

Southern Planning Committee

Agenda

Date:	Wednesday, 27th April, 2011
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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 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 pre-determined any item on the agenda.

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

To approve the minutes of the meeting held on 6 April 2011.

4. Public Speaking

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individual groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/0748C Land adjacent to 5 Middlewich Road, Cranage: Reserved Matters Application for Approved Application 07/0662/OUT - Ten Dwelling Houses for Cranage Parish Council** (Pages 7 - 16)

To consider the above planning application.

6. **11/0752N Land at Junction of Brook Street and Edleston Road, Crewe: 17.5 metre high joint operator street furniture type telecommunications tower, 1 No equipment cabinet, 1 No metre cabinet and all ancillary development for O2 and Vodafone C/O WFS Telecom** (Pages 17 - 22)

To consider the above planning application.

7. **11/1151N Land in front of 613, Crewe Road, Wistaston: 14.8m High Joint Operator Street Furniture Type Telecommunications Tower, 1No. Equipment Cabinet and 1No. Meter Pillar for O2/Vodafone** (Pages 23 - 30)

To consider the above planning application.

8. **11/0017N Former Grounds Maintenance Depot off Dane Bank Avenue, Crewe: 8 two storey detached dwellings, 2 two storey semi-detached dwellings and 2 three storey semi-detached dwellings for Chelford Homes** (Pages 31 - 44)

To consider the above planning application.

9. **11/0471C Tall Ash Farm, Buxton Road, Congleton, CW12 2DY: The construction of 20 new build affordable houses and new access road for Plus Dane Group** (Pages 45 - 56)

To consider the above planning application.

10. **11/0506N Crowton Farm, Winsford Road, Cholmondeston, CW7 4DR: The Erection of Poultry House and Feed Hopper with Hardstanding for Mr I Hocknell, Delphic Haulage** (Pages 57 - 64)

To consider the above planning application.

11. **11/0548N Drome Farm Wardle Industrial Estate, Green Lane, Wardle: Industrial New Build Development Consisting of 6 Units Together with Infrastructure, Ancillary Works and New Agricultural Access Track. The Industrial Units Consist of Two 8000sq ft Units, Two 3000sq ft Units and Two 2775sq ft Units for Mr P Posnett** (Pages 65 - 74)

To consider the above planning application.

12. **11/0551C Saxon Cross Motel, Holmes Chapel Road, Sandbach, CW11 1SE: Demolition of existing hotel on the site, change of use from a category C1 development to a mixed use of category B1 and B2. Construction of a single storey office building a small security building and warehouse building, new hard landscaping associated with the proposed development including relocation of vehicular access for Bolshaw Industrial Powders** (Pages 75 - 84)

To consider the above planning application.

13. **08/0492/OUT Fine Art, Victoria Mills, Holmes Chapel** (Pages 85 - 104)

To consider a request to refuse the above application if the Section 106 Agreement is not signed by 27 April.

14. **10/0741C 19-23 Lawton Road, Alsager** (Pages 105 - 134)

To consider proposed amendments to the conditions and Section 106 Agreement Heads of Terms in relation to the above scheme, which was approved on 19 May 2010.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 6th April, 2011 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor L Gilbert (Vice-Chairman)

Councillors W T Beard, D Bebbington, W S Davies, S Furlong, J Jones,
A Kolker, R Walker, M J Weatherill and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rhoda Bailey and M Hollins

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
David Malcolm (Southern Area Manager – Development Management)

Apologies

Councillors B H Dykes, E Howell and S McGrory

188 DECLARATIONS OF INTEREST

Councillor A Kolker declared that in being a member of Mill Lane Action Group he had expressed an opinion and therefore fettered his discretion with respect to application number 11/0474C. Councillor Kolker exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Councillor G Merry declared a personal interest in respect of application numbers 11/0119C and 11/0475C on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor S Davies declared that he had attended a public meeting in Wrenbury at which application number 11/0041N had been discussed, but that he had not taken part in the discussion and had not expressed a view.

189 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 16 March 2011 be approved as a correct record and signed by the Chairman.

190 **11/0474C BARNSHAW BANK FARM, MILL LANE, GOOSTREY CW4 8PW: CONVERSION OF EXISTING AGRICULTURAL BUILDING TO FORM 2NO PRIVATE DWELLINGS FOR MR J ASHBROOK**

Note: Having declared his membership of Mill Lane Action Group, Councillor A Kolker exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Note: Councillor M Nicholls (on behalf of Goostrey Parish Council), Mrs C McCubbin (on behalf of Mill Lane Action Group) and Mr J Ashall (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral report of the site inspection and an oral update by the Principal Planning Officer.

RESOLVED – That, contrary to the planning officer's recommendation for refusal, the application be APPROVED subject to the following conditions:

1. The development hereby approved shall commence within three years of the date of this permission.
2. In accordance with plans.
3. This permission relates only to the conversion of the barn indicated on the drawings hereby approved. It does not grant or convey any consent or permission for any works of demolition, reconstruction, construction or alteration affecting the external appearance of the building, except where such works are indicated in the submitted plans/structural report or are otherwise first approved in writing by the Local Planning Authority.
4. Prior to commencement of development, all external materials to be submitted and approved.
5. The material and colour of all rainwater goods shall be cast iron, painted black unless otherwise agreed in writing. The rainwater goods shall be retained thereafter.
6. All fenestration shall be set behind a reveal of 100mm unless otherwise agreed in writing.
7. All windows and doors in the external elevations of the proposed development shall be fabricated in timber and shall be retained in such a form thereafter. The windows and doors shall be painted in a colour, details of which shall be first approved in writing by the Local Planning Authority and retained thereafter.

8. The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.
9. Prior to the commencement of development:
 - (a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (b) Should the Phase I report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority.
 - (c) Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted to, and approved in writing, by the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall then be carried out.
 - (d) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use or occupation of any part of the development hereby approved.
10. Prior to the commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment.), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.
11. The approved landscaping plan shall be completed in accordance with the following:
 - (a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - (b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

- (c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005 Trees in Relation to Construction: Recommendations.
 - (d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
12. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwellings are first occupied. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A-G of Part 1 Schedule 2, Class A of Part 2 Schedule 2, or Class A, B, or E of Part 40 Schedule 2 of the Order shall be carried out.
14. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats. Such proposals to be agreed by the Local Planning Authority. The proposals shall be permanently installed in accordance with approved details.

The Committee was of the opinion that sufficient marketing information had been submitted with the application to demonstrate that every reasonable attempt had been made to secure suitable business re-use of the site. In addition, the proposal demonstrated that the location and the character of the site were such that residential use was the only appropriate use. The proposal was therefore in accordance with Planning Policy BH16 of the adopted Congleton Borough Local Plan First Review 2005.

191 **11/0041N LAND OFF NEW ROAD, WRENBURY: DEVELOPMENT OF 14 TWO-STOREY AFFORDABLE DWELLINGS FOR MR A GARNETT, MCINERNEY HOMES**

Note: Councillor M Hollins (Ward Councillor), Mr O Lowe (objector), Mr J Pound (supporter) and Mr D Whitney (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral report of the site inspection and an oral update by the Principal Planning Officer.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

In the opinion of the Local Planning Authority the applicant has failed to demonstrate that there is a proven need for the development given that there are other brownfield sites available in the locality that could provide for affordable housing requirements within the area. The site is also considered to be unsustainable because it does not adjoin the settlement boundary, has poor footpath links to the village centre, is a greenfield site and its development would prejudice the redevelopment of brownfield sites within the area for affordable housing. The proposal is therefore contrary to Policy RES.8 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

192 **11/0119C 11- 13, HIGHTOWN, SANDBACH CW11 1AD: NEW FULL GLAZED ENTRANCE TO NEW SHOPFRONT; NEW SLIDING PANELLED SHOPFRONT TO FOLD BACK TO ONE SECTION FOR COSTA COFFEE**

Note: Councillor Rhoda Bailey (Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Specification of window design / style

193 **11/0475C 11- 13, HIGHTOWN, SANDBACH CW11 1AD: CHANGE OF USE OF ONE PART OF THE EXISTING GROUND FLOOR UNIT FROM RETAIL (A1) TO A MIXED USE COFFEE SHOP (A1/A3) FOR COSTA LTD**

Note: Miss E Turner (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor Rhoda Bailey (Ward Councillor) had registered her intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Development in accord with approved plans
2. Commencement of development (3 years)
3. Business hours (including Sundays)
4. Scheme of acoustic enclosures

194 **APPEAL SUMMARIES**

The Committee considered a summary of appeal decisions.

RESOLVED - That the appeal summaries be noted.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor G Merry (Chairman)

Planning Reference No:	11/0748C
Application Address:	Land adjacent to 5 Middlewich Road, Cranage
Proposal:	Reserved Matters Application for Approved Application 07/0662/OUT - Ten Dwelling Houses
Applicant:	Cranage Parish Council
Application Type:	Reserved matters application
Ward:	Cranage
Earliest Determination Date:	28 th April 2011
Expiry Dated:	24 th May 2011
Date Report Prepared:	11 th April 2011
Constraints:	Jodrell Bank Consultation Zone Area of Special Control for Advertisements

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

The key issues that Members should consider in determining this application are:

- a. Principle of development
- b. Housing land supply
- c. Affordable housing
- d. Design and visual impact
- e. Landscaping
- f. Public Open Space provision
- g. Amenity
- h. Highway safety

REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a small-scale major development.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a 0.5 hectare parcel of land located at the junction of Middlewich Road and Knutsford Road in Cranage. The site lies entirely within the Open Countryside and is in the freehold ownership of Cranage Parish Council.

This is a rural site currently used for grazing and is highly prominent within the surrounding area. The site is bound to the west by residential properties, the north and south by Open Countryside, and the east by Knutsford Road followed by several residential properties.

The site is currently accessed from an agricultural access from Middlewich Road and boundaries consist of traditional Cheshire railings and substantial trees and hedges.

DETAILS OF PROPOSAL

A reserved matters application is made for the construction of ten affordable dwellings. The reserved matters for which approval is sought includes access, appearance, landscaping, layout, and scale.

RELEVANT HISTORY

Approved 16.10.2007 (07/0662/OUT)	Outline application for ten dwelling houses
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Withdrawn (10/4189C) 04.01.2011	Reserved Matters Application for Approved Application 07/0662/OUT - Ten Dwelling Houses
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POLICIES

National Policy

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS7 Rural Development
PPG13 Transport
PPS23 Land Contamination
PPG25 Development and Flood Risk

Regional Spatial Strategies

DP4 Make best use of resources and infrastructure
DP5 Managing travel demand
DP7 Promote environmental quality
DP9 Reduce emissions and adapt to climate change
RDF1 Spatial Priorities
L4 Regional Housing Provision
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 Decentralised Energy Supply
MCR3 Southern Part of the Manchester City Region

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Developments of More than 10 Dwellings
GR4 Landscaping
GR6&7 Amenity & Health
GR9 Accessibility, servicing and parking provision
GR10 Managing Travel Needs
GR16 Footpath, Bridleway , and Cycle Networks
GR18 Traffic Generation

GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention
GR22 Open Space Provision
H1 & H2 Provision of New Housing Development
H6 Residential Development in the Open Countryside and Green Belt
H14 Affordable and Low Cost Housing
NR1 Trees & Woodland
NR2 Wildlife & Nature Conservation
SPG1 Provision of Public Open Space in New Residential Developments
SPG2 Provision of Private Open Space in New Residential Developments
SPD4 Sustainable Development
SPD6 Affordable Housing and Mixed Communities

Other Material Considerations

Circulars of most relevance include:

ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation includes:

The EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

Design compendiums include 'By Design' and Manual for Streets'

CONSULTATIONS (External to Planning)

Highways:

No response was received at the time of report preparation however, Members will be provided with updated comments.

Public Rights of Way Team:

No response was received at the time of report preparation however, Members will be provided with updated comments.

Green Space Service:

No response was received at the time of report preparation however; previous comments received for the last withdrawn application (10/4189C) are as follows:

[15.12.2010] Based on the submitted information, there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

Amenity Greenspace

The identified areas of Open Space are actually an over provision, but is welcomed.

The POS located to the North West (POS 1) of the site, would be a good location although not ideal for a small LEAP play provision with a standard play area site being a minimum of 400m².

The other location (POS 2) that is been proposed, is not ideal being adjacent to both main roads of Middlewich/Knutsford Road and also adjacent to the main inlet road to the development.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

If a small Local Equipped Area for Play (LEAP) is provided located on the POS 1 area within the development, having at least 3 items of equipment (including a multi-unit) for the 6 and under age range. A ballpark estimate would be in the region of

*New Provision: £51,000
Maintenance: £51,044 (25 years)*

Whilst Green Spaces acknowledge that this would be the requirement following guidelines and policy, it also recognises the provision of this facility may make the development economically unviable, however this would be a planning decision.

Jodrell Bank:

No response was received at the time of report preparation however, Members will be provided with updated comments.

Ramblers Association:

No response was received at the time of report preparation however, Members will be provided with updated comments.

United Utilities:

No response was received at the time of report preparation however, Members will be provided with updated comments.

Environmental Health:

No response was received at the time of report preparation however, Members will be provided with updated comments.

VIEWS OF THE PARISH COUNCIL

No response was received at the time of report preparation however, it is noted that Cranage Parish Council is the applicant of the proposed development.

OTHER REPRESENTATIONS

No other representations were received at the time of report preparation.

APPLICANTS SUPPORTING INFORMATION

Design and access statement

OFFICER APPRAISAL

Principle of Development

The principle of ten affordable dwellings on this site has already been agreed and approved at outline stage within application 07/0662/OUT on 16.10.2007.

The principle of the development is therefore acceptable subject to the proposal complying with other relevant policies of the Local Plan.

Affordable housing

The application is for the provision of 100% affordable housing. This has been agreed at the outline stage in 2007.

A condition was attached to the outline consent requiring the completion of a Section 106 agreement relating to affordable housing. As outline and reserved matters applications are read in conjunction, there is no need to replicate such condition.

Design and visual impact

The site is highly prominent due to its corner location and as such any new development will need to take into account the visual prominence and sensitivity of the site.

In purely vernacular terms the design and scale of the proposed dwellings are considered to be acceptable as the proposed dwellings are attractive, well designed properties which would reflect aspects of other dwellings in the nearby vicinity.

The opportunity has been taken to improve the design of the side elevation of plot 10 which faces onto Knutsford Road as the side flank elevation has been broken up with windows and render detailing.

With regard to the overall layout of the site, the positioning of the dwellings in a linear row of two and threes is accepted and the scheme has now been amended so that the site only has pedestrian access to the front with vehicular access to the rear of the site. Such would result in an attractive grassed/paved frontage which is considered to be appropriate for this prominent rural site.

The submitted plans indicate that the boundaries to the north and east of the site would consist of Cheshire railings which are appropriate for this rural location. It is indicated that a new timber fence would be erected upon the western boundary of the site however, such subject to the use of appropriate fencing would not appear inappropriate given that it would be located between the existing and proposed residential development.

The visual impact of the proposed public Open Space will be discussed further on in this report.

Landscaping

The northern boundary of the site is delineated by a mature mixed species hedge with two mature Oak trees. To the west adjoining 5 Middlewich Road there is a length of hedge at the southern end and a length of close-boarded fence. To the east there is a short section of hedge at the northern end and the remainder is Cheshire Railing which continues round the corner to Middlewich Road. To the south the Cheshire railings on the corner adjoin a line of trees and bramble with a short remnant of hedge.

Although landscaping forms part of the reserved matters application, the level of detail provided is insufficient. It is therefore considered reasonable to secure landscaping of the site by condition.

In order to secure the long term retention of existing trees and hedges on the site, conditions relating to tree/hedge protection and no-dig construction are also considered reasonable.

Public Open Space provision

The Green Space service has identified that there would be a deficiency in the quantity of provision of Open Space proposed and has recommended that a sum of money is secured for LEAP provision.

However, given that neither the provision of Open Space or LEAPs within the development was not acknowledged within the original outline approval in 2007 nor was it secured by either condition or Section 106 Agreement, it would be wholly unreasonable at this reserved matters stage to expect the significant additional requirements suggested by the Green Space Service to be provided. This deficiency is therefore not considered to be a reason for which the application could be refused.

It is acknowledged that the applicant has still provided open space regardless of this lack of control at the earlier outline stage and as such it is reasonable to consider how the proposed open space areas would be provided and maintained. It is considered that the acquisition and future maintenance of open space could be reasonably achieved within this application as although not covered at outline stage, new limited restrictions at reserved matter stage can be acceptable providing that such do not materially derogate from, alter the nature of, or otherwise nullify the principle of outline permission granted.

