4.14 The loss of trees, also the loss of a hedgerow that is considered to be 'important' and historic field boundaries is considered regrettable. However, as discussed previously, MPG15 states that silica sands are scarce and this nationally strategic resource is only concentrated in a few areas of the country. The guidance emphasises the importance of maintaining an adequate supply of silica sand from all sources, and advises that the environmental implications of working the mineral must be carefully balanced against the need for this nationally strategic mineral.

9.4.15 It is considered that the national need for silica sand, as an essential raw material for many industrial processes including the manufacture of glass and production of foundry castings would outweigh the losses of the important hedgerow, pre-enclosure system and trees. Furthermore, the proposal provides restoration and aftercare schemes which includes replacement planting. Also, should planning permission be granted, a section 106 legal agreement would ensure 15 year extended management of the nature conservation areas post restoration.

9.4.16 It is however considered that the level of detail in the submission is insufficient to ensure comprehensive protection would be secured for retained trees and hedgerows. Prior to commencement of works detailed information in respect of protection would need to be submitted for approval. It would also be necessary to ensure remedial works are carried out to retained trees. These issues would be covered by appropriate conditions, should planning permission be granted.

9.4.17 In principle the proposals for replacement planting and restoration appear reasonable, although, as they are described in the submission as outline, approval of a detailed landscape proposals and specifications would be a future requirement. Conditions could also be used to secure controls over advanced and progressive planting areas, and a section 106 agreement would ensure the submission of a detailed ongoing management plan for 15 years post restoration to ensure establishment and maintenance of landscaping and replacement planting.

9.4.18 It is considered that there would be a landscape impact due to changes in landform and land-use, as well as the loss of existing ponds and associated vegetation, hedgerows and hedgerow tree loss. However, this impact would be considered to be of a minor nature and furthermore not be permanent as the site is progressively worked and restored.

9.4.19 With the proposed visual mitigation measures detailed above it is considered that there would be a minor to moderate adverse visual and landscape impact whilst the SEE is being worked. However, the progressive extraction and restoration would go some way towards minimising this. Furthermore, the restoration proposals would result in a moderate beneficial effect on the landscape character of the extension and surrounding area, effectively making a positive contribution to the landscape.

9.4.20 It is therefore considered that the proposed SEE would not introduce landscape elements that are incongruous to the character area and this application should not be refused on the grounds of landscape or visual impact. As such, it is considered that the proposed SEE is in accordance with the provisions of Policies 15 'Landscape' and 17 'Visual Amenity' of the Cheshire Replacement Minerals Local Plan 1999.

9.5 Nature Conservation

9.5.1 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

9.5.2 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.

9.5.3 Policy 23 'Nature Conservation' of the Cheshire Replacement Minerals Local Plan 1999 states that mineral development should maintain the local network of flora and fauna, and upon restoration, make a positive contribution to the area's nature conservation and physical environmental resources of the area. Policy NR2 'Statutory Sites' states that proposals for development that would result in the loss or damage of sites of nature conservation importance including RAMSAR sites, SSSI's and any site or habitat supporting species that are protected by law, will not be permitted. Furthermore, developers will be required to submit a comprehensive assessment of a proposal impact on nature conservation as part of an application to develop a site which may affect any of the stated sites.

9.5.4 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.”

9.5.5 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.”

9.5.6 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.”

9.5.7 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.

9.5.8 In this case a full ecological impact assessment of the proposal has been submitted in support of the planning application. Subsequent tree inspections for bats have been conducted for the presence of bats on site. The ecological chapter of ES identifies a number of actual and potential ecological issues; I will comment on each of these in turn.

Protected Species

9.6.9 Great Crested Newts (GCN)

Three ponds identified as supporting GCN would be lost to the proposed development. The submitted GCN mitigation is considered to be brief, but does cover the general principals of clearing newts from the site prior to the commencement of working ; it identifies receptor areas for trans-located newts and proposes replacement habitat in the form of ponds, woodland planting, hedgerows and rough and species rich grassland areas as part of the restoration proposals.

However, the nature conservation officer had slight concerns with regards to the amount of survey effort undertaken. Only four survey visits have been undertaken for pond six which would be lost to the proposed development. This level of survey effort is adequate to establish presence, but six visits are recommended by Natural England to provide a population estimate. Based on the results of the four surveys undertaken it would appear that the population is likely to be small, however in accordance with the guidance two additional visits undertaken at the optimal time of the year should be undertaken to confirm this.

Updated surveys of all the ponds would be required prior to the submission of a Natural England GCN license application as the survey data needs to be less that

three years old at the time of the application is made. Given that pond 6 would not be affected until the final phase of the development (Phase S4), the status of the population could be affected during this time period.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider 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.

As stated previously silica sand resources are scarce in the UK and this mineral is considered to be a nationally strategic resource. Minerals can only be extracted where they are found therefore there is no satisfactory alternative. Whilst the applicant has only undertaken four surveys of pond six they have provided justification as to why 6 surveys have not been undertaken which is considered acceptable. On balance, considering the habitat creation and mitigation proposed, the low numbers of newts recorded so far, and the potential time delay between the granting of planning permission and the loss of pond six, it is considered that there would be limited ecological benefit in requesting further surveys prior to the determination of this application. It is considered that the proposed development would, with the proposed restoration proposals lead to an overall gain for GCNs.

9.6.7 Bats

A bat survey has been undertaken as part of the ES, and subsequent tree inspections for bats have been undertaken relating to the trees identified for removal that have moderate potential or above to support a bat roost.

The out come of the assessment is such that this satisfies concerns that bats are not 'reasonably likely' to be present in the trees proposed for removal. However, as this application is complicated due to the potential long delay between granting planning permission and the phased implementation of the scheme, the applicant would be required to submit updated bat surveys throughout the life of the project prior to commencement of work in Phases S2, S3, S4, E2 and E3.

9.6.8 Badgers

In order to avoid the destruction or disturbance of active badger setts the proposed development would result in the permanent or temporary closure of a number of subsidiary and outlier setts. The main sett has been identified and would be retained. All work relating to the disturbance or closure of setts will be undertaken under license from Natural England. Badgers activity in the area is not thought to be solely restricted to the application site as the local group is also believed to forage in the surrounding countryside. In addition, the long-time scale associated with the extraction phase and the on-going restoration works would reduce the impacts associated with the disturbance of badger foraging and commuting habitat surrounding the setts. The submitted badger survey and assessment, and the proposed mitigation measures appear to be thorough, and it is considered that all reasonable steps would be undertaken to reduce potential adverse impacts on badgers. As with other species it is hoped that the final restoration scheme for the quarry will lead to an overall enhancement for the site.

9.6.9 Breeding Birds

A number of the habitats that will be lost to the proposed development offer potential for breeding birds. The standard breeding bird protection condition would be required to ensure nesting birds are not disturbed.

9.6.10 Biodiversity Action Plan (BAP) Priority Habitats and Species

Local and UK BAP priority habitats and species are a material consideration for planning purposes. A number of Cheshire BAP species and habitats are either known to or thought to potentially occur on the application site. These include the brown hare, a number of bird BAP species, the mud snail and the common toad.

Whilst there would undoubtedly be some disturbance and habitat loss associated with this proposed development, it is considered that the final restoration scheme for the site would lead to an overall increase in habitat available for Cheshire BAP species which would facilitate long term benefits for local biodiversity and nature conservation. Furthermore, it is proposed that an invertebrate survey would be carried out on the affected ponds prior to implementation of the GCN mitigation scheme and the findings used to inform detailed design of the new ponds; this survey would identify the presence of any invertebrate species of conservation value, and recommend any subsequent mitigation that may be necessary.

9.6.11 Loss of Ponds

Four ponds would be lost to the proposed development and ten new ponds would be created. This is considered acceptable as the additional ponds would provide suitable habitats for nature conservation.

9.6.12 Geodiversity

Part of an exposed face of extraction area would be retained on the southern edge of the eastern block. This is intended to provide nesting habitat for sand martins. This proposal is welcomed. In order to make a contribution to the Local Geodiversity Action Plan the nature conservation officer has suggested that it should also be made available for geological study if at all possible.

9.6.13 General

Due to the long term nature of the proposed extraction activities it is essential that the site is subject to ongoing ecological monitoring and survey to ensure that no adverse impacts not anticipated at this initial stage occur.

It is considered that much of the detail of this scheme appears to be deferred until the site management /habitat creation plan is produced. However, notwithstanding the above outstanding protected and BAP species issues, it is considered that the broad principals of the scheme are satisfactory and that the final restoration scheme would provide an overall gain for nature conservation in accordance with PPS9. It is considered that the proposed mitigation, habitat creation and planting, along with the subsequent woodland management, is sufficient to ensure that there would be no adverse impact upon the ecological value of the site in the long term.

The impact of the proposed development on protected species has been fully addressed within the planning application. Mitigation measures have been proposed and it is considered that the imposition of suitable conditions on any planning

permission would ensure that there would be no adverse impact upon any protected species. Furthermore, it is considered that due to the scarcity of silica sand resources, and the national need for this strategic resource recognised by MPG15 that there are no suitable alternatives for this proposal, and that there is a national overriding public interest. Furthermore, the section 106 legal agreement would ensure the long term management of the nature conservation areas.

9.6 Residential Amenity

9.6.1 Local residents have raised concerns in relation to the proposal having an unacceptable impact on their residential amenity including issues such as noise, dust, lighting and the cumulative impact of the site and extending the life of the site further to that already permitted.

Noise

9.6.2 A full noise assessment of the development proposals has been carried out and submitted as part of the ES. The assessment identifies key receptors around the SEE are that could experience some impact from noise. Existing background noise levels have been measured, together with noise emissions from the main items of plant that are used at South Arclid. This information has been used to calculate the predicted noise level at each key receptor.

9.6.3 The Council's Environmental Protection Officer has examined these documents and recommends that the proposed planning conditions as stated within Chapter 8 'Noise Assessment Report' should be attached to any decision notice, should planning permission be granted, with the exception of noise limits for properties on Newcastle Road where the normal working noise limit should be conditioned to 54db LAeq facade, as opposed to 57db LAeq facade as stated in this document.

9.6.4 The existing noise monitoring scheme for South Arclid should be revised to ensure that monitoring occurs during periods that receptors would be most sensitive, particularly when working near Arclid Green House Farm, when the mound has been removed. The properties chosen on Newcastle Road should also be located at the most sensitive at that time and should represent the site facing facade.

9.6.5 These conditions should ensure that noise nuisance is adequately controlled. It is considered that, based on the information submitted within the ES that predicted noise emitted from the proposed operations at the SEE would be within the noise limits suggested by MPS2, and those already set under the current planning permission (with the amendments as stated above) for South Arclid. As such, with the inclusion of noise mitigation and monitoring conditions, it is considered that the proposals accords with the provisions of Policies 26 and 27 'Noise' of the Cheshire Replacement Minerals Local Plan 1999.

Air Quality; Dust

9.6.6 The potential for dust impacts from the proposed SEE has been assessed and considered. A range of mitigation measures are proposed to ensure that dust generation is minimised and are considered acceptable. These include, effective site management, the implementation of a revised dust management plan similar to that of the existing plan for South Arclid, and planting of screening mounds. It is considered that these mitigation measures would be sufficient to control dust emissions on site, and that the risk of adverse impacts due to dust would be low.

9.6.7 As such, with the proposed conditions for dust management and mitigation, it is considered that this proposal would not give rise to unacceptable levels of dust. The proposal provides a schedule of phased working and restoration, proposes seeding of screening mounds, and a revised dust management plan would be required. As such, it is considered that with the proposed mitigation that the proposals accords with the provisions of Policy 28 'Dust' of the Cheshire Replacement Minerals Local Plan 1999.

Light Pollution

9.6.8 Residents have raised concerns regarding light pollution from the proposal. The current workings at South Arclid are not floodlit, and it is not intended to use floodlighting at the proposed extension. During winter periods, there may be some localised lighting around key parts of the quarry infrastructure, but these would be turned off when the working/plant maintenance ceases. Furthermore, they would not be floodlights; they would just be sufficient to enable safe working within the permitted hours of work.

9.6.9 The proposed working hours for the SEE would be the same as currently is permitted for the South Arclid site: 0700 – 1800 hours Monday to Friday, 0700 – 1230 hours Saturdays, with plant maintenance permitted outside these times between 1800 – 1830 hours Monday to Friday, and between 1230 -1800 hours on Saturdays together with such subdued lighting as is required for illumination purposes. No operations would be permitted on Sundays or public holidays.

9.6.10 Should planning permission be granted, the above hours of operations would be conditioned in line with current permitted hours of work. The Environmental Protection Officer has not raised any concerns regarding light pollution for the proposal.

Cumulative Impact

9.6.11 Concerns have been raised by local residents in relation to the extension of the life of the quarry and cumulative impact of more extensions at the site. MPG15 states a general preference to extend existing sites as means of minimising the potential environmental disturbance. Also bearing in mind the scale of investment required to open new silica sand quarries, and the infrastructure required this would be extensive on new sites to create a new quarry of this scale.

As the proposed SEE at South Arclid would be utilising the existing processing plant and machinery at North Arclid, it is considered that, as there is a proven need, and proven resources available in the SEE area, that there would be no material planning reason to refuse this application on cumulative impact.

9.6.12 The application states that, whilst phases in the Eastern Block would be opened up at the same time of that in the Southern Block, they would not be operated, or sand extracted out of these phases at the same time. Sand from the Eastern Block would be extracted with sand from the Southern Block to enable suitable blending to produce alternative sand products. Furthermore, the site would be worked and restored in a phased manner which would reduce the impact. The application also states anticipated timescales for each phase to provide some level of certainty to local residents on when each phase would be extracted and subsequently restored. Furthermore, it is considered that the proposal would not have an unacceptable adverse impact on the landscape character or amenity of the area and as such it is considered to be in accordance with the provisions of Policy 31 'Cumulative Impact' of the Cheshire Replacement Minerals Local Plan 1999.

