

Strategic Planning Board

Agenda

Date:	Wednesday, 24th March, 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 - 4)

To approve the minutes as a correct record.

4. **Public Speaking**

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

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

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

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

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

5. **P07/0639-Outline application for Mixed Use Development Comprising Residential, Retail (Food and Non Food Uses), New Pedestrian/Cycle Link and Associated Car Parking, Landscaping, Servicing and Access, Land at Lockitt Street/Mill Street Crewe, Cheshire for Clowes Developments (North West) Ltd** (Pages 5 - 30)

To consider the above application.

6. **10/0366N-Install a 14.8 Metre High Street Pole Installation & 2 No. Equipment Cabinets, Grass Verge on Southern Side of, Peter De Stapleigh Way, Stapeley, Nantwich for Vodafone** (Pages 31 - 42)

To consider the above application.

7. **Sainsbury's, Nantwich** (Pages 43 - 48)

To consider a report on the proposed amendments to the resolution passed by Strategic Planning Board in respect of applications P09/0126.

8. **Manchester Airport Section 106 Agreement Annual Report** (Pages 49 - 54)

To consider the above report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 3rd March, 2010 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

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

Councillors D Brown, D Hough, J Macrae, B Moran, C Thorley, S Wilkinson
and J Wray

OFFICERS PRESENT

Ms S Dillon (Senior Planning Solicitor), Mr S Fleet (Principal Planning Officer),
Mr A Fisher (Head of Planning and Policy), Ms P Lowe (Development Control
Manager) and Ms J Openshaw (Legal Team Leader (Places Regulatory and
Compliance))

179 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs R Bailey, P
Edwards, Mrs M Hollins and G Walton.

180 **DECLARATIONS OF INTEREST**

None.

181 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the
Chairman subject to the insertion of the word 'and' after 'Government
Office for North West in respect of the first paragraph of the resolution
under Minute No. 175.

182 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

183 **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**

Consideration was given to the above application.

(Councillor B Moran declared that he had received a copy of the email which had been sent from Sandbach Town Council to Shawn Fleet, the Principal Planning Officer on 1 March 2010.

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

RESOLVED

That the application be refused for the following reason:-

Notwithstanding the evidence submitted regarding current economics of provision, the regeneration and other benefits flowing from early development of the site and the possible, but uncertain increase in affordable dwellings which might flow from an overage obligation; the proposal did not provide an appropriate element of affordable housing, given the high level of need identified. Therefore the proposal was contrary to Policy H13 of the Congleton Borough Local Plan, 1st Review 2005.

(This decision was against the Officer's recommendation of approval).

184 **P09/3651C-OUTLINE PLANNING PERMISSION FOR THE DEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES COMPRISING 63 DWELLINGS, FORMER SUTHERLAND WORKS, BROMLEY ROAD, CONGLETON, CHESHIRE FOR WOODFORD LTD**

Consideration was given to the above application.

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

RESOLVED

Deferred in order to allow a site inspection to assess the regeneration and other potential benefits of the development site and to obtain additional information on the marketing of the site for employment purposes and justification for reduced affordable housing offer.

185 **REPORTING ON PLANNING OBLIGATIONS AND LAWFUL DEVELOPMENT CERTIFICATES**

Consideration was given to the above report.

The Development Control Manager indicated that under paragraph 4.6 of the report the intention would be for all reports to be brought to the Board, with Northern and Southern Committees receiving reports for information where appropriate.

Members welcomed the report emphasising the need for reports to be brought to the Board on a quarterly basis. In addition it was suggested that Members on the Board and Northern and Southern Planning Committees might find it helpful if a training session on S106 agreements was arranged in the near future.

A request was made in respect of the Performance Improvement Plan for Case Management that the two services clarify between themselves which of them was leading on each area, where this was not already clear.

RESOLVED

1. That performance be reported to the Board in a tabular format as shown in table 2 of the report on a quarterly basis.
2. That Officers liaise with and provide updates to the Portfolio Holder and Executive Steering Group for Transformation Project.
3. That the clarification to paragraph 4.6 of the report as requested by the Development Control Manager be noted and approved.

The meeting commenced at 2.00 pm and concluded at 4.05 pm

Councillor H Gaddum (Chairman)

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Planning Reference No:	P07/0639
Application Address:	Land at Lockitt Street/Mill Street Crewe Cheshire
Proposal:	Outline application for Mixed Use Development Comprising Residential, Retail (Food and Non Food Uses), New Pedestrian/Cycle Link and Associated Car Parking, Landscaping, Servicing and Access
Applicant:	Clowes Developments (North West) Ltd
Application Type:	Outline
Grid Reference:	70778 55143
Ward:	St Johns
Earliest Determination Date:	6 th January 2010
Expiry Dated:	30 th July 2007
Date of Officer's Site Visit:	
Date Report Prepared:	12 th March 2010
Constraints:	None

SUMMARY RECOMMENDATION: Subject to the signing and completion of a Section 106 Agreement to secure 35% affordable housing, provision of pedestrian/cycle link, public open space, phasing of development, and public art

Approve subject to conditions

MAIN ISSUES:

Impact of the development on

- Principle of the development in terms of compliance with Local Plan and National Policy
- Character and appearance of the area and whether the proposals will deliver regeneration benefits
- The delivery of satisfactory level of affordable housing
- The delivery of a high quality pedestrian/cycle link between the town centre and train station
- Congestion on the local highway network in particular Mill Street and safe access to the site
- Air quality in terms of the Nantwich Road Air Quality Management Area
- The impact on the amenity of neighbouring uses through noise and disturbance, loss of light, privacy
- The impact on future occupiers of the dwelling through noise and disturbance
- Contaminated Land and its impact on end users

1. REASON FOR REFERRAL

The application is included on the agenda of the Strategic Planning Board as the site includes retail development on a site that is greater than 2. ha and represents a significant departure to the Development Plan.

2. DESCRIPTION OF SITE AND CONTEXT

The site consists of a 3.95 hectare area comprising of a mixture of vacant and occupied single storey general industrial and warehouse buildings. It is bounded to the north and east by railway lines filtering into Crewe railway station, to the south by residential properties and to the west by Mill Street. The application site excludes the existing Wickes DIY store and a landscaped area to the west of this building and Mill Street. The site is allocated under Policy S.12.2 of the Borough of Crewe and Nantwich Local Plan as a mixed use regeneration area and also forms part of the Mill Street/Pedley Street sub area within the Crewe Rail Gateway Adopted Development Brief.

3. DETAILS OF PROPOSAL

This application was initially submitted in 2007 as an outline application with means of access for approval and all other matters reserved, for a mixed use development comprising residential, employment and retailing. The application was included onto the agenda of the Development Control Committee of Crewe and Nantwich Borough Council on the 23rd August 2007 who subsequently resolved to approve the development subject to the completion of a Section 106 agreement to secure affordable housing, public open space and the phasing of the development. However, due to changing market conditions the developer has never progressed the Agreement and accordingly the application remains live. On-going discussions have taken place between the applicant and officers from Development Management and Spatial Planning to identify ways of ensuring that the redevelopment of the site can take place as a viable development whilst at the same time delivering the key objectives of the Crewe Rail Gateway Development Brief.

The applicant has subsequently modified the scheme and provided additional supporting documentation to reflect the amended scheme. A full re-consultation exercise has been undertaken. The amended scheme proposes the deletion of the office development and the earlier proposed flatted accommodation for standard housing. The applicant also now proposes an additional non-food retailing unit together with reductions in the earlier proposed food and non food bulky goods units. The scheme incorporates, a unit of 1,329 sq.m gross floor space for sale of convenience goods (food), a unit of 2,323 sq.m gross floor space for comparison goods (non food) and a unit of 2,323 sq.m gross floor space for bulky goods. The scheme also includes a 325sq.m restaurant, 53 dwellings (35% affordable), and the provision of a pedestrian/cycle link and open space/landscaping. Overall the scheme results in a net increase of 1,490 m² of retailing floorspace over the earlier scheme. The application seeks to establish the principles of development only with all other matters, except for the means of access reserved for subsequent approval. A comprehensive set of indicative plans and supporting documentation have been submitted to support the application.

4. RELEVANT HISTORY

P06/0876 – Outline application for Mixed Use Development Comprising Housing (Class C3), Employment (Class B1) and Retail (Class A1) uses, New Pedestrian/Cycle Link through the site and Associated Car Parking, Landscaping, Servicing and Access. Withdrawn 26th October 2006.

5. POLICIES

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

The relevant development plan policies are:

RSS

DP.1 (Spatial Principles)
DP.2 (Promote Sustainable Communities)
DP.3 (Promote Sustainable Economic Development)
DP.4 (Make the Best Use of Existing Resources and Infrastructure)
DP.5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)
DP.7 (Promote Environmental Quality)
DP.9 (Reduce Emissions and Adapt to Climate Change)
RDF.1 (Spatial Priorities)
L.5 (Affordable Housing)
RT.2 (Managing Travel Demand)
RT.9 (Walking and Cycling)
EM.2 (Remediating Contaminated Land)
MCR.4 (South Cheshire)

Local Plan Policy

NE.17 (Pollution Control)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regenerations Areas) Mill Street, Crewe

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)
PPS.3 (Housing)

PPS.4 (Planning for Sustainable Economic Growth)
PPG.13 (Transport)
PPS.23 (Planning and Pollution Control)
PPG.24 (Planning and Noise)
PPS.25 (Development and Flood Risk)

Department for Transport – Manual for Streets

Local Development Framework – Crewe Rail Gateway Adopted Development Brief and Sustainability Appraisal Supplementary Planning Document

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: Mill Street carries a high traffic flow rate with 40 plus recorded accidents in the past 5 years. A right turn lane is needed in Mill Street, with the proposed residential element being designed in accordance with Manual for Streets. Proposed pedestrian link will need to be upgraded to accommodate both pedestrians/cyclists and to link into Crewe cross town centre cycle route. Cheshire East Council will look to adopt all roads, footways and cycle ways in relation to this development through a section 38 agreement and secure the right turn lane through a section 278 agreement. Subject to the above being carried out and plans provided for approval by the LPA prior to construction, no highway objections

United Utilities: There is a rising main crossing the site which appears to be built over. No diversion request received and not certain if the right of way to the pumping station was ever agreed. United Utilities object.

Environment Agency: No objection subject to condition restricting any development over the Valley Brook culvert or within 8m of the outer edge of the culvert sidewalls.

Drawing No 7008/02_02 Rev C shows the line of the Valley Brook culvert with an 8m easement either side of the culvert centre line. Any revised scheme should show no development within 8m of the outer walls of the culvert.