Given that it is within the scope of the outline framework to restrict layout to the details as now submitted for approval via reserved matters, it is considered that it will be reasonable and will not materially derogate from the principle of the outline approval to require that open space is laid out and landscaped and require that such areas to be used for no other purpose via condition. It would not be reasonable and would represent as substantial additional requirements should there be transfer of the Open Space to the Local Authority as there

was no indication within the 2007 outline approval that such was ever considered.

With regard to future maintenance of the open space, this could be reasonably secured via an annual maintenance scheme condition to secure the future residential and visual amenity of the area. It would be expected for any future maintenance to be undertaken by future residents however, this would not represent any significant burden as it would not be significantly different to the typical schedules of the Local Authorities grass maintenance crew and would be a reasonable responsibility.

With regard to the quality and layout of the proposed Open Space, It is acknowledged that two areas of Open Space are proposed. One area is located to the North West of the site. The Green Space service identifies that such would be a good location for Open Space provision and it is noted that there would be a small level of natural surveillance over such area.

The other location of Open Space within the development is located adjacent to Middlewich Road and would lie to the front of the proposed dwellings. Whilst there is typically a preference for Open Space to be centrally located within new development and for such not to adjoin main roads, the site is limited in its options for provisions of open space as it is relatively small in scale. In addition, it is considered that open space in this location would have good natural surveillance and would provide an attractive setting to the properties.

On balance, the scheme for Open space provision is considered acceptable.

Amenity

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances as advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east or west.

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Highway safety

Vehicular access would be provided to the site off Middlewich Road via a new road running along the west of the site, providing access to the rear of the site where parking is located. No response has been received at the time of report preparation however, Members will be provided with the Strategic Highways Manager comments via an update.

Other

Renewable energy

It is noted that Regional Planning Policy aims to encourage the use of decentralised and renewable or low carbon energy in new development. Policy highlights that all residential development comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources unless it can be demonstrated by the applicant, having regard to the type of development and its design that this is not feasible.

However, it is not considered that it would be reasonable to request this from the proposed development given that renewables were not conditioned or otherwise controlled within the outline stage of the approval.

Public Right of Way

No response has been received from the Public Rights of Way unit however; it does not appear that the existing bridleway would be blocked by the proposed development.

CONCLUSIONS

The principle of the development is acceptable, as is the proposals impact in terms of design, amenity, landscaping, and public open space provision. Providing that there is no objection from the Strategic Highways Manager in any update to be provided to Members, the application is recommended for approval subject to the following conditions: -

RECOMMENDATION

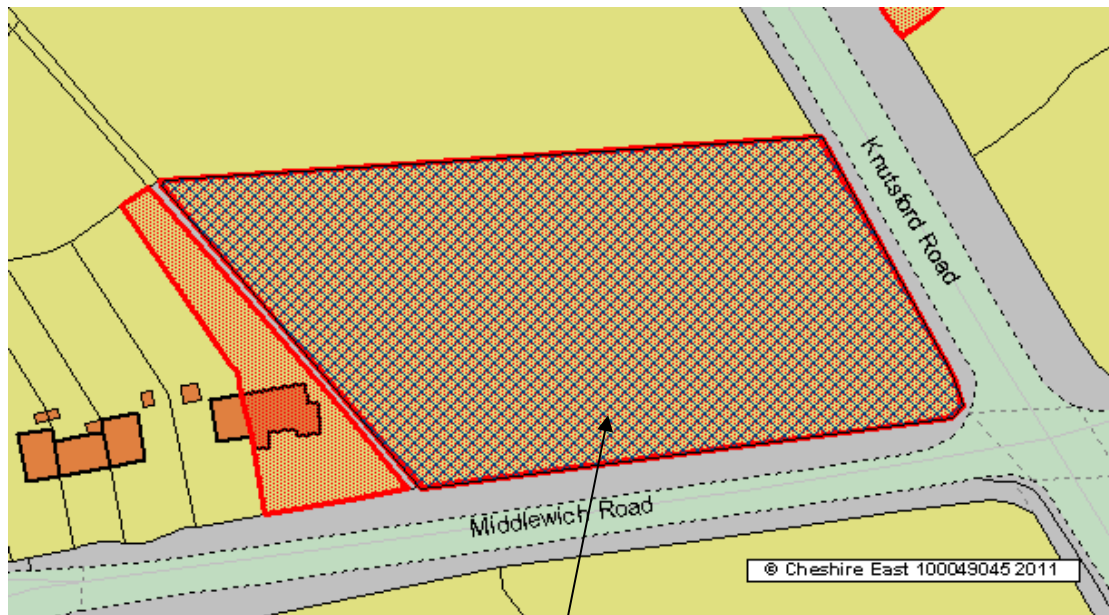
Request that the application is delegated to the Head of Planning and Housing for determination subject to additional consultation responses not raising any significant additional issues of concern.

Approve subject to the following conditions:

1. In accordance with submitted plans
2. All fenestration shall be set behind a reveal of 50mm unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the submitted details, Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.
4. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of

the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

5.
 - (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
 - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
6. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for no-dig construction techniques and permeable surfaces within the rooting area of the Oak tree to the north east of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the tree. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Class F of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.



The Site

Planning Reference No:	11/0752N
Application Address:	Land at Junction of Brook Street and Edleston Road, Crewe
Proposal:	17.5 metre high joint operator street furniture type telecommunications tower, 1 No equipment cabinet, 1 No metre cabinet and all ancillary development
Applicant:	O2 and Vodafone C/O WFS Telecom
Application Type:	Full planning
Ward:	Crewe
Earliest Determination Date:	27 th April 2011
Expiry Dated:	15th April 2011
Date Report Prepared:	12 th April 2011
Constraints:	None

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES:

The key issues that Members should consider in determining this application are:

- a. Principle of development
- b. Design, Siting, and External Appearance
- c. Alternative Sites
- d. Health and Safety Considerations and Neighbouring Amenity
- e. Highway Safety

REASON FOR REFERRAL

Councillor Dorothy Fleud has called the application into Planning Committee for determination for the following reason:

‘That the mast would over dominate the surrounding residential properties in the area.’

DESCRIPTION OF SITE AND CONTEXT

This application relates to an area of land at the junction of Edleston Road and Brook Street, Crewe. The proposal would be sited upon the pavement, parallel with its rear edge. Residential properties lie to the east south and west of the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a 17.5 metre high telecommunications tower and an equipment and metre cabinet.

The proposal would allow for a sharable O2/Vodafone 3G solution to be achieved through the use of a slim line street furniture type tower incorporating 6No. antennas within a GRP shroud.

RELEVANT HISTORY

There is no relevant planning history for this site.

POLICIES

Relevant National Planning Legislation

PPG8: Telecommunications

Local Plan Policy

BE. 1 Amenity

BE. 2 Design Standards

BE. 3 Access and Parking

NE. 18 Telecommunications Development

CONSULTATIONS (External to Planning)

Highways:

No response was received at the time of report preparation however; Members will be informed of any response received via an update.

Environmental Health:

No response was received at the time of report preparation however; Members will be informed of any response received via an update.

OTHER REPRESENTATIONS

No other representations were received at the time of report preparation.

APPLICANTS SUPPORTING INFORMATION

- ICNIRP Declaration
- Site specific supplementary information
- General Background information on Radio Network Development for Planning Applications
- Design and access statement
- Discounted site information. Alternative sites have been discounted for the following reasons: presence of mature trees, would not address coverage deficit, site owner hindrance, limited space for ground structures, impact upon aesthetics, overlooked by larger number of residential properties, no benefit of significant backdrop, nature of rooftop could not accommodate development, limited pavement widths.

OFFICER APPRAISAL

Principle of Development

Development is acceptable within the settlement zone line of towns provided that it is in keeping with the town's scale and character and does not conflict with other relevant development plan policies.

Design, Siting, and External Appearance

The proposed installation would measure an overall height of 17.5 metres incorporating 6No. 1.3 metre long antennas within a 3.8 metre shroud and would have a galvanized grey finish. The accompanying equipment and metre cabinets would measure 1840 x 440 x 1403mm and 375 x 170 x 872 respectively and have a fir green finish.

The site is located upon a pavement within a mixed-use locale. Supporting information states that the proposal would benefit from a context and backdrop of existing lighting columns, advertisement boards, mature vegetation, and other urban development, which would all aid in minimising any potential impact. Whilst such statement is acknowledged, there is significant concern with regard to the visual appearance of the proposal.

The proposal would significantly protrude above the height of such existing features; for example the heights of the existing lighting columns are approximately 5-6 metres. Whilst it is accepted that street furniture of this type may be a now commonplace infrastructure feature throughout urban/suburban environments, the masts height is considered visually unacceptable. The mast would appear unduly prominent and incongruous by virtue of its significant height and would materially harm the character and appearance of the area. It would appear visually obtrusive and would adversely affect the street scene contrary to Policy NE.18 and BE2 of the Local Plan.

It has been noted within supporting information that the proposed tower height is a direct operational requirement to allow for effective coverage to be achieved taking into account the surrounding clutter, such as trees and undulating topography. However, at the time of report preparation no coverage plots had been submitted to the Local Authority and as such it could not be established that a smaller, more appropriate mast, could not provide adequate coverage for the area.

It is noted that there is no objection to the design, siting, and external appearance of the proposed equipment and metre cabinets.

Alternative Sites

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored.

Alternative sites have been explored as part of this development and a summary of why such have been discounted has been provided in the supporting information section of this report.

On the basis of the information submitted, it is accepted that the operator has complied with guidance and explored suitable alternative sites.

Health and Safety Considerations and Neighbouring Amenity

With regard to any perceived health risks, the advice offered by the Government's advisors, the National Radiological Protection Board, is that "the balance of evidence indicates that there is no general risk to the health of people living near base stations". It is the Government's view that if a proposed development meets the ICNIRP guidelines as recommended by the Stewart Report, it should not be necessary for a planning authority to consider health effects further.

It is confirmed that the installation complies with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and that the Certificate produced by the operator takes into account the effect of the emissions from mobile phone network operators on the site. It is not considered therefore, that health considerations would form the basis of a substantial reason for refusal.

Highway Safety

The proposed development would be sited on the pavement and would reduce its width to 1.7 metres in front of the mast and equipment cabinet and 1.9 metres in front of the metre cabinet. Whilst this is below the 2 metres recommended in Manual for Streets, the Governments Inclusive Mobility guide accepts 1.5 metres as wide enough for a wheelchair and pedestrian to pass.

The guide advises that the length of the restricted width should be no more than six metres and the proposed installations would affect 4.5 metres.

Given that an inspector has previously accepted reduced pavements widths of up to 1.5 metres (DCS Number 100-070-208) it is not considered that in this instance pedestrians would be unduly inconvenienced and the development would not raise any highway safety implications.

CONCLUSIONS

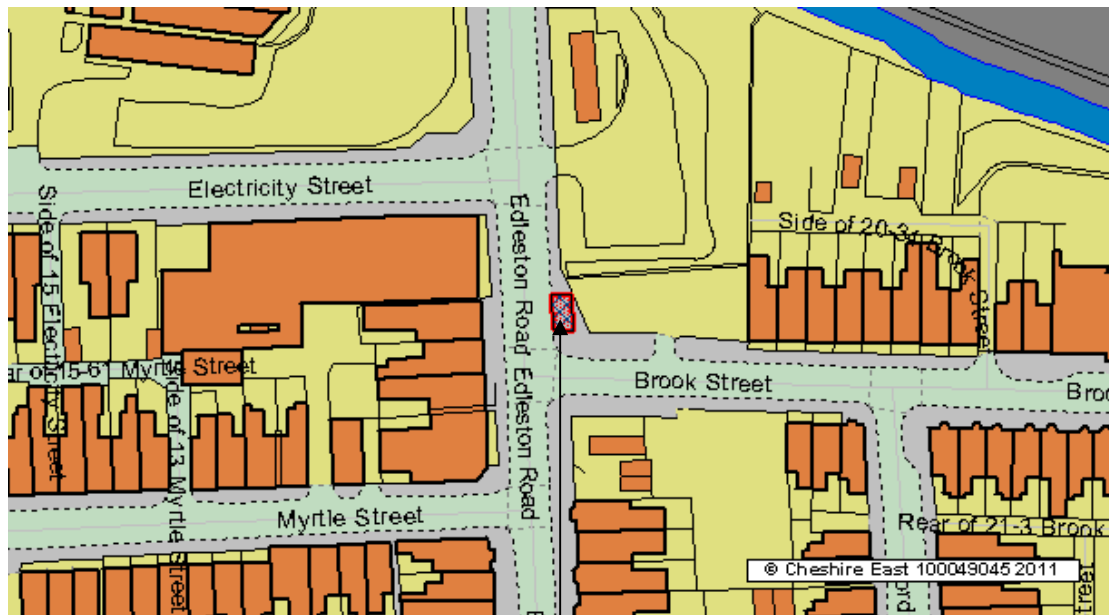
The height and siting of the proposed column would result in a demonstrable harm to the visual amenity of the surrounding area. The column by virtue of its significant height would appear highly incongruous and visually obtrusive to the detriment of the surrounding street scene contrary to policies BE.2 and NE.18 of the Local Plan.

RECOMMENDATION

Refuse for the following reason:

The proposed development by reasoning of its height, siting and design would create an alien and intrusive feature. This is a prominent location within the residential area and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies NE.18 (Telecommunications

Development), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.



The Site

Application No: 11/1151N

Location: LAND IN FRONT OF 613, CREWE ROAD, WISTASTON

Proposal: 14.8m High Joint Operator Street Furniture Type Telecommunications Tower, 1No. Equipment Cabinet and 1No. Meter Pillar

Applicant: O2/Vodafone

Expiry Date: 16-May-2011

Ward: Rope

Date Report Prepared: 12th April 2011

SUMMARY RECOMMENDATION

MAIN ISSUES

- The design, siting and external appearance
- The exploration of alternative sites
- Health & Safety considerations

SUMMARY RECOMMENDATION:

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

REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Simon and Cllr Silvester have requested it to be referred to Committee for the following reasons;

'Our reasons for call-in are primarily on the height of the mast and visual impact grounds together with concerns regarding highway safety at this location which is immediately adjacent to the shared entrance/exit for the Tesco Express, Kwikfit and Grocott's Garage site'

DESCRIPTION OF SITE AND CONTEXT

The site is located on the northern side of Crewe Road within the Crewe Settlement Boundary. The site is currently a grassed verge with a footpath between the site and the buildings to the north. This stretch of Crewe Road includes 10 metre high lighting columns. To the north of the site

are a Tesco Store, a Kwik Fit Garage and a Petrol Filling Station. The rest of the surrounding area is predominantly residential and includes a mix of house types including both single and two storey detached and semi-detached properties. The nearest residential property would be 607 Crewe Road which stands a distance of 28 metres away from the proposed installation.

DETAILS OF PROPOSAL

This is an application for prior approval for the siting and appearance of a 14.7 metre telecommunications installation with 3 antennas and 1 associated equipment cabinet. The equipment cabinet would be 0.798 metres in width, 1.898 metres in length and 1.647 metres in height.

RELEVANT HISTORY

The site has no relevant planning history

POLICIES

The relevant development plan policies are:

Policies in the Local Plan

NE.18 – Telecommunications Development

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

Government Guidance

PPG8 – Telecommunications

CONSULTATIONS (External to Planning)

Highways: No comments received at the time of writing this report

Environmental Health: No comments received at the time of writing this report

VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS:

No representations received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement and Design and Access Statement

- The proposed installation is needed to provide a 3G site sharing solution, providing additional capacity for both O2 and Vodafone

- With the rapid growth and advances in mobile telecommunications comes the need for additional infrastructure to cope with an ever increasing volume of network traffic and to provide efficiency of service that today's modern society has come to expect
- Whilst the proposed apparatus will be visible from a number of localised viewpoints it will benefit from a context and backdrop of existing lighting columns, telegraph poles, mature vegetation and other urban development all of which will help to minimise any potential impact
- The main tower element will protrude above that of existing streetscape features. However neither local or national planning policy requires that any telecommunications development should be of commensurate height to such features but rather suggests that the difference between the two be limited to a minimum operational requirement.
- Alternative sites considered and not chosen are;
 - BT Exchange, Crewe Road – Would not provide suitable coverage and no sharing rights with Vodafone
 - Tesco, Crewe Road – The company have a moratorium against telecoms operators
 - Church of Jesus Christ of the Later Day Saints, Crewe Road – Low level of the building would not provide suitable coverage
 - Spar, Rope Lane – Single storey building with fibre glass roof. Not suitable for installation.
 - Wells Green Methodist Church - Low level of the building would not provide suitable coverage.
 - Wistaston Hall, Oblate Retreat Centre, Church Lane - Would not provide suitable coverage.
 - Hyde Park Tiles, Crewe Road – Would not provide suitable coverage.
 - Streetworks along Church Lane - Would not provide suitable coverage.
 - Any development south of Crewe Road – The topography of the area falls in a southerly direction and a taller mast would be required. This location would be overlooked by residential properties and would raise a greater level of concern.
 - Street furniture along Crewe Road West - The topography of the area falls and a taller mast would be required. This location would be overlooked by residential properties and would raise a greater level of concern.
 - Street furniture along Crewe Road East - This location would be overlooked by residential properties and would raise a greater level of concern.
 - Any development north of Crewe Road – Limited pavement/verge widths and the presence of underground services would place serious limitations on any development. Those that are available offer little screening or back drop. This location would be overlooked by residential properties and would raise a greater level of concern.
 - Brookland House, Crewe Road - Would offer limited potential due to its height compared with the surrounding clutter.
 - Shell Garage, Crewe Road – The owner does not wish to enter leasing negotiations.
 - Kwik Fit, Crewe Road – Lower topography and a taller mast will be required. This is a less appropriate solution to the one proposed.