General Amenity Issues

9.6.13 It is considered that, with the necessary controls on noise, dust management, hours of operation, phased working and progressive restoration as stated above that this proposal would be in accordance with Policies; 26 and 27 'Noise', 28 'Dust', 31 'Cumulative Impact' and 37 'Hours of Operation' of the Cheshire Replacement Minerals Local Plan 1999, and Policy GR6 'Amenity and Health' of the Congleton Borough Local Plan First Review.

9.7 Soils, Agriculture and Land Use

9.7.1 Concerns have been raised by residents regarding the potential loss of high quality fertile farmland. The ES included an Agricultural Land Classification (ALC) survey of the SEE area. The ALC survey confirmed that the SEE area comprises of 34.8 hectares of "best and most versatile" land (agricultural grades 2 and 3a) as classified under the DEFRA system of Agricultural Land Classification, with the remainder of the site of a lower quality. The ALC includes proposals for soil handling and storage to minimise the impact on the physical characteristics of the soil. It also includes an outline restoration and aftercare scheme for the restored agricultural land.

9.7.2 The findings of the ALC survey have been used in the design of the development programme and the restoration proposals put forward. Different soil types would be stripped, stored and replaced separately, and the restoration contours have been designed to maximise the amount of best and most versatile agricultural land on the restored site.

9.7.3 Only approximately 3 hectares of best and most versatile land would be lost as a result of the proposed development. This however would be put to nature conservation land to enhance the biodiversity of the site, or as part of the

restoration lakes. Whilst this proposal would result in the disturbance of some 34.8 hectares “best and most versatile” land, it is considered that, subject to successful implementation and monitoring, the proposals (outlined by Appendix 2 within Chapter 10 of the ES entitled; ‘Scheme of Soil Handling, Restoration and Aftercare’) should permit the reinstatement and restoration of a broadly equivalent area, without loss of quality and with the creation of discrete blocks, suited to more productive agricultural use.

9.7.4 It is considered that all soil resources would be used sustainably, and that there would be no significant, permanent or long term adverse impacts on best and most versatile land. As such, it is considered that, with conditions to ensure the implementation of practices outlined in the ES with regards to soil handling, and the subsequent submission and implementation of a full restoration and aftercare scheme, that this proposal would be in accordance with Policy 30 ‘Agricultural Land – Silica Sand’ of the Cheshire Replacement Minerals Local Plan 1999.

9.8 Open Countryside

9.8.1 The site is located in the Open Countryside of the Congleton Borough Local Plan First Review 1999 and Policy PS8 applies. As stated above, whilst the proposal would result in the disturbance of approximately 35 hectares of best and most versatile land, this would not be a permanent loss of agricultural land in the open countryside as the site would be progressively restored.

9.8.2 The proposed 3 hectares that would be lost to agriculture is regrettable, however this is proposed to be put to nature conservation land to enhance the biodiversity of the site, or the restoration lakes. Furthermore, it is considered that the need for the nationally strategic silica sand resource would outweigh the loss of this agricultural land in the open countryside. It is also considered that the proposal would not have a permanent impact on the openness of the countryside. As such it is considered to be in accordance with Policy PS8 of the Congleton Borough Local Plan First Review.

9.9 Hydrology

9.9.1 Villa Farm Residents Limited have raised concern over the impact on dewatering, the impact on hydrology and specifically the water flow on Arclid brook. They have expressed concern about the proposed development in respect of its potential effect on the dilution of treated sewage effluent which is discharged into the Arclid Brook from their private water treatment works. The discharge, which is consented by the Environment Agency, is to the Brook in the reach upstream of the lagoon in North Arclid. When the application was being compiled the applicant requested relevant data from the Environment Agency in the vicinity of the proposed development when preparing the ES. However, this consent was not highlighted and it was, therefore, incorrectly described in the ES as a storm water overflow, on the basis of discussions with Bathgate Silica Sand staff on site.

9.9.2 Arclid Brook was the main receptor considered in the ES, and the potential effect of the development on both low flows and high flows was assessed in considerable detail. The conclusions of the ES were:

- There would be some potential for the proposed development to affect low flows in the Arclid Brook. Mitigation of these effects would be achieved by the proposed Water Management Plan (WMP) which would set out steps to ensure that flows in the Arclid Brook would be monitored, and are augmented if they fall below certain threshold values;
- The existing WMP for the South Arclid Site should be subject to a detailed review, and with approval from the MPA/Environment Agency; and
- As the predicted effects of the proposed development would be similar in scale and nature to those of the existing operations at South Arclid, it is assumed that the WMP would largely comply with the MPA/Environment Agency requirements for protection of the environment.

9.9.3 The ES identifies some small, residual effects on flows in the Arclid Brook as a result of the proposed development. This could lead to a theoretical reduction in the dilution of the treated effluent from this discharge. However, it is considered that the change would not be significant and would only affect the short reach of the stream between the discharge and the lagoon. It is therefore considered that the proposed revision to the existing WMP provides an appropriate mechanism for ensuring that flows in the Arclid Brook in the vicinity of the consented discharge are maintained at existing levels.

9.9.4 With regards to dewatering it is also important to note that, whilst the proposed development would be nearer to the Arclid Brook than the existing operations at South Arclid, due to the smaller area and depth of dewatering proposed, the predicted dewatering rate is significantly lower than the current dewatering rate. It is considered that the resultant predicted effects on flows in the Arclid Brook would be therefore similar to the current situation, or at worse a slight, but not significant decrease.

9.9.5 Mitigation measures are already in place at South Arclid to maintain the flow of Arclid Brook by means of planning condition attached to the 2008 planning permission for the whole of South Arclid. As the nature and scale of predicted impact with regards to impact on hydrology for the SEE area are very similar to those for the current workings at South Arclid, it is considered that the current WMP would be an appropriate mechanism for protecting the water environment from any potential adverse effects from the working of the extension area.

9.9.6 Should planning permission be granted, a single set of new conditions would cover the entire workings at South Arclid and take into account the existing conditions, and similar conditions would be imposed, to ensure that any impact on hydrology is mitigated.

9.9.7 Prior to the commencement of the development, mitigation should be put in place to maintain the normal flow of Arclid Brook, as detailed in Section 3 of the existing WMP. The existing approved Arclid Quarry WMP would need to be revised to incorporate the extension area, and submitted for written approval and implemented as such, and a condition would be imposed to require the continued

submission of annual water management report throughout the life of the site. It would also be necessary to ensure that the recommendations with respect to monitoring and mitigation contained within section 5 of the Hydro-geological Impact Assessment of the ES are implemented prior to commencement of development and implemented throughout the life of the quarry.

9.9.8 It is considered that, the nature and scale of predicted impacts for SEE are very similar to those for the current permission at South Arclid. Therefore, with the above mitigation and implementation of the revised WMP, it is considered that the proposal would not have an unacceptable adverse impact on hydrology in the area, dewatering and the flow of Arclid Brook. As such, it is considered that the proposals accord with the provisions of Policy 25 'Hydrology' of the Cheshire Replacement Minerals Local Plan 1999.

9.9.9 Furthermore the Environment Agency have no objection to this application and it is important to note that the Environment Agency are the regulating body that would issue, monitor and enforce water discharge consents.

9.10 Public Rights of Way and Accessibility

9.10.1 The ES identifies the public footpaths that are in the extension area and those crossing or within close range of the application site. Arclid FP No.9 runs along part of Hemmingshaw Lane through the proposed Eastern Block, then along the eastern edge of the Southern Block where it meets Arclid FP No.7 and Smallwood FP No.16.

9.10.2 FP No.7 runs to the west, through the Southern Block and along the outside of the western boundary of the extension area. A short stretch of Arclid FP No.6 runs through the southern part of the extension area. It is proposed to divert those that lie within the boundary of the proposed extraction area via the 'Barren Area', as shown on Drawing No. ABG/SEE/06 within the application.

9.10.3 Arclid FP No. 9 is the subject of an outstanding diversion order made under section 210 of the TCPA 1971, and section 32 of the Minerals Workings Act 1951 in 1986, and effective for 30 years; the original alignment is supposed to be re-instated after this time, in 2016. Under the proposals put forward, the alignment of FP No.9 would not coincide with the original alignment, which would be partly subsumed by the large lake. Furthermore, it has come to light that there is a definitive map modification order application outstanding on Arclid FPs No. 6 & 7 and Smallwood FP No.16 to upgrade these footpaths to bridleways. Further discussions would be required with the PRoW Unit and the Legal Department to establish how the subsequent diversion of a FP that was already subject to a Diversion Order would be achieved, and to resolve the outstanding map modification orders.

9.10.4 Concerns have been raised by residents with regards to the destruction and loss of public footpaths. As stated, footpaths would be progressively diverted along new routes during the working of the SEE area. Therefore, there would be no net loss of footpaths as a result of the proposal. Significant lengths of new footpaths would also be created, adding to, and enhancing the local footpath network.

9.10.5 It is considered that the permanent diversions proposed are not entirely satisfactory as the east west alignment of Arclid FP No.7 would be lost to the restoration of the site but would be diverted elsewhere on the site. Travelling from a west to easterly direction on Arclid FP No.7 it is currently approximately 600 metres to link with Smallwood FP. No.16. To travel the same journey on the proposed diversion would be approximately 1500 metres; a very significant increase and not necessarily desirable. Therefore, PRow unit have recommended that a temporary diversion (under section 216 of the Town and Country Planning Act 1990) of FP No.7 and No.6 could provide an acceptable compromise during the extraction phases, and the subsequently reinstated in the same alignment following the substantive restoration of the site. However, if this option is not viable, a permanent diversion of the route should be considered possibly to the north of the most southerly lake proposed to link up to the existing footpath network.

9.10.6 The applicant and landowner have agreed to this permanent diversion. It is considered that this diversion to the north of the small lake in the Southern Block would allow the walker to experience some of the wildlife interest proposed in the restoration, and would also provide another attractive circular option to offset the loss of the direct link. It would also provide a more appropriate alternative permanent diversion for the proposed loss of Arclid FP No.7 as it is reflective of the current routes of FP No. 6 and 7. Furthermore, this new footpath would create an additional 500 metres of definitive footpath over and above the additional length of 460 metres already proposed by the restoration proposals.

9.10.7 With regards to accessibility around the site post restoration, as a response to the consultation of the planning application, it is proposed to create a 'permissive path' at the northern boundary of the site, adjacent to the A534, to link FP No.9 and FP No.3; thus providing a circular route around the main lake at South Arclid as recommended by the Cheshire East Countryside Access Development Officer. The proposed new path should be located on the field side of the boundary hedge to separate users of the FP from vehicular traffic on the A534, and it should have a minimum width of 2 metres.

9.10.8 A definitive route, as requested by the Countryside Access Officer, dedicated by the landowner as a public right of way, is not at present a viable option in this instance as the ownership of the land is uncertain. The primary land owner of the South Arclid Site believes the majority of this strip of land was sold to Cheshire County Council in the 1970s for a road widening scheme. Unfortunately Cheshire East Council do not have any records of this land being in their ownership, so therefore the applicant is reluctant to dedicate the land to become a public right of way, as the land may be required in the future for road widening. They are however willing to create the 'permissive path' as described above. This permissive path would link to the suggested diversion around the south of the site and would allow an increased length of circular route allowing walkers to walk around the entire site.

9.10.9 The Countryside Access Development Officer has also suggested consideration should be given to a new footpath route on the south west boundary of the main South Arclid Lake (yet to be formed). This would afford users a greater opportunity to view the water body, and associated wildlife, and would offer a well

connected circular route which avoids cross-field paths. This option has been considered, however, this route would cross environmentally sensitive areas that would be created as part of the restoration of the site. As such, it is considered that such a footpath with associated walkers would conflict with the biodiversity potential that this nature conservation area would provide and negate the anticipated benefits for biodiversity. Furthermore there is already a definitive route (FP No. 13 and No. 7) running parallel to this proposed route to the south outside of the application boundary so it is considered that there is already provision in the area not to warrant any additional paths in this location of the site.

9.10.10 A full consultation with user groups and statutory undertakers would be required before any permanent diversion under the Town and Country Planning Act 1990 could be agreed. The applicant would have to apply for temporary and permanent diversion orders under separate applications aside to this determination.

9.10.11 It is considered, that the proposed creation and/or diversions of additional permanent footpaths, and the additional permissive route would create interesting circular routes. Furthermore, it would not lead to a 'net loss' of public rights of way and it is considered that the proposed restoration would make a positive contribution to the public rights of way network. As such, it is considered that this proposal accords with the provisions of Policy 33 'Public Rights of Way'. Whilst the applicant is not willing to provide a commuted sum for the maintenance of the footpaths on the site, they would be prepared to include a maintenance schedule for all diverted and new footpaths that lie within the application area within their 15 year aftercare and maintenance scheme which should ensure long term management post restoration.

9.10.12 The statutory Rights of Way Improvement Plan of the former Cheshire County Council recognised the value and demand for circular routes for walkers. The restoration of the proposed SEE offers an opportunity to create new routes to link up the existing public rights of way, thereby offering an improved facility for the people of Sandbach and Arclid to exercise and enjoy the environmental and habitat improvements, that would be delivered through the restoration phase of the proposal, should planning permission be granted.

9.11 Archaeology

9.11.1 The ES includes an archaeological desk-based assessment. The report concludes that the known archaeological remains from within the application area are of a fairly minor nature, with low significance and no visible remains. It is considered that a watching brief during topsoil stripping would represent an appropriate level of archaeological mitigation. This would allow any as yet unknown sites that were revealed during topsoil stripping to be investigated and recorded. The Cheshire Archaeological Planning Advisory Service advises that this represents an appropriate strategy, although it should be noted that since the report was compiled ongoing examination of various aerial photograph collections has identified a circular feature at the southern end of the application area. This may represent a ring ditch prehistoric burial mound which has been levelled by more recent ploughing.

9.11.2 It is considered however, that as this feature was not recorded at the time the report was compiled, that it could be a feature of more recent date, and therefore it is considered that a pre-determination evaluation would not be appropriate in this case. The site may be dealt with within the programme of archaeological work outlined above, although topsoil stripping in this area will need to be carried out with particular care and under direct archaeological supervision.