Environmental Health: Satisfied that providing the measures set out in the Noise report are incorporated into the final design for the site there should not be any disamenity due to noise. The main recommendations for the residential part of the site are set out in section 6.0 of the assessment and recommend that for those properties closest to Mill Street increased glazing and a 2m close boarded fence and the area affected by rail noise increased glazing should be sufficient. The report also mentions the use of acoustic trickle vents for the areas set out above and we would recommend that these are installed in bedroom windows.

With respect to commercial noise a 2m close boarded fence is proposed along the boundary adjacent to the Wickes service area. With respect to the proposed commercial units on the site it is not possible at this stage to predict what noise levels will be generated and as such the report recommends that a further assessment is carried out once more detail is known about the final use of these units.

Satisfied that the modeling work contained in the report demonstrates that any extra traffic that may be generated by the development will have little or no impact on the air

quality in the surrounding area or the Nantwich Road Air Quality Management Area (AQMA).

Recommendations in 6.2 of report relating to the operational phase of the site, would be useful to reduce vehicle trips if these could be included in conditions that may be attached to any permission for the site. Would be useful to ensure that there are sufficient cycle facilities, pedestrian walkways and provisions for use of public transport.

Environmental Health (Contaminated Land): No objection subject to a condition requiring further investigations to fully assess the ground conditions at the site.

Spatial Planning: The application is in accordance with policies RES.2 and RES.3 in relation to the principle of housing development and housing density. As its area exceeds 0.5 hectares and proposes more 15 dwellings, it needs to satisfy policy RES.7 (Affordable housing). This requires that 35% should be affordable. The proposal offers 34.43%. This is considered to be acceptable given the acknowledged regeneration benefits the development would bring. The residential element of the scheme is now focussed on more traditional housing with gardens. Of the 53 units proposed 35% will be affordable and the proposal accords with Local Plan policy.

The principle of the mixed use development of the site accords with the adopted Replacement Local Plan and the Supplementary Planning Document for Crewe Rail Gateway and PPS4. Regeneration in this area is of vital importance to improve the links between the town centre and the railway station. The retailing, the housing and the pedestrian/cycle link will assist this strategic objective.

The applicant has demonstrated that the proposed retail element will not have an adverse effect on the vitality and viability of the town centre; and is crucial to achieve the regeneration of this area.

District Valuation Officer: Initially responded to state that they accept that a large proportion of the inputs appear reasonable, although there are some significant areas where clarification and sensitivity analysis would be useful. The values adopted are reasonable for present market conditions however the build costs used are high. The appraisal could easily be adjusted to show a developers profit but not one which is excessive. The only reason why this might not be the case would be a significant change in the market conditions prior to implementation of any consent. Merely pointing that viability conditions may change.

There is a potential difference of approach in respect of land value and this would need to be fully explored/agreed before any final opinion could be given on the amount of accommodation, particularly A1, which could reasonably be required to produce a viable scheme. If land values were to be adopted on the value of the existing site (assuming vacant) then the viability would be greatly improved. Recommend that any assessment be reviewed within 1 year of any grant and has not substantially commenced within one year of that grant.

Further comments dated 5th March 2010 in response to Developers comments on Valuation Officers initial response: Majority of comments seem ok. The conclusion is that on a viability basis the scheme is a reasonable one and that if the retail element were to be reduced then there is a strong argument that it would not be. The caveat to

this is that we are looking at the situation in a very poor market and that even in a minor recovery could produce greatly enhanced returns. Therefore recommend a review mechanism.

Housing Officer: Happy with the reduction of affordable housing units on the site if this is what is required to make the site viable. Also happy with the commitment to a range of tenures in the Planning and Retail Statement, however, would like to see the percentage split in the SPD (23% social rented, 12% shared ownership). The housing sizes proposed is acceptable.

It appears the affordable units are together and on one part of the site. Would prefer the affordable units to be pepper-potted across the site. Support the delivery of houses as they have in many cases been more difficult to deliver than flats and there have been affordable flats delivered recently.

7. OTHER REPRESENTATIONS:

None received at time of writing report

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (Prepared by Hattrell DS One Architects dated 8th March 2010)

Main content is as follows:

- Site may be described as edge of centre having been used for retail and business for a number of years;
- Site within the Crewe Rail Gateway Development Brief
- Number of constraints - Access to the signalling station to the east of the site must be retained, Wickes' is also accessed via Lockitt Street, Underground services along Mill Street, number of electrical and drains easements running across and through the site, in addition a culverted stream runs from north-western corner of site to beneath the railway to the east, substantial change in levels at north western corner of site.
- Proposals include a retail development of three units, including a food retailer unit fronting onto Mill Street, larger unit behind to provide 4,646sqm of non-food and bulky goods retail, a stand alone unit to function as a restaurant
- Housing development to provide 65% privately occupied units and 35% to be offered to a local Housing Association which will either be leased or as shared home ownership
- A new path to establish walking and cycle links between town centre and Crewe station
- Landscaping - car parking, frontage onto Mill Street, and housing will all require hard and soft landscaping
- Retail units on Mill Street frontage to be 7m in height with larger retail units to be 10m in height. Maintaining domestic scale along Mill Street with higher buildings sitting back from the street. Slope of land may mean that larger buildings will have to be partially excavated, reducing their perceived height
- Layout shows 213 space car parking provision, all servicing lorries will exit via one exit on Lockitt Street
- Two (6.5m) and three (9.5m) storey residential units of 2, 3 and 4 bed homes

- Intend that part of the housing layout should reflect the street pattern and grouping of traditional 19th Century railway cottages, in a contemporary style
- Design will also take into considerations "Development on Backland and Gardens" SPD
- Proximity to railway will need to take into consideration noise disturbance measures
- Parking for one space per dwelling, within the site demise of the house or shared areas nearby
- New pathway through site – recognise that needs to be attractive. Option for pathway to continue through car park to station, but shown as terminating in housing estate.
- Position of underground culvert has determined the position of the open space and housing. Detailed consideration will be required for the change of levels at north western corner of site
- At the centre of the development is an urban square which the town centre/station link will cross, will also serve as external eating for restaurant, also allows permeability to retail units
- Formal planting around retail units, Lockitt Street and service screening, frontage to Mill Street will be landscape to complement the existing mature trees
- A buffer strip of landscaping is proposed between the housing and railway with walls and fences and to screen the houses from Wickes'
- Proposed development offers opportunity to enhance the approach into Crewe from the railway station by providing new pedestrian link and a lively mix of commercial and residential uses
- Site within walking distance of town centre and buses and train station within convenient walking distance
- Various measures will be incorporated to reduce carbon emissions and reduce energy and water wastage.

Planning and Retail Statement (Update) (Prepared by White Young Green Group, dated October 2009)

Main content as follows:

- Revised proposal includes 1,329 sq.m gross floor space for sale of convenience goods (food), 2,323 sq.m gross floor space for comparison goods (non food) and 2,323 sq.m gross floor space for bulky goods. The scheme also includes a 325sq.m restaurant, 53 dwellings (35% affordable), the provision of a pedestrian/cycle link and open space/landscaping
- Regeneration – scheme will improve connectivity between town centre and the railway station, as well as introducing new investment into the physical fabric of the area, whilst contributing towards addressing economic and social regeneration needs. The scheme will deliver important regeneration benefits in accordance with the objectives to the site specific policy and Development Brief.
- Retail – recognition of weight to be afforded to the overriding regeneration benefits associated with the site redevelopment and provision of the pedestrian/cycle route.
- A different configuration of retail floorspace is now proposed including the introduction of a unit for non-food goods.
- New scheme comprises a cumulative increase in gross retail floorspace of 1,490sq.m
- It is concluded that a quantitative need for the uplift in comparison goods floorspace associated with the non food retail unit can be established, whilst having regard to existing commitments
- In order for the scheme to deliver a landmark, high quality development the scheme must be both commercially viable and deliverable. On site physical constraints and

the need to provide town centre/railway station linkage, the site will need to be developed for uses which create value.

- Sequential test was explored in the 2007 application which concluded that the site was the most appropriate location for development having regard to issues of suitability, viability and availability, the Development Brief, and proximity to Wickes. Other sites were identified which may be sequentially preferable locationally however suitability, viability and availability is debated. Further, provision outwith the site would not deliver the regeneration and pedestrian/cycle link benefits.
- It is maintained that there will be no detrimental impact to the town centres vitality and viability. Any adverse impact that may be anticipated will be more than outweighed by the benefits arising from development. Remain willing to accept conditions and a s.106 to control floorspace, type and scheme phasing.
- Site accessible and well served by a choice of means of travel.
- Housing – 35 % affordable housing is in accordance with Policy. A range of tenures are proposed which will be secured by a s.106.
- The proposal retains a commitment to providing a wide mix of quality dwellings to contribute to Crewe's requirements for housing delivery, including more affordable homes.
- Other planning issues – Traffic and Transport, Air Quality, Design, Amenity, Site Investigations and Flood Risk also considered in report.

Retail Statement Addendum (Prepared by White Young Green, January 2010)

Main content as follows:

- Produced in response to the release of PPS4: Planning and Sustainable Economic Growth (December 2009), which supersedes PPS6.
- PPS4 has introduced 5 general impact considerations:
 - o *That the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and to provide resilience to climate change.* The sites accessible location is expected to secure the fullest possible use of sustainable transport, and will enable the creation of functional linkages, and the efficient use of the site will ensure that its accessible location is fully exploited. Sustainable travel will contribute towards the Governments ambition of a low carbon economy. The methodology for surface water attenuation also allows for the effect of climate change.
 - o *The accessibility of the proposal by a choice of means of transport and the impact on local traffic levels and congestion after public transport and traffic management measures have been secured.* Sites location will make good use of opportunities available for public transport, and allow for some walk-in and bicycle-borne visitors. Application contributes towards wider accessibility objectives. The Transport Assessment confirms that the amended scheme can satisfactorily accommodate any increase in traffic on the roads immediately surrounding the site.
 - o *The proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.* The redevelopment offers the opportunity to regenerate an area of underused and dilapidated buildings with a modern, high quality mixed use development. Whilst providing new activity and functionality to the site.
 - o *The impact on physical and economic regeneration in the area (including the impact on deprived areas and social inclusion objectives).* The proposal makes use of the vacant and underutilised land by bringing it back to

beneficial use with a variety of uses. The link between town centre and train station will allow easy pedestrian movement and will provide wider benefits to the town centre and station area. The scheme may act as a catalyst for wider regeneration.