ICNIRP Declaration

This is a signed declaration that the equipment and installation has been designed to be in full accordance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection.

OFFICER APPRAISAL

Principle of Development

This is an application for prior-approval under Part 24 of the General Permitted Development Order. The Local Planning 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.

Alternative Sites

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored.

The search area is predominantly residential and it is likely that any location within this search area would be in close proximity to residential properties. The sites listed in the supporting information section of this report have already been considered and discounted, and on this basis it is accepted that the operator has complied with guidance and explored suitable alternative sites.

Siting, Design and Street Scene

The proposed installation has been designed as a slim line pole designed to mimic a lighting column. The pole and equipment cabinet would be located within the existing grass verge. The mast would be 14.8 metres in height which would make it taller than the surrounding lighting columns which are 10 metres in height.

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;

'facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has a responsibility for protecting public health. The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available'

The proposed installation at 14.8 metres in height would be taller than the existing street lighting columns in the area which are approximately 10 metres in height. The mast would mainly be viewed by vehicles and pedestrians travelling along Crewe Road and when visiting the Tesco Store, Kwik Fit and Shell Garage.

The proposed mast would sit taller than the existing telegraph poles and lighting columns in the vicinity by approximately 5 metres. However, this is not considered to be significant in this location

given that the site would be seen in relation to the adjacent commercial units and the backdrop of mature trees which are located to the rear of the commercial premises and within the front gardens of the properties along Crewe Road. It should also be noted that the land level rises to the west and the lighting columns appear taller in this direction. The proposal would successfully assimilate with existing street furniture and as a result would not appear as an alien or incongruous feature or out of scale within the locality.

Furthermore it is considered that the benefits of extending the telecommunications network in the area outweigh the limited visual impact of the proposed development upon the character and appearance of the area.

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 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 street lighting column, 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.

Highways

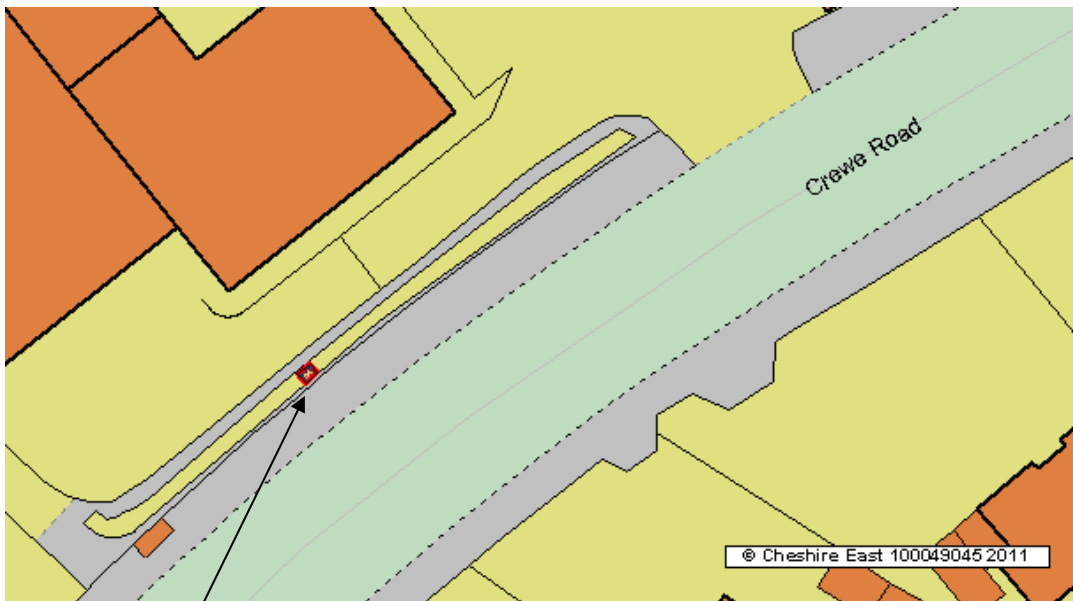
The comments of the Strategic Highways Manager have not been received at the time of this report and an update will be provided as part of the late report.

CONCLUSIONS

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 technical coverage requirements, the proximity to residential properties and also the unwillingness of site owners to allow development on their land. Accordingly 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

1. **Standard – 3 years**
2. **Monopole and antenna to be grey in colour, equipment cabinet to be green**
3. **Development to be completed in accordance with the approved plans**



The Site

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Planning Reference No:	11/0017N
Application Address:	Former Ground Maintenance Depot
Proposal:	8 two storey detached dwellings, 2 two storey semi-detached dwellings and 2 three storey semi-detached dwellings.
Applicant:	Chelford Homes
Application Type:	Full Planning
Grid Reference:	369804 354451
Ward:	Crewe West
Earliest Determination Date:	20 April 2011
Expiry Dated:	6 May 2011
Date of Officer's Site Visit:	31 March 2011
Date Report Prepared:	1 April 2011
Constraints:	Tree Preservation Order no. 184

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

- Principle of the Development
- Climate Change
- Design
- Amenity
- Trees
- Protected Species
- Highway Safety
- Contaminated Land
- Drainage

REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee as it relates to the construction of over 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 3472.3 sq. m and comprises a former grounds maintenance depot accessed off Dane Bank Avenue in Crewe. The site has been vacant since 2003 and consists of an area of existing hardstanding which is now overgrown, a former storage building which is in a state of disrepair, mature and semi-mature trees and shrubs. TPO 184 covers a number of individual trees and groups of trees on the site.

From a contextual perspective, South Cheshire College lies to the immediate north west with residential estates lying to the north east, east, south and west on the opposite side of Dane Bank Avenue.

The site lies within the settlement boundary of Crewe, outside the town centre boundary which is approximately 1.6km away.

The site is allocated as an existing housing commitment within the Local Plan under policy RES.1.

DETAILS OF PROPOSAL

This is a full application for the construction of 12 dwellings on the site with associated car parking, access, landscaping and a detached triple garage block. The layout of the buildings would be 'U' shaped around the 'Y' shaped cul de sac head. The dwellings would comprise a mix of two and three storeys and detached and semi-detached dwellings.

In terms of landscaping, a group of trees to the immediate north of the proposed access point are to be removed. These include the mature oak tree in the centre of the site (not subject to the Tree Preservation Order) and a tree between the front of the application site and the footprint of the dwelling sited on plot 12. Trees which would be within the rear garden areas of plots 10 and 11 would also be removed.

The access point would be taken from Dane Bank Avenue, bounded by arched top railings on either side and bounding the front of the site. 14 surface car parking spaces are to be provided along with a further 8 garage spaces.

RELEVANT HISTORY

09/4274N Erection of 9 Dwellings Approved 20/4/2010

09/1590N Erection of 11 Dwellings Withdrawn

P07/0144 Erection of 38 Apartments in Two and a Half Storey and Three and a Half Storey Apartment Buildings refused allowed on appeal 10/3/10

P06/0660 – Erection of 40 Apartments in One 3 Storey and One 4 Storey Apartment Buildings. Refused 25th August 2006.

P04/1540 - Reserved Matters Application for Residential Development of 27 Apartments (Resubmission of P04/1042). Approved 5th April 2005.

P04/1042 - Residential Development Comprising 31 Dwellings. Withdrawn

P03/1234 - Renewal of Outline Planning Permission (P00/0997) for Residential Development. Approved 9th December 2003

P00/0997 - Outline Application for Residential Development. Approved 4th January 2001.

POLICIES

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

The relevant development plan policies are:

Regional Spatial Strategy

DP1 Spatial Priorities

DP2 Promote Sustainable Communities

EM18 Renewable Energy

Local Plan Policy

NE.5 Nature Conservation and Habitats

NE.19 Renewable Energy

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.6 Development on Potentially Contaminated Land

RES.1 Housing Allocations

TRAN.9 Car Parking Standards

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 1 (Delivering Sustainable Development- Climate Change Supplement)

Planning Policy Statement 3 (Housing)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

Planning Policy Guidance 13 (Transport)

Planning Policy Statement 22 (Renewable Energy)

Planning Policy Statement 23 (Planning for Pollution Control)

Draft Interim Housing Policy on the Release of Housing Land

Interim Affordable Housing Statement

SPD: Development on Backland and Gardens

Letter to Chief Planning Officers: Revocation of Regional Strategies

Biodiversity and Geodiversity Guidance Document

Letter to Chief Planning Officers: Abolition of Regional Strategies

CONSULTATIONS (External to Planning)

Environmental Health:

As the submitted report is out of date, it is recommended that a condition be imposed requiring the submission of a Phase II investigation and further mitigation/ remediation information, if required.

Also recommends conditions in respect of restricting construction hours, restricting piling of foundations and the submission of an external lighting scheme.

Strategic Highways Manager:

The amended site plan largely addresses the highway issues. The only remaining issue is the proximity of the residential unit on Plot 6 which directly abuts the highway service strip. The Agent has offered to provide a revised plan and therefore the Strategic

Highways Manager has no objections provided that conditions are imposed requiring the submission of an amended plan repositioning plot 6 and details of the construction specifications for the access.

United Utilities: No objections provided that surface water is not discharged into the mains sewer

OTHER REPRESENTATIONS:

None received at time of writing report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- context contains a mix of housing types and South Cheshire College
- close proximity to shops, services and public open space
- assessment of planning policy and planning history
- trees, surrounding properties and optimum location for access represent constraints
- accessibility, regeneration and security represent opportunities
- principle of residential development established
- redevelopment of site considered a benefit
- sustainable location
- would complement existing properties
- sensitive land use
- scheme would be economically viable
- scheme achieves definition of public and private spaces
- scheme achieves efficient use of land
- layout would increase natural surveillance and create an active frontage

Climate Change Statement

- cannot provide climate change measures as it would be unviable

Contaminated Land Assessment

- some concentrations of contaminants across the site
- will remove contamination and treat off site and then return material to site or replace with inert material

Tree Survey

- recommends seven trees to be felled including an unprotected poplar and unprotected oak tree, remedial pruning and replacement planting

Protected Species Survey

- existing buildings on the site and trees unsuitable habitats for bats
- Ash covered with ivy has limited potential as a bat roost
- tree outside the site is suitable habitat for bats
- recommends ivy removed from Ash tree in winter, that no works to oak tree outside the site take place, that works take place outside the nesting season, additional planting and the submission of a lighting scheme.

Development Costs Appraisal

- scheme is to make a loss

Highways Proof of Evidence (P07/0144)

OFFICER APPRAISAL

Principle of Development

The site is allocated for residential development under policy RES.1 and the principle of residential development of this site has already been considered and approved as part of the outline permission (P00/0977) as well as the subsequent reserved matters application (P04/1540) and the scheme allowed on appeal (P07/0144). The latter included an 'H' shaped apartment block ranging from 2.5 to 3.5 storeys with a rear communal car parking area. The scheme involved the retention of the tree lined frontage onto Dane Bank Avenue as well as a single vehicular access point to the south of the site. In 2010 a scheme for 9 dwellings was approved (09/4274N) which was similar to the proposals put forward under this application; that scheme also involved a 'U' shaped formation of dwellings around a cul de sac head. However these properties were between 7.5m-9.1m. The tallest property under this scheme would be 10.6m high, 1.5m higher.

There has, however, been numerous changes in local, regional and national planning policy guidance published since April 2010.

Of particular interest is the imminent abolition of Regional Spatial Strategies. Whilst the Planning and Compulsory Purchase Act 2004 states that the Regional Spatial Strategy comprises part of the statutory development plan, DCLG have issued guidance indicating the government's intention to abolish Regional Spatial Strategies (RSS). Recent appeal decisions indicate Inspectors approach the application of RSS policies on a case by case basis. They do, nevertheless, still comprise part of the Development Plan.

In addition to the above, the government has also amended PPS3 in respect of housing densities and reclassification of garden land as Greenfield which have no direct implications for these proposals.

Affordable Housing

In response to the findings of the Strategic Housing Market Assessment 2010 the Local Planning Authority has produced the Interim Affordable Housing Statement which seeks to address the housing needs identified in the Strategic Housing Market Assessment 2010. This document was adopted in February 2011.

In terms of the implications for these proposals, the Interim Affordable Housing Statement indicates at para 3.1 that 30% affordable housing is required on all allocated sites which should include social rented and intermediate housing and, in addition to this, an element of low cost housing.

In this regard, no affordable housing is to be provided. The applicants have failed to demonstrate why an element of affordable housing on the site could not be provided. In respect of low cost housing, the scheme relates to 12 large properties which have a minimum of 4 bedrooms and could not be considered to constitute 'low cost' particularly with reference to the local demographics of the area. Moreover there is no mix of

housing on the site as all the properties have 4 bedrooms. The Strategic Housing Market Assessment indicates a requirement for predominantly one and two bed properties and only 13% requirement for four bed properties. Therefore the proposals would not contribute significantly to meeting the existing housing supply.

The broad thrust of PPS1 is to promote sustainable communities and climate change and PPS3 supports this by seeking to support the supply of affordable housing and mixed communities.

As the proposed units would provide neither affordable nor low cost housing the scheme would fail to accord with the Interim Affordable Housing Statement and would fail to contribute positively towards the strategic objective of achieving mixed and sustainable communities.

Due regard has been given to the 'fall back' position in respect of the extant permissions on the site. However both previous schemes offer improvements over the scheme proposed under this application. The scheme for nine units appeared more interesting in terms of detailed treatment of the properties, and the scheme for apartments on the site comprised three affordable units along with the two bed apartments which would provide a more meaningful contribution towards addressing housing needs. Whilst the presence of alternative schemes which would offer more positive planning benefits is not considered a reason for refusal, the publication of the Interim Affordable Housing Statement is a material consideration. It represents the latest advice in respect of affordable housing, and is based on the latest housing needs information. The document has been produced in accordance with the Statement of Community Involvement and guidance within PPS3.

As the scheme would not accord with this document, and fails to provide other positive planning benefits which would outweigh this document as a material consideration, the proposals would fail to provide an element of affordable housing, low cost housing or even a mix of housing which would contribute towards addressing housing needs within the Borough.

Climate Change

Policy EM18 within the RSS states that schemes for 10 or more dwellings should have at least 10% on their energy requirements coming from renewable sources. The applicants have indicated that as the site is already making a loss, they cannot afford to provide renewable or low carbon energy measures.

Whilst the RSS is to be abolished PPS1- climate change supplement establishes a national commitment about how planning should contribute towards reducing emissions and adapting to climate change, which was published after the RSS. Moreover the Local Plan also contains a policy with reference to renewable energy. Whilst this is not specific to the proposals it underlines a general positive approach to such developments. The energy consumption throughout the lifetime of the dwellings without any renewable energy supplies or low carbon energy measures, would be significantly higher than if the development were to incorporate either renewable energy measures or meet level 3 of the Code for Sustainable Homes which is a minimum requirement for affordable housing. The unsustainable nature of the development from a climate change perspective coupled with its failure to contribute to mixed and sustainable

communities ensures the development would not contribute in a positive way towards meeting local or national strategic objectives.

Moreover, the calculations provided in respect of the development costs indicate that the development would make a significant loss regardless of whether or not renewable energy measures are provided therefore the viability argument justifying eliminating renewable energy measures from the development carries little weight.

Design

In terms of scale, the surrounding area comprises a mix of single storey and two storey detached and semi-detached dwellinghouses of varying ages and styles. The proposals relate to the construction of a mix of two and three storey dwellings.

A 2.5 – 3.5 storey apartment building was allowed on appeal on the site in 2010, which is a material consideration. Whilst the current scheme relates to a mix of houses rather than one building, the mix of two and three storeys adds interest to the scheme by varying the heights and provides a transition between 2 and 3 storeys. As the three storey elements would be situated 10m from the site boundaries and adjacent to tall two storey properties, the introduction of three storeys would not appear incongruous.