9.11.3 The implementation of the programme of archaeological work, including a watching brief during topsoil stripping would be secured by condition to ensure that a written scheme of investigation is submitted by the applicant and approved in writing by the Mineral Planning Authority. The work should be carried out strictly in accordance with the approved scheme. As such, it is considered that this proposal accords with the provisions of PPG16 and Policy 20 'Archaeology' of the Cheshire Replacement Minerals Local Plan 1999.

9.12 *Stability and Geotechnical Assessment*

9.12.1 Concerns have been made in relation to stability and subsidence which may be caused as a result of this application. The nearest residential properties lie between 110 – 250 metres from the application boundary. At present, in accordance with the Quarries Regulations 1999, the existing quarry is inspected every 3-6 months by independent geotechnical consultants to ensure the stability of the site.

9.12.2 The ES included a geotechnical assessment of the development proposals undertaken by independent geotechnical consultants, in which the stability of the excavation slopes was assessed. The slope stability analysis demonstrated that third party properties would not be affected by the proposed development. Furthermore, under the requirements of the Quarries Regulations 1999, a formal inspection of all excavation slopes would take place weekly, and the independent geotechnical consultants would continue to carry out inspections every 3-6 months, in accordance with the Quarries Regulations.

9.12.3 A full Geotechnical Assessment Report, as defined in the Regulations would be compiled before extraction commences in the SEE, and would form part of an existing document that assesses the stability of the whole of South Arclid.

9.12.4 HM Inspector of Health and Safety has no objections to the application and is satisfied that the applicant has taken due consideration of the Quarries Regulations 1999. It is considered that this proposal is in accordance with Policy 39 'Stability and Support' of the Cheshire Replacement Minerals Local Plan 1999.

9.13 *Highways/Transport*

9.13.1 No changes to the current levels of HGV movements from Arclid Quarry are proposed both at the North Arclid Site and the South. At present, all sand extracted from South Arclid is transported to the processing plant at North Arclid by pipeline. Should planning permission be granted, the same processes would be adopted for the SEE, and extracted sand from the extension would also be

transported by pipeline to North Arclid; this would be conditioned. Furthermore, as the majority of the extraction is proposed to be above the water table, and much of the site is to be restored back to agricultural land, the soil/overburden would remain on site, initially to provide screening mounds/bunds and subsequently used for restoration purposes, thus negating the need to remove this soil/overburden off site via Hemmingshaw Lane as is approved for the South Western Extension. Other than the occasional movement of plant and machinery, there would be no HGV movements to access the SEE area via Hemmingshaw Lane.

9.13.2 As this proposal would not alter existing levels of HGV movement, it would not be expedient to include a clause in the legal agreement to raise funds for highways maintenance and improvements as requested by Sandbach Town Council.

9.13.3 The proposal would not alter the existing levels of HGV movements from Arclid Quarry therefore it is considered that this proposal would not give rise to unacceptable vehicle movements that would harm the local highway network, and as such, it is considered that the proposal accords with Policy 34 'Highways' of the Cheshire Replacement Minerals Local Plan 1999, and GR6 'Amenity and Health' and GR18 'Traffic Generation' of the Congleton Borough Local Plan First Review.

9.14 None Material Planning Considerations

9.14.1 Residents have raised concerns in relation to the impact of the proposal on the saleability and market value of property. Also, concerns have been raised regarding the increased possibility of children drowning in the lakes created. These issues are not material to the determination to the planning application.

10 CONCLUSIONS

10.1 The planning application seeks permission to extend an existing silica sand site at South Arclid. It is considered that, with the proposed mitigation measures outlined above that would be conditioned, that the proposed extension would not result in an adverse impact upon local amenity, and that the environmental impacts of the development could be mitigated sufficiently to ensure no net adverse impact.

10.2 The proposed extension would increase the quarry's landbank to 18 years, which is in accordance with national and local policy, and that exceptional circumstances have been demonstrated to justify working an area outside of the identified preferred area. It is considered that the proposal represents a sustainable way to extract a high quality, and strategically important sand to prevent the reserve being sterilised.

10.3 The loss of an important hedgerow, trees, and a small amount of agricultural land and diversion of public footpaths is regrettable; however the need for this nationally strategic resource outweighs the minimal losses that this proposal would present. Notwithstanding the potential loss of nature conservation and protected species habitats it is considered that due to the scarcity of silica sand resources in the UK, and the nationally strategic nature of silica sand for high end uses, that there are no alternative sites in the area for this proposal, and that there is an overriding

public interest. Furthermore, with extended aftercare and management of the nature conservation areas this would provide via a section 106 agreement would ensure that the land is restored in a way to make a positive contribution to the landscape and biodiversity. On balance it is considered that there would appear to be no material planning reason why permission should not be granted.

11. RECOMMENDATION

RECOMMENDED: That, subject to the Secretary of State deciding not to ‘call-in’ the application under the Departure from the Development Plan procedures:

(1) A planning obligation under Section 106 of the Town & Country Planning Act 1990 be entered into with the applicant to provide for;

- (a) The provision of a 15 year aftercare and management scheme from the date of the completion of restoration of the South Eastern Extension**
- (b) Annual monitoring and reporting of protected and Cheshire BAP species during the 15 year aftercare and management plan period**
- (c) Footpath maintenance and management during the 15 year aftercare and management plan period**

(2) Planning permission be granted, subject to conditions covering in particular the following:

1. All relevant conditions of 8/07/0222/CPO
2. Standard
3. Written notice for commencement of development
4. Written notice for commence of extraction in each phase
5. Written notice for completion of extraction in each phase
6. Written notice for completion of restoration in each phase
7. Approved plans
8. Duration of consent until 31.12.2035
9. Sand only to be transported to North Arclid via underground pipeline
10. Protection of breeding birds
11. Submit updated bat surveys throughout the life of the project prior to commencement of work in Phases S2, S3, S4, E2 and E3.
12. Submission of an aquatic inveterate survey of the ponds to be lost prior to the implementation of the GCN mitigation.
13. Detailed Management/habitat creation plan including proposals for monitoring and on-going survey work
14. Design for replacement ponds.
15. Recommendations in the ES regarding nature conservation mitigation
16. Plant gaps in boundary hedges
17. Northern Screening Mound constructed around the northern perimeter of the eastern block and remain for the duration of the development
18. Temporary screening mounds erected in phases of Southern Block as per approved plans to screen views

19. Stockpile heights for topsoils, subsoils and screening bunds and seeded to prevent erosion.
20. Scheme of soil handling, restoration and aftercare to safeguard soil quality implemented in accordance with Appendix 2 of Chapter 10 of the Environmental Statement.
21. No soils/overburden to be removed off site.
22. Remove PD rights
23. Any plant/machinery coloured dark green 12B29 as specified in colour code BS4800
24. Hours of operation – as existing
25. Noise; best available techniques and noise attenuation on plant/machinery
26. Revise the existing noise monitoring scheme submitted for written approval
27. Noise limits
28. Dust management/mitigation scheme
29. Best available techniques for dust mitigation
30. Programme of archaeological works
31. Watching brief during topsoil stripping
32. Restoration and aftercare scheme submitted for approval 12 months post approval and implemented in full accordance with the scheme
33. Water pollution control
34. Revise existing Water Management Plan to include SEE area and mitigation to maintain normal flow of Arclid Brook as detailed in Section 3 of the existing WMP and subsequent continued submission and implementation of annual report throughout the life of the site
35. Implementation of recommendations with respect to monitoring and mitigation contained within section 5 of the Hydro-geological Impact Assessment and within the Water Management Plan.
36. Comprehensive Tree Protection Plan including details of stand-offs
37. Arboricultural method statement including remedial works for existing trees
38. Detailed restoration Masterplan and replacement landscaping scheme including advanced and progressive planting areas
39. Revised final phasing plan
40. Revised restoration cross sections to account for changes to restoration Masterplan

Informatives

Public Rights of Way

Public Rights of Way – landowner and operators obligations

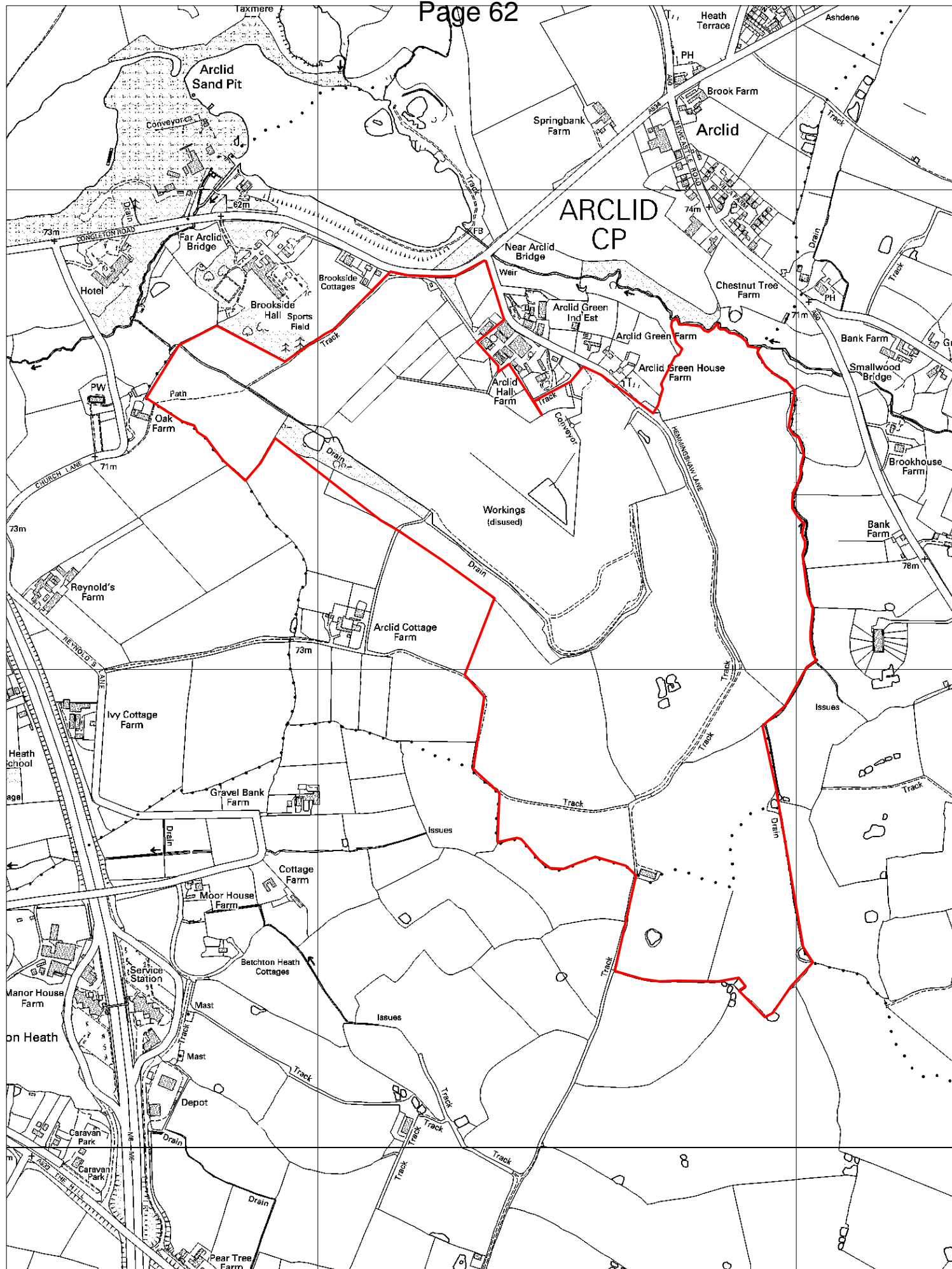
Permissive path; information on materials and standards, it should be located on the field side of the boundary hedge to separate users of the FP from vehicular traffic on the A534, and it should have a minimum width of 2 metres.

Environment Agency

Groundwater and information on licensing exemption on dewatering

Airport Safeguarding

Airport safeguarding re bird strike



ARCLID QUARRY, CONGLETON ROAD, SANDBACH, CHESHIRE, CW11 4SN

NGR : 378,470 - 361,310

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PLANNING APPEALS

| Ref Number | Address | Description | Level of Decision Del/Cttee | Over turn Y/N | Rec and Decision | Appeal Decision |
|------------|--|---|--|---------------|--------------------|----------------------|
| P08/1347 | 278 Crewe Road, Willaston, Nantwich, Cheshire, CW5 6ND | Outline application for demolition of existing dwelling and erection of 12 apartments in one two storey block | Development Control Committee (Crewe and Nantwich) | N | Refused 06/03/2009 | Dismissed 03/12/2009 |
| P09/0054 | 3 Red Hall Cottages, Middlewich Road, Leighton, Crewe, Cheshire CW1 4QU | Change of use of agricultural land to domestic garden and curtilage | Delegated | - | Refused 12/03/2009 | Dismissed 01/12/2009 |
| P09/0055 | 2 Red Hall Cottages, Middlewich Road, Leighton, Crewe, Cheshire, CW1 4QU | Change of use from agricultural land to domestic garden and curtilage | Delegated | - | Refused 12/03/2009 | Dismissed 01/12/2009 |
| P09/0189 | Strawberry Fields Farm, Butterson Lane, Oakhanger, Nr. Crewe, Cheshire | Proposed field gate access, removal of hedgerow/trees, installation of wire fencing, visibility splay & 12' agricultural gate. Renewal of Planning Permission P06/0019 (expired 08/03/09) | Delegated | - | Refused 01/05/2009 | Dismissed 03/12/2009 |
| P09/0214 | Checkley Farm, Checkley Lane, Checkley, Cheshire CW5 7QA | First floor extension to detached garage (resubmission of application P08/0978) | Delegated | - | Refused 11/05/2009 | Allowed 26/11/2009 |
| P08/1345 | Moss Gate, Hunsterson Road, Hatherton, Nantwich, Cheshire, | Replacement double garage | Delegated | - | Refused 06/02/2009 | Dismissed 13/01/2010 |

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|----------|---|--|-----------------------------|---|--|---|
| | CW5 7PD | | | | | |
| 09/2619m | 28a London Road, Alderley Edge, Macclesfield | Externally Illuminated Flat Sign At First Floor | Delegated | - | Refused 13/10/2009 | Dismissed 25/01/2010 |
| 08/2307p | Mere Hills Farm, Chelford Rd, Marthall, Macclesfield | Redevelopment Of Redundant Farm To Replace Dwelling comprising Demolition Of Some Buildings; Conversion And Extension Of Barns And Erection of a garage. | Delegated | - | Refused 06/07/2009 | Dismissed 07/12/2009 |
| 08/2353p | Greenways, Yew Tree Way, Prestbury, Macclesfield | Rear Balcony | Delegated | - | Refused 17/12/2008 | Dismissed 22/01/2010 |
| P09/0130 | 24 Gainsborough Road, Crewe, CW2 7PH | Change of pitch roof in height of existing garage | Southern Planning Committee | N | Approved with Conditions 26/05/2009 | Upheld with conditions 4 (Car parking provision) and 5 (Cycle Storage) removed – 5/01/2010 |
| 09/0755N | 25 Wareham Drive, Crewe, Cheshire, CW1 3XA | 2 Storey Side Extension and conservatory | Delegated | - | Refused 30/03/2009 | Part Dismiss Part Allow 14/01/2010 |
| 09/1255N | 87 Crewe Road, Nantwich, Cheshire, CW5 6HX | A new single dwelling | Southern Planning Committee | N | Refused 8/05/2009 | Dismissed 5/01/2010 |

Application Number: 08/2751P

Appellant: Mr Harold Cumberbirch

Site Address: Land off High Street/Cumberland Drive,
Bollington, Macclesfield

Proposal: The erection of 13 no. dwellings

Level of Decision: Macclesfield Borough Council Planning Committee

Recommendation: Refuse

Decision: Refused 17 March 2009.