- *The effect on local employment.* In addition to construction jobs, the development will provide permanent jobs related to the retail element.
- It is therefore evident that there will be no adverse impacts in relation to the general impact considerations.
- The sequential approach – This test is fundamentally unchanged. The site is allocated for mixed use under the Local Plan as a wider strategy to deliver its regeneration and to improve the town centre/station linkage. Therefore the proposal accords with development plan strategy. This was explored in the 2007 application which concluded that the site was the most appropriate location for development having regard to issues of suitability, viability and availability, the Development Brief, and proximity to Wickes.
- There may be other sites which may be sequentially preferable locationally however their suitability, viability and availability is debated. Further, development on an alternative site would not deliver the regeneration and pedestrian/cycle link benefits associated with this site. As such there are no sequentially preferable sites to accommodate the development proposed.
- Therefore to the extent necessary to do so the requirements of the sequential approach contained within Policy EC15 have been complied with.
- The Assessment of Impact on Centres (Policy EC.16) – Despite the development plans support for the sites redevelopment the impact has previously been explored.
- It has not previously been concluded that the development will have a detrimental impact on Crewe town centre (with reference to the Councils previous resolution and the uplift in non-food retail identified in the Planning and Retail Statement).
- *Impact on existing, committed and planned public and private investment in the centre.* The ability of the scheme to be complimentary to any town centre redevelopment scheme was accepted and acknowledged in the resolution to grant consent for the original proposal. However in the interim the town centre proposal has not progressed. In the context of the uplift in floorspace now proposed, it is maintained that the scheme will not put at risk any future town centre scheme. It should be regarded as being complimentary as part of a wider strategy of supporting an enhance role for Crewe within the regional shopping hierarchy and encouraging town centre activity.
- *Impact on vitality and viability* – The ability of the proposal to deliver the new pedestrian/cycle route which will become an attractive link to the town centre have been weighed heavily in favour when considering the impact on the vitality and viability of the town centre. Any adverse impacts that may be anticipated will be outweighed by the benefits arising as a result.
- The link, public realm improvements and the general redevelopment of the site will enhance the overall attractiveness of the area, in a neglected part of central Crewe, which in turn is likely to lead to more pedestrian activity in the town centre.
- Thus any impact on vitality and viability should be regarded as positive and complementary.
- *The impact of the proposal on allocated sites outside town centres developed in accordance with the development plan.* There are no out of centre allocated sites that could be impacted upon as reflected in the Councils resolution to approve the previous proposal. The site is regarded by the developer as an out of centre allocated site.

- *The impact of the proposal on in-centre trade/turnover and trade in wider area.* Whilst it was anticipated to occur from individual food and non food outlets, it was concluded that this would not affect the viability of the stores in question, and most significantly the health of Crewe town centre. The resolution reached by the Council has seen the Mill Street site regarded as a retail commitment as part of the Councils consideration of the trading effects of other retail proposals (including the Vernon Way Tesco store). It has therefore been established that the impact of the proposal on in-centre trade and turnover and on trade in the wider area will not be prejudicial.
- The uplift in retail floorspace, relative to those approved, will not have an adverse impact on in-centre trade and turnover even when taking into account approved commitments in the interim.
- The scheme has been designed in order to fully exploit the opportunities available for knock on town centre enhancement with Increased accessibility to the town centre will provide a real opportunity for new expenditure.
- No significant adverse impacts will occur in relation to the impact considerations of EC.16.
- With no adverse impact identified under Policy EC10 and EC16, under Policy EC17 it becomes appropriate for the LPA to take account of the positive and negative impacts of the proposal and any other material considerations.

Economic Statement (Prepared by White Young Green, dated November 2009)

Main content as follows:

- Credit crunch resulted in tightening of conditions required to obtain funding, failure to obtain funding concluded that the previous scheme was unviable and undeliverable and the s.106 agreement remaining unsigned.
- Costs and revenues identify that the residential element in isolation is estimated to make a loss. The pedestrian/cycle link, areas of public realm and landscaping are also loss making.
- Need to introduce floorspace with a greater capital value and profit value became apparent in order for the scheme to become profitable and viable.
- Therefore the non-food retail unit has become the critical element, without which the scheme would not be viable and the opportunity to deliver the pedestrian/cycle link or affordable housing.
- It is maintained that this is entirely planning policy compliant

Noise Assessment (Prepared by White Young Green, dated October 2009)

Main content as follows:

- Noise level data was collected at appropriate locations to determine the impact of road traffic noise from vehicles using Mill Street and noise from the nearby rail lines. The report demonstrates that noise levels fall generally within Noise Exposure Categories (NEC) A and B with data collected during the night-time period in relation to road traffic noise from Mill Street falling to just NEC C.
- The report demonstrates that, in principle, the site is suitable for redevelopment for residential and commercial end use.

Flood Risk Assessment (Prepared by White Young Green, dated October, 2009)

Main content as follows:

- EA flood risk maps show the site as being entirely within Flood Zone 1; outside the extent of 0.1% (1 in 1000) flooding.
- Previously the northern boundary of the site was shown to be within Flood Zone 3, inside the extent of 1% (1 in 100) flooding from Valley Brook. However, previous appraisal of flood levels and site topography had demonstrated that this zone was more likely to fall in Flood Zone 1.
- Development is considered to pass the PPS25 sequential test by steering a suitably classified development to Flood Zone 1. The development is suitable for the site.
- No other sources of flood risk were identified
- Site is currently served by public surface water sewer system that discharges into Valley Brook
- The site will be largely covered by impermeable surfaces which if not managed properly surface water run off could lead to increases in flood risk in other areas of the development itself. Therefore to mitigate it is recommended that – surface water run off should discharge indirectly into Valley Brook via existing public sewer in Lockitt Street. UU advised that discharge rate should be limited to 150l/s from the site
- An estimated 600m³ of formal attenuation storage should be provided within the drainage system of a 1 in 30 standard in order to limit flows to the maximum permissible discharge rate. This could take the form of underground tanks with Hydrobrake outflow control device
- An estimated further 685m³ of storage should be provided in order to ensure that flows in exceedance of the 1 in 30 design standard, up to the 1 in 100 plus 30% climate change event are stored on site and attenuated to the agreed rate. This storage should be provided through controlled flooding of surface areas (access roads, car parking and landscaping) and should be designed in such a way as to ensure that the risk of property flooding occurring is minimised.

Transport Assessment (prepared by White Young Green, dated November 2009)

Main Content as follows:

- Demonstrated that the site is well served by public transport, with some 13 bus services operating in the vicinity of the site. Crewe bus station is also located within acceptable walking distance.
- Personal injury accidents occurred along Mill Street within vicinity of the site is not so great as to identify the site as a cause for concern. No common identifiable cause of accident identified.
- Traffic impact of the development has been considered in detail. It has shown that the scheme is likely to generate some 96 trips in the morning peak period, 231 trips in the evening, and 439 trips in the Saturday peak period.
- Residual trips would be 8 trips in the morning peak period, 86 trips in the evening and 118 trips in the Saturday peak period.
- The site access will operate well within capacity
- The impact of the scheme on adjacent junctions is considered to be acceptable.

Air Quality Assessment (prepared by White Young Green, dated December 2009)

Main content as follows:

- Baseline air quality conditions were defined and potential impacts during the construction and operational phase identified and assessed.
- Potential construction impacts were identified from dust.

- These were assessed and predicted to be between major-intermediate, adverse and neutral. The use of practical dust control measures would provide suitable mitigation for a development of this size.
- Operational phase impacts were identified as exhaust emissions travelling to and from the site. The proximity of the site to the Nantwich Road Air Quality Management Area required a detailed assessment to quantify NO₂ and PM₁₀ concentrations both with and without the development. Impacts were predicted to be neutral at all sensitive receptor locations within the vicinity of the site.

Ground Condition Report (Prepared by White Young Group, dated February 2007)

Main content is as follows:

- Evidence of potentially contaminative land uses occurring within the site boundary such as gasworks, railways and industrial uses;
- Site is currently extensively hard covered however redevelopment to mixed use will result in areas of vegetation increasing probability of site users being exposed to contamination;
- The site carries an assessment of moderate to high risks;
- Risk to surface water receptors is considered moderate;
- Groundwater is considered to be a low risk; however there may be some shallow perched groundwater present at the base of the made ground;
- Overall risk to buildings and services is assigned as moderate. It should be noted that the likely presence of extensive made ground deposits along the north and east of the site may have significant impacts upon foundations requirements in this area;
- It is recommended that a detailed site investigation is conducted in order to more fully characterise the risks associated with potential contamination within the ground and shallow perched groundwater and any land gas issues;
- In addition, the investigation should determine geotechnical properties of underlying soils;

Geo-Environmental Appraisal (Prepared by ENCIA Consulting dated January 2008)

Recommends further investigations be undertaken:

- Supplementary investigation of currently inaccessible areas of the site, following demolition of existing buildings and acquisition of Network Rail land
- Provision of a quantitative risk assessment to enable assessment of the contamination risk to controlled waters and to derive site specific clean up criteria for inorganic and organic contamination
- Supervision of future remediation
- Complete gas monitoring programme

9. OFFICER APPRAISAL

Principle of Development

The site is allocated in the Adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 under Policy 12.2 as a mixed use regeneration area and also forms part of the area covered by the Crewe Rail Gateway Adopted Development Brief. The thrust of the Local Plan allocation is to encourage the regeneration of this site with a mixture of uses including employment (B1, B2 and B8), appropriate sui-generis uses and retail subject to the retailing complies with the requirements of Policy S.10 (Major

Shopping Proposals). The main objectives of the Development Brief for the Mill Street/Pedley Street Sub Area is to provide mixed use regeneration with housing being promoted as part of a mixed use scheme, the provision of improved linkages between the town centre and station through high quality public realm and landscaping, and a mixed density scheme with active frontages and providing a sense of place.

The scheme with the resolution to approve complied with all the elements of the Policy by providing employment, retail, and residential development along with the improvements to the public realm and provision of the pedestrian/cycle link. That resolution to approve was made on 23rd August 2007, however permission has never been granted due to the failure to sign the s.106 agreement. According to the applicant, changes in the economic climate meant that the scheme was no longer viable. In order to produce a viable scheme the applicant has eliminated the B1 employment floorspace, and increased the retail floorspace from an overall total of retail floorspace from 4,485sqm to 5,975sqm, which is an increase of 1,490sqm. The scheme has also substituted the flatted accommodation with housing.

Retailing

Local Plan Policy

The suitability of the site for some retail use is established by the policy, Development Brief and previous resolution. The issue in question is the amount of retail floorspace. As described above Policy S.12.2 allocates the site for a variety of uses including retailing, where it accords with Policy S10. Policy S.10 requires retail developments with a gross floorspace over 2500m² to demonstrate need for the development, and as no need assessment has been carried out by the applicant to justify the development. Planning Policy Statement 4 states that where development is not in accordance with an up to date Development Plan then the policy criteria of PPS4 should be applied. It is considered that the proposed development is not in accordance with the Policies contained within the Local Plan and therefore the tests within PPS4 should be considered. The scheme has therefore been advertised as a departure to this end.