Turning to layout, the scheme provides an attractive 'U' shaped arrangement around the head of the cul de sac and includes a double fronted property (plots 11 and 12) addressing the road frontage and a terminating view (plot 6) which provides additional interest when entering the site. This ensures that the site has an active frontage and encourages natural surveillance which would contribute to the character of the area. The integration of garages will ensure that cars do not dominate the cul de sac. Moreover the railings provided to the front of the site divide public and private spaces and provide a secure site boundary whilst also enabling visual permeability.

In terms of the appearance of the dwellinghouses, they are modern in design and character and do not reflect one particular element of the existing streetscene. That said, the character of the area comprises an eclectic mix of dwelling styles and types. The area has a suburban appearance, and whilst there is a mix of styles, there is consistency within the various estates. This degree of variation within the wider area ensures that a new style and type of dwelling within a new estate which contains consistent and unifying features within it, could be introduced without appearing incongruous with the existing character of the area.

The repetitive details throughout the development add character and interest such as the arched lintels, bargeboard detailing to the eaves, stone cills and brick banding. The detailing on the 3 storey semi's is quite plain by comparison to the others. However the detailing and choice of materials are features which will provide a sufficient degree of articulation to break up the massing of the elevations.

As such the proposals would contribute to the character of the area by providing a further style and type of dwelling within a self contained estate with its own character.

Amenity

In terms of privacy distances, the dwellings would achieve distances of over 21m between principal elevations and 13m between gable ends and principal elevations.

There are secondary windows within the side elevation of the property on Dane Bank Avenue immediately to the south of the site and as such, it would be considered appropriate to ensure that first floor windows to units 11 and 12 are obscure glazed. It is not considered that this would materially harm the amenities of occupants of these properties as they have four bedrooms each and therefore the main bedrooms would still achieve an outlook.

It is considered appropriate boundary treatment would negate overlooking at ground floor level.

The house types proposed include windows on the gable ends of the properties. However overlooking between units can be mitigated through obscure glazing which would be conditioned accordingly. This would not adversely affect the amenities of occupants as the windows affected would be bathrooms.

In terms of loss of light, the staggered building line and tight-knit nature of the development would result in an intimate relationship between units. However this would not result in a breach of the 45 degree code or a significant loss of light to any of the units. Plot 3 is sited to the north of plot 4 and whilst the projecting front gable may breach the 45 degree code, it would not result in a loss of light. The projecting front gable to plot 2 may breach the 45 degree code for plot 1. However the window affected would be a first floor window and therefore the vertical 45 degree line would not be cut. Consequently the window would achieve an adequate amount of daylight. The tree retained on plot 4 would partially obscure light to this property but given that this is a deciduous tree and the properties contain windows on the western elevation, any impact on amenity would be marginal. The trees to the northern boundary would not have an adverse impact upon plots 1-3 as they are sited to the north.

Whilst plots 7 and 8 are three storeys high, the separation distances from the plot boundaries negates overshadowing to neighbouring properties.

All of the properties would achieve a minimum of 50 sq. m of garden space.

Environmental Health has requested conditions restricting construction hours and pile driving operations it is considered appropriate to condition these details given the proximity of neighbouring properties. A lighting scheme would also be conditioned on amenity grounds.

Trees and Landscaping

Whilst the layout has changed, the applicant has resubmitted the tree survey undertaken in 2009. Whilst this has not been updated to accommodate the changes in the scheme, the relationship between buildings, hardstanding and the trees would not alter significantly. As such the results of the tree survey are still valid.

The tree report recommends that 7 trees are felled, remedial pruning and replacement planting.

Specific trees within and adjacent to the application site are protected by the Crewe and Nantwich Borough Council (Former Grounds Maintenance Depot, Dane Bank Avenue, Crewe) Tree Preservation Order 2003. In this regard the Order is considered to be

highly selective in that the most visually dominant tree, a mature Oak located within the centre of the site is not protected by the Order and as such it was not considered expedient to protect it under the previous permissions.

The scheme retains road frontage tree cover to reflect the existing tree cover on the adjacent South Cheshire College grounds which would retain the character of the site. The separation of land between Plot 1 and the road will also allow for some additional landscaping in the form of new planting which would improve species diversity and age distribution of the group of trees.

The scheme proposed under this application would retain a similar access position onto Dane Bank Avenue and internal drive configuration to accord with the original design, which resulted in the loss of some trees including the large oak tree referred to above and an unprotected Poplar tree. Whilst this is regrettable, as the trees were not included within the TPO and their removal was accepted under the previous scheme it is not considered that a refusal on tree grounds could not be sustained.

The only other tree of note is a mature Oak located on the northern boundary and protected by virtue of its inclusion within G2 of the Order (T11 of the submitted survey). It is recognised that the relationship/juxtaposition of the dwelling on plot 2 to the tree is not ideal. However as the tree is located north of the building, there would be no significant adverse impact concerning shading of the rear garden, or resultant pressure to prune or remove the tree.

The proposed garages adjacent to the northern boundary stand within the Root Protection Area of the protected Oak. However any impact on this tree can be mitigated through conditions in respect of tree protection measures, tree retention, landscaping, and 'no dig' construction techniques.

Plot 7 is located in close proximity to a group of protected trees to the eastern side of the dwelling. The group comprises of Sycamore, Norway Maple, Ash, Alder and Larch. This group of trees are limited in terms of their contribution to the amenity of the area and are less prominent than the unprotected mature Oak within the centre of the site. Whilst the long term retention of these trees may be affected by the proposals it is considered that tree protection measures and replacement planting should the trees fail would mitigate for the impact. These can be secured by condition.

Protected Species

Trees are suitable habitats for bats and birds 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 implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

A protected species survey was undertaken for the last application in 2010. This survey was undertaken in March 2010 and therefore was less than 12 months old at the time the application was submitted. Its findings and recommendations are therefore still valid.

The conclusions of the protected species survey indicated that the only tree with significant bat roosting potential was T29, a half dead Oak outside the perimeter fence. This tree is not part of the development, although the survey recommends that it must not be removed, pruned or directly lit without a further bat survey.

The Ash, T12, has a covering of Ivy. Ivy is occasionally used by roosting bats. It is recommended that if this tree is to be removed, the Ivy is first taken off, preferably in winter. Other trees and scrub, and the breeze block structure can be removed with minimal risk to roosting bats.

The breeze block structure, scrub and trees are likely to be used by nesting birds. Every care should be taken to avoid disturbing active nests. Starting work outside the nesting season, early March to late August is recommended. If it is necessary to remove trees/scrub in the nesting season, each tree or area of scrub must be closely inspected, by an ecologist, immediately before removal. This may prove to be very difficult, and if an active nest is encountered, it must be left undisturbed until the young have fledged.

The trees and scrub on site are likely to be important for nesting birds and foraging bats and should be conserved wherever possible.

No evidence of roosting bats was recorded and the site has only limited potential to support a roost. The site does, however, offer potential for foraging/commuting bats and breeding birds, but the overall impact of the proposed development upon biodiversity is relatively minor.

In order mitigate for any adverse impact from the development the submitted report recommends that native species are incorporated into the landscaping scheme for the site. Lighting proposed for the site should also be directed away from any retained or proposed tree planting.

The Council's ecologist recommended two conditions and it is considered appropriate to replicate these in the event that the application is approved, in addition to conditioning the recommendations submitted within the Tree Report.

Highway Safety

The scheme provides 22 spaces for 12 dwellings which is below the minimum requirement for 2 off street car parking spaces per dwelling stipulated in the relevant car parking standards within the Local Plan. That said, this is a sustainable location in walking distance of the town centre and other local shops and services and is accessible by a range of means of transport. It should also be noted that the scheme put forward under this application provides for a greater percentage of car parking than the scheme allowed on appeal albeit that the appeal scheme related to flats rather than detached dwellings.

The point of access is located centrally within the site and a cul de sac arrangement is proposed. The closure of the existing point of access will be conditioned accordingly to prevent multiple access points to the site.

The visibility splays provided, the amount of turning space proposed coupled with the speed humps and speed limit within this locality ensures that the additional vehicle movements at the site will not have an adverse impact upon highway safety.

The outline approval (P03/1234) included a condition to require a contribution towards measures to improve pedestrian links between the site and Nantwich Road although the condition did not specify a specific amount. The contribution was to secure off site works consisting of tactile pavements and dropped kerbs and it is understood that these

have already been installed by the Council. As such a developer contribution for these works is no longer necessary and would not comply with the provisions of Circular 05/2005 (Planning Obligations) which stipulates that planning obligations should not be used solely to resolve existing deficiencies in infrastructure.

The layout as amended, accords with the relevant provisions within Manual for Streets and therefore the Strategic Highways Manager has no objections on this basis, provided that plot 6 is re-sited. It is considered that the position of this plot could be amended without detriment to other aspects of the scheme, and this could be conditioned accordingly.

Contaminated Land

Both national and local planning policies indicate that residential development is a sensitive end use and that contaminated land should be effectively remediated. The applicant has submitted a Ground Investigation Report which has been undertaken by a suitably qualified and experienced professional.

This indicates that there are some concentrations of contamination across the site. It is proposed to remove the contaminated land and either treat it off site and reuse it or replace it with inert material.

Environmental Health has indicated that the ground investigation report was not undertaken in accordance with current requirements and therefore a Phase II assessment is required, together with further details of remediation, if required. It is considered appropriate to impose the DCLG best practice standard condition in this regard.

Drainage

The development would connect into the mains sewer for disposal of both foul sewerage and surface water. It is considered appropriate to condition drainage details in the event of approval, given the response from United Utilities. Given that this is a major residential scheme in an urban area, it is considered to be appropriate to condition Sustainable Urban Drainage measures.

CONCLUSIONS

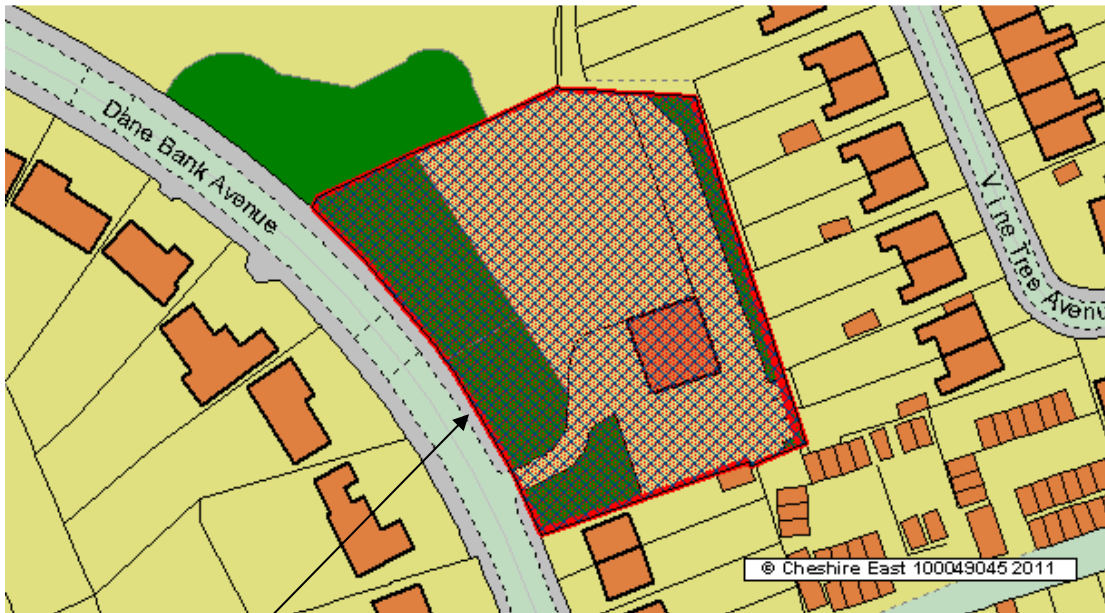
In conclusion whilst the proposals are acceptable in design, amenity, highway safety, protected species, drainage, contaminated land and nature conservation grounds, the scheme fails to provide a sustainable mix of housing and renewable energy measures and as such the scheme would fail to accord with the Interim Affordable Housing Statement, PPS3 and sustainable development objectives set out in PPS1.

RECOMMENDATIONS

REFUSE

The Local Planning Authority considers that as the development fails to provide affordable housing, low cost market housing or a mix of housing and would not include renewable energy measures or low carbon/ energy efficiency measures, the proposals would represent a highly unsustainable form of development which

would not contribute positively to the local housing market and would fail to meet local housing needs or contribute towards achieving sustainability objectives. In so doing the proposals would be contrary to policies BE.2 Design Standards within the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EM18 within the North West of England Plan Regional Spatial Strategy to 2021 and guidance within the Interim Affordable Housing Statement 2011, Planning Policy Statement 3: Housing, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 1: Climate Change Supplement.



The Site

Planning Reference No:	11/0471C
Application Address:	Tall Ash Farm, Buxton Road, Congleton, CW12 2DY.
Proposal:	The construction of 20 new build affordable houses and new access road.
Applicant:	Plus Dane Group
Application Type:	Full Planning Permission
Ward:	Congleton Town East
Registration Date:	2 nd February 2011
Expiry Date:	4 th May 2011
Date report Prepared	7 th April 2011
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve with conditions, subject to the completion of a Section 106 Agreement relating to affordable housing.

MAIN ISSUES:

- Principle of the Development
- Housing Need
- Retention of Affordable Housing
- Highways and Parking
- Protected Species
- Amenity
- Design, Layout and Scale
- Landscaping
- Section 106 Agreement

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee, as the scheme is a major development for more than 10 houses.

DESCRIPTION AND SITE CONTEXT

The site is located on the edge of Congleton town centre and is adjacent to the Macclesfield Canal. The site forms part of the existing Tall Ash Farm which itself lies just beyond the eastern settlement boundary of the town. The site is essentially greenfield in nature but has been used for a wide variety of intensive agricultural uses over the years. Currently the site has no specific use but is being used for intermittent storage of plant and machinery.

The main farm house to the east is a traditional brick and tile dwelling of some scale albeit only two storey in form. In addition, there are a number of agricultural buildings clad mostly of portal farm construction with corrugated iron or asbestos sheeting. These buildings though lie outside of the development area and are to be retained by the landowner as part of the working farm.

To the north of the site is the main Buxton Road across which lies a residential estate comprising of mostly 1960's and 1970's dwellings. These do not front the main road however and are separated from the site by a large, mature mixed species native hedge and a grassed area beyond which is a service road to access the fronts of the dwellings.

The Macclesfield canal lies to the east of the site but does not directly abut the development area as the site owner has sought to retain an existing access road to service his fields to the south. The canal whilst not only being lower than the site is also physically separated from it by virtue of a tall native hedge some 2.5 to 3.0m high.

The southern boundary of the site is not defined and leads into open grazing fields. Whilst the main development area of the site is relatively flat, the land to the south beyond the site boundary falls away significantly by approximately 3.0 to 4.0m whilst to the west; the land beyond the site begins to rise on the approach into town.

In terms of the physical location of the site, the nearest shop is 515m away and Buglawton Primary School is 660m away. The main town centre is 2.1km away.

A previous application was determined by the Planning Inspectorate, following an appeal on the grounds of non-determination (09/1116C). The Inspector concluded that: *"The proposal would not unduly harm the character and appearance of the local area and it would not pose unacceptable risk to highway safety. I also agree that the overall layout of the scheme and the design of the houses are acceptable and that the site itself is suitable for an affordable housing development. Nevertheless, these and the other positive aspects of the scheme outlined by the appellant company neither alter nor outweigh my concerns about the deficiencies of the completed unilateral undertaking, which would not prevent 100% private ownership of the proposed dwellings and would not adequately ensure occupation by local people as required by the policies i have referred to. For this reason, the appeal must fail."*

DETAILS OF PROPOSAL

This application is for the development of 20 dwellings comprising of a variety of semi-detached houses and two blocks comprising of three houses.

The site is to be accessed from a single road off the main Buxton Road which in turn leads into the heart of the site and then splits around an area of public open space. The two arms of the access road then lead to the south east and south west corners of the site into parking areas for the dwellings. To facilitate the provision of the access road, a break is to be made in the hedge that fronts the site along Buxton Road. The two ends of the hedge are then to be pulled back into the site itself along the lines of the visibility splays to retain this landscape feature.

The houses themselves are two storey in nature with some of the smaller two bedroom properties having lower ridge heights and the upper windows

breaking the eaves line on the roof. The buildings are to be rendered with tile roofs and timber windows and doors. Whilst much of the site is grass, the development will result in the removal of a livestock building and a storage building which are in the south east of the existing farm complex (south west of the application area). Both of these are in a poor state of repair and unsightly.

RELEVANT HISTORY

09/1116C Application for 20 affordable houses, dismissed at appeal on the grounds of non-determination.

In 1998, application 29648/1 for the development of 4.5 Ha of housing land and 3.8 Ha of woodland submitted by Redrow Homes was refused principally on the grounds that the scheme was for open market housing on greenfield land.