Appeal Decision: Dismissed 7 December 2009

MAIN ISSUES:

The site forms part of a vacant builders yard at the junction of High Street and Cumberland Drive. The remainder of the site has already been redeveloped for housing through two earlier applications. This proposal sought to complete the redevelopment of the area through the provision of 13 new houses. The applicant had originally sought for 14 units on the site but on the advice of officers, reduced the scheme by a single unit.

The properties were to form a terraced arrangement in three blocks with small gardens to the rear and some off street parking to the front. The parking was to be accessed through breaks to be made in the stone wall surrounding the site. Some other parking was to be on street opposite the site.

In her examination of the application, the Inspector felt the main issues to be firstly the effect of the proposal on the character and appearance of its surroundings including the Bollington & Kerridge Conservation Areas (CA's) and, secondly, the adequacy of provision for parking and access and the implications for highway safety.

INSPECTOR'S REASONS:

In terms of the principle of residential development on the site, there was no objection in principle to some residential development on this steeply sloping site by the Council as the site is within the urban area of Bollington, and falls within the definition of previously developed land in PPS3: Housing. This view was one endorsed by the Inspector

Character and Appearance

The inspector noted that the immediate locality around the appeal site is predominantly residential and includes buildings of varying ages, styles and

sizes, most of which are in either the Bollington or the Kerridge Conservation Area Assessment (CAA). She also noted that the Red Lion P.H. and most of the mainly nineteenth century stone houses in the immediate locality were identified as buildings of townscape merit in the Bollington and Kerridge Conservation Area Appraisal

Other significant characteristics included the prevalence of slate and stone generally, and the hilly topography and varying views this creates, both within and beyond the CAs. The Inspector also felt that the appeal site, which is not specifically mentioned in the CAA, which is currently used as an informal parking area at the upper level, and a marked-out but unused car park at the lower level in its current state has a neutral effect on the character and appearance of the CAs.

Having walked around the area, the Inspector also considered that the stone walls along each side of the southern part of High Street did contribute positively in visual terms to the character of both the appeal site locality and the Bollington CA through their appearance, heights and continuity. This applied even though the walls have no statutory protection.

As the proposal involved reducing the wall's height, to allow adequate visibility between highway users the Inspector took the view that parked vehicles and the new openings in the wall would be a prominent feature in this street scene. Accordingly, the view was that the proposed development would diminish the contribution the wall makes to the character of the CAs, and unacceptably detract from the established character and appearance of the immediate locality and the CAs. It would conflict with Policy BE3 of the Macclesfield Borough Local Plan (LP), and also with guidance in the CAA and in the adopted Supplementary Planning Document (SPD) for Bollington.

The Inspector closed on this point by commenting that in her view the proposal would not reflect local character or achieve the high quality design that LP Policies BE1 and H2 seek to achieve. Nor would it be an imaginative solution to providing sufficient car parking, as advocated in the Bollington SPD.

Parking and Access

The Inspector accepted a parking standard of 1.5 spaces per dwelling in line with the SPD for Bollington. It was also noted that although the site was within recognised acceptable distances from the development, the topography of the area was a significant deterrent to walkers and cyclists resulting in car usage being more likely compared to a less hilly area. Accordingly, it was felt that the site was not so accessible as to justify restricting parking provision below likely demand.

Given the level of on-site parking proposed for the new houses, particularly those on High Street where waiting restrictions are in place, the Inspector

considered that the development would exacerbate existing parking problems and as a result, conflict with LP Policy DC6 weighed heavily against the proposal.

The Inspector also felt that the access arrangement into some of the parking spaces along Cumberland Drive were exceedingly tight and although they could be accessed, it was likely that existing on street parking opposite the development would be displaced.

Whilst this element of the proposal would not materially harm highway safety, the Inspector also felt it would not amount to the high quality design and layout that national and local policy seeks to achieve.

In summary, the Inspector found that, in the particular circumstances of this location, the proposal would not make adequate provision for on-site parking, thereby conflicting with LP Policy DC6. Although it would not unacceptably compromise highway safety, it would exacerbate on-street parking problems in the wider locality, contrary to the objectives of the Bollington SPD.

IMPLICATIONS FOR THE COUNCIL:

This is a welcomed decision on a difficult site. The applicant had secured consent for the first two phases of development through the appeal process and this parcel of land represented the remaining section of the original builders yard yet to be developed.

The decision offers clear support not only for the adopted policies in the Local Plan but also the Bollington SPD and the Conservation Area Assessment. The decision also confirms that whilst parking may technically be possible within a site, consideration for displacement of parking and problems to other road users can be taken into account.

CHESHIRE EAST COUNCIL

REPORT TO: >STRATEGIC PLANNING BOARD

Date of Meeting: 10 February 2010
Report of: Adrian Fisher, Head of Planning and Policy
Subject/Title: Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4)

1.0 Report Summary

- 1.1 The report is intended to advise the Board about the publication and the implications of Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) published by the Government on 29 December 2009.

2.0 Recommendations

- 2.1 That the report be noted.

3.0 Reasons for Recommendations

- 3.1 PPS 4 sets out the Government's comprehensive policy framework for planning for sustainable economic development in both urban and rural areas. It brings together policies for town centre and economic development related policies into a single, streamlined document and replaces the following existing policy statements / guidance documents:
- Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms (PPG4) (November 1992)
 - Planning Policy Guidance 5: Simplified Planning Zones (PPG5) (November 1992)
 - Planning Policy Statement 6: Planning for Town Centres (PPS6) (March 2005)
 - Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) – Sections that relate to economic development (August 2004)

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change / Health

- 6.1 PPS4 has been subject to extensive public consultation. It sets out the Government's overarching aims and objectives for the achievement of sustainable economic development. This is defined as growth that can be sustained and is within environmental limits; but also enhances environmental and social welfare and avoids greater extremes in future economic cycles.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 None.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 None

10.0 Risk Management

- 10.1 N/A

11.0 Background and Options

- 11.1 The Communities and Local Government Department (CLG) has published new advice for Local Planning Authorities which brings together all of the Government's key planning policies relating to the economy in both urban and rural areas into one single Planning Policy Statement.
- 11.2 The revised policy advice places retail and town centre development in a wider context described as relating to "economic development"..
- 11.3 The policy advice within PPS 4 also applies to development which provides employment opportunities, generates wealth and produces or generates an economic output or product. It should be noted however that policies contained in PPS4 do not apply to housing development which is considered in Planning Policy Statement 3: Housing.
- 11.4 The emphasis in PPS4 remains on a "plan led" approach. Local Planning Authorities are requested to establish a clear economic vision and strategy through

Local Development Documents. Local Planning Policies contained in Local Development Documents should be fully informed by Regional Assessments and be based on a robust evidence base which is proportionate to the issue identified. To achieve this aim, PPS 4 sets out the requirement for Authorities to produce Local Economic Assessments to assist in the establishment of an effective evidence base.

- 11.5 PPS 4 states that the economic vision for an area should define a network and hierarchy of centres; and set flexible policies which are able to respond to changing economic circumstances. The classification of hierarchies can be changed dependent on the relative economic performance of that centre with factors such as high levels of assessed deprivation taken into account. Local Development Documents should identify the need for land and floorspace for all town centre uses. This should be monitored amongst other indicators through the Annual Monitoring Report.
- 11.6 PPS4 emphasises support for the protection of the vitality and viability of town centre areas.
- 11.7 The policy statement retains the “sequential test” which promotes economic development in town centre sites first for shops, leisure facilities and offices rather than out of centre sites. PPS4 has also introduced a requirement for an “impact test” that assesses economic, social and environmental factors so that Councils can better establish the impact of a development.
- 11.8 Notably PPS 4 removes the “need” test for the determination of retail planning applications. In future retail planning applications will be determined on the basis of the sequential approach and impact assessment. However the assessment of quantitative and qualitative need for additional retail floorspace and town centre use remains a fundamental aspect of the evidence base for Local Development Documents.
- 11.9 The additional “impact test” consists of an assessment for all economic development and an additional assessment for town centre uses only. This assessment of impact focuses in particular on the first five years after the implementation of a proposal. Under this new requirement, retail and town centre uses which might harm town centres will be assessed against key factors including climate change, impact on the high street, consumer choice, consumer spending and jobs. But the “competition test”, recommended by the Competition Commission, following its probe into grocery shopping, is not included in PPS 4.
- 11.10 PPS4 will allow Local Authorities to plan for economic development in rural areas subject to appropriate protection of the countryside. The policy statement requires them to strictly control economic development in open countryside locations. It also requires the identification of local service centres and states that most new development should be located where it enhances the vitality and viability of market towns and other rural services. In addition it stresses the need to protect local services and rural economies through assessing the contribution of rural services to the local community and also protect rural facilities such as local shops which provide for people’s day-to-day needs.

12.0 Overview of Year One and Term One Issues

12.1 N/A

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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STRATEGIC PLANNING BOARD

Date of meeting: 10 February 2010
Report of: Julie Openshaw – Legal Team Manager (Places
Regulatory and Compliance
Philippa Lowe – Development Manager
Title: Management of S106 Planning Agreements

1.0 Purpose of Report

- 1.1 To inform members of work ongoing to manage work on planning obligations, and to determine that certain matters which have been ongoing can now be treated as finally disposed of.

2.0 Current Procedure

- 2.1 In order to improve efficiency in the processing of S106 planning obligations and compliance with target deadlines, work has been ongoing to develop the interface between planning services and legal services. Initially, a list of ongoing matters has been compiled, and a copy of the latest version of the list is attached at Appendix 1. Maintenance of the list is work in progress, and the list will be refined and updated on a regular basis as cases move through the process. Each case has also been allocated a priority, and these figures will also be regularly reviewed and if necessary amended.
- 2.2 As well as monitoring and prioritising current applications, there is an expectation that planning applications in general should be determined in a timely fashion, as no purpose is served by applications remaining “live” on the register when there is no prospect of the development proceeding, or of the planning obligation being entered into to secure those matters which are considered necessary to mitigate the impact of the development or other outstanding issues resolved.
- 2.3 There may be a number of reasons why a development does not proceed, not all of which are in the applicant’s control, nor indeed within the control of the planning authority. Having matters outstanding on the register for a protracted period of time can also lead to uncertainty.
- 2.4 The General Development Procedure Order 1995, as amended, provides detail about how planning applications are to be processed, and time periods for decisions on both major and non-major applications.

- 2.5 Under Article 25 of the Order, the Statutory Register which the planning authority must maintain is divided into two parts. Part I deals with current applications, and Part II covers historic applications. Part I covers applications which are “not finally disposed of” (Article 25(3)). Article 25 (11) sets out criteria for determining whether an application is “finally disposed of”. Of several options, only sub-paragraph (a) is relevant for current purposes, and this states: “(a) it has been decided by the authority (or the appropriate period allowed under Article 20(2) of this Order has expired without their giving a decision) and the period of six months specified in Article 23 of this Order has expired without any appeal having been made to the Secretary of State.”
- 2.6 Article 20(2) provides that the time period for decision (or longer period as may have been agreed in writing between the applicant and the local planning authority) is thirteen weeks from receipt for major development applications, and eight weeks for non-major applications, while Article 23 deals with the period for lodging of an appeal. (In this sense, decision is taken to refer to the provision of a decision notice, not a resolution to do so, subject to a planning obligation being entered into). At the end of such periods where no decision or appeal has been made, an application can thus be transferred from Part I to Part II of the Register as “finally disposed of”.
- 2.7 Work is ongoing to identify cases in which this period has now expired and no appeal has been lodged with the Secretary of State. A process is being implemented to warn developers and provide them with a choice of either withdrawing the application or completing the agreement; in cases where neither happens, the Committee will be invited to determine that these applications be treated as “finally disposed of” and transferred to Part II of the register. In future, further reports will be brought before the committee for this purpose from time to time, and a similar process is being implemented for applications meeting the criteria which were the subject of officer delegated determinations.

3.0 Proposal

- 3.1 In addition to the work outlined above, standards forms for instructions and heads of terms are being developed, and the potential for use of Planning Performance Agreements, essentially a collaborative project management process and tool, designed as a means to speed up the delivery of large-scale major planning applications, is being examined.