National Guidance

The guidance within PPS4 states that where not in accordance with an up to date Local Plan applications should be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach. This seeks to ensure that new retailing development is contained where possible to town centre sites.

Where the site is “edge of centre” PPS4 states that the proposal must be of appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres. PPS4 describes edge of centre locations to be those within 300m of the boundary of the town centre with good pedestrian links. The application site is immediately adjacent to the town centre boundary at its closest point and partly within 300m of the primary shopping frontage. Part of the site is within 300m of the primary shopping frontage, although the retail element of the scheme is approximately 480m from the primary shopping frontage. Notwithstanding this point PPS4 allows “local circumstances” to be taken into account. These can include “perceptions of walking distance” and the “attractiveness and perceived safety of the route”. One of the overarching principles of this development is to deliver a high quality

pedestrian/cycle link between the Town Centre, the site and the railway station. It is therefore considered that the site can be classed as “edge of centre”. The guidance then goes on to advise that where no significant adverse impacts have been identified as described above planning applications should then take account of any positive and negative impacts which can include regenerative benefits and social inclusion objectives, which is considered later in this section of the report.

Sequential Test

With regard to the sequential approach, sites should be assessed for availability, suitability and viability. Whilst there are sites closer to the town centre, their availability can be called into question. For example the town centre redevelopment scheme, does not benefit from planning permission at present, there are land acquisition issues and existing occupiers. By contrast the application site is currently largely vacant, in the ownership of the developer, and available for immediate redevelopment. Whilst a department “anchor” store was shown as part of the town centre redevelopment scheme, there is clearly limited opportunity to provide multiple large format and bulky goods retail units within the principal shopping area. Had the scheme comprised smaller units some or all could have been accommodated in the town centre. On this basis it is considered there is no sequentially preferable site to deliver the proposed development and where there are no town centre locations the Policy allows for preference to be given to edge of centre sites. In terms of the flexibility shown by the developers in terms of scale of floorspace, as required under PPS4, there is a strong case that a reduction in floorspace would mean that the development would be unviable as outlined by the Valuation Officers comments.

Scale

In “edge of centre” locations Policy EC16.1.e of PPS4 with regard to an impact assessment requires the proposal to be of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre. The scheme proposes a total of 5,975sqm of gross floorspace, which is 1,490sqm larger than the previous scheme. It is considered that the proposed amount of retail floorspace in this edge of centre location is unjustified in terms of scale of retail development. It is considered that 5,975sqm is a significant amount of floorspace for Crewe, although there is an existing resolution to approve of 4,485sqm, the amended scheme represents an uplift of 1,490sqm which is an increase of 33% retail floorspace. There is concern that the scale of retail development is not “appropriate in relation to the size of the centre” and therefore this requirement has not been met. However this is not the only consideration in determination.

Regeneration/Social Inclusion Issues

The proposed scheme will help to deliver the key regeneration benefits that the site requires, as outlined within the Crewe Rail Gateway Development Brief, including the provision of a mixed use scheme and creation of a large section of high quality pedestrian/cycle link between the town centre and station. The scheme will also result in the provision of 35% affordable housing within the site, which is a material consideration weighing in favour of the development as this will provide significant social inclusion benefits in fostering new sustainable communities close to the centre of Crewe. Spatial Planning are also in support of the proposed development and

consider that regeneration in this area is of vital importance to improve the links between the town centre and the railway station.

Other Material Considerations - Viability

The proposed development satisfies the sequential test and there are significant regeneration arguments which weigh in favour of the development. However the scale of the development is inappropriate, but this must be balanced against other considerations. The scheme with the resolution to approve was considered to be acceptable in terms of the amount of retail floorspace. However that original scheme is now not considered to be viable and cannot therefore be built and the regeneration benefits would not be provided.

The applicant has provided an economic statement which includes a breakdown of figures that demonstrates that the residential and infrastructure costs do not on their own show profit and that the retailing is the only component which returns profit. This was sent to the Valuation Office for an independent assessment of this report and figures. The Valuation Office has stated that on a viability basis the scheme seems reasonable and without the additional retailing there is a strong argument that the scheme would not be viable. They do however confirm that the comments are made in a weak market and therefore should possibly be reviewed in the future.

To conclude this section the additional retailing provision is considered to be justified as a way of delivering the key regenerative benefits identified in the adopted Development Brief and also the social benefits in the form of affordable housing and crucially delivering the majority of the pedestrian and cycle links between the town centre and the railway station which is a key objective of the Crewe Rail Gateway Development Brief. The proposal is however, considered to represent a departure from the Development Plan 2011.

Residential

As originally submitted the scheme included for some 159 residential units predominantly in the form of apartments. The Cheshire East Annual Monitoring Report (2008/09) indicates that for the Crewe and Nantwich Area there is an 11.68 year supply of housing, for Cheshire East this figure is a 5.14 years supply. The level of housing proposed is not considered to be a significant figure to have implications on the figures. However, due to the economic downturn it is recognised that flatted accommodation in Crewe is currently unviable. The Housing Officer is in support of the delivery of houses as they have in many cases been more difficult to deliver than flats. Accordingly the applicant has amended the scheme to include for standard housing. The Housing Officer is in support of the delivery of houses as they have in many cases been more difficult to deliver than flats. Whilst the site plans are indicative the application now shows 53, 2-4 bedroom dwellings. This number may change once the detailed designs are put forward. However, given that the site lies within the settlement boundary of Crewe and occupies a sustainable position close to the Crewe Town Centre and also considering the requirements of the Development Brief the principle of residential development on the site as part of a mixed use scheme is acceptable.

Policy NE.2 (Unallocated Housing Sites) states that within the settlement boundaries of Crewe and Nantwich as defined on the proposals map, the development or

redevelopment of unallocated sites for housing will be permitted in accordance with policies BE.1-BE.5. Policy RES.3 insists that residential development should be built at densities between 30 and 50 per hectare. The application is considered to be in accordance with those policies.

Furthermore, as its area exceeds 0.5 hectares and proposes more 15 dwellings, it needs to satisfy policy RES.7 (Affordable housing) which requires that 35% of dwellings should be affordable. The applicant has stated that they intend to provide 35% affordable housing which is in line with the Policy requirement and can be secured through the signing of a s.106 agreement. The applicant has stated that a range of tenures will be secured however no details of split have been submitted. The Housing Officer is in support of this commitment but would like to see the tenure split identified within the Crewe Rail Gateway Development Brief of 23% social rented and 12% shared ownership, based on the 35% target. In terms of houses sizes the Housing Officer is comfortable with proposal to provide 2, 3 and 4 bedroom affordable units. It is considered that this split can be secured through the s.106 Agreement.

Highway Impacts

The means of access into the site is to be formally considered as part of this outline application. The existing vehicular access will be used from Mill Street and an internal road layout is proposed to provide access to the development. The existing access is to be improved to incorporate a ghost island right turn lane on Mill Street with central pedestrian refuges to assist crossing.

The applicant has submitted an updated Transport Assessment in support of the application and this considers the traffic impacts of the scheme and also takes into account existing and proposed developments including recent permissions for new Tesco and Sainsbury stores on Vernon Way and also the Crewe town centre redevelopment proposal. The assessment recognises that the site is well served by public transport and notes that there are 13 bus routes within the vicinity of the site. The assessment also concluded that the accident rate for this section of Mill Street does not give rise to concerns. The assessment demonstrates that the proposed scheme will result in 96 trips in the morning peak period, some 231 trips in the evening and 439 trips in the Saturday peak period and that the access will operate within capacity during these peak times. It also notes that the existing vehicular access is satisfactory for the proposed scheme and it has sufficient visibility splays.

The Strategic Highways Manager whilst not objecting to the application on principle has highlighted a high accident record along Mill Street which it is understood relates predominantly to rear end collisions. A right turn lane is therefore requested to be incorporated into the Mill Street access which will reduce queuing traffic waiting to enter the site. This was identified within the earlier Transport Assessment and accordingly it is considered reasonable to require this prior to the residential element becoming operational. A plan to show the right turn has been received and agreed as acceptable. A s278 agreement will be required to secure the right turn.

In addition to the upgraded highway junction with Mill Street a number of works are proposed to improve the pedestrian and cycle access through the site. These include the new pedestrian cycle route as well as a re-aligned footway along the front of the site.

The submitted plans show parking areas contained largely within small courtyards within the residential areas and to the front of the retail units. The Department for Transport document Manual for Streets requires developments to establish a hierarchy for access and movement within a site with pedestrians and cyclists at the top and car borne traffic at the bottom. Whilst the site clearly has to be accessible to motorists the provision of the centrally located footway/cycleway promotes non car-borne users and with the inclusion of a central area of public realm, surrounded by active frontages the concepts advocated within Manual for Streets will be delivered.

The amount of parking is a detail to be considered fully at reserved matters although the indicative plans show that sufficient parking can be made available within the site without compromising the overall design quality. It is important to note however that the standards set out in Appendix 8 of the Replacement Local Plan prescribe maximum standards for car parking. This is in accordance with National Planning Guidance which seeks to reduce the reliance of the private car and encourages restraint on car parking provision, particularly at sustainable sites accessible by a variety of means. In this case the site is within walking distance of both the town centre and also Crewe railway station and therefore is considered to be a highly sustainable location. It is therefore appropriate in this instance to reduce car parking standards below those prescribed in the local plan.

Amenity

The proposed development, whilst providing an opportunity to improve the character of the area, will involve a considerable change to the overall character of the area. The site adjoins established residential areas to the south and although the design, height and scale of the buildings is a reserved matter the impact of the development upon the amenity of the adjacent occupiers is a key consideration at this stage.

The proposed food retail unit is shown to the north of the residential properties on Wesley Place. It should be noted however that there is a change in levels here with the application site approximately 2 metres lower than the adjacent dwellings. Accordingly the impact of the proposed development upon the front aspect of the houses on Wesley Place is not considered to result in a noticeable loss of amenity through over domination.

The application is accompanied by a noise assessment given the position of the site relative to railway lines and road traffic on Mill Street. Noise readings were taken from various points within the site.

PPG 24 (Planning and Noise) states that, *“Local Planning Authorities should consider carefully in each case whether proposals for new noise-sensitive development would be compatible with existing activities”*. The guidance further explains that noise sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially when people are normally sleeping (23:00 – 07:00). Noise Exposure Categories (NEC's) ranging from A-D are set out in PPG 24 to help local planning authorities in their consideration of applications for residential development near transport related noise sources. The night time NEC for the site is A and B during the night time and just falls into category C in relation to road traffic noise from Mill Street.