A more recent scheme 08/2055/FUL was withdrawn in 2009 on a number of details including the layout and character of the site. Like the current proposal, this scheme was for the development of 20 dwellings for affordable housing.

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
RDF2 Rural Areas
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:
PS8 Open Countryside

H1 & H2 Provision of New Housing Development
H6 Residential Development in the Open Countryside and Green Belt
H13 Affordable and Low Cost Housing
H14 Rural Exception Sites
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
GR10 New Development & Travel
GR18 Traffic Generation
NR1 Trees & Woodlands
GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments
SPD6 Affordable Housing and Mixed Communities

OTHER MATERIAL CONSIDERATIONS

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies(which may, where relevant, include matters such as job creation and business productivity);*
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) ensure that they do not impose unnecessary burdens on development.*

Interim Planning Statement on Affordable Housing

The Council has recently adopted an Interim Planning Statement on Affordable Housing. This document sets out the Council’s definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the

Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy.

Strategic Market Housing Assessment (SHMA)

The SHMA carried out on behalf of Cheshire East Council has been published and reports that there is a need for 33 affordable homes per annum in the Congleton sub-area.

OBSERVATIONS OF CONSULTEES

Housing:

The Housing Department have identified that there are currently 72 applicants for Cheshire Home Choice, who require 2 or 3 bedroom homes. They also state that the indicated mix of 13 rented and 7 Newbuild Homebuy properties meets the recommended tenure split in the SHMA for 65% rented and 35% intermediate tenure.

Based on the available information on housing need, subject to a Section 106 Agreement securing the affordable housing tenure and the requirement that any purchasers of the Newbuild Homebuy units who have staircased to 100% ownership and wished to sell, would have to offer the property for sale back to The Plus Dane Group initially to try and maintain affordable housing in perpetuity. The Housing Department would have no objections to the scheme.

Environmental Health:

No objection subject to conditions relating to the potential for land contamination, compliance with the mitigation methods recommended in the Air Quality Impact Assessment submitted with the application, submission of a scheme for the protection of the proposed dwellings from noise and vibration, limits on the hours of construction and deliveries and limits on the hours of piling if it is necessary.

United Utilities:

No objections subject to the site being drained on a separate system, with only foul drainage being connected to the main sewer. Surface water should discharge directly into the soakaway/watercourse/surface water sewer.

Strategic Highways Manager:

The junction design with the A54 Buxton Road has been agreed with previous applications is satisfactory and the details in the Transport Assessment are acceptable.

Traffic generation from the site would have a negligible impact on the A54 Buxton Road which has sufficient capacity to accept the traffic generated from the site.

The internal layout offered for adoption as public highway is acceptable, however the Strategic Highways Manager remains concerned that the proposed layout would allow access to Open Countryside beyond the proposed site boundary and recognises that the available dimensions would only allow limited numbers of additional dwellings to be served.

Given the application detail, the Strategic Highways Manager does not have an objection to the proposal subject to a condition requiring submission and approval of a detailed suite of plans for the agreed junction design and adoptable internal layout.

British Waterways:

No objections. British Waterways would like to suggest a condition requiring submission of details of surface water drainage in order to protect from wall collapses to the canal caused by surface water run off due to increased hard surfacing in gardens driveways and roads.

Cheshire Archaeology Planning Advisory Service:

Confirm that no features currently recorded in the Cheshire Historic Environment Record will be affected by the proposals.

VIEWS OF TOWN/PARISH COUNCIL

The proposed construction of 20 homes is on a rural exception site and as such is deemed unsuitable as it compromises the openness of the Green Belt and its strategic functions. Additionally the entrance is located on the brow of a busy road, Buxton Road; therefore there are considerable access problems which also make it unsuitable.

OTHER REPRESENTATIONS

At the time of report writing 7 other representations have been received relating to this proposal 4 in opposition and 3 in support. The objectors express concern over the following issues:

- Highway safety, the access being on a busy road and the brow of a hill
- Loss of Green Belt land
- Loss of residential amenity in terms of the loss of views over the land
- Surplus supply of affordable housing in the area
- The development is out of character with the large detached houses in the area

The 3 letters of support express the opinion that:

- There is a shortage of affordable housing in the area
- The development would give an opportunity for young people to get a foot on the housing ladder
- The site is in a sustainable location
- The development would stop current problems such as fly tipping, vandals damaging fences, smells and dirt on the roads

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement:

This document gives an overview of the context of its site and surroundings, the national and local policy context and the history of the site.

Landscape Character Assessment:

This document gives an overview of the landscape character of the surrounding area.

Geo-Environmental and Geotechnical Report:

This document assesses the potential for the land to be contaminated and concludes that there are no human health risks and that therefore no mitigation measures will be required for the development.

Transport Statement:

This document assesses the transport issues relating to the site and comes to the following conclusions: The development site is in a sustainable location, the junction on to Buxton Road provides a safe and efficient means of access to the proposed development and the layout is in accordance with the standards contained within Manual for Streets.

Air Quality Assessment:

This document states that the development would give rise to the generation of dust during the construction phase and proposes mitigation measures to address this. It also states that there would be a negligible impact on local air quality caused by the development, and future residents are not predicted to be exposed to pollutant concentrations derived from traffic.

Surface Water Drainage Assessment:

This document assesses the various ways that surface water could be drained from the site.

Hedgerow Survey:

This document concludes that the hedge is in good condition and forms a clear boundary to the site and due to it being regularly maintained, will not have high wildlife habitat value. It proposes mitigation measures in terms of the re-planting.

Ecological Assessments:

These documents give an assessment of the ecology of the site and recommend mitigation measures should protected species be found on the site during construction.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 states that development will only be permitted if it meets one of several criteria. The relevant criterion is that it is for affordable housing in compliance with Policy H14. Policy H14 relates to rural exception sites and requires that development is close to existing or proposed services and facilities, comprise a small scheme

appropriate to the locality, consists in its entirety of housing to be retained as low cost in perpetuity, is supported by a survey identifying local housing need and is subject to a legal agreement ensuring properties are occupied by local people in housing need, cannot be disposed of on the open market and has a mechanism in place for management of the scheme. National policy PPS3 states:

“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns or villages. This requires planning at a local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”

The Planning Inspectorate decision on the previous application (09/1116C), concluded that the proposal, whether rural or not, amounts to an exception site and therefore Policy H14 should apply.

The proposal meets with the requirements of Policy H14 and is therefore considered to be acceptable,

Housing Need

The SHMA 2010 has identified that there is a need for 272 affordable homes per-annum in the former Congleton Borough area and 33 homes per-annum in the sub-area of Congleton. In addition to this there are currently 72 applicants for Congleton on Cheshire Home Choice who require 2 or three bed homes.

Given the requirement for new affordable homes and the support of the Housing Section, it is considered that housing need has been demonstrated and the proposal is acceptable in these terms.

Retention of Affordable Housing

Having regard to the appeal decision on the site (09/1116C), the Inspector found that the scheme was acceptable other than in terms of the retention of the affordability of the dwellings.

The Homes Community Agency that provides grant funding for schemes such as this do not allow restrictions to prevent first time buyers from achieving 100% ownership through staircasing, this therefore brings the scheme into conflict with Policy H14 (VI (A & B)). In order to address this the applicants have submitted a draft agreement which would include a clause requiring that where a property has

staircased out to 100% and the owners wish to sell, it shall be offered back to PlusDane and PlusDane would then return the property to the criteria for occupation as an affordable home.

It is considered that this would address the concerns of the Inspector and the Council and render the proposal acceptable in terms of Policy H14.

Highways and Parking

Several of the objectors have expressed concerns about highway safety in relation to this application. The application was submitted with a Transport Statement and the Strategic Highways Manager has assessed this statement and the proposal. It is considered that the Transport Statement appropriately addresses the traffic issues associated with the site.

A right turn lane off Buxton Road is proposed in order to allow vehicles to turn without causing obstruction to other road users. In addition a pedestrian refuge would also be provided in order that the site is accessible safely on foot.

As the proposal is considered to be acceptable in terms of highway safety and parking provision, a refusal on highway safety grounds could not be justified.

Ecology - Protected Species & Nature Conservation

The surveys submitted with the application both conclude that there is no evidence of protected species being present at the site. There are recommendations; however that if at any time protected species are found, works should stop and advice be sought from a consultant or Natural England.

As the proposal involves the removal and replacement of a section of hedgerow, a condition should be imposed in order to protect breeding birds.

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space), sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity space provided for the new dwellings would be satisfactory. It is considered however that permitted development rights for extensions should be removed in order to protect the amenities of residents in the future. In addition centrally within the site, an area of informal open space is to be provided.

Having regard to the residential amenities of neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity.

Design, Layout and Scale

The development would comprise an access road from Buxton Road leading in to the site, with an area of open space at the head of the access road. To the east of the access road would be a block of 3 dwellings with parking and landscaping to the front. To the west would be 6 semi-detached properties with a similar parking area to the front. The remaining 11 dwellings would be set behind the area of informal open space providing good surveillance of this area. They would take the form of 8 semi-detached dwellings and one block of 3 dwellings. Overall the design, layout and scale are considered to be acceptable and this view was also put forward by the Inspector in his assessment of the previous application.

Landscaping

The proposal would involve the removal a section of hedgerow and its part replacement will be set back into the site. This is necessary in order to provide adequate visibility splays for the access road to the site. Whilst the removal of part of the hedgerow is to be regretted, it is considered that provided that the part which is replaced and set back in to the site is planted with suitable and appropriate species, the harm to the character and appearance of the area would be minimal.

Landscaping and boundary treatments are shown on the plans, however it is considered that these show insufficient detail and that there would need to be some changes to that proposed. As such it is considered necessary to impose conditions requiring submission of further details relating to these matters.

Other Matters

Both Congleton Town Council and objectors have referred to the land as Green Belt. It should be noted that this is not the case and that the land is designated as Open Countryside in the adopted local plan. In addition the Inspector in his decision made it clear that it should be considered as a rural exception site.

Section 106 Agreement

Should the Council be minded to approve the application, then a Section 106 Agreement would be required to include the following matters:

- The dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connections to Congleton. In addition any properties that have staicased in to 100% private ownership should be offered for sale in the first instance, back to PlusDane.

CONCLUSIONS

In conclusion, it is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 20 dwellings in Congleton is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for in excess of the 20 affordable dwellings proposed. The siting, layout and design of the scheme is considered to be acceptable as are the access and parking arrangements. It is not considered that the proposal would result in any significant

adverse impact on the amenity of nearby residents, on existing trees on the site or on protected species.

Given the that these conclusions were shared by the Inspector at the previous appeal, the only outstanding issue is the ability to secure the affordable housing and that they will remain affordable. The proposed s106 agreement can ensure this. It is therefore considered that subject to the following conditions and the prior completion of a Section 106 Agreement, that the scheme is acceptable.

RECOMMENDATION:

Approve subject to the prior completion of a Section 106 Agreement and the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission and implementation of detailed access and junction plans**
- 5. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 6. Submission and implementation of surveys and mitigation methods for the protection of breeding birds**
- 7. Submission of a scheme of landscaping**
- 8. Implementation of approved landscaping scheme**
- 9. Submission and implementation of details of boundary treatments**
- 10. Submission of a detailed drainage scheme**
- 11. Submission of an updated Phase 1 land contamination survey**
- 12. Implementation of the mitigation recommendations within the Air Quality Assessment**
- 13. Submission of a scheme for the protection of the occupiers of the dwellings from traffic noise and vibration**
- 14. Limits on hours of construction**
- 15. Limits on hours of piling**
- 16. Removal of permitted development rights for extensions**

Location Plan: Cheshire East Council Licence No. 100049045



Application No: 11/0506N

Location: CROWTON FARM, WINSFORD ROAD, CHOLMONDESTON, CW7 4DR

Proposal: The Erection of Poultry House and Feed Hopper with Hardstanding

Applicant: Mr I Hocknell, Delphic Haulage

Expiry Date: 20-May-2011

Ward: Cholmondeley

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of Development;
- Design
- Residential Amenity;
- Ecology;
- Highways; and
- Drainage

REFERRAL

This application is included on the agenda of the Development Control Committee as the proposed floor area of the building exceeds 1000m² and it therefore constitutes a major proposal.

DESCRIPTION OF SITE AND CONTEXT

The application site is part of a generally level field situated on the west side of Winsford Road, between Cholmondeston and the Shropshire Union Canal. There is already a large poultry shed on site, which was approved under application reference P09/0170. In addition, there are two ponds located centrally within the field and a number of trees. The field is demarcated by good boundary hedgerows with a number of established hedgerow trees in places. Former farm outbuildings at Field House Farm to the east and Dairy House Farm to the west are now converted to dwellings. The site is located in open countryside in the Borough of Crewe and Nantwich Replacement Local Plan.

DETAILS OF PROPOSAL

The site of the proposed poultry unit lies to the west side of the field. The development includes the erection of a large poultry shed measuring approximately 91m long by 26.7m wide and standing 6.6m high to the ridge of the roof. The hopper will be 2.8m in diameter and

will be positioned adjacent to the existing hopper on site and will stand 7.5m to the top, from ground level.

RELEVANT HISTORY

P09/0170 - Erection of Poultry House with access off Winsford Road. Standing/ Turning Area and Feed Hopper – Approved – 24th April 2009

POLICIES

The relevant development plan policies are:

Local Plan Policy

BE.1 Amenity
BE.2 Design
BE.3 Access and Parking
BE.4 Drainage Utilities and Resources
NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species.
NE.13 Rural Diversification
NE.14 Agricultural Buildings Requiring Planning Permission
NE.17 Pollution Control

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPS 9: Biodiversity and Geological Conservation
PPG 13: Transport

CONSIDERATIONS (External to Planning)

Ecology: Do not anticipate there being any reasonable likely ecological issues associated with the proposed development.

Highways: The development will generate only a negligible amount of additional traffic which is insufficient to cause any need for highway provisional requirements.

Environmental Health: No objections subject to conditions relating to hours of construction, the lighting to be provided in accordance with the submitted information, the poultry house to kept on a deep litter system, removal of waste, hours of delivery and the ridge fans should be installed and maintained in accordance with manufacturers instructions

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

No representations received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by Ludlam Associates dated February 2011)

- The applicants are the owners of Crowton Farm, suppliers of fertile hatching eggs to CK Wood which are used for making vaccines. CK Wood presently imports eggs from France. They are hoping to source eggs from local suppliers in order to reduce transport costs and enable monitoring of production and quality;
- The proposal is to construct an additional unit alongside the existing poultry house. the building is almost identical in its construction and shares servicing and access road;
- The proposed poultry house has a typical modern rural design for such types of agricultural buildings. It is clearly intended for a rural use and would not be suitable for conversion to dwellings;
- It would be of a size and height appropriate to its use. The building would measure 3.3m high to the eaves and 6.6m to the top of the ridge. 15 ventilation shafts would be positioned along the ridge and would be approximately 0.7m in height. The additional feed hopper would be sited next to the existing hopper minimising its appearance;
- The building would be sited alongside the existing unit, approximately 160m back from Wettenhall Road and it would be at least 210m from the nearest residential properties;
- The development would be positioned behind an established hedgerow and trees which will provide some natural landscaping and screening from the road;
- The materials are Plastisol coated steel panels. In terms of colour the elevations are in country green and the roof is Moorland Green to match the existing unit;
- The poultry house would be accessed by the existing road and gate onto Wettenhall Road;
- The number of additional vehicles visiting the site would be minimal. One additional staff car would be generated by the egg collections;
- A clear visibility of over 180m from the access onto Wettenhall Road is shown on the accompanying plans;
- Acoustic performance is vital to the design of the building. Standby power is provided by an auto start generator in an acoustic box which is 70db at 7m and therefore cannot be heard from off the site;
- Ventilation is provided by ridge fans and is fully automatic and computer controlled to create a constant internal temperature of 20 degrees. The fans are very quiet and cannot be heard from off the site. This type of deep litter housing does not create odour due to the low moisture content and deters flies;
- The cleaning and stocking of poultry houses takes place annually and takes two days. Both units will be emptied at the same time in order to minimise potential disease risk. The manure is collected directly from the site by local farmers and is used as fertiliser. This sustainable practice of recycling a valuable bi-product of the farm minimises the environmental impact of waste from the proposal;
- The applicants are highly experienced and they have been running similar farming operations successfully for a number of years.

Lighting Diagram (Produced by Cooper Lighting and Safety dated January 2010)

Protected Species Survey (Produced by Biota)

- Ponds within 250m of the proposed site for chicken rearing units at Crowton Farm were assessed for their likelihood to support Great Crested Newts. The ponds were not considered suitable as breeding habitat for Great Crested Newts, however due to the season in which the survey was undertaken reasonable avoidance measures are proposed.