4.0 Recommendation

- 4.1 That members receive this report and also confirm that the cases referred to in paragraph 2.7 above be treated as finally disposed of.

For further information:

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Officers: *Julie Openshaw /Philippa Lowe*
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| | | | Former Crewe and Nantwich | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | |
| Planning ref | Address | Development | Officer | Date of instruction to legal | Current planning status | Current stage with legal | Heads of term | Solicitor | Legal file reference | Date of decision | Date title received | Initial contact date | Action | Next review date | Target date | Priority | |
| 09/2035N | Land off Bunbury Lane, Bunbury | Demolition of Existing Industrial Workshop and Erection of 6 Affordable Dwellings for Rent including Associated Access, Parking and Amenity Areas | Daniel Evans | 28/08/09 | Planner approved draft Nov 09 | FIRST DRAFT BEING CONSIDERED BY DEVELOPER & RSL Completed 08/12/2009 | | Nia Wolley | | | | | Legal to chase. | | | 2 | |
| P09/0040 | Manor Bank Barn, Cheerbrook Road, Willaston | Erection of 4 No. Dormer Bungalows and 8 No. Apartments with Associated Garages Landscaping and New Vehicular Access. Approved by committee march 2009 | Ros Ellison | 22/04/09 | Awaiting S106 for maintenance of boundary planting for 15 years - necessary as development on prominent approach to Nantwich and not possible to condition for 15 years. | LETTER 20.10.09 STATING DEVELOPER WANTED TO PROCEED AND WERE PUTTING TITLE IN GOOD ORDER | | Nia Wolley | | | | | Legal to chase. Ros - why was S106 necessary (answered) | | | 2 | |
| P08/0872 | Ivy House Farm, Hankelow | Outline Application for Demolition of Existing Dwelling and Commercial Buildings and Erection of Five Dwellings with Associated Highways and Landscaping Works | Ros Ellison | 09/04/09 | Awaiting S106 for affordable housing and landscaping/reinstatement of land and long term maintenance | PLANNING CASE OFFICER FORWARDED EMAILS ON 08.09.09 INDICATING THE APPLICANT'S PLANNING AGENT HAS HAD DIFFICULTIES CONTACTING HIS CLIENT AND ARRANGING ON SITE MEETING WITH HIS CLIENT FOR LANDSCAPING TO BE DISCUSSED | | Nia Wolley | | | | | Legal to chase. | | | 2 | |
| P08/0728 | The Badger Inn, Church Minshull | Refurbishment of Public House Creating Six Bedrooms and Separate Managers Flat Extension to Restaurant and Toilets Demolition of Existing Rear Single Storey Extension and Erection of Six 2/3 Bedroom Enabling Dwellings and Creation of 52 Parking Spaces | Ben Haywood | 03/04/09 | S106 required to secure heritage benefits of scheme. LBC granted. Still waiting for phasing details from applicant as per Legal. Development may have started (17/12/2009) | ENABLING DEVELOPMENT AGREEMENT - ISSUE AROSE AS TO PHASING OF REPAIRS AND WHETHER A PERFORMANCE BOND WAS REQUIRED APPLICANT STILL HASN'T PROVIDED DETAILS REGARDING HOW THEY WANT THE MATTER TO PROCEED | | Nia Wolley | | | | | Legal to chase. | | | 3 | |
| P08/0996 | The Old Workshops, Kettle Lane, Audlem | Erection of Ten Dwellings | Richard Kilbourne | 19/03/09 | 15.05.09 FIRST DRAFT OF AGREEMENT PREPARED AND SENT OUT. 18.06.09 AGREEMENT RETURNED AS APPROVED BY DEVELOPER 25.06.09 AGREEMENT FORWARDED TO RSL FOR COMMENTS. ADVISED 05.08.09 OF RSL'S SUGGESTED AMENDMENTS & INSTRUCTIONS SOUGHT 07.09.09 LETTER SENT OUTLINING COUNCIL'S POSITION RE RETAINING UNIT AS AFFORDABLE HOUSING IN PERPETUITY AND LIMITING OF STAIRCASING TO 80% . EXPLAINED JUSTIFICATIONS FOR CHANGE OF TENURE WOULD NEED TO BE PUT FORWARD BY APPLICANT/RSL AND MATTER REFERRED BACK TO COMMITTEE 09/10/09 FOLLOWING FURTHER EMAIL CORRESPONDENCE | RSL WANTED TO CHANGE TENURE OF ONE OF THE AFFORDABLE UNITS ADVISED ON 09.10.09 THAT THE MATTER WOULD HAVE TO BE REFERRED BACK TO COMMITTEE NOT BEEN ADVISED AS TO HOW APPLICANT AND RSL WANT TO PROCEED | | Nia Wolley | | | | | Solicitor and planner to agree acceptable position and advise developer | | | 2 | |
| P09/0014 | Heathfield Avenue/High town, Crewe | Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure | Lauren Thompson | 16/02/09 | MATTER WENT BEFORE COMMITTEE ON 15.07.09 – DELAYED DUE TO DISCREPANCIES WITH TITLE. Unlikely to progress | AWAITING DETAILS RE AFFORDABLE HOUSING ELEMENT (who?) | | Nia Wolley | | | | | Solicitor and planner to agree acceptable position and advise developer | | | 3 | |
| P05/1618 | Red Lion Lane, Nantwich | Erection of Sheltered Apartments for the Elderly (Category II Type Accommodation) and House Manager's Accommodation with Landscaping and Car Parking | Ros Ellison | Jan-09 | MATTER REFEREED TO COMMITTEE 13.05.09. Approved, Sec 106 not issued as yet | AGREEMENT AWAITING COMPLETION. ISSUES WITH TITLE HAVE ARISEN DUE TO SALES OFF OF APARTMENTS. APPLICANT'S SOLICITOR ADVISED THAT LETTERS OF CONSENT FROM APARTMENT OWNERS REQUIRED. E-mail received 7/1/10, letters of consent expected to be received by Monday (11/1/10) and should complete thereafter. | | Nia Wolley | | | | | Legal to check details | | | 2 | |
| P08/0869 | Hankelow Hall | Proposed Enabling Development of Four Detached Dwellings with Garages Resubmission of P07/0985 | Ben Haywood | 22/09/08 | ADVISED ON 09.11.09 FOLLOWING FURTHER DISCUSSIONS THAT EH ARE HAPPY TO DISPENSE WITH NEED FOR PERFORMANCE BOND AND MATTER WILL BE REFERRED BACK TO NEXT COMMITTEE TO AMMEND RESOLUTION SLIGHTLY TO DELETE THE NEED FOR A PERFORMANCE BOND. SHOULD THEN BE ABLE TO COMPLETE. 2nd Dec SPB for amendment to resolution. Hope to sign within next fortnight. Applies to both P09/0007 & P08/0869. Approved at Board 2nd Dec | MATTER BEING REFERRED BACK TO COMMITTEE RE ISSUE OF PERFORMANCE BOND. Engrossments sent out 11/12/2009. | | Nia Wolley | | | | | Legal to ensure completion | | | 1 | |
| P09/0007 | Hankelow Hall | Erection of Detached Dwelling with Integral Garage | Ben Haywood | | As above | As above | | | | | | | Legal to ensure completion | | | 1 | |
| P08/0811 | Bridge Street, Wybunbury | Outline Application for Two Dwellings | Lauren Thompson | 01/09/08 | FIRST DRAFT SENT OUT ON 06.02.09 AND APPLICANT WAS CONSIDERING WHETHER STILL A VIABLE SCHEME. LATEST LETTER SENT 19/10/09 REQUESTING WHETHER STILL WISHED TO PROCEED. | AWAITING COMMENTS ON FIRST DRAFT FROM APPLICANT. Engrossments due to be sent out 7/1/10. | | Nia Wolley | | | | | Revisit in Jan | | | 3 | |

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|---------------------|---|---|-------------------|---|--|---|--|----------------|--|--|--|--|--|--|--|--|--|---|
| P06/1362 | Stapeley Hall Farm | Barn Conversion to One Dwelling | Daniel Evans | 13/02/07 | 22.06.07 FIRST DRAFT OF AGREEMENT SENT TO APPLICANT'S SOLICITOR. ADVISED SOLICITORS HAD A CONFLICT OF INTEREST AND NEW SOLICITORS NOT APPOINTED UNTIL 24.08.08 MATTER HAD TO BE REFERRED BACK TO COMMITTEE ON 26.03.09 AS APPLICANT WANTED TERMS OF AGRICULTURAL RESTRICTION AMENDED 20.08.09 ENGROSSMENTS SENT OUT | AWAITING RETURN OF ENGROSSMENTS from applicants solicitor | | Nia Wolley | | | | | | | Legal to chase | | | 1 |
| P06/1001 | Stapeley Water Gardens | Outline Application for the Redevelopment and Relocation of Existing Garden Centre Facilities, A1 and A3 Retail Units. Construction of Class C3 Residential Development, B1 Office Development, Car Parking and Ancillary Facilities and Associated Infrastructures | Ros Ellison | 27/09/07 | Developer considering applying for different permission. Developer has put forward revised proposals and wishes to discuss with Roas & Rachel around 25th Jan (this is when Legal are moving offices). | Draft not agreed. New RSL involved by developer who now wants to renegotiate terms of draft. May have to revert to planning committee | | Rachel Goddard | | | | | | | No action | | | 3 |
| 09/2347N | Land off Station Road, Calveley | Proposed Residential Development of 3 no. Dwellings & Associated Landscaping | Richard Kilbourne | 15/05/09 | Application not yet determined, due to go to committee | Title check conducted on the basis of undertaking to pay our costs for it. 4 titles deduced on 22.7.09 but these do not cover entire application site. Unregistered title information awaited. Further registered title details received 16.10.09. Rachel has chased solicitors for costs undertaking in respect of drafting work done but none recieved. | | Rachel Goddard | | | | | | | Update from planner to legal. Jan committee | | | 2 |
| P08/1258 & 09/1480N | Basford West | Variation to provide for changes to landscaping | Ros Ellison | Formal instructions awaited | Application likely to go to planning committee Dec/Jan. SPB Jan will be progressed quickly | Advice given on the need for a deed. Draft report recived from Ros, need to discuss with her. | | Rachel Goddard | | | | | | | Planner to update legal and report for Jan SPB | | | 1 |
| | Basford East | Variation of planning obligation | Ros Ellison | Formal instructions awaited | Developer's solicitor has not agreed the draft | Advice given to planners | | Rachel Goddard | | | | | | | No action | | | 3 |
| P07/1054 | South Cheshire College | Outline Application for the Erection of 91 Dwellings | Ben Haywood | 25/10/07 | This matter went back to committee on 6.11.08 because the developer could not agree all the terms. Members relaxed instructions. Not heard back from developers. Nothing to update at present. | Developer is now baulking at having an RSL to manage the affordable housing. Further instructions awaited from planners. | | Rachel Goddard | | | | | | | No action | | | 3 |
| P07/0173 | Bombardier, Crewe | Mixed Use Redevelopment Including the Retention of Existing Offices, Residential Development and Employment Development for B1, B2, B8 Uses with Associated Highway Works and Landscaping | David Snelson | 24/05/2007 - incomplete | S106 was not completed due to downturn in market and the applicant has recently been in discussions to seek to secure changes to the approved scheme. Last contact Sept 08. Withdrawn 6th Jan 09 | There has been protracted correspondence with Pinsent Masons on various versions of the draft. We agreed their last suggested amendments on 7.10.08 but since then Pinsent Mason have not corresponded with me. I have heard from planners that the proposed RSL partner dropped out and Bombardier are looking at applying for a different permission. Need to go through the 3 files to cost abortive work and bill for it. | | Rachel Goddard | | | | | | | Contact developer with view to withdrawal | | | 3 |
| | Wychwood village Hall and country park | Variation of planning obligation to allow for private owner because parish council will not take over the facilities | Ros Ellison | Instructions requested from Guy Kilminster and Peter Hall on 21.10.09 | New application (09/4067N) received 14th Dec 09 for residential development which will fund village hall and variation of S106. | A report to planning committee will be necessary to approve the variation. Consultation request recived for planning application but no formal instructions yet. | | Rachel Goddard | | | | | | | Update from planner and likely committee date | | | 2 |
| P08/0917 | Nantwich walled garden (walls are a listed structure) | Reserved Matters Application for the Construction of Six Terraced Dwellings and Two Apartments | Ros Ellison | The Performance Bond is a standard requirement in the English Heritage form of planning obligations for enabling development. The Conservation officer has been asked to takethis up with EH. | Reserved matters application for 8 dwellings approved by Committee March 2009. Letter sent from NWGS prior to Judicial Review. Now understand JR not being followed up. S106 to be comiled re maintenance of Walls and gardens to be created. Long history of complex letters from NWS want to stop development and get historic garden create on site for tourism | Conservation Officer did not write to EH. Rachel wrote on 3rd Dec. No response by 7th Jan so reminder sent. EH have sent a non committal e-mail so a reply to that has been sent asking what percentages are usually agreed for performance bonds as the developer is asking for justificationof the percentage we have suggested. | | Rachel Goddard | | | | | | | Solicitor and planner to discuss | | | 1 |
| P08/0167 & P08/0190 | Bunbury Scout HQ | Change of Use of Existing Scout Headquarters to Dwelling & Bunbury Scout and Youth Centre - Amendments to Hours of Operation: 8 am to General Close of 10.30 pm and Midnight Close 3 Times per Calendar Year | Lauren Thompson | Mar-08 | | Following involvement of solicitors on behalf of the applicant re-drafted initial letter sent out 19th January 2009 and an undertaking for costs received 30th March 2009. Correspondence passing in April and May 2009 and draft s106 prepared and discussed a in telephone conversation with solicitors (16th June 2009) and re-draft prepared in anticipation of further information from solicitors. 20/11/2009.No contact since June 2009 then e-mail from applicant's solicitor enclosing draft lease with Parish Council (incomplete) and contact from applicant by telephone (2nd November 2009) explaining delay caused by difficulties in agreeing form of lease with Parish Council. Applicant explained need to complete planning obligation and start work on the new scout hut by the end of the year so as to not loose out on grant money and to ensure build could be completed within the contractors guaranteed quote. 20/11/2009.Sent e-mail setting out outstanding matters (3rd November 2009) in response to contact from solicitor and applicant. Re-drafted s106 Agreement sent out 5th November 2009. 20/11/2009. | | Julie Gegory | | | | | | | Solicitor and planner to discuss | | | 1 |
| | | | | | | Solicitors acting for the Scout Association Trust Corporation are to provide a certificate stating that the disposal is an exempt disposal under the Charities Act 1992 and there is a recital to this effect in the agreement. 20/11/2009. Loss of two mature cherry trees to make way for new scout hut to be mitigated by tree planting scheme – scheme approved by Planner for inclusion in the draft s106 12th November 2009. | | | | | | | | | | | | |
| | | | | | | Existing Scout Hut - received proposed contract and transfer documents from Scout Group's solicitor (Dec 09). Considered documents and made slight amendments to draft planning obligation - sent to Scout Group's solicitor. | | | | | | | | | | | | |