The noise survey recommends a series of mitigation measures for the proposed dwellings including alternative ventilation for living spaces, restrictions on operating or delivery hours and provision of an acoustic barrier. The Environmental Health officer has confirmed that subject to appropriate mitigation measures mainly comprising increased acoustic glazing and boundary treatments that there is no objection to the proposed development.

Design

The scheme with the resolution to approve was in outline with approval sought for access only. The indicative layout for that scheme provided a high quality scheme showed a boulevard style pedestrian/cycle link running through the site which was in part lined with retail units and mixed use housing/employment buildings. The scheme also proposed a medium sized food retail unit fronting onto Mill Street with the bulky goods unit to the rear of the site.

This application is also in outline with all matters reserved with the exception of access. However, it is necessary to ensure that the mix/type of development proposed can still deliver a standard of layout and design of equally high quality to the previous scheme. The applicant has submitted an indicative layout plan for the development and has discussed the design concepts in the accompanying Design and Access Statement. This attempts to demonstrate that the amount of development can be satisfactorily accommodated on the site. The site is largely constrained with easements, culverts and existing access arrangements which have restricted the way in which the site can be developed.

The proposed siting of the retailing units is to the southern end of the site and partly fronting onto Mill Street. The proposed retailing units are shown to provide more interest than standard “box like” retail units and will provide the opportunity to create interest and add character to the area through the creation of landmark buildings. The restaurant is shown as set back in the site and fronting onto an urban square which will allow for al-fresco dining. The Development Brief encourages the some large more prominent buildings within this area which could be achieved with the 4,646sqm retail unit.

The proposed residential element is proposed to the north east of the site and broadly in a wedge shape tapering towards the existing railway bridge over Mill Street. The proposed housing has been designed to reflect the pattern of traditional Crewe railway housing with several housing types replicating the earlier concepts of the Grand Junction Railway with small house types set within modest communal gardens and larger housing with individual gardens to the rear and arranged onto the areas of public open space. This is considered to be a good design concept and will allow for modern housing to reflect the railway heritage which is particularly fitting given the location of the site relative to the railway lines and also that the site forms a key link between the railway station and the town centre.

A pedestrian/cycle link is shown to pass through the residential element of the site, and areas of landscaped open space, and also crossing the urban square. The proposed development will deliver a large section of the important link between the town centre and station and the provision of a high quality public realm with landscaping is a key objective of the Development Brief which is largely reflected in the proposed indicative layout.

The scheme allows for active frontages the some residential properties fronting onto the pedestrian link and the layout showing permeability of pedestrians through the retail section and also between the residential and retail elements across the square. This will allow for interaction between the pedestrians and buildings.

A key objective of the Development Brief is to deliver a high quality public realm with a mix of hard and soft landscaping.

Impact upon Water Environment

The applicant submitted a flood risk assessment with the original application and this has been updated in light of the amended scheme. The Environment Agency have highlighted that the Valley Brook is culverted beneath a large part of the site and require an easement of 8 metres with no building above this. The route of the pedestrian cycle/route running through the site has been designed to follow predominantly the line of the culverted brook and accordingly the applicant can satisfy the easement requirements from the Environment Agency. A condition is recommended to secure this easement in any future reserved matters submissions.

An objection has been raised by United Utilities with regard to the failure to agree a diversion for the rising main which crosses the site. It is acknowledged that there are a number of constraints affecting the site and the proposed layout largely reflects these limitations. However, the application is in outline with the final layout likely to be subject to some change. It is considered that the development can be accommodated on the site to address the concerns of United Utilities.

Contaminated Land

The site has a history of use as a Gas Works and Railway Engine Sheds which has the potential for the land being contaminated. The scheme involves residential development which is a sensitive end use which would be affected by any contamination present. The submitted report recommends further investigations are undertaken to fully assess the ground conditions at the site. The Contaminated Land Officer has recommended that further investigative works be carried out in accordance with PPS23, which can be secured by condition.

Air Quality

Environmental Health is satisfied that the proposed development would have little or no impact on the air quality in the surrounding area or the Nantwich Road Air Quality Management Area. However, they have also stated that it would be useful for the recommendations within the report (cycle facilities, pedestrian walkways and provisions for use of public transport) be included in conditions to reduce the number of vehicle trips.

Landscape and Ecology

The site is largely brownfield with trees being constrained to the north western corner of the site and along Mill Street. Whilst landscape is a reserved matter it is considered that the development could be carried out without significant loss of vegetation on the site. There will be a loss of vegetation at the north western corner of the site however

these are mainly shrubs and additional landscaping would compensate for their loss. Furthermore, given the brownfield nature of the site it is considered that there would be no adverse impact on protected species.

Sustainable Development

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

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

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

Open space

Policy RT.3 (Provision of Recreational Open Space and Children's Play space in New Housing Developments) states that *"in new housing developments with more than 20 dwellings, with the exception of sheltered housing, the local planning authority will seek the provision of a minimum 15 sq m of shared recreational open space per dwelling. Where the development includes family dwellings (i.e. those with two or more bedrooms) an additional 20 sq m of shared children's play space per family dwelling will be required as a minimum for the development as a whole."*

Some open space is shown on the concept plan submitted as part of the planning application. However, matters of layout are reserved for a subsequent application and in order to achieve the best solution in urban design terms it may not be possible to provide the full quota of public open space on the site.

In such circumstances any shortfall in the open space requirement for the site could be provided off-site, through the provision of a commuted sum which would be used by the Council to enhance existing open space in the locality. Policy RT.3 of the Local Plan advises that *"where sufficient recreational open space is already available in close proximity to a proposed development, the local planning authority may require the developer to enhance that open space instead of providing new space through a planning obligation."* The precise amount of open space to be provided on-site would be a matter to be considered at the Reserved Matters stage, thus ensuring that the Council have the ability to secure an acceptable residential environment.

The Section 106 Agreement should therefore include provision for on site open space and equipped children's playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked). This reflects what has been agreed in respect of other residential developments within the town.

10. CONCLUSIONS

There is concern with regard to the scale of retail development. However the scale of retail development proposed is considered to be justified to make the scheme viable. The scheme will be a major contributor to delivering the regeneration objectives of the Crewe Gateway Development Brief, through the provision of the important Town Centre/Station link, through high quality public realm. The mixed use scheme of retailing and housing will assist this strategic objective. The applicant has demonstrated that the proposed retail element is required to achieve the regeneration of this area. The residential element of the scheme is now focussed on more traditional housing with gardens. Of the 53 residential units proposed 35% will be affordable and the proposal accords with Local Plan policy. The development is not considered to result in the loss of amenity to nearby properties and the vehicular access and egress arrangements are considered to be satisfactory. The proposed design concepts are also considered to be acceptable.

11. RECOMMENDATIONS

APPROVE: subject to a legal agreement to secure:

the provision of on site open space and equipped children's playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked).

also

affordable housing provision, which shall include a requirement that

- 35% of the total provision shall be affordable**
- 23% shall be social rented housing**
- 12% shall be shared ownership**

Also

Details of phasing of development to include, inter alia, provision of the pedestrian / cycle link within the first phase of development

Also

A scheme of public art to be agreed for the site

and the following conditions:-

1-3 Standard Outline

4 Maximum floor area for retail food development 1,329sqm

- 5 Maximum floor area for retail non-food comparison 2,323sqm and remainder bulky goods**
- 6 Footway/cycleway details as part of first reserved matters application**
- 7 Noise mitigation measures to dwellings to include glazing**
- 8 No Development within 8m of side walls of culvert**
- 9 Flood Risk Assessment Mitigation Measures**
- 10 Air Quality Assessment Mitigation Measures**
- 11 Provision of Right Turn off Mill Street – timing to be agreed**
- 12 Design Concept to be high quality and inclusive design, and shall have regard to the principles set out in the adopted SPD and shall include an element of Traditional 19th Century Railway Housing**
- 13 No further sub-division of retail units.**
- 14 Contaminated Land**
- 15 Sustainable Urban Drainage Systems as part of Reserved Matters**
- 16 Incorporation of sustainable features as part of Reserved Matters**
- 17 Waste Management Plan to be submitted**
- 18 Signage to Town Centre and Heritage Centre**
- 19 Scheme of CCTV to be submitted and agreed**
- 20 Speed humps to car park**
- 21 Boundary treatment**
- 22 Scheme of management of open space - to include cutting**
- 23 Scheme of lighting to be submitted and agreed**
- 24 Scheme of street furniture to be submitted and agreed**
- 25 Materials – to include surfacing materials**

LOCATION PLAN:

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CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWING ARE TO BE NOTIFIED TO THE ARCHITECT IMMEDIATELY. NOTIFIED TO THE ARCHITECT IMMEDIATELY.

REV	REVISION	DATE	CHKD

HATRELL DS ONE
Architects LLP
CHARTERED ARCHITECTS
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ARCHITECTS
111-113, CHURCH STREET, MANCHESTER, M4 6BT
0161 275 1111
www.hatrell.co.uk
CENTRAL BUILDING, 175/176A, COVENTRY CITY 2ND FLOOR, COVENTRY, CV1 2ND FLOOR, CV1 2ND FLOOR

CLIENT
Clowes Developments

PROJECT
Mill Street Crewe

DRAWING TITLE
Location Plan

SCALE
1:1250 A3
1:1250 A3
1:1250 A3

DRAWING No.
2240 - LOC

PLANNING

DATE
2020

CHKD
JH

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Planning Committee Report

Planning Reference No:	10/0366N
Application Address:	GRASS VERGE ON SOUTHERN SIDE OF, PETER DE STAPLEIGH WAY, STAPELEY, NANTWICH
Proposal:	Install a 14.8 Metre High Street Pole Installation & 2 No. Equipment Cabinets
Applicant:	Vodafone
Application Type:	GPDO Determination Telecoms
Grid Reference:	
Ward:	Doddington
Earliest Determination Date:	17 March 2010
Expiry Dated:	28 March 2010
Date of Officer's Site Visit:	10 March 2010
Date Report Prepared:	10 March 2010
Constraints:	NE.10

SUMMARY RECOMMENDATION:

Prior approval is required for the siting and appearance of the installation and approval be GRANTED

MAIN ISSUES:

- The impact of the design, siting and external appearance on the character of the area
- The exploration of alternative sites
- Health & Safety considerations
- The impact on protected species
- The impact on neighbouring residential amenity
- The impact on protected species

REASON FOR REPORT

This application is included on the agenda of the Strategic Planning Committee as the application has been called in by Councillor Brickhill due to concerns regarding the impact on the amenities of nearby residential properties by reason of anxiety. As this is a GPDO determination, a decision has to be made within 56 days of the date the application received and therefore due to timescales, could not be determined at the Southern Planning Committee meeting.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the grass verge to the adopted section of highway at Peter Destapeley Way in Stapeley, Nantwich. This side of the road contains streetlights whilst the other side of the road does not. On the opposite side of the road lies a wildlife mitigation area for the Cronkinson Farm housing estate; the designated area of new woodland planting and landscaping.