OFFICER APPRAISAL

Principle of Development

The site is located in open countryside where policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan allows for essential development for the purposes of agriculture. The keeping of livestock falls within the definition of agriculture as given in section 336 of the Town and Country Planning Act 1990 (as amended). The fact that the eggs to be produced are required for the pharmaceutical industry is not considered to remove the use from the definition of agriculture which includes the keeping of animals for fur and skins. Policy NE.14 allows for new agricultural buildings subject to a number of requirements one of which is that required for and is ancillary to the use of the land for agriculture.

The applicants currently have a poultry unit on site (approved under P09/0170) and further units at The Pinfold, Poole (approximately 2 miles from this site) where eggs are produced for the pharmaceutical industry. However the pharmaceutical industry require large scale units and there is no further land available for expansion at that site (The Pinfold). The fact that there may be other poultry farms in the area where this building could be sited is not a reason to refuse this application. The issue is whether the proposed poultry unit meets policy requirements for agricultural buildings and is acceptable on this site. Policy NE.2 and guidance in PPS7 allow for agricultural developments in rural areas. PPS7 notes that planning policies should support development which allows agriculture to adapt to new and changing markets and diversify into new agricultural opportunities. Therefore there are no objections in principle to the proposed use at this site.

Design

The building is similar in design, scale and mass to the existing unit on site which was permitted under reference P09/0170. The proposed poultry unit will measure approximately 91m long by 26.7m wide (which equates to a floor area of approximately 2429.7m sq) and is 3m high to the eaves and 6.6m high to the ridge (excluding the ventilators). Although large in area, the design of the unit is typical of a modern poultry unit. Located on the gable are two personnel doors, whilst on the opposing gable are two larger doors. Whilst the hopper will stand above the ridge of the roof, the neighbouring unit has a similar sized hopper and there are other hoppers at farms in the locality. The building is sited some 200m from dwellings at Field House Court to the east and 230m from dwellings at Dairy House Farm to the west of the application site. A hedgerow to the west of the site of the proposed poultry unit will provide screening to eaves level when viewed from the west. The pond and group of mature oak trees to the south east of the site of the poultry unit provides some screening when viewed from Winsford Road and the barn conversions at Fields House Farm. The building is sited

immediately adjacent to the existing poultry shed and will be seen against this back drop. It is not considered that the development will adversely impact on the character and appearance of this area of open countryside and the proposal is in accordance with Policy BE.2 (Design Standards).

Residential Amenity

The unit will be managed in the same way as the existing poultry unit on site. The birds will be housed in 'deep litter' with a ventilation system which does not attract flies or result in odour problems. In the event that any flies were present daily inspection and collection of eggs will allow for any isolated flies to be treated with an insecticide. Following consideration of the details and on the basis of knowledge of the existing operation, the Environmental Health Officer has raised no objections to the development subject to a number of conditions. The ventilation system will not generate noise (and will be conditioned if planning permission is to be approved) which would adversely affect residential amenities bearing in mind the location of the dwelling relative to the site. The nearest dwellings are over 200m away and with the above controls, the proposed poultry units would not adversely impact on residential amenities in the locality, in respect of noise and odour. The poultry houses are emptied of manure once a year when the poultry are changed. It is understood that this operation is to be completed in 2-3 days and the manure spread on fields in the locality and will be conditioned accordingly.

As part of the application the applicant has submitted an external lighting scheme. It is considered given the separation distances and degree of luminance the proposed lighting will not have a detrimental impact on the residential amenity or the character and appearance of the open countryside. Colleagues in Health Environmental have been consulted and raised no objections to the proposed lighting. However, a condition stating that the proposed lighting scheme shall be completed in accordance with the submitted information.

Ecology

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

It was noted that there was a couple of ponds within 250m of the proposed development and as such the proposal could have a detrimental impact on Great Crested Newts. Therefore, the applicant has submitted a Protected Species Survey to accompany the application. However, it is noted that the survey was undertaken outside optimal season for such work. In any event, the conclusions of the report state that the ponds are considered unlikely to support Great Crested Newts. Pond 1 contains fish and supports small number of wintering wildfowl, the water quality is poor and no aquatic invertebrates were noted when the pond was examined. Pond 2 supported a small number of wildfowl and like Pond 1, was isolated in the middle of the arable field. Neither pond contained any suitable vegetation that Great Crested Newts could utilize for egg laying. The HSI score for both ponds are less than that for ponds normally associated with Great Crested Newts. The Council's Ecologist has been consulted and he concludes 'I do not anticipate there being any reasonable likely ecological issues associated with the proposed development'. Consequently, the proposed development accords with policy NE.9 (Protected Species).

Highways

The application site will be served by the existing access arrangement, which were approved under P09/0170. This new enlarged vehicular access to the site had been installed at the time of the site visit. It is considered that there is sufficient on site parking and turning for vehicles, which will allow them to enter/leave in a forward gear and to be parked clear of the public highway. According to the applicants Design and Access Statement there will only be one additional staff car when the eggs are being collected. Colleagues in Highways have been

consulted and they conclude that the proposal 'will generate only a negligible amount of additional traffic which is insufficient to cause any need for highway provisional requirements'. Therefore, it is considered that the proposal accords with Policy BE.3 (Access and Parking).

Drainage

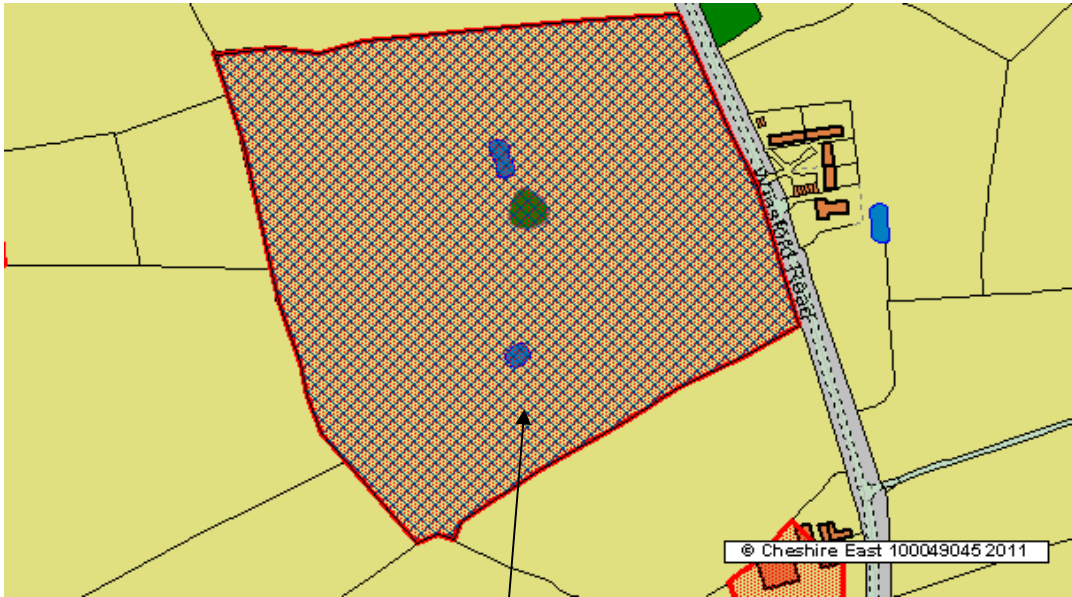
Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water run-off generated by the development is appropriately discharged.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The development by virtue of its location set back from the highway and from residential properties in the locality will not adversely impact on the character and appearance of the area or residential amenities. The proposal will generate negligible amounts of additional traffic and the existing vehicular access and turning area is sufficient and the development will not adversely impact on highway safety. The two ponds on the site are not considered to provide suitable habitats for Great Crested Newts. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Approve subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Drainage**
- 5. Landscaping Submitted**
- 6. Landscaping Implemented**
- 7. Development to comply with Reasonable Avoidance Measures of Great Crested Newts Assessment**
- 8. Hours of Construction**
- 9. External Lighting**
- 10. Method for the Control of Flies**
- 11. Treatment of Manure from Site**
- 12. Hours of Operation**
- 13. The Auto Start Generator and Ridge Fans to be Installed and Maintained in accordance with Manufacturers Instructions**



The Site

Application No: 11/0548N

Location: DROME FARM WARDLE INDUSTRIAL ESTATE, GREEN LANE, WARDLE

Proposal: Industrial New Build Development Consisting of 6 Units Together with Infrastructure, Ancillary Works and New Agricultural Access Track. The Industrial Units Consist of Two 8000sq ft Units, Two 3000sq ft Units and Two 2775sq ft Units

Applicant: Mr P Posnett

Expiry Date: 10-May-2011

Ward Cholmondeley

Date Report Prepared: 5th April 2011

SUMMARY RECOMMENDATION

APPROVE WITH CONDITIONS

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of the open countryside
- Impact on Amenity of adjacent properties
- Impact on highway safety
- Impact on trees
- Impact on Protected Species
- Potential for Land Contamination
- Sustainable Development

REASON FOR REFERRAL

This application is to be considered by the Southern Planning Committee as the proposal involves the creation of over 1,000sqm of industrial floorspace.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on land which is adjacent to the Wardle Industrial Estate and is designated within the Local Plan as being Open Countryside. The site comprises former military buildings which are now used for the accommodation of livestock. Defining much of the southern, eastern and northern boundaries of the site are coniferous trees. The site is located at the end of Green Lane which serves the Wardle Industrial Estate and farming complexes.

DETAILS OF PROPOSAL

The application proposes the removal of the existing buildings on the site and the construction of a total of 2,560sqm of industrial floorspace for B2/B8 use. The scheme comprises two blocks of development. Block 1 consisting of two units measuring 743sqm each, with a total width of 54m and depth of 29m, and a height of 7.7m to eaves and 9.3m to ridge. Block 2 comprising four units, two of which with a floorspace 279sqm and the other two of 258sqm. Block 2 will have a total width of 60m and a depth of 18m, the maximum height of the mono pitch roof would be 6.8m. The two units within Block 1 will include ancillary office space. A total of 65 car parking spaces are proposed, 6 of which are disabled spaces. The scheme proposes a single shared site entrances and two separate points of exit. The scheme also includes large areas for turning and manoeuvring of HGV's, bin storage, internal and external boundary fencing and additional landscaping.

RELEVANT HISTORY

10/0238N - A planning application for 6 industrial units was withdrawn on 6th May 2010.

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:

Local Plan policy

NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
E.6 Employment Development within Open Countryside
TRAN.9 Car Parking Standards

Regional Spatial Strategy

Policy DP 3 Promote Sustainable Economic Development
Policy DP 4 Make Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 8 Mainstreaming Rural Issues
Policy RDF 2 Rural Areas
Policy RT 2 Managing Travel Demand
Policy EM 16 Energy Conservation & Efficiency
EM 17 Renewable Energy
EM18 Decentralised Energy Supply

Cheshire Replacement Waste Local Plan

Policy 9 Secondary and Recycled Aggregates
Policy 11 Development and Waste Recycling

Other Material Considerations

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth:

- Policy EC.10 Determining Planning Applications for Economic Development
- Policy EC.12 Determining Planning Applications for Economic Development in Rural Areas
-

Planning Policy Statement 7: Sustainable Development in Rural Areas

CONSULTATIONS (External to Planning)

Strategic Highways Manager: Negotiations have taken place with developer resulting in the final design. Accesses, visibility splays and parking facilities are in accordance with CEC design and will allow for most delivery vehicles to park off Green Lane before entering the site. A drawing is required for the pedestrian refuge island at the junction of Green Lane and the A51 and a method statement for all other works. Section 278 agreement is required for the access and refuge island works. An alternative solution to providing and maintaining a travel plan would be to promote the local bus services in the area. A contribution of £5000 would be acceptable to be used towards promoting the bus service and bus stops and would replace the need for the travel plan.

Environment Agency: No objection subject to drainage informatives.

Environmental Health: Do not object to this application subject to conditions requiring:

1. Noise attenuation Measures
2. All noisy works to be inside with doors windows closed
3. Details of external lighting to be submitted
4. Phase I contaminated land survey

VIEWS OF THE PARISH COUNCIL

None received at time of writing report

OTHER REPRESENTATIONS

None received at time of writing report

APPLICANT'S SUPPORTING INFORMATION

Planning Statement (*Prepared by HOW Planning dated 8th February 2011*)

- Short Description of site and overview of proposed development
- Analysis of Local, Regional and National Policy
- Policy E.6 provides for small scale economic development, it is considered that the proposed development is of an appropriate scale. Would meet Policy tests contained within BE.1 – BE.5
- Regional Spatial Strategy policies not considered further
- May conflict with NE.2 as not development solely for agricultural/forestry use
- If the Council find that the development is in conflict with the Local Plan there are a number of very significant material considerations which weigh heavily in favour of the scheme
- Impact on Open Countryside – site is previously developed and occupied by a number of significant buildings, given character of area the site can be developed without causing visual harm to Open Countryside.
- Ecological Issues – No evidence of protected species on the site. All trees to be removed have been categorised as “c” class
- Need for Development – applicant has had numerous enquiries for new commercial premises. Provision of local jobs are in line with the Governments sustainability objectives. Diversification of rural economy, the proposals will provide the opportunity for positive sustainable development which is deliverable.
- Accessibility of Site – Transport Statement demonstrates that the proposals are acceptable from highways perspective. Discussions held with CEC consider access arrangements now to be acceptable.
- Amenity – scheme is compatible with surrounding land uses
- Design – proposals are of an appropriate scale in keeping with the surrounding built development. Materials, colour finish and landscaping can meet requirements of design policy
- Access – proposals can be adequately and safely accessed and provide an appropriate level of parking
- Drainage and Utilities – site not at risk of flooding and will provide drainage provision appropriate to the scale of development which may include a form of sustainable drainage system.

Arboricultural Report (*prepared by Andrew Harker Associates dated November 2009*)

- The current proposals will require the removal of trees T1, G4, G5, G6 and G7 which have all been categorised as C within BS5837. The remaining trees can be protected using measures specified in appendices protecting the Root Protection Areas.
- Any tree loss will be mitigated by the inclusion of planting within the proposed landscaping scheme.

Protected Species and Biodiversity Assessment (*prepared by Ecologically Bats dated October 2009*)

- Concludes that the site has very little biodiversity value and the vegetated areas are poorly developed and have very few species. It is considered that the development will have no impact on the biodiversity in the locality

- There is some potential for birds to be nesting in the scrub and possibly one of the buildings on the site, and the clearance of the site may affect nesting birds. Recommend no work between March and September, and all works to be done by hand. If nests found works should stop.

Transport Statement (*prepared by Singleton Clamp and Partners dated February 2011*)

- Traffic associated with the development can be accommodated onto the local highway network in a safe manner
- Accessibility of the site is currently not good. However the application is supported by a Travel Plan Statement which is aimed at improving the choice of transport to the site.
- The application proposes to provide an island within the bellmouth of Green Lane at its junction with the A51 in order to assist pedestrian movement at the junction.
- Conclude that there could be no overriding highways objections to the application proposals.

OFFICER APPRAISAL

Principle of Development

Within the Open Countryside Policy E.6 of the Local Plan allows for appropriate small industries and smallscale workshop units within or adjacent to existing employment areas. The application site is bounded immediately to the north and east by an existing employment site and Green lane to its south. To the west is open countryside currently in use for agriculture. The proximity of the development to an existing employment site and the fact that this land has the appearance of being previously developed (agricultural land is not brownfield by definition), this is a material consideration and would make this site appropriate in principle for employment development. While there is a total of 2,560sqm of employment floor space proposed the scheme proposes a total of smaller 6 units for B2 (General Industrial) or B8 (Storage and Distribution) uses. It is considered that individually these are appropriate smallscale industrial units in this location and of a reasonable scale in its context of existing industrial buildings. Furthermore, there is existing built form on this site comprises 5 buildings which accommodate much of the site, with a total footprint of 1,333sqm, the proposed development would replace these structures.

The main consideration is therefore whether the proposals are appropriately designed and of a scale to not have a significantly detrimental impact on the open countryside, of amenity nearby residents, highway safety, protected species, trees or in any other way.

Impact on Open Countryside and Design

There are a number of existing buildings on the site (1333sqm) and the majority of the remaining land within the application site is covered by hardstanding. Surrounding the site to the north and east are the existing buildings of the Wardle Industrial Estate and it is considered that visually the site feels part and parcel of this existing development. This is particularly apparent when viewing aerial photographs of the Industrial Estate.

The existing buildings on site have a height of approximately 5m. Block 1 has a total height of 9.3m and a height to eaves of 7.7m. Block 2 is proposed to have a mono-pitch roof with a maximum height of 6.8m and height along the northern boundary of 4.8m. While the proposed buildings are taller than the existing sheds on the site when viewed from the south (Green Lane) and west they would be seen against the backdrop of the considerably larger existing industrial

units within the Industrial Estate. Although the buildings are larger than those they replace it is not considered that the harm on the surrounding open countryside, due to their siting, would be significant. Additional landscaping to the west of the help would help to provide a soft buffer between the open countryside and the proposed built development.