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| | | | | | | New Scout Hut - Parish Council's solicitor conceded that it will be necessary to advertise the proposed disposition of the Parish Council's land (Dec 2009) and have queried whether it can be amended to require the construction of a scout hut on the site to reflect terms of planning obligation (Jan 2010) - awaiting response. Made further comments on the attestation clause and need for evidence of Parish Council's decision to enter in the planning obligation. (Have copied in Scout Group's solicitor and also planner) Discussed current position with planner (Dec 2009) - requested and received final version draft planning permissions from planner (Jan 2010) for inclusion in engrossed agreement. Scout Group solicitor has requested engrossed agreement for circulation (Dec 2009). I am aware that the draft has not been circulated to the other parties and understand that she does intend to do so. I have explained to her that the Borough solicitor will not accept a hand amended document if it turns out the other parties require changes - also require response to queries regarding lease prior to setting final draft in case changes needed | | | | | | | | | | |
| P07/1355 | St Annes Lane, Welsh Row, Nantwich | Erection of 62 Sheltered Housing Apartments, Managers Apartment and Guest Apartment, Communal Facilities, One Retail Unit, 452.7sqm of Offices, Car Parking, Conservatory, Landscaping and Construction of a New Vehicular Access | Dan Evans | | Awaiting S106 for affordable housing commuted payment. Stalled due to downturn. | | | | | | | | Check with Dan | | | 2 |
| P07/0639 | Mill Street/Lockit Street, Crewe | Outline Application for Mixed Use Development Comprising Residential, Employment and Retail, New Pedestrian/Cycle Link and Associated Car Parking, Landscaping, Servicing and Access | Declan Cleary | | This application is resolved to approve subject to a S106 which would secure affordable housing (35%), open space/equipped playspace as well as the phasing of the development. The S106 has not been progressed due to the market downturn and the developer is in discussions with us to ammend the makeup of the scheme. These changes mainly comprise the retailing and residential components and in the latter includes less flats and more houses. Accordingly the above details are to change. The scheme is likely to be proposed for kickstart funding via the Homes and Communities Agency scheme. Amendments reviewed back to committee for reconsideration. | Application plan received from DS on 8/1/10. Initial letter to developer's solicitor agreed with him in respect of objectives for planning obligation, letter sent 11/1/10. | | Rachel Goddard | | | | | Solicitor and planner to discuss | | | 1 |
| P09/0126 | Sainsbury's, Nantwich | Erection of Replacement Store with Associated In-Store Cafe, Servicing Arrangements and Plant Following Demolition of Existing Store and Industrial Unit; Formation of New and Upgraded Car Parking Facilities with Alterations to Pedestrian Access and Upgrading of Landscaping to Site | Ben Haywood | | S106 for £150,000 for Connect2 plus public art. Went to SPB, Legal have only had instructions for a week. Not been called in | Rachel raised 8 queries on instructions. Revised instructions received 17th Dec. Still have not had confirmation from Ben that there has been no call in by GONW. Not been called in and legal instructed. | | | | | | | | | | 1 |
| P08/0115 | Walnut Close, Hough, Crewe | Variation of S106 | David Snelson | | Vary S106 - alterations to garden plots. Contact made with applicant 10/2/09. Solicitors contacted legal on 11/3/09, nothing on file after this. | | | Nia Woolley | | | | | Planning to discuss with Nia | | | 3 |
| ENQ/09/3499 | Barony Road, Nantwich | Variation of S106 | David Snelson | | Variation of S106. Southern Committee approved 6th Jan 09 | Instructions received 8/1/10, file opened. | | Rachel Goddard | | | | | Instructions prepared, awaiting committee decision | | | 2 |
| 09/3251N | Grenson's Garage, Middlewich Road, Crewe | Demolition of Existing Garage and Petrol Station and Erection of 11no. Dwellings | David Snelson | | Affordable housing issues. Advertised as departure. | | | | | | | | | | | 2 |
| 09/2329N | Tesco, Vernon Way, Crewe | Erection of a Replacemet Foodstore (A1 retail) with Ancillary Cafe, Assoicated Parking, Highway Works and Landscaping. | Ben Haywood | | Approved. Referred to GONW awaiting response | No instructions received yet. | | | | | | | | | | 2 |

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| Planning ref | Address | Development | Officer | Date of instruction to legal | Current planning status | Current stage with legal | Heads of terms | Solicitor | Leagal file reference | Date of decision | Date title recived | Initial contact date | Action | Next review date | Target date | Priority | Date completed |
| 30578/1 | Sandbach Business Park (part), off Old Mill Road, Sandbach | | | Awaited in relation to fresh application | There are a number of old applications relating to this site and a large background to the applications. The several landowners could not come to agreement and the permissions expired prior to implementation. Land ownership has changed again and progress with development is again being sought on the site. DM in contact with agaents 25/01, further discussions ongoing in respect of submitting new app. These apps likely to be withdrawn within month, no need to progress. | Dormant. Legal no longer pursuing this. Cannot proceed on basis of original applications, Planning to request a fresh application from agent, confirmed 14/09/09. | | Stephanie Parkinson | | | | | Check for officer to contact developer and withdraw | | | 3 | 01/02/10 |
| 04/0128/OUT | Sandbach Business Park | As above. | As above. | As above. | Agents have been requested to withdraw applications by DM, otherwise they will go back to SPB rec for refusal due to passage of time. Likely to be withdrawn asap. As above | As above. | | | | | | | | | | 3 | |
| 37741/3 | Vicarage Lane, Elworth | | Bev Wilders | 01/10/04 | S106 requires works to church hall uder separate application. | Dormant since 05/11/08. No response from either side. | | | | | | | Bev to advise | | | 3 | |
| 07/0549/FUL | Brickhouse Farm, Smithy Lane, Hulme Walfield | | Ailsa Milne | 07/12/07 | No progress with S106 Agreement, awaiting fresh application for the applicant. | Dormant | | | | | | | Track down file & ask enforcement | | | 1 | |
| | Silk Mill, Mountbatten Way, Congleton | Shawn Fleet | | None on file | Variation to S106. No progress since June 2008. Recent developer interest not materialised - currently being marketed. No immediate action required. | Dormant, awaiting response from applicant | | | | | | | No action | | | 3 | |
| 06/1414/FUL | Albany Mill, Canal Street, Congleton | | Shawn Fleet | | New developer confirmed – draft agreement copied to them. No HA identified yet. – Site currently being pursued by Lee Dawkin of Crash Pad estates to deliver 100% affordable housing through Great Places HA. Crash Pad Estates currently pursuing minor amendment to original scheme and completion of new s106. Recent discussions still progressing | Proceeding with Nechco and not Crash Pad. Draft Agreement sent. Outstanding issue relating to reinvestment of surplus monies related to affordable housing [Vikki Jeffrey is resolving] | | Mark Wynstanley | | | | | | | | 2 | |

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| 07/0494/OUT | Canal Fields, Rookery Bridge | | Shawn Fleet | 11/09/09 | Transfer of site to Bellway now confirmed and S106 being pushed by applicants. Question mark over securing education contribution for £197,948 as Bellway have questioned how this has been arrived at and Peter Davies (Interim Manager for School Organisation and Development) appears not able to provide staff resources to defend claim and instead has elected not to follow though request for nearly £200k of s106 monies. Draft received from developer's Solicitors 13.4.2009. Planners commented on that draft 25.6.2009 but not in a form which could be described as instructions. E-mail sent 21/09/09 raising a number of relatively straight forward points. Some initial but incomplete comments recieved 22/09/09. Meeting with developer (Legal not in attendance) on 20/10/09. Some vague information provided about outcome. Developer's solicitor to provide a further draft. Not yet recieved. | Commented on draft November 2009. Meeting held with Bellway 11 January 2010 | | Mark Wynstanley | Bellway redrafting following meeting 11.1.2010 | | | | | Locate file | | | 2 | |
| 07/0662/OUT | Byley Lane (land adj 5 Middlewich Road) | 10 Dwellings rural affordable housing | Ailsa Milne | 11/06/08 | Awaiting applicant's approval of draft agreement and proof of title. No response received from the applicant's agents since draft sent. | Dormant | | Stephanie Parkinson | | | | | To be disposed of. | | | | 3 | |
| 07/0994/FUL | Elworth Wire Works, Elworth | Variation of S106 & removal of a condition | Ailsa Milne | 03/10/07 & 08/11/07 | Why are legal awaiting for draft conditions? If agreed, then we can issue decision notice upon instruction – historic procedure? Decsion made 7/11/07, no legal input appears to be required. Probable delete. | S106 agreed awaiting draft conditions from Planning. Applicant requested that draft conditions be attached to s106 Agreement in Feb 2009, this was agreed by Peter Sutton and advised to Planning. Chased in March 2009, nothing on the file since. Please advise if Legal are to proceed without attaching draft conditions to s106. | | Stephanie Parkinson | | | | | Find file. Legal to expalin why not proceeded | | | | 3 | |
| 07/0952/FUL | Chadwick Fields, Coronation Road, Middlewich | | Reallocate | 08/05/08 | Former Cheshire County Council Application for accommodation for vulnerable adults (Social Services). Awaiting confirmation that the s106 can proceed under Cheshire East. | Amended draft s106 Agreement sent to Applicant's Solicitors on 24/12/2009. Awaiting response. S106 Agreement linked to lease of land from the Council to Muir Group Housing Association. | | Stephanine Parkinson | | | | | Discuss with SP | | | | 2 | |
| 09/2569C file with RG | Finney's Lane, Middlewich | Amendments to existing approved plans | Shawn Fleet | | New s106 required to tie new development into existing POS and affordable housing provision on site. Legal have been instructed. | Asked for further instructions on 4th Nov, reminder sent 18th Nov. None received as yet. | | | | | | | Update from legal | | | | 2 | |
| 06/0069/OUT. 08/0547 & 08/2059 also relate to same site | Goostrey Youth Centre, Main Road, Goostrey | Dwelling on youth centre site and relocate | Robert Law | 14/08/09 | Live | Meeting held between Planning and Legal, full instructions from Planning received. Letter setting out heads of terms sent to Applicant's Solicitor 18.01.2010, requiring the new youth centre to be built and ready for use before the new dwelling on the old youth centre site can be occupied. | | Stephanie Parkinson | | | | | Legal & planning to discuss | | | | 1 (urgent) | |

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| 08/0492/OUT | Fine Art Site (Victoria Mills) Holmes Chapel | | Paul Moore | 27/02/09 | Draft Agreement has been prepared and amended, discussions are ongoing with the applicants over terms of the affordable housing provision and key definitions within the agreement. Meeting 27/11/09 to discuss outstanding issues. Further recent discussions with applicants. | Agreement amended and returned to Applicant's Solicitor 02.12.09. Only outstanding issue relates to discount to be provided on discounted for sale element of affordable housing. Supporting information supplied by Applicant's Solicitor on 12.01.09. Legal, Planning and Housing to discuss and agree discount percentage. | | Stephanie Parkinson | | | | | | Outcome of meeting | | | 2 | |
| 08/0071/FUL | Booseys Garden Centre | | David Malcolm | 14/10/08 | Agreement prepared. Awaiting Mortgagee's consent from other side. | Live, almost completed. Applicant's Solicitor advised that Mortgagees must join into s106 Agreement (consent not sufficient). S106 Agreement amended and forwarded to Applicant's Solicitor on 15.01.2010. | | Stephanie Parkinson | | | | | | Dates from legal. | | | 1 | |
| 09/0080/FUL | 37 Havannah Street, Congleton | | | 08/04/09 | Draft S106 prepared and sent out. No response received from applicants to date. Comm 24th Mar 09 | Draft s106 Agreement prepared and sent to Applicant's Agent on 11/05/09. | | Stephanie Parkinson | | | | | | Legal to chase (SP) | | | 3 | |
| 09/0437C | Sandbach Literary Inst, Sandbach | CONSTRUCTION OF EXTERNAL LIFT SHAFT AND REVISIONS TO YARD ENTRANCE FOR DISABLED | Robert Law | | Draft of variation to S106 prepared by applicants. | Dormant - response awaited to e-mail sent to Robert Law on 21 September [reminders sent 15 Octobere and 5 November 2009] | | Mark Wynstanley | resposne awaited from Planning since September 2009 | | | | | Planning to provide instructions | | | 2 | |
| 09/0481C | Oaklands Medical Centre | Relocation of existing floodlit all weather sports facility, demolition of existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a three-storey medical centre with associated access and parking. | Robert Law | | Well out of time, need to investigate further as to why. Approved by committee | | | | | | | | | Planning to update | | | 2 | |
| 09/1127C | Mossley House, Congleton | THE DEMOLITION OF EXISTING PROPERTY (MOSSLEY HOUSE) AND THE REDEVELOPMENT OF THE LAND, INCLUDING, 43 NO. 1, 2 AND 3 BED USE CLASS C2 RESIDENTIAL ACCOMMODATION WITH CARE, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. | Philippa Cockcroft | | No decision as yet. Due to committee 6/1/10. Approved subject to S106 (27th Jan 10 | Legal not instructed yet. | | | | | | | | Check with Phillipa about instructions | | | 2 | |
| 09/3016C | Kinsey Street Church, Kinsey Street, Congleton | Change of Use from D1 (Church) to C3 (Residential) Forming 9 No Flats | Philippa Cockcroft | 02/12/09 | | SP has requested copy of application and Streetscape and Highway responses. SP to send heads of terms to the Applicant's Agent. | Financial contributions for POS (children and young persons provision £4801.12, amenity greenspace £2908.35) and local traffic management schemes (£9,000). | Stephanie Parkinson | | | | | | Legal to send heads of terms to Applicant. | | | 2 | |