The mast will be situated 13m from the existing streetlights lying adjacent to it and will be positioned slightly farther forward of their established line by approximately 0.4m. The mast will be seen in the context of both the existing street lighting columns and the mature planting and trees to the south.

Residential properties associated with the Cronkinson Farm development are located on the opposite side of the road the closest being 75m from the proposed location of the mast.

The site is designated under policy NE.10 and lies just on the settlement boundary of Nantwich.

DETAILS OF PROPOSAL

The proposals relate to a 12m high column, 3 antennas, 1 equipment cabinet and ancillary development the total height of the proposals will be 14.8m.

The equipment cabinets include; Ericsson 3107 cabinet 1580 x 380 x 1350mm (h), Cannon G Cabinet 1400 x 352 x 1500 mm (h) and meter cabinet 665 x 260 x 1125 (h) the cabinets are to be finished in green.

This application follows an earlier scheme submitted under P09/0136; this application was a GPDO determination for an identical mast proposed on the opposite side of the road. This was recommended for refusal due to concerns regarding the intrusiveness of the mast, the failure to demonstrate that alternative sites had been considered and on the grounds of insufficient information in respect of protected species.

A decision notice for the previous application (P09/0136) was generated; however the Decision Notice arrived with the developers outside the Statutory 56 days period determination period and whilst the recommendation was for refusal the application has by default been approved.

The developer has worked with the council to put forward a more acceptable solution – mindful of local concerns about the development. The case officer negotiated with the developer to move the mast to the opposite side of the road; this position was suggested during the pre-application discussions for P09/0136 and was incorrectly discounted due to land ownership issues. The developer agreed to the amended position the subject of this application and has verbally agreed not to implement the existing mast position.

RELEVANT HISTORY

P09/0136 GDO telecommunications mast refused 14/04/2009 deemed consent

POLICIES**Development Plan Policies****Regional Policy**

None relevant

Local Plan Policy

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.18 – Telecommunications Development

NE.9 – Protected Species

NE.10 – New Woodland Planting and Landscaping

BE.2 – Design Standards

Other Material Considerations

PPG8 – Telecommunications

PPS9 – Biodiversity and Geological Conservation

CONSULTATIONS (External to Planning)**Highways:**

Please note that this verge is not yet adopted by the highways authority.

Condition:

The pole and equipment cabinets should be set back at least two meters from the kerb face to allow any future footway / cycleway to be constructed.

No development shall take place until detailed drawings outlining the site's layout arrangements have been submitted to and approved by the LPA.

VIEWS OF THE PARISH / TOWN COUNCIL: none received at time of writing report and will be reported at committee

OTHER REPRESENTATIONS:

Letters of objection received from the occupants of 22, 26, 32, 49 Talbot Way, 12 Houghton Court, 1 Garnett Close, 3 Mainwaring Close, 20 Chater Drive and 51 Hawksey Drive the main concerns relate to:

- visual impact
- impact on protected species
- health implications
- proximity to school
- lack of consideration for alternative sites
- accuracy of information
- doesn't accord with government policy/ code of conduct
- lack of consultation with residents
- impact on house prices

APPLICANT'S SUPPORTING INFORMATION:

In support of the proposal the applicant has submitted the following information:

Design and Access Statement (DAS) received which provides a brief history of the development of telecommunications and 2G/ 3G networks, details on the site selection process which includes a desktop search to identify need, discussions with the Local Planning Authority, local consultations and a site survey. The DAS then goes on to discuss planning policy requirements such as the need for development; siting and design and the implications of PPG8. Site/ mast sharing is discussed and Vodafone will be sharing this particular mast with O2. The DAS also mentions the requirements of Councils to make suitable owned properties available and keep a mast register, legal cases and consultation with schools.

The applicant has provided an ICNIRP certificate, confirmation of consultation with local ward councillors, parish council, neighbours and the local school.

Site specific supplementary information has also been submitted providing details of the pre-application discussions, which indicates that a deemed consent exists at a site on the opposite side of the road. However the location proposed under this application was considered sequentially preferable by the LPA (in terms of its visual impact and proximity to the nearby school and residential properties). The mast will be 0.5m higher than that proposed under P09/0136 because the mast will be used by two separate telecommunication operators and hence will prevent the proliferation of structures within the area. It also provides details of the technical justification, site selection process, reasons for siting and design and planning policies.

The applicant has included details of coverage plots which demonstrate a need for the proposed development.

1. OFFICER APPRAISAL

This is an application for prior-approval and under this regime the Local Authority has 56 days beginning with the date on which it receives a valid application, in which to make and notify its determination on whether prior approval is required to siting and appearance and to notify the applicant of the decision to give or refuse such approval. There is no power to extend the 56 day period. If no decision is

made, or the Local Authority fails to notify the developer of its decision within the 56 days, permission is deemed to have been granted.

Siting and Design

Policy NE.18 (Telecommunications Development) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and PPG8 will be used to assess this proposed development.

In terms of the policy guidance in relation to telecommunications development, PPG8 states that the government policy is to;

The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health.

The proposed installation has been designed as a pole to mimic a street light. The height of the pole would be 14.8 metres which would make it higher (and wider) than the existing 10 metre high lighting columns on this side of Peter Destapeley Way. Residential properties are located 75m from the proposed pole however the orientation of these in relation to the proposals coupled with the existence of the tall trees within the wildlife area will obscure visibility of the mast. Whilst it will be increasingly visible to pedestrians and vehicular traffic along Peter Destapeley Way, the monopole and cabinet reflect the utilitarian appearance of the existing streetlights and there is also a backdrop of vegetation to the south. The combination of the existing infrastructure and the vegetation in this locality ensures that the monopole would not stand out as being uncharacteristically tall or visually intrusive.

PPG8 states that

In seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimize the impact of development on the environment.

The proposed mast will be taller than the existing streetlights. It will also have a different profile due to the antennas at the top which makes the structure wider at the top. That said the slim line pole and finish and its positioning within the linear development of streetlights at this location minimises the impact of the mast upon the street scene and represents a sympathetic design.

The monopole will be evenly spaced between the street lighting column in this location and would be positioned only marginally in front of the line of the streetlights which in any event does not appear as a linear form due to the curvature of the road.

The equipment cabinets are grouped to reduce their visual impact and are proposed to be finished green to further camouflage their appearance.

Alternative Sites

Given the government guidance which aims to facilitate new telecommunications development, consideration needs to be given whether all suitable alternative locations have been explored.

Vodafone has indicated that this site is the furthest location south that Vodafone can locate their equipment. Should the equipment be located any further to the south then Vodafone would fail to provide the necessary coverage levels back to the residential area of Nantwich that lies to the north of the application site.

As part of this application the applicant's agent has identified 4 other alternative locations and of these 2 are located on Peter Destapeley Way and have been dismissed because they considered these sites to have a greater visual impact. Whilst the site opposite the Co-Op is actually preferable to this site there are still concerns regarding this location due to the proximity of the school and residential properties and the increasing visual prominence of the mast in this location. The Local Authority suggested the position proposed as did a resident in a letter of representation submitted under the previous application.

Of the 2 other sites considered, Vodafone could not obtain consent from the landowner.

Both policy NE.18 and PPG8 require that the operator justify consideration of alternative sites and site sharing. In this instance, there is no better, available alternative site.

Health and Safety

Concern has been expressed nationally with regard to the effect of mobile phone base stations to human health. The Stewart Report (2001) concluded that there are gaps in the knowledge to justify a '*precautionary approach*' in regard to the siting of base stations. There have been various High Court judgements which have ruled either way on the issue of whether health considerations can be material in determining an application for planning permission or prior approval. The precautionary approach advocated by the Stewart Report and also the All Party Parliamentary Group on Mobile Phones Report (2004) is seen as the adoption of ICNIRP standards for exposure levels and also greater levels of consultation. It is acknowledged that this approach can reduce the risk perception of this type of development.

Moreover in *Trevett -v- The Secretary of State* (2002) the Judge held that the Inspector was entitled to give greater weight to the expertise of the organisations than the residents fears which appeared to be based in part on selective research and expert opinion.

The perceived risk is acknowledged and consideration should be given to any long-term effect to the quality of life and well-being of local residents. Due to the design of the proposal mimicking a telegraph pole, its siting and the surrounding vegetation the proposal would not register as an enduring reminder of a source of radio frequency

radiation and would therefore have little effect on the well-being and amenity of local residents.

Paragraph 98 of PPG8 states that *'In the Governments, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'*. In this instance an ICNIRP certificate has been provided.

Nature Conservation

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Whilst this planning consent cannot implement other legislation, protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, - in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

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

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

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

Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

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

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

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their

habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

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

The location of the mast is located on the existing verge at Peter Destapeley Way directly opposite to a designated ‘wildlife area’ required to mitigate for the impact of the Cronkinson Farm estate on nature conservation. A pond is located within this wildlife area.

There is a known Great Crested Newt presence on the site. A site licence was required in connection with the redevelopment of the site for housing and the wildlife area in question included Great Crested Newt fencing to prevent Great Crested Newts crossing the road.

The Council’s ecologist has confirmed that the road is a barrier to prevent Great Crested Newts from crossing. Whilst there are ponds on this side of the road, the breeding ponds are over 100m away and in any event the proposed development is too minor to have an impact on newts so no survey is required.

Highways

The mast and the associated equipment cabinet measures 0.5m deep and is located upon the verge. It is not considered that the proposals will have a detrimental impact upon pedestrian safety given that the footpath is located on the opposite side of Peter Destapeley Way.

In light of the comments from the Highways Authority, it is considered necessary to condition that the cabinets are 2m back from the highway.

The slim line nature of the proposals and its setback from the highway will ensure it does not represent either an obstruction to visibility or a distraction.

Other Matters

PPG8 para 20 attaches considerable importance to mast sharing; it should be noted that the mast shall be shared between Vodafone and O2.

CONCLUSIONS AND REASONS FOR DECISION

The siting of base stations is a highly emotive area of planning and is dictated largely by the need to provide coverage to populated areas. It is rare for such development to be sufficiently remote that no objections are raised from residents. Alternative sites have been considered as part of the selection process and have been rejected for a number of reasons including land ownership issues, proximity to residential properties and visual impact. The proposal is not considered to appear as an alien or incongruous feature within the locality. It is considered that in this instance the proposed development is compliant with local and national policy.