The proposals involve the removal of the vegetation along the Green Lane boundary. However replacement planting is proposed along this boundary to help to screen the development. The most sensitive aspect of the development will be from the west which is open countryside and where there is a public footpath within close proximity to the site. The applicant owns the land to the west of the site and it is considered that a screening buffer within the agricultural field would mitigate the impact of the development. This could be secured by condition. It is therefore considered that the proposed development would not cause significant harm to the character and appearance, and overall openness, of the Open Countryside.

The proposed buildings have the appearance of standard industrial units and would not be out of character with surrounding developments. Green Lane at this point is lightly trafficked and it is therefore considered views from sensitive receptors would be limited. Conditions requiring details of materials to be submitted and landscaping to the Green Lane and western boundaries would all mean that the development would not have a significantly detrimental impact on the character and appearance of the streetscene.

Reference should be made to the 2008 appeal decision for offices and car parking on land adjacent to Rowlinson Group towards the eastern end of Green Lane which was dismissed. Whilst both proposals are for employment development within the Open Countryside, there are significant differences between the two proposals which should be highlighted. The appeal site was a Greenfield/ underdeveloped site and development on that land would have resulted in the erosion of a natural green buffer between the industrial estate and residential properties. The proposed development considered under this application is on land which has existing built form and would represent a logical rounding off of the western extent of the Industrial Estate. It is therefore considered to be a more appropriate location for employment development in this Open Countryside location.

Amenity

Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through overshadowing, overlooking, visual intrusion or in any other way, including noise and disturbance. The proposed development would not be sited in immediate proximity to any dwellings. However there are dwellings sited over 200m to the south and 230m to the west of the site and there are a number of dwellings sited along Green Lane. Therefore loss of privacy or light are not likely to be issues in this case.

The proposed industrial use of the buildings has the potential to affect residential properties that are not sited immediately adjacent due to the possible processes involved with the use. The Environmental Health Officer has stated that they have no objection to the proposed development, provided that a number of conditions are applied to any permission to restrict the likely impact that the development would cause. This includes conditions to restrict noisy works to be carried out within the units, and details of noise attenuation measures to be provided. It is considered that these conditions are appropriate to mitigate the noise and disturbance impact that the development could have and should be applied to any approval. Furthermore, details of any

external lighting should also be provided, by condition, to ensure that illumination of the site does not affect nearby properties, or the character and appearance of the open countryside.

The transport assessment suggests that there would be an increase in traffic along Green Lane of 31 vehicles during AM peak and 26 vehicles during the PM peak. This is not considered to be sufficient to cause demonstrable harm to the amenities of dwellings along Green Lane. Notwithstanding this point it is considered that a condition should be attached to any approval to restrict the hours of HGV's visiting the site to between 08:00 and 18:00, as these would cause the most nuisance to the amenities of residents.

Highways

The development will result in an increase in vehicular movements along Green Lane and the A51. A transport statement has been submitted to show that Green Lane currently has AM peak flows of 71 vehicles and a PM peak flows of 148 vehicular movements. Following the proposed development these figures would increase to 102 vehicles at AM peak and 174 vehicles in the PM peak. The statement goes on to states that the maximum level of flow along Green Lane would be anticipated to occur adjacent to the junction of Green Lane with the A51 and would not exceed 180 vehicles per hour, which equates to around 3 vehicles per minute on average during peak highway hours. It is also stated that this level of increase would not be anticipated to lead to any change in the existing conditions. These figures have not been disputed by the Strategic Highways Manager and concern has not been raised with regard to the highway network. However there is concern that the proposals would have an impact on pedestrians along Green Lane. There is a limited amount of footway with no pedestrian crossing facilities at or near the A51. The Strategic Highways Manager has suggested that a refuge island junction with Green Lane and the A51 should be provided to allow safer crossing for pedestrians. This land falls within CEC ownership and can therefore in this case can be secured through a Grampian style condition an section 278 agreement.

Concern was raised on the previous scheme with regard to the internal mechanics of the site and the impact that those proposals would have on vehicles queuing along Green Lane and the HGV manoeuvring which would be required. That scheme was withdrawn and the discussions have been ongoing between the LPA, Highways Authority and the developer. The scheme has now been received which shows a single point of access into the site which allows vehicles to pull clear from the highway avoiding any potential highways danger. Two points of exit have now also been proposed. The revised scheme is now considered to be acceptable in Highways terms and is in line with the pre-application discussions held.

The scheme proposes 65 car parking spaces for the 6 units. By using Local Plan parking standards for B.2 development which is based on individual units there would be a maximum requirement to provide 90 parking spaces. It should be noted that if the proposal was for one unit there would only be a requirement to provide 55 spaces. These calculations are based on net floorspace rather than gross floorspace as required by the policy and the requirement for parking is therefore likely to be slightly less. Notwithstanding this the parking provision is still likely to be less than the maximum standards required by policy which given the unsustainable location of the development is a slight concern. The developer has agreed to adopt a Travel Plan for the site to encourage the use of alternative modes of transport, this was considered to be acceptable on the previous application. To negate the need for a Travel Plan the Strategic Highways manager has suggested that a financial contribution of £5000 towards improvements towards the highways

network would be acceptable. This was not previously requested and it is considered that it would be unreasonable to request it for this application, which has less floorspace and more parking than the previously withdrawn scheme. Therefore, a condition for the implementation of the Travel Plan is considered reasonable. A condition for details of secure cycle parking would also help to encourage the use of cycles to the site.

Protected Species

The submitted protected species survey has identified that there would be little impact on significant habitats. However the report does highlight that there may be potential for some disturbance to nesting birds. It is suggested that a condition be attached to any approval requiring that prior to the commencement of development (between March and September) a thorough survey of the site for nesting birds be carried out, submitted to and approved by the LPA. This has been suggested by the Council's Ecologist.

Loss of Trees

The scheme involves the removal of a number of trees from the site including a series of Leyland Cypress trees along the Green Lane frontage. These are well established trees which provide a screening barrier for the site. These trees have been established as category "c" trees which are defined as those worthy of retention, where they do not prejudice the development. It is therefore considered that there is insufficient weight to refuse the proposals on the grounds of loss of trees. Additional landscaping could be secured through condition to mitigate for the loss of these trees and help to screen the development from the south and west.

Contaminated Land

Although an industrial use is not a sensitive end use there is potential for contamination on the land given the historic use of the site. It is suggested that a Phase I Contaminated Land survey be carried out in line with the advice contained in PPS23. This can be secured by condition.

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.

As the proposed development is for major industrial development in a relatively unsustainable location it is considered that an element of renewable energy should be incorporated into the scheme to off set some of the harm in terms of climate change that may be caused. It is recommended that conditions be added to any approval 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 for reuse on site where possible 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

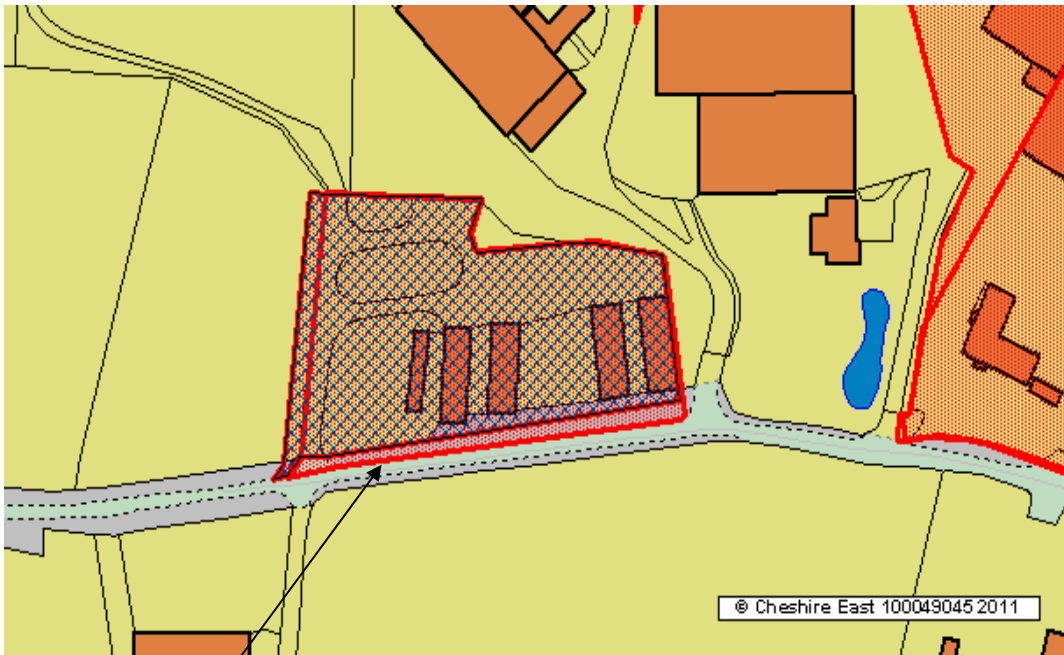
CONCLUSIONS

It is considered that the application site, which comprises existing built form, and is adjacent to an existing employment site is an appropriate location for employment development, and would represent a logical rounding off of the wider industrial complex. The development can be accommodated on the site as conditioned without causing significant harm to the character and appearance of the open countryside or the amenities of nearby residential properties. The proposed development can be satisfactorily accessed without causing significant harm to highway safety and an opportunity exists to improve pedestrian safety in the area through the creation of a refuge island at the junction between Green Lane and the A51. There are no significant concerns relating to protected species or loss of trees. The proposed development is therefore considered to be in compliance with the Policies contained within the Local Plan.

RECOMMENDATIONS

Approve subject to the following conditions:

- 1) Standard**
- 2) Plans**
- 3) Materials to be submitted**
- 4) Surfacing Materials to be submitted**
- 5) Scheme of Landscaping to be submitted**
- 6) Scheme of Landscaping to be implemented**
- 7) Scheme of drainage to be submitted**
- 8) Boundary treatment to be submitted**
- 9) Turning area and parking as shown on approved plan to be provided prior to first occupation**
- 10) Refuge island to be provided at junction of Green Lane and A51**
- 11) Deliveries restricted to 08:00 – 18:00 Monday to Friday , 08:00 to 13:00 on Saturday and not on Sunday and BH's**
- 12) Incorporation of sustainable features to be submitted and approved**
- 13) Waste Management Plan to be submitted and approved**
- 14) Survey for Nesting birds between March and Sept**
- 15) Details of Bin storage to be submitted and agreed**
- 16) Details of cycle storage to be submitted and agreed**
- 17) Details of external lighting to be submitted and approved**
- 18) Noise attenuation Measures to be submitted and agreed**
- 19) All noisy works to be inside with doors windows closed**



The Site

Planning Reference No:	11/0551C
Application Address:	Saxon Cross Motel, Holmes Chapel Road, Sandbach, CW11 1SE
Proposal:	Demolition of existing hotel on the site, change of use from a category C1 development to a mixed use of category B1 and B2. Construction of a single storey office building a small security building and warehouse building, new hard landscaping associated with the proposed development including relocation of vehicular access
Applicant:	Bolshaw Industrial Powders
Application Type:	Full Planning
Grid Reference:	376887 362264
Ward:	Congleton Rural, Sandbach
Earliest Determination Date:	23 rd March 2011
Expiry Dated:	11 th May 2011
Date of Officer's Site Visit:	8 th March 2011
Date Report Prepared:	9 th March 2011
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- The impact upon the character and appearance of the site and the wider Open Countryside
- The impact upon neighbouring amenity
- The impact upon highway safety
- Parking provision
- The impact upon protected species

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee as it involves development of over 1000sq.m.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the western side of Holmes Chapel Road within the Open Countryside. The site is currently occupied by the former Saxon Cross Motel which now stands derelict. The Saxon Cross Motel is a mainly single storey flat roofed building with a small two storey section to the front of the site. The site is surrounded by open fields with the M6 to the rear. The site includes a number of trees of varying quality most of which are located towards the sites boundaries.

DETAILS OF PROPOSAL

The proposal is for the erection of a single storey office building to the front of the site that would have a length of 35 metres, a width of 12 metres, an eaves height of 3.4 metres and a ridge height of 6.1 metres.

To the rear of the site the application includes a warehouse which would have a length of 48 metres, a width of 21 metres, an eaves height of 6.2 metres and a ridge height of 9 metres.

The application includes the relocation of the access to the south of the site and an area of car parking to the north-east corner of the site.

RELEVANT HISTORY

No relevant planning history

POLICIES

Development Plan policies

Local Plan policy

PS8 – Open Countryside

GR1 – Design

GR2 – Design

GR4 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 – Accessibility, Servicing and Parking Provision

E5 – Employment Development in the Open Countryside

NR1 - Trees and Woodlands

NR2 – Statutory Sites

NR3 - Habitats

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

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

MCR4 – South Cheshire

National policy

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Growth

PPS7: Sustainable Development in Rural Areas

CONSULTATIONS (External to Planning)

Environmental Health: Conditions requested in relation to pile driving, hours of construction, travel plan and contaminated land.

Strategic Highways Manager: The existing use-class on this site is for a hotel/motel facility with conference rooms. The site suffers from a sub-standard access which does

not meet current design standards. This development proposal is supported by a clear Traffic Statement which identifies traffic generation for the existing use and for the proposed development use. The figures contained within the report have been validated and accepted. These figures demonstrate that the proposed use would show a 20% reduction in traffic generation when considered against the potential for the existing use-class. In addition, the development proposes the construction of a new access to provide for the necessary turning movements and to improve visibility to a standard acceptable under the requirements of the Design Manual for Roads and Bridges. The provision of parking within the site is designed to meet the required standards and is acceptable. The Strategic Highways Manager recommends that a condition in relation to the formation of the access and an informative be attached to any permission which may be granted.

Highways Agency: No objection. Travel Plan condition required.

OTHER REPRESENTATIONS

A letter of objection has been received from the occupants of Nutwood, Holmes Chapel Road raising the following points;

- Increased traffic generation
- The site would operate for 24 hours a day, 7 days a week
- Early morning starts of the HGV's

PARISH/TOWN COUNCIL

Sandbach Council: No objection however, Sandbach Town Council hope that the rural aspect of the site will be maintained through the planting of natural screening to improve the visual impact. Concern was expressed at the potential for HGV traffic increasing to unacceptable levels over time and Members highlighted the necessity for improving the M6 Jct 17; numerous new businesses, such as this, are proposed in Sandbach and surrounding areas which Members believe will greatly increase use of the busy junction and add to the existing safety and congestion issues.

Brereton Parish Council: No comments received

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement (Produced by Architectural Design and dated 1st February 2011)

- The Saxons Cross Motel was built in the early 1970's and has been vacant since 2008 when it ceased to trade
- The site was purchased in 2010 by Bolshaw Industrial Powders who wish to move Bolshaw Industrial Powders Distribution from its current location at Harrop House Farm, Rainow, Macclesfield to the Saxons Cross site. This is to enable a more sustainable and economical distribution of their bagged lime products mainly to agricultural customers
- The existing hotel has a footprint of 2002sq.m and the proposed buildings would have a footprint of 1439sq.m. This is a reduction in the footprint of the buildings on the site by 562sq.m
- The proposed office building runs north to south and is set parallel to the road with its main entrance facing the interior of the site

- The warehouse runs east to west away from the line of trees to the north of the site with hardstanding to the south and west
- The operation of the warehouse is masked by the positioning of the office building to the east of the site
- The office and warehouse building have been designed to work in tandem with the ridge height of the office at the same height as the eaves height of the warehouse. This in conjunction with the new landscaping is intended to reduce the impact of the warehouse building
- The proposed scheme has been designed to sit comfortably in its rural location and to 'signpost' its industrial use. It promotes and enhances the rural landscape.
- The proposed new access is to be relocated 48m to the south of the existing access providing 160m visibility in both directions. This is far greater visibility for vehicles turning right into the site than for the existing situation.
- The proposed development will utilise the local and national road infrastructure and will reduce transport times for Bolshaw Powders

Transport Statement (Produced by Singleton Clamp & Partners dated 20th January 2011)

- The proposed redevelopment of the Saxons Cross Motel would result in a reduction in traffic movements at the site access. Notwithstanding this benefit a revised access is proposed for the site which would bring about further significant benefits to the safety of the site access arrangements. For these reasons there are no highway, traffic or transport reasons to resist the proposed development.