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| Planning Ref | Address | Development | Officer | Date of instruction to legal | Current planning status | Current stage with legal | Heads of terms | Solicitor | Legal file reference | Date of decision | Date title recived | Initial contact date | Action | Next review date | Target date | Priority | Date completed |
| 08/0333P | S106 Bexton Hall | Detached double garages to all plots. Ammendment to 07/0358P | Bev Wilders | 03/10/09 | Matter appears to have been started in late 2008. No correspondence appears on file for most of 2009. Matter appears to restart on 3/10/2009. Matter appears to die again. No further correspondence. | Final Stages - Matter dealt with by external solicitor prior to Cheshire East – now returned to NF to complete. There is an agreed document but we have asked for confirmation of title as we have information that the title may have changed – this has yet to be given to us. No instruction till Oct 09 | Prevent building of previous approval 07/0358P | Nicky Folan | | | | | Legal to chase title | | | 3 | 01/02/10 |
| 08/2222P | S106 Land at Bexton Lane | Ammendments to S106 agreement for 98/0943P | Bev Wilders | 11/11/09 | Internal correspondence between Nicky Folan and Bev Wilders the Planning Officer. Correspondence dated 11th November 2009. Relatively new matter | Preliminary – Only 2 pieces of internal correspondence. Reg Oct 08, report completed Nov 09 | Remove need for viewing platform | Nicky Folan | | | | | Legal and planning to discuss | | | 3 | |
| 08/2717P | S106 Parkgate Industrial Estate extension | Outline for emplyment extension | Bev Wilders | No formal instructions but opened in Legal 29th July 2009 (incorrectly marked previously as internal correspondence only) | Discussion of conditions between Planning and agents | S106 requirements are still in discussion between Planners and the Agents. This has been the case since 30/10/2009. Legal are still waiting for formal instructions and title from applicants solicitors | | Nicky Folan | | | | | Legal to await instructions | | | 3 | |
| 08/2718P | S106 Fibrestar Site, Redhouse Lane, Disley | OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF C3 RESIDENTIAL; C2/C3 SENIOR/ASSISTED LIVING AND B1/B2/B8 EMPLOYMENT | Emma Tutton | 06/03/09 | Correspondence ceases on 8/05/2009. Last correspondence from Nicky to applicant. | Correspondence ceases on 8/05/2009. Email received 21/10/09 from applicants with amended agreement and notifying of intention to continue | | Nicky Folan | | | | | Legal to review recent correspondence from developer | | | 2 | |
| 09/2553M | Honford Court, Handforth | DEMOLITION OF EXISTING HONFORD COURT BUILDING, DETACHING FROM EXISTING HONFORD HALL BLOCK. SMALL EXTENSION TO HONFORD HALL BLOCK TO RATIONALISE WC FACILITIES AND M & E PLANT. CONSTRUCTION OF 36NO. 2 BED APARTMENTS (BLOCK OF 12 AND BLOCK OF 24) INCLUDING ASSOCIATED PARKING AND INFRASTRUCTURE. | Ailsa Milne | 05/11/09 | Very early stages. Relatively new matter. Determined 4th Nov | Allocated- Preliminary. File has been opened, 2 brief pieces of internal correspondence between Planning Officer and Nicky | | Nicky Folan | | | | | Legal to progress | | | 2 | |
| 09/2650M | S106 Astute House, Handforth | ALTERATIONS AND EXTENSIONS TO EXISTING PREMISES TO FORM THIRD FLOOR OFFICE ACCOMODATION WITH ALTERATION TO FRONT ELEVATION | Ailsa Berry | 22/10/09 | Very early stages. Relatively new matter | Preliminary. File has been opened, brief correspondence from Planning Officer to Nicky. | | Nicky Folan | | | | | Legal to progress | | | 2 | |
| 09/1485M | S106 Cottons Hotel | THREE STOREY EXTENSION TO PROVIDE A NET ADDITION OF 27 NO. BEDROOMS AND ASSOCIATED ADDITIONAL ON-SITE PARKING (RE-SUBMISSION OF 08/2233P) | Paul Wakefield | 02/11/09 | Very early stages. Relatively new matter | Preliminary. File opened. Correspondence received from Emery Planning 3/11/2009. Internal email from Nicky to Planning Officer requesting report 2/11/2009. No further correspondence. | | Nicky Folan | | | | | Planning to return to legal with info requested | | | 2 | |
| | Highfield House | | | 16/11/09 | Preliminary | New Matter. No correspondence as yet as matter arrived whilst Nicky was on holiday. Meeting with other side scheduled for Nicky's return. | | Nicky Folan | | | | | Legal and planning to discuss | | | 2 | |
| 09/1160M | S106 Aldi, Knutsford | Land at Brook Street, Knutsford | Bev Wilders | 22/10/09 | Queries over S106 draft, travel plan queries and objections, finances. Resolution from NC 22nd July | Intermediate. Nicky responded 2/11/2009, no further correspondence. Month long delay waiting for Planning to respond to a query. | | Nicky Folan | | | | | About to be signed | | | 1 | |
| 08/2359P | Georgian and Waterside Mill | CHANGE OF USE OF FORMER MILL TO OFFICE USE (B1). ERECTION OF REPLACEMENT OFFICE DEVELOPMENT AND FORMATION OF A NEW RIVER BOLLIN WALKWAY / CYCLEWAY | Nick Turpin | | Applicant pulled out at 11th hour, owner of site has enquired as to whether he can sign, Nicky to advise if this is possible. If not will go back to Committee with rec of refusal. Resolution from MC 23rd Jan 09 | Deal fell through as one party decided not to seal agreement – email while NF on holiday from other party indicating owner may still sign agreement – needs amending to reflect change of parties | | Nicky Folan | | | | | Legal to advise | | | 3 | |

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| 09/3003M | Goose Green Farm, Oak Road, Mottram St Andrew | CONVERSION OF BARN TO THREE HOLIDAY COTTAGES, CONVERSION OF STABLES TO BED AND BREAKFAST ACCOMMODATION | Louise Whinnett | 01/12/09 | U/U missed until late on in application. Instruction sent to Legal to make sure U/U submitted is appropriate. Awaiting Legal to confirm U/U is acceptable | Contact from Applicant over requirement for a Unilateral Undertaking. Requesting instructions from Planning | | Nicky Folan | | | | | | Legal to discuss with planning | | 2 | |
| 08/1468P | Sutton Hall Farm | CONVERSION OF FARM WORKSHOP TO DWELLING. AMENDMENT TO PLANNING APPROVAL 03/1925P | Louise Whinnett | 03/10/08 | Intermediate | Matter dealt with by external solicitor prior to Cheshire East – now returned to NF to complete. There is an agreed document, but the title shows a cautioner who must be a party to the agreement – the cautioner is separated from the applicant and there is some issue in getting her to sign and be a party | | | | | | | Legal to progress | | 2 | | |
| 07/0082P | Bar Cuba, 45 Pickford Street, Macclesfield | CHANGE OF USE FROM BAR / NIGHTCLUB & OFFICES TO CONSULTING, EXAMINATION AND TREATMENT ROOMS INCLUDING EXTERNAL ALTERATIONS. | | 25/04/07 | S106 applied to application by Grampian condition(now no longer done) In order to ensure that Legal were aware of these instructions were sent but matter not progressed until applicant contacted legal to say they were implementing permission | Early Stages | | | | | | | Not to be persued, possible delete. | | 3 | | |
| 07/2697P | Warford Park, Faulknrs Lane, Warford | CHANGE OF USE FROM RESTAURANT TO 2NO. AFFORDABLE APARTMENTS | David Malcolm | 13/02/08 | Applicant no longer wishes to continue – application needs reconsidering on this basis | Matter dealt with by external solicitor prior to Cheshire East – now returned to NF. | | | | | | | To be disposed of. | | 3 | | |
| 05/1183P (08/0158P variation of condition) | Macclesfield Learning Zone | DEMOLITION OF BUILDINGS TO PROVIDE NEW COLLEGE INCLUDING SIXTH FORM BUILDING, REFURBISHMENT AND EXTENSION TO EXISTING LEARNING RESOURCE CENTRE BUILDING. ALTERATION TO EXISTING ACCESS FROM PARK LANE , CAR PARKING AND LANDSCAPING WORKS AND TEMPORARY COLLEGE ACCOMMODATION | Nick Turpin | None received | Variation of existing agreement – difficulty over title, what to be in agreement and what has actually been built out – meeting to take place in next couple of weeks | Intermediate | | Nicky Folan | | | | | Nicky & Nick to discuss | | 2 | | |
| 05/1184P | Henbury High School | ERECTION OF 123NO. DWELLINGS & AREA OF PUBLIC OPEN SPACE COMPRISING SINGLE STOREY PAVILION, CHILDRENS PLAY AREA, 2NO. MULTI-USE GAMES AREAS, ASSOCIATED CAR PARKING & 2NO. SEPARATE VEHICULAR ACCESSES OFF WHIRLEY ROAD | Sue Orrell | 23/07/09 | | Early stages - Application to vary existing agreement – planning still in discussion over exactly how the agreement to be amended – Instructions just basic to inform Legal that variation is to occur | | | | | | | Legal & planning to discuss | | 2 | | |
| 06/0895P | 49 Bond Street, Macclesfield | CHANGE OF USE OF DWELLING TO HOUSE IN MULTIPLE OCCUPATION | Nick Turpin | 01/05/07 | | S106 applied to application by Grampian condition (now no longer done) In order to ensure that Legal were aware of these instructions were sent but matter not progressed until applicant contacted legal to say they were implementing permission | | | | | | | No action | | 3 | | |
| 08/2273P | Land adjoining Silk Road, Macclesfield | NEW LEFT IN/LEFT OUT T JUNCTION VEHICULAR ACCESS | Susan Orrell | 08/12/08 | | Linked to PB 872 and neighbouring development – needs checking if applicants intend to proceed | | | | | | | PL to take back to SPB to dispose of | | 2 | | |
| | Land to north of Black Lane, Macclesfield | Demolition of factories and erection of retail. | | | | | | | | | | | PL to take back to SPB to dispose of | | | | |

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| 07/1226P | Stamford Lodge, Wilmslow | DEMOLITION OF FORMER LABORATORY BUILDINGS AND REDEVELOPMENT FOR CLASS B1 (a) and (b) USES WITH ANCILLARY USES. THE REFURBISHMENT OF STAMFORD LODGE FOR PRIMARILY OFFICES. ACCESS AND RELATED HIGHWAY INFRASTRUCTURE, INCLUDING A ROUNDABOUT ON ALTRINCHAM ROAD, BUS STOPS, CAR PARKING AND SERVICING. CREATION OF LANDSCAPE PARK, TREE PLANTING, HABITAT CREATION AND LANDSCAPING AND PEDESTRIAN ACCESS TO THE BOLLIN VALLEY | John Knight | 03/10/07 | Late – agreement agreed but not signed at last minute | S106 applied to application by Grampian condition (now no longer done) In order to ensure that Legal were aware of these instructions were sent but matter not progressed until applicant contacted legal to say they were implementing permission | | | | | | | Peter Hooley to advise legal | | | 3 | |
| 06/2739P | Drummers Keep, Barracks Square, Macclesfield | | Nick Turpin | 09/05/07 | Not necessary (delete?) | Engrossments issued but not signed. Applicants decided not to continue following issue of engrossments – application needs reconsidering – still awaiting planning instructions on closure of file | | | | | | | Nick to advise Nicky as to whether proceeding | | | 3 | |
| | Macclesfield Town Centre redevelopment | | Susan Orrell | First involved April 2007, no formal instructions | | Involvement in meetings and discussions over what to be in the agreements and how to implement them – Application submitted but no formal decision and no recent instructions | | | | | | | | | | 3 | |
| 06/2548P | Bexton Lee, Pavement Lane, Mobberley | Discharge Legal agreement and remove occupation condition | Bev Wilders | 28/11/06 | | Agreement drafted and negotiated then owners refused to sign up to agreement. Land has subsequently been sold to a new owner who is trying to resolve the planning issues on site, but the old owner will not withdraw this application and the new owner does not want to proceed with it. | | | | | | | To be discussed with Nicky | | | 2 | |
| 08/2023P | Pavement Lane Farm, Pavement Lane, Mobberley | Discharge Legal agreement (8430P) | Bev Wilders | No instructions issued yet | | | | | | | | | Instructions to be issued as necessary | | | 2 | |
| 06/0983P | Lilac Cottage, Holmes Chapel Road, Siddington | FIRST FLOOR SIDE EXTENSION AND DETACHED GARAGE (RESUBMISSION OF 06/0040P) | Peter Hooley | 15/06/06 | | Agreement not progressed by applicants, application needs reconsidering and determining to enable file to be closed | | | | | | | Dele disposed | | | 3 | |
| 06/0581P | Oldfield Farm, Meg Lane, Sutton | CONVERSION OF EXISTING BARN TO FORM ADDITIONAL ACCOMMODATION TO EXISTING HOUSE WITH EXTENSION TO ROOF ON REAR ELEVATION (RESUBMISSION OF 05/2190P) | Peter Hooley | 15/05/06 | | Agreement agreed but applicant not responded to Council since April 2007. Needs reconsidering and determining to enable file to be closed | | Nicky Folan | | | | | Dele disposed | | | 3 | |
| 05/1943P | Croft Cottage, Sossmoss Lane, Alderley Edge | ERECTION OF AGRICULTURAL BUILDING AND ACCESS TRACK | | 12/11/05 | | Problem over title to the land then when title proved, queries over application and justification raised. Last correspondence January 2009 with Planning, application probably needs reconsidering to enable file to be closed | | | | | | | SPB dispose | | | 3 | |
| 08/2196P | Spinks Lane, Pickmere | CHANGE OF USE OF LAND FOR THE STATIONING OF 3 MOBILE HOMES AND THREE TOURING CARAVANS TO ACCOMMODATE 3 GYPSY FAMILIES - PERSONAL PERMISSION SOUGHT | | None received | Refused = Public Inquiry to take place | Contact from appellants solicitors (2/12/09) regarding undertaking required for Inquiry – draft provided by them and NF requested title from them on 2/12/09 not yet received | | | | | | | Legal to chase title | | | 1 | |
| 08/1911P | Land at Pear Tree Farm and Moat Hall Farm, Chelford Road, Marthall | VARIATION TO PLANNING OBLIGATION DATED 22/07/02 | Bev Wilders | | | | BW not instructed legal yet. | | | | | | Bev to check when Scotty will withdraw | | | 3 | |