RECOMMENDATION

That details of siting and design are required and that these details are approved subject to the colour and finish of the proposed pole and equipment cabinets being agreed

Conditions

Details of Materials and finishes to be in accordance with submitted details

Cabinets to be 2m back from the highway

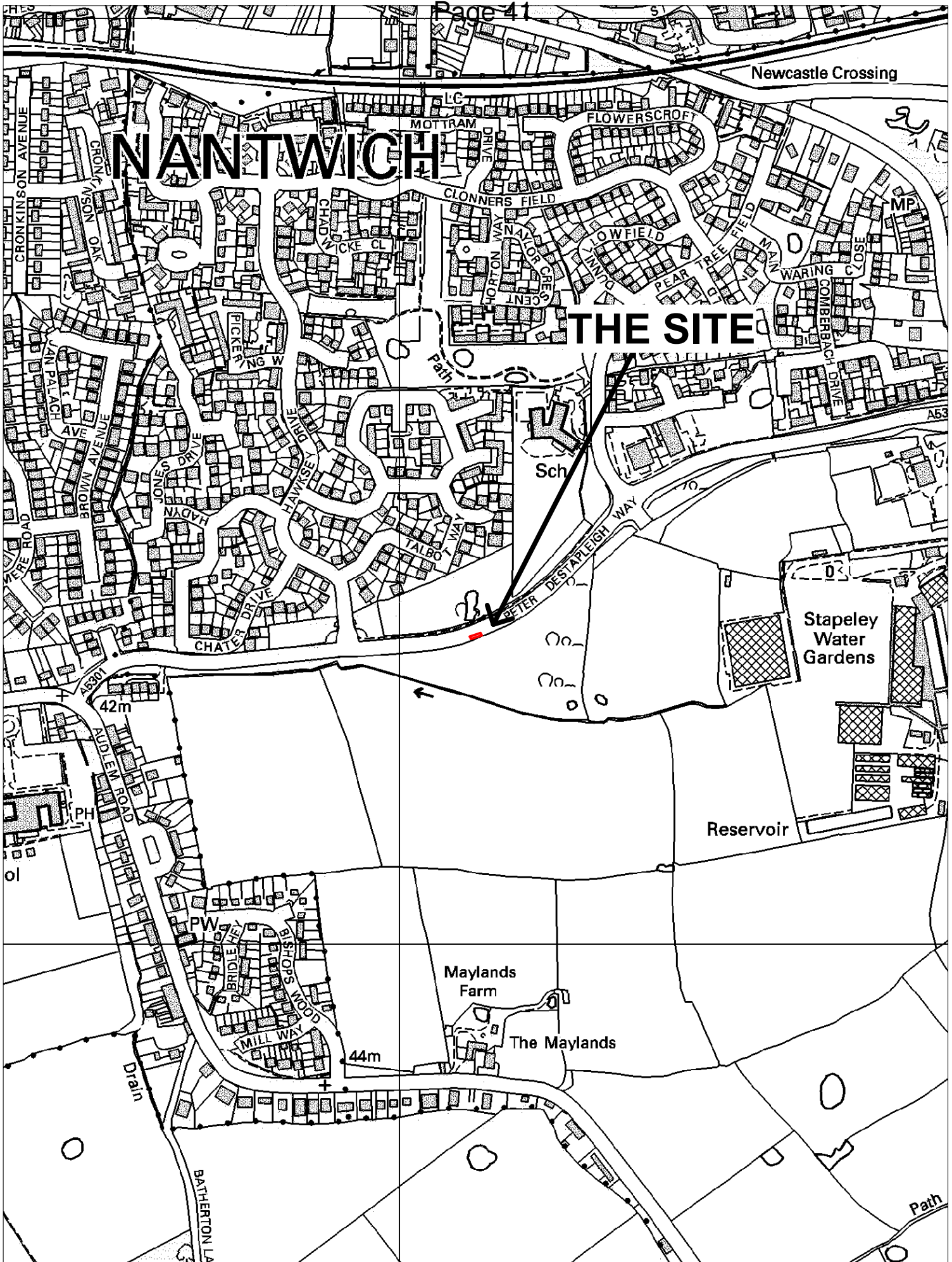
Development in accordance with the approved plans

Removal of equipment when it ceases to be operational

Newcastle Crossing

NANTWICH

THE SITE



10/0366N - GRASS VERGE ON SOUTHERN SIDE OF, PETER DE STAPLEIGH WAY, STAPELEY, NANTWICH
N.G.R. - 366,080 - 351,330

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 24th March 2010
Report of: Adrian Fisher, Head of Planning and Policy
Title: Sainsbury's Nantwich

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of applications P09/0126.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in December 2009.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the supermarket redevelopment has already been established by the previous resolution and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to the existing Sainsbury's Store (6,702sqm gross external area) and a surface customer car park accommodating 397 spaces and a customer recycling area. The existing building is predominantly single storey, with gable roof features and is constructed of red brick with pitched tiled roofs around the perimeter. The shop front elevation has an extended gable roof entrance feature with shop front ATM units and trolley storage areas.
- 3.2 There is an existing petrol filling station adjacent to the site entrance road, which is accessed via a roundabout junction from Middlewich Road.
- 3.3 The application site also includes the former Fairway Suithouse industrial unit, to the west of the existing store, which is of portal framed construction and clad in red brick with grey corrugated sheeting above.

- 3.4 The site is bounded to the north by the A500 Nantwich Bypass, to the south by Nantwich Trade Yard, to the West by the Vauxhall Masterfit Centre and to the East by residential properties on the opposite side of Middlewich Road.
- 3.5 In December 2009, Strategic Planning Board resolved to grant full planning permission for the demolition of the existing store and the adjacent warehouse unit and the erection of a new food store (providing a total of 9,407sqm of gross external floor space on two levels) with associated car parking, access, service yard and landscaping.
- 3.6 The store is to be sited to the rear of the site, and at the time of the application concern was expressed that in that position it did not make the most of the opportunities of a frontage location and relate well to the main approach road into the town, would not create satisfactory presence on the street, would fail to enclose the street, and would not therefore provide a satisfactory landmark gateway development.
- 3.7 The applicant argued that the proposed layout was the only one which would allow the store to continue trading during the course of the construction works and this argument was accepted. It was agreed that to compensate for the alternative position of the store, an artwork feature would be provided at the roundabout as a focal feature, and would also form the pedestrian entrance to the site and could incorporate the information panels that relate the story of Nantwich from the present store.
- 3.8 Consequently, the resolution to approve was subject to completion of Section 106 Agreement making a number of provisions, including, inter alia:

Prior to any development commencing on site:

- a scheme of Public Art to be located in the area identified on Site Plan ARCH / 2004-030/P12/C to be prepared and agreed by the Local Planning Authority
- The agreement of the scheme to take into account the views of Stakeholders through a consultation exercise, the scope of which is to be agreed with the Local Planning Authority

Prior to the first occupation of the site

- The agreed scheme of Public Art is to be commissioned and a delivery programme agreed with the Local Planning

4.0 Proposals

- 4.1 Since those resolutions were made discussions have been on-going with the applicants and their agents in respect of the detail of the agreement and a matter has arisen which requires consideration by the Board, namely, the issue of the timing in respect of provision of the public art.

- 4.2 Sainsbury's remains committed to developing an art feature on this site. However, they are concerned that the process for proper stakeholder consultation and agreement to the scheme will inevitably result in some delay to the programmed start on site; which is mid April, in order to achieve the target date for opening before Christmas.
- 4.3 Consequently, Sainsbury's wish to amend the timescale for submission and agreement of the art scheme from "prior to commencement of development" to "prior to the opening of the replacement store". The knock-on effect is that the timescale for delivery of the artwork scheme would also need to be changed from "prior to the first occupation of the site" to "in accordance with a timescale to be set out within the agreed scheme of public art."
- 4.4 It is considered that the requested amendments will not prejudice the delivery of the public art feature but will provide additional time to ensure appropriate public consultation in respect of the treatment of this important gateway site.

5.0 Conclusion

- 5.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

6.0 Recommendation

- 6.1 That the Board resolve to amend the previous resolution in respect of application P09/0126 to read

Prior to the first occupation of the site

- a scheme of Public Art to be located in the area identified on Site Plan ARCH / 2004-030/P12/E to be prepared and agreed by the Local Planning Authority
- The agreement of the scheme to take into account the views of Stakeholders through a consultation exercise, the scope of which is to be agreed with the Local Planning Authority

The Public Art is to be commissioned and delivered on site In accordance with a timescale to be set out within the agreed scheme

7.0 Financial Implications

- 7.1 There are no financial implications.

8.0 Legal Implications

- 8.1 The Borough Solicitor has been consulted on the proposals and raised no objections

9.0 Risk Assessment

9.1 There are no risks associated with this decision.

10.0 Reasons for Recommendation

10.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion whilst ensuring that adequate consultation takes place in respect of the public art scheme.

For further information:

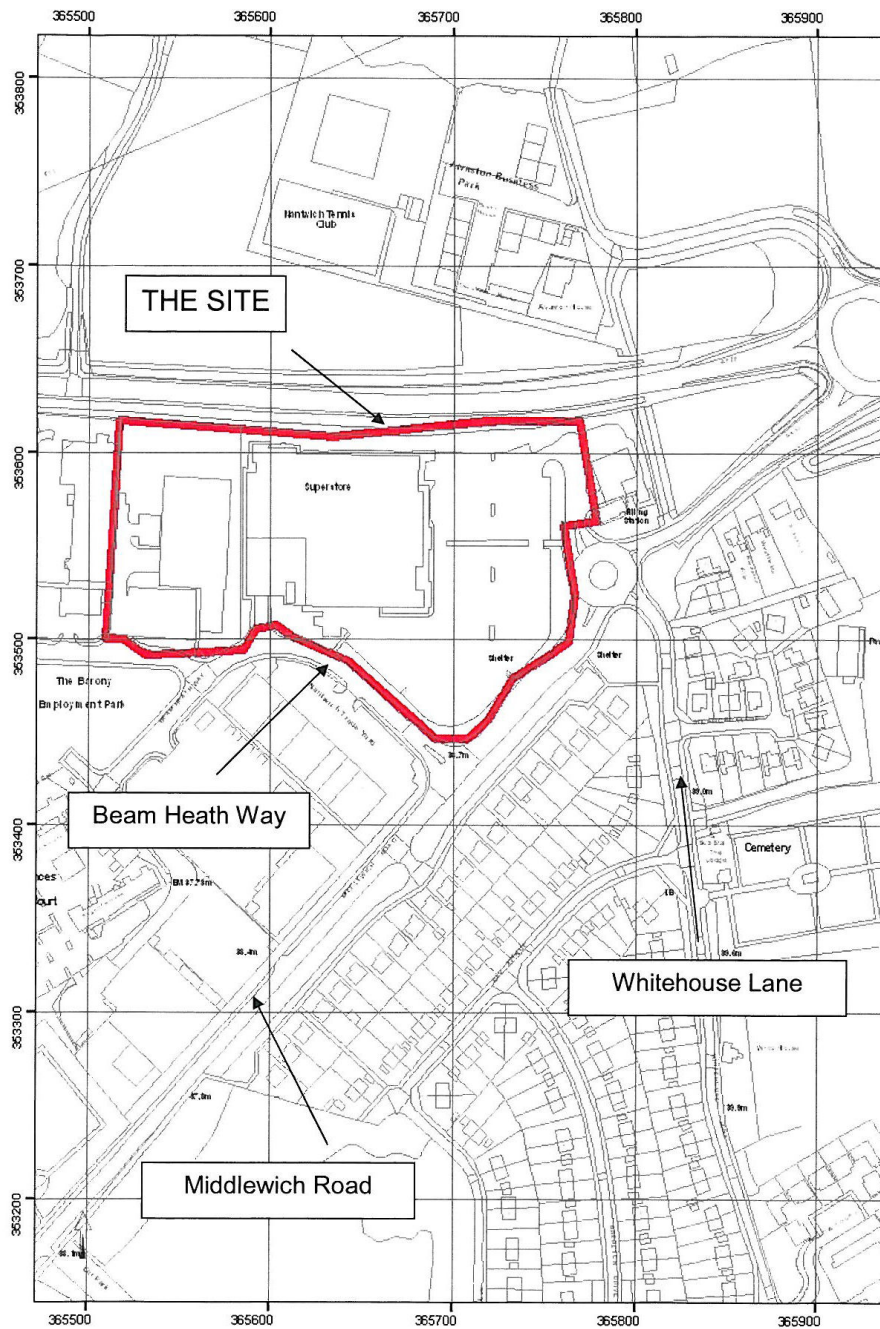
Portfolio Holder: Councillor Jamie Macrae
Officer: Ben Haywood – Principal Planning Officer
Tel No: 01270 537089
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

- *Application P09/0126*

Location Plan:

Due to the scale of the plan some of the details may not be clear. All plans for the application can be viewed on the council's website under Viewing Planning Applications.



P09/0126 – Sainsbury's Store Middlewich Road and Fairway Beam Heath Way Nantwich
 N.G.R.; - 365.709 353.502

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Not to Scale



CHESHIRE EAST COUNCIL

REPORT TO: Strategic Planning Board

Date of Meeting: 24 March 2010
Report of: Caroline Simpson, Head of Regeneration
Subject/Title: Manchester Airport Section 106 Agreement Annual Report

1.0 Report Summary

- 1.1 This report summarises the annual report prepared by Manchester Airport on the obligations set out in the existing Section 106 Agreement between the airport and Cheshire East Council. The Agreement is related to the planning permission granted for the development of the airport's second runway. The full annual report (attached in Appendix 1) assesses all obligations against data gathered for 2008 relating to namely the community, aircraft noise, track keeping, public transport and environmental works. The purpose of this report is to allow members to acknowledge that the obligations are being met and continue to fulfil the requirements of the Agreement by accepting this report. This report also outlines the scope of the Agreement. This will inform members when considering the continuation of the Agreement's objectives beyond 2011.
- 1.2 The annual report shows that all the obligations continue to be met and in most instances this is achieved comfortably. It also outlines some of the measures implemented by the Airport to ensure compliance and provide further improvements.

2.0 Recommendation

- 2.1 Receive comments on the fifteenth annual monitoring report on the Section 106 Agreement
- 2.2 approve that Manchester Airport be informed that the Council:
- accepts the findings set out in the monitoring report and the measures taken by the Airport to implement the Agreement;
 - continues to support the good working relationship with the Airport Company and hopes that this will continue in the implementation of the Agreement and in the discussions around other issues affecting the Airport and Cheshire East;
 - wishes to maintain the scope of the Agreement beyond 2011 as part of our on-going discussions towards establishing a new legal framework between the Council and the Airport.

3.0 Reasons for Recommendations

- 3.1 To fulfil the requirements of the Section 106 Agreement.

- 3.2 To confirm the commitment of Cheshire East to the Agreement and its wish to maintain its scope beyond 2011.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications including - Climate change - Health

- 6.1 The aim of the Agreement is to ensure that aspects of the environmental quality in the airport vicinity do not deteriorate as a result of its flight movements. This is in line with Cheshire East Council's policies on sustainable development.

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

- 7.1 N/A

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

- 8.1 N/A

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 The monitoring report is required under the terms of the Section 106 Agreement.

10.0 Risk Management

- 10.1 Failure to acknowledge this report would mean that the requirements of the Section 106 Agreement have not been fulfilled.

11 Background and Options

- 11.1 This annual report is the fifteenth related to the monitoring of the Section 106 Agreement originally between the former Cheshire County Council and Manchester Airport as part of the planning permission granted for the construction of the second runway. Since local government reorganisation in 2009 Cheshire East Council has become the responsible local authority.
- 11.2 The Agreement, which dates from 1994, constitutes an agreed environmental mitigation package associated with the development of the second runway. This Agreement runs out in 2011 but contains a provision whereby the parties to the Agreement are required to undertake

negotiations with a view to agreement upon alteration of the obligations so that the existing Agreement is as far as possible maintained in scope. Discussions towards this end have commenced, the progress and outcome of which will be reported to Members.

- 11.3 A detailed account of progress on current obligations is attached as Appendix 1 and a performance table on baseline numerical data is contained in Appendix 2.
- 11.4 The S106 Monitoring Report Review has also been presented to the Technical Advisory Group of Manchester Airport's Consultative Committee in September for their consideration. Background information, including the Appendices referred to in Appendix 1 to this report, is available in Members' Rooms. This includes the following publications provided by the Airport; Sound Insulation Grant Scheme Brochure, Manchester Airport Community Trust Fund Brochure, Photographs of successful Community Trust Fund applicants, Vortex Scheme Brochure, Map of the Noise Monitoring Terminals, Mantis Bulletins for 2008, Fees and Charges Booklet, Night Noise Policy, Environment Plan, Manchester Airport Attendance Scheme, Examples of Enews, Runway 2 Trail Map.
- 11.5 The purpose of this covering report is to examine the progress made during 2008 on what are considered to be the key elements of the S106 Agreement.

COMMUNITY OBLIGATIONS

- 11.6 Obligation A1 requires the Airport Company to operate a Sound Insulation Grant Scheme (SIGS) that will be reviewed annually. During 2008 the contractor fell into administration and this severely restricted the work with only 13 properties having insulation work completed. A new contractor has since been appointed.
- 11.7 Obligation A2 requires the Airport Company to set up a Community Trust Fund with an annual budget of £100,000 plus all income from noise penalties. The Trust Fund is a registered charity administered by the airport to allocate funds to projects that would benefit the community as a whole. During its twelve years of operation the Trust Fund has given over £2.3 million to the community of which over £547,000 has been spent on projects in Cheshire. During 2008 projects supported in Cheshire East included the Cheshire Water Activities Committee, Holmes Chapel First Responders and Marthall, Ollerton and Little Warford Village Hall.

NOISE CONTROL AND NIGHT FLYING

- 11.8 The Section 106 Agreement provides that the noise impact of the Airport's operations shall be no worse than that measured in 1992. For daytime operations this is determined by the average noise level of the noisiest 10% of movements and the area of the specified daytime noise contour. For night flying the specified targets are the average noise level of the noisiest 100 movements and the night-time noise contour.

- 11.9 During 2008 the noisiest 10% of movements level fell by a further 1dB(A) on the previous year and the daytime noise contour area was reduced by a further 1.8 square kilometres on the 2007 figure. Both indices are well below the 1992 baseline figures.
- 11.10 Similarly, the night flying indices were well below the obligatory 1992 levels although the average night time levels for the noisiest movements had increased slightly on the previous year's figure. This has been attributed to the contribution of one particular aircraft in June 2008 and increased flights to and from football matches in May 2008. However, the night time noise contour area decreased by 0.8 square kilometres from the 2007 number.
- 11.11 The Section 106 Agreement includes a requirement for an independent audit of the noise impacts of the operations and to suggest improvements where possible. The 2008 report also looked at the potential noise impacts of Precise Area Navigation. It concluded that it would improve track-keeping, could concentrate noise over smaller areas and in some situations be used to control ground level noise.
- 11.12 The contractors Bureau Veritas have been appointed to carry out the 2009 audit which will include a detailed study of other European airport's noise related charges.

TRACK KEEPING

- 11.13 Obligation B4 encourages the Airport to meet targets of a maximum of 5% of Non-Standard Departures (NSDs) and 5% of Standard Instrument Departures (SIDs) off track by 1998 (i.e. unauthorised track deviations). The Obligation in respect of NSDs continued to be met with 1.3% of all departures being non standard (equal to previous year). In 2008 a new low figure of 1.4% of departures were recorded as unauthorised track deviations, and it is particularly pleasing to note that none of these were classified as extreme deviations for the first time.

PUBLIC TRANSPORT

- 11.14 All Obligations continue to be met. The third rail platform has opened. Following the rejection of the Greater Manchester Transport Innovation Fund proposals, further consideration is required towards the long-term public transport network surrounding the airport. A review of the Airport Ground Transport Plan is proposed.

ENVIRONMENTAL WORKS

- 11.15 Ponds: Great Crested Newts have been recorded in more ponds (70) than at any time since monitoring began. Other amphibian pond numbers have decreased slightly and this is thought to be attributable to low spring rainfalls in 2008. Negotiations with the landowner continue to try to enable

the creation of the three remaining ponds. Botanical species diversity has increased at the new ponds.

- 11.16 Other protected species: Numbers of bats and badgers have remained fairly constant. The report includes details from the 3 “bat barns” constructed as part of the mitigation requirements, 87 bat boxes and an artificial sett.
- 11.17 The Landscape and Habitat Management Plan will be extended from 2011 until 2030. It is monitored by a Steering group, facilitated by an Officer technical group, and has had a significant effect in the close working arrangements with Manchester Airport plc since the second runway was completed.

CONSULTATIVE COMMITTEE COMMENTS

- 11.18 We were asked to be reminded that any funds not used in the Community Trust Fund’s annual budget should be carried over to the following year. It was also believed that the Cheshire East area does not benefit proportionately from this fund in terms of funds allocated to date. It was felt that this was particularly noticeable given the relative impact of the 2nd runway in Cheshire East in comparison to other surrounding areas.

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:

Name: Conal Kearney

Designation: Principal Regeneration Officer (Environmental Protection)

Tel No: 01270 686009

Email: Conal.Kearney@cheshireeast.gov.uk

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