Ecological Appraisal (Produced by FPCR and dated February 2011)

- The buildings on the site were considered to have a low potential for use by roosting bats due to the lack of substantial roosting features and the light and draughty internal conditions. No evidence of use by bats was found internally or externally during the building inspection.
- A total of 5 trees were considered to have a low bat roost potential
- No evidence of Badger setts or foraging activity was noted anywhere within the survey area
- No ponds were recorded within or adjacent to the survey area. However two wet ditches were present along the northern and eastern boundaries of the site. The eastern ditch is considered to be unsuitable breeding habitat. The recently cleared northern ditch may have provided suitable habitat prior to vegetation clearance given the size and nature of this feature and the signs of recently cleared material giving indication that the ditch had contained marginal bankside vegetation.
- No evidence of Water Vole such as tracks, droppings or feeding signs was recorded
- Anecdotal evidence of barn owl was recorded with a total of nine regurgitated bird pellets were found within this building during a second site visit undertaken on 16th March 2011. During this visit the pellets were confirmed as barn owl although there was no evidence such as white wash caused by repeated droppings or the accumulation of large numbers of pellets which could suggest the use of the building for breeding. It is therefore likely that a single barn owl has used this building for feeding/roosting over the past few months.
- No evidence of potentially suitable habits for any other protected, rare or notable species were recorded.

Arboricultural Statement (Produced by Cheshire Woodlands and dated 2nd February 2011)

- This arboricultural statement rates the trees on the site as follows;

- Three trees of high value retention category
- Four trees of moderate retention category
- Two trees of low value retention category
- One group of trees of moderate retention category
- One group of trees of moderate/low retention category

Phase 1 Desk study Report (Produced by CC Geotechnical Ltd)

A Phase 1 Contaminated Land Assessment has been produced. This is available to view on the planning file.

OFFICER APPRAISAL

Principle of Development

The application site stands on the western side of Holmes Chapel Road, in close proximity to Junction 17 of the M6. The application site is located within the open countryside. Policy E5 allows for the redevelopment of an existing employment site where the proposal is for a business enterprise appropriate to the rural area.

Policy EC10.1 of Planning Policy Statement 4 states that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Policy EC10.2 provides a list of impact considerations that the application should be considered against; these include accessibility and design considerations.

In consideration of this it is considered that the development would consist of the redevelopment of a derelict business site within the open countryside, the development would therefore comply with Policy E5 and PPS4.

Amenity

The nearest residential property would be a residential property known as Nutwood which is located to the south of the site. Given that there would be a distance of approximately 80 metres from the nearest point of Nutwood to the application site and due to the fact that the property is within close proximity to the M6 it is considered that the proposed development would not have such a significant impact upon residential amenity as to warrant the refusal of this planning application.

The B1 use class is a use that can be carried out without detriment to the amenity of any residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As a result it is considered that the use of the site for a B1 use is acceptable.

The B8 use class relates to storage and distribution and this could potentially impact upon residential amenity. However, due to the separation distance, the proximity of the M6 and due to the fact that the Environmental Health Officer has raised no objection to the development. It is considered that the development would not have any detrimental impact upon the adjacent residential properties.

Given the size of the proposed units and the level of vehicular movement from the former motel it is not considered that any increase in vehicle movements resulting from the proposed development would cause a level of disturbance to local residents that would be sufficiently detrimental to amenity as to warrant the refusal of this application.

Design

The proposed development includes two buildings. The smaller office building would be located to the front of the site. This building would have a simple rectangular form with a pitched roof. It is accepted that the building would face into the site. However when viewed from the south and the new access road the southern gable would include a fully glazed gable. This gable would guide visitors to the rear courtyard where access would be gained to the building. The front elevation would include a number of windows which would help to break up its bulk and a new hedgerow would be planted along the road frontage. This would help to screen the proposed building. The building is to be finished in metal cladding. Provided that an appropriately dark colour is chosen such as green or grey, it is considered that it will blend in with the rural scene.

The warehouse building is of a utilitarian design and would have a pitched roof with roller shutter doors to its southern elevation. It is considered that this building would have an appearance of a modern agricultural building and would not appear out of character in this rural area. It should also be noted that the taller warehouse building is located behind the more interesting office building which would help and screen it from view.

As a final point it is considered that the proposed development would improve the visual appearance of the site as the existing Motel is of no architectural merit and lies derelict following a spate of vandalism.

Highways

This application proposal is supported by a Traffic Statement which identifies traffic generation for the existing use and for the proposed development use. The figures contained within the report have been validated and accepted by the Strategic Highways Manager. These figures demonstrate that the proposed use would show a 20% reduction in traffic generation when considered against the potential for the existing motel. In addition, the development proposes the construction of a new access to provide for the necessary turning movements and to improve visibility to a standard acceptable under the requirements of the Design Manual for Roads and Bridges.

Concern has been raised over the increased vehicular movements on the site upon highway safety. However as part of this application the Strategic Highways Manager has been consulted and raised no objection. As a result it is not considered that the proposal would have a detrimental impact upon highway safety.

Ecology

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

The submitted ecological survey identifies potential for both bats and great crested newts to be present at this site. To establish the presence/absence of these species the submitted survey report recommends detailed surveys are undertaken. As both of these species are European protected species it is essential that their presence/absence is established prior to the granting of planning consent. It is therefore essential that the applicant undertakes detailed surveys for both of these species and that reports of the results of these surveys along with any mitigation required is submitted to the LPA prior to the grant of any consent. This issue will form a reason for refusal.

The assessment of the impacts of the development on Barn Owls is acceptable. It appears unlikely that Barn Owls are breeding at this site and the conclusion that the site has been used for brief periods by a single bird is reasonable. Consequently, the proposed development would not have a significant direct impact on Barn Owls. The loss of minor roosting sites has however been shown in the past to have a knock on effect of the success of breeding pairs of Barn Owls. It is therefore essential that the

site retains some potential for barn owls. The applicant's suggestion of the provision of barn owls boxes on site is adequate to meet this need and this could be secured by condition.

Trees

Part of the site accommodated the motel complex although the section to the west remained open undeveloped grassland. There are sections of hedgerow of varying species composition around the periphery of the site. The hedgerow to the north is native species, the hedgerow to the south is partly *Leylandii* and the roadside hedgerow includes a mixture of native and ornamental species. A substantial length of the south western boundary is open and unvegetated.

There are a number of trees on the periphery of the site and several mature Oak trees within site, to the north of proposed warehouse. There is a length of ditch to the north of the site.

On the eastern boundary, the development would require the removal of a small number of trees on the road frontage, however these trees are not exceptional and the loss would not have significant impact on public amenity. A section of hedgerow would also have to be removed. There would be sufficient space to accommodate replacement planting in mitigation.

Following negotiations with the applicant's agent the proposal indicates that the length ditch would be retained. This is considered to be important as it is likely to impact on the above mentioned mature Oak trees.

CONCLUSIONS

The proposed development is considered to be acceptable in principal despite the site being located within the open countryside. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety or the trees surrounding the site. However insufficient information has been submitted in relation to the impact of the development on Bats and Great Crested Newts and these issues will form the reasons for refusal.

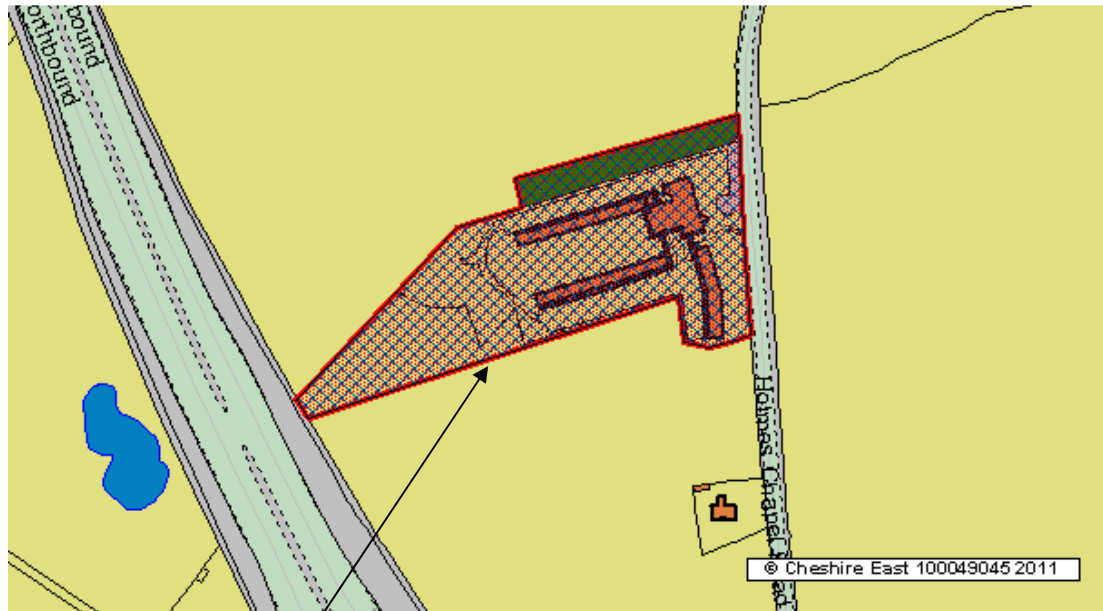
RECOMMENDATIONS

REFUSE

There is an open ditch within the application site. The submitted Ecological Appraisal states that presence/absence surveys will be required to identify whether or not Great Crested Newts are present in this ditch or any mitigation measures to protect this species during the construction works. In the absence of this information, to allow this development would be contrary to Policy NR.2 (Statutory Sites) of the adopted Congleton Borough Local Plan First Review, Circular 6/2005, PPS9 and Policies EM1 and DP7 of the North West of England Plan Regional Spatial Strategy to 2021.

The Ecological Appraisal submitted with the application recommends that two nocturnal bat surveys are carried out between end of May and August. In the absence of this information it is not been possible to identify whether or not Bats

are present within the buildings or any mitigation measures to protect this species during the construction works and therefore, to allow this development would be contrary to Policy NR.2 (Statutory Sites) of the adopted Congleton Borough Local Plan First Review, Circular 6/2005, PPS9 and Policies EM1 and DP7 of the North West of England Plan Regional Spatial Strategy to 2021.



The Site

CHESHIRE EAST COUNCIL

Southern Planning Committee

Date of Meeting 27th April 2011
Report on 08/0492/OUT Fine Art, Victoria Mills, Holmes Chapel.

1.0 Purpose of the Report

- 1.1 For Members to consider officers request to allow the application to be refused because the applicants have failed to sign the S106 Agreement.

2.0 Decision Required

- 2.1 To delegate authority to the Head of Development Management to refuse planning permission if the S106 Agreement is not signed.

3.0 Background

- 3.1 On the 3rd February 2009 Members of Congleton Borough Council Planning Committee resolved to grant outline planning permission for a scheme which sought to redevelop the Victoria Mills/Fine Décor site in Holmes Chapel with residential development.
- 3.2 One of the main aspects which lent support to the scheme was the fact that the applicant's agreed to ensure that the Fine Art business would be relocate within the Cheshire East area thereby safeguarding 140-jobs within the Borough. In return, the Council accepted viability would be impacted and agreed to accept affordable housing amounting to only 15% and comprising entirely Intermediate Housing.
- 3.3 The resolution therefore approved the scheme but only on the basis that the S106 was signed in order to secure the relocation of Fine Art within Cheshire East, the 15% affordable housing and a range of requirements including a £25,000 financial contribution towards off-site highway works, submission of a Travel Plan, provision of a Locally Equipped Area of Play and secure a contribution towards Amenity Greenspace to cover a range of scenarios.
- 3.4 Whilst the S106 Agreement was finalised over 12-months ago the applicant's have subsequently failed to sign the agreement because they initially sought to include mechanisms within the agreement which fell outside the resolution and subsequently for matters largely unrelated to the planning process.
- 3.5 Whilst the applicant's have recently indicated they now wish to sign the S106 Agreement, officers seek a resolution from Members to refuse the application if it has not been signed by the 27th April when the matter will be considered by Members of Southern Planning Committee.

4.0 Reasons for Refusal

- 4.1 The first reason for refusal would relate to the fact the applicants have failed to secure the relocation of Fine Décor; a matter on which they heavily relied to support the proposed scheme and to justify a reduced level of affordable

housing provision. Without these arrangements in place the scheme is considered to be contrary to policy E10 of the Congleton Local Plan and

- 4.2 The second reason would relate to the fact that the scheme fails to deliver an appropriate level of affordable housing provision, firstly because the justification for accepting only 15% no longer exists and secondly because the scheme would be then required to deliver the full 30% affordable housing including an element of social rented housing. The scheme would therefore fail to meet the requirements of PPS3, policy H13 of the Congleton Local Plan and SPD6 'Affordable Housing and Mixed Communities'.
- 4.3 The third reason for refusal would relate to the fact that the scheme has failed to provide necessary contributions to off-set the negative impacts associated with the development in terms of public open space, Amenity Greenspace and accessibility and sustainable transport options.

5.0 Recommendation

- 5.1 That Members resolve to refuse the scheme for the following reasons:
1. The applicant's have failed to sign the S106 Agreement necessary to secure the retention and relocation of the Fine Décor Business within Cheshire East Borough which formed the justification for substantial planning benefits and the grounds for accepting a reduced level of affordable housing provision. The scheme is therefore contrary to the requirements of Policy E10 'Re-use or Redevelopment of Existing Employment Sites' of the adopted Congleton Borough Local Plan First Review 2005 because the substantial planning benefits required by E10 used to justify their case cannot be secured.
 2. The applicant's have failed to sign the S106 Agreement in order to secure the delivery of the affordable housing. Furthermore, in the absence of any agreement to relocate the Fine Décor Business there is no justification for accepting a reduced level of affordable housing provision. The application therefore fails to meet the requirements of PPS3 'Housing' in terms of providing an appropriate level of affordable housing, delivering a sustainable, mixed community and ensuring that strategic housing objectives are addressed. The scheme also conflicts with the requirements of policy H13 of the adopted Congleton Borough Local Plan and SPD6 'Affordable Housing and Mixed Communities'.
 3. The failure of the applicant's to sign to the S106 Agreement means that the negative impacts associated with the development cannot be offset in terms of the off-site highway works, submission of a Framework Travel Plan, the requirement to provide on-site children's play equipment and secure a financial contribution towards any shortfall in 'Amenity Greenspace'. The scheme would not therefore deliver the sustainable, mixed communities required by PPS3 'Housing' and would result in new development with unacceptable impacts which have not been mitigated thereby contravening the requirements of PPS1 'Delivering Sustainable Development' and policies GR1 'New Development', GR9 'New Development', GR18 'Traffic Generation', GR19 'Infrastructure', GR22 'Open Space Provision' and GR23 'Provision of Services and Facilities' and associated SPD's of the adopted Congleton Borough Local Plan First Review January 2005.

CONGLETON BOROUGH COUNCIL

PLANNING COMMITTEE

DATE 3 FEBRUARY 2009

AGENDA ITEM NO.

APPLICATION NO: 08/0492/OUT

N.G.R. E376739 N367270

PROPOSAL: Outline application for residential development including means of access

ADDRESS: Victoria Mills, Macclesfield Road, Holmes Chapel

APPLICANT: Victoria Mills Holmes Chapel Ltd

SITE DESCRIPTION

The site consists of an area of approximately 4.25 ha, loosely triangular in shape, comprising the site of the existing factory. It fronts onto Macclesfield Road to the north and is bounded by existing residential development to the west and the Manchester – Crewe Railway Line to the east.

The site is historically known as Victoria Mills (now known as Fine Arts Factory) and is located to the east of the centre of Holmes Chapel. The site is currently occupied by Fine Décor who produce wallpaper coverings and employs around 155 people.

The aim of this proposal is to re-develop the site for housing and relocate the Fine Arts Factory to a more suitable location within the Borough.

POLICIES

The site lies within the Settlement Zone Line for Holmes Chapel. Policy H5 Residential Development in Villages is of relevance.

Relevant Local Plan Policies:

PS4 Towns

PS10 Jodrell Bank Radio Telescope Consultation Zone

GR21 Flood Prevention

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and parking provision

GR10 Accessibility, servicing and parking provision

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths, Bridleway and Cycleway Networks

GR17 Car Parking

GR18 Traffic Generation

GR22 Open Space Provision

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H5 Residential Development in Villages

H13 Affordable and Low-cost Housing
E10 Re-use or Redevelopment of Existing Employment Sites

SPG1 Provision of Public Open Space in New Residential Developments
SPG2 Provision of Private Open Space in Residential Developments
SPD4 Sustainable Development
SPD6 Affordable Housing and Mixed Communities

Regional Spatial Strategy

DP1 Spatial Principles
DP2 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
DP 6 Marry Opportunity and Need
DP 7 Promote Environmental Quality
L4 Regional Housing Provision
L5 Affordable Housing
EM11 Waste Management Principle

National Policy

PPS1 'Delivering Sustainable Development'	(PPS1)
PPS3 'Housing'