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| 09/0807M | Havannah Mill, Havannah Lane, Eaton, Congleton | OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING A CARE HOME (CLASS C2) | Susan Orrell & Paul Moore | 01/12/09 | Committee recommended refusal, appeal submitted, Inquiry 02.02.10. | Legal have drafted Unilateral Undertaking, final document agreed 21.01.10. Applicants to engross and execute for submitting to the Inspector. | Affordable housing 10 x 2 bed houses, Travel Plan, new footpath links, improvements to BOAT Havannah Lane, POS LEAP and amenity greenspace to be transferred to management company, off- site works to SBI | Stephanie Parkinson | | | | | | Awaiting final copy of agreed Unilateral Undertaking. | | | | |
| 09/3484M | Sainsbury's, Alderley Road, Wilmslow | REFURBISHMENT AND EXTENSION TO EXISTING SUPERMARKET INCLUDING NEW STORE ENTRANCE AND IMPROVEMENT TO SERVICE YARD, AND CHANGE OF USE AT FIRST FLOOR TO PROVIDE NEW CUSTOMER CAFE AND SALES AREA. | Ailsa Milne | 17/12/09 | Registered 22/10/09. Dele decision required by 17/12/09. Now out of time | | | | PB911 | | | | | | | | | |
| 09/2821M | Melville, Bowden House Road, Wilmslow | RE- POSITIONING OF STABLE & MENEGE FROM PLANNING PERMISSION (08/0996P) | Ailsa Milne | 26/11/09 | Dele decision required by 30/11/09. Now out of time. | | | | PB912 | | | | | | | | | |
| 09/1685M | Mobberley Riding School | APPLICATION TO DISCHARGE SECTION 52 AGREEMENT ATTACHED TO APPLICATION 5/72850P TO ALLOW PUBLIC COMPETITIONS, GYMKHANAS OR SIMILAR ACTIVITIES | Paul Wakefield | Dec 09/Jan 10 | Registered 15/6/09. Dele decision required by 9/8/09. Now out of time. | | | | | | | | | | | | | |
| 09/3549M | Mere Golf Club | VARIATION OF CONDITION 3 ON APPLICATION 08/1263P RELATING TO VARIOUS EXTERNAL ALTERATIONS | Bev Wilders | 12/01/10 | Registered 11/11/09. Dele decision required by 6/1/10. Now out of time. | | | | | | | | | | | | | |
| I also have a further 4 files from the external solicitor dealing with s106's from Macclesfield where the Developer does not wish to continue that need closing. These are | | | | | | | | | | | | | | | | | | |
| Alma Mill, | | | | | | | | | | | | | | | | | | |
| 8 Princess Street , Knutsford | | | | | | | | | | | | | | | | | | |
| Norburys Yard, Knutsford | | | | | | | | | | | | | | | | | | |
| Land at Mottram Way | | | | | | | | | | | | | | | | | | |

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| | | | Former County | | | | | | | | | | | | | | |
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| Planning ref | Address | Development | Officer | Date of instruction to legal | Current planning status | Current stage with legal | Heads of terms | Solicitor | Legal file reference | Date of decision | Date title received | Initial contact date | Action | Next review date | Target date | Priority | Date completed |
| 8/08/0375/CPO | Bent Farm Quarry, Congleton | Quarry extension | | Sep-08 | Subject to a S106 to cover the establishment and long term maintenance of a lake and areas of nature conservation. Decision Notice has yet to be issued. | 13.05.09 matter passed to KMK. Matter is slightly complex and there have been some delays. Currently the Developer's solicitors are awaiting further comments on draft s106 (Response will go out by Friday 20 Nov) | | Mark Wynstanley | | | | | Mark to confirm position | | | 1 | 01/02/10 |
| | | Covanta Incinerator, Middlewich | Steve Molley | 01/07/09 | Discussions continuing with applicant and further information will be submitted, then will go to committee. Planning and Legal negotiating with applications over S106. | Letter sent re Heads of Terms 21/10/09. No borad decision yet. Work carried out on basis of undertaking to pay abortive costs regardless of decision. No reply on Heads of Terms yet. Title incomplete. No reply to initial letter, no further title information. | | Rachel Goddard | | | | | Instructions to be provided to legal | | | 2 | |
| 09/2291W | Arclid Quarry, Sandbach Road, Congleton | SOUTHERN EASTERN EXTENSION TO EXISTING SILICA SAND WORKINGS AT SOUTH ARCLID, ARCLID QUARRY | Hannah Parish | | Due to go to Committee Jan/Feb 2010. Contacted Legal, not heard back as yet. | Initial letter sent 15th Dec. KJD solicitors have responded by phone to say it will take them some time to put title information together. Planning Officer wishes to discuss instructions further - see e-mail of 11/1/10. | | Rachel Goddard | | | | | Check with Hannah & discuss with RG | | | 2 | |
| 09/1964W | Land south of Turnpike Public House, Warmingham Lane, Middlewich | TO CONSTRUCT A CONTROL KIOSK AND HARDSTANDING WITH PERMANENT AND TEMPORARY ACCESS ASSOCIATED WITH A FLOOD ALLEVIATION SCHEME | Hannah Parish | | About to be signed off, then Legal will be contacted. | File opened. Contact made with United Utilities 21 December 2009. Response awaited clarifying UU's interest in the land. Enquiry made re same to CEBC Property Servicers | | | | | | | Check with Hannah. | | | 2 | |
| | Manchester Airport S106 variation | | | | | 25.08.09 This may require a section 106 agreement Variation, to reflect updated conditions operating at the airport. I spoke with Conal Kearney on 24/11/09 he said there has been no development on this yet. Awaiting instructions | | Ginika Ogidi | | | | | | | | | |
| 07/1337P | Macclesfield Cricket Club | FORMATION OF CONTINUING CARE RETIREMENT COMMUNITY COMPRISING 60 NO CARE BEDROOMS, 42 NO CARE SUITES AND 54 NO CARE APARTMENTS - OUTLINE (RE-SUBMISSION 06/3174P) | John Knight | 15/02/08 | | Charles suspects this matter may have completed but had received no notification to that effect. Nicky Folan in Macclesfield office can provide an update | | Nicky Folan | | | | | Check with Nicky | | | 3 | |

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Deleted applications

| Planni ng ref | Addres s | Develo pment | Officer | Date of instruct ion to legal | Curren t plannin g status | Curren t stage with legal | Heads of term | Solicito r |
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| 08/0861P | Moorfield, Plumley Road, Plumley | ERECTIO N OF DETACH ED DOUBLE GARAGE AND STORE WITH NEW VEHICUL AR ACCESS | | | Withdrawn | | | |
| 05/1793P | 19 Church Street, Wilmslow | DEMOLITI ON OF EXISTING TWO- STOREY BUILDING AND ERECTIO N OF FOUR- STOREY BUILDING WITH BASEME NT CAR PARKING | | | App reg 28/7/05.PI anning sub committee resolved to delegate to CPO for approval subject to S106 on 7/9/05. Need to dspose of. | | | |

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| 09/3484M | Sainsbury's, Alderley Road, Wilmslow | REFURBISHMENT AND EXTENSION TO EXISTING SUPERMARKET INCLUDING NEW STORE ENTRANCE AND IMPROVEMENT TO SERVICE YARD, AND CHANGE OF USE AT FIRST FLOOR TO PROVIDE NEW CUSTOMER CAFE AND SALES AREA. | Ailsa Milne | 17/12/09 | Registered 22/10/09. Deletion decision required by 17/12/09. Now out of time |
| 09/1586N | MMU Crewe | Application for Planning Permission for the Erection of an Exercise Sports Science Facility, a Synthetic All Weather Pitch, Associated Car Parking and Access Works | Ben Haywood | | Approved. No S106 |

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| | S106 Land at Coppice Way, Handforth | Peter Hooley | 05/10/09 | Pre-app internal correspon dence between Peter Hooley (Planning) and Nicky about report to be submitted to committee . Internal correspon dence dating from July 2009. Formal instruction s received 5th Ocotober 2009. No further correspon dence. Relatively new matter | Matter is with Nicky. Planning committee report has been sorted out. Formal instruction s from planning received. No further correspon dence that AP can see. | Nicky Folan | |
| 09/2028M | S106 17- 23 London Road, Alderley Edge | ERECTIO N OF BUILDING INCLUDIN G RETAIL ON GROUND FLOOR, OFFICES ON FIRST FLOOR AND BASEME NT PARKING (RETROS PECTIVE) | Peter Hooley | N/A | Last correspon dence is to Nicky from Planning waiting for response on draft UU – 12/10/200 9, no further correspon dence found by AP. | Early Stages (previousl y Preliminar y). Draft UU waiting for agreemen t. | Nicky Folan |

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| 09/2810M | S106 9 Loney Street, Macclesfie ld | CHANGE OF USE FROM B1 OFFICES TO C3 DWELLIN G HOUSE | John Williamso n | 18/11/09 | Unlikely to involve a S106, confirmati on expected shortly. | New Matter. This has come in during Nicky's holiday so nothing has been done on this file to date. NB - NF not certain/co mfident that a legal agreemen t could be drawn up in relation to this application . | Nicky Folan |
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| 09/1300M | Macclesfield District Hospital | 3 storey 75 bed care home | Nick Turpin | 04/08/09 | Final stages. Meetings on 4th & 7th Dec, should be signed shortly. | <p>Dispute between Keyworkers' solicitors and council regarding travel plan, amenity land clauses. No correspondence from the other side in October and a flurry of emails in November as the deadline approaches. Last correspondence from Nicky replying to Keyworkers'.</p> | Nicky Folan |
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| 08/0791P | S106 Ingersley Vale | DEMOLITION OF ALL BUILDINGS EXCEPT THE MILL. CONVERSION OF MILL TO 24NO. APARTMENTS AND ERECTION OF 24NO. APARTMENTS AND 18NO. TOWNHOUSES WITH ASSOCIATED LANDSCAPING AND CAR PARKING | David Malcolm | 06/06/09 | Intermittent sparse correspondence until flurry of emails from applicant late November as deadline approached. Final Stages - s. engrossment produced, but not yet sent out. Correspondence from Legal on file mentioning that the applicant was occasionally very keen for matters to proceed then quiet again. | Nicky Folan |
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| 08/1027P | Black Road, Macclesfield | DEMOLITION OF EXISTING COMMUNITY CENTRE BUILDING . ERECTION OF 5 NO. TWO BEDROOM THREE PERSON TWO STOREY HOUSES FOR SHARED OWNERSHIP. ERECTION OF 1 NO. TWO STOREY BLOCK OF 10 NO. ONE BEDROOM SELF CONTAINED FLATS | Nick Turpin | Draft agreement sent on 1 st October 2008, no response received. |
| 08/0436P | 22-24 Manchester Road, Wilmslow | DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF THREE- STOREY OFFICE BUILDING INCORPORATING CAR PARKING AND ALTERATIONS TO ACCESS | Ailsa Berry | Intermediate - Draft undertaking but queries over payments appears to have gone dead about November 2008 – needs checking if application withdrawn or not followed through Unlikely to happen - new application for site |

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| 08/0041/F UL | Finney's Lane, Middlewic h | Residentia l developm ent | | | S106 completed 11/03/09 | |
| 08/0596/F UL | Finney's Lane, Middlewic h | Residentia l developm ent | | | S106 completed 11/03/09 | |
| 08/1381/F UL | Land adj 6 Brindley Way, Congleton | | Karen Scarisbric k | Developer s requesting discharge have now sold units and decision needs to be taken by Planning case officer as to how to proceed. PO recently confirmed to proceed. | Live, Discharge of obligation from old agreement. Please update CURRENT STAGE WITH LEGAL column - Legal (SP) to write to new owners and request that they join into Deed of Discharge . | Stephanie Parkinson |
| 09/0509C | Vale Mill | Nursing home | Shawn Fleet | Deferred for further info of assessment under EC Habitats Directive | | |
| 06/1323/F UL | Mill Street/Rop e Walk | 36 Apartment s | Ben Heywood | | S106 Agreement completed on 04.12.08. | |

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| 06/0959/R EN | The Gables (Vernons Yard) Haworth | Dwelling | Ailsa Milne (Berry) | 11/01/07 | Nothing else on file only instruction s dated 11/01/07. | Draft agreemen t prepared, outstandin g since 11/01/07. Dormant, decision to be taken over future for application . | |
| 08/1775/M OD | Fol Hollow | | | None on file | Requires dischargin g of obligation and relocation to another site. Onus on applicant to request formal discharge. | Dormant, copy application 06/11/08 on file but no further instruction s. | Stephanie Parkinson |

| Legal file reference | Date of decision | Date title received | Initial contact date | Action | Next review date | Target date | Priority | Date comple ted |
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PB911

Check
with Ben,
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SPB Jan

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Legal and
planning
to discuss

1

Planning
to confirm
if S106
required

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In hand

1

Legal to
chase

2

Nicky &
Nick to
discuss

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No further
action -
delete.

3

RG to
update

RG to
update

Dates
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Karen.
Legal to
provide
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Update
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Shawn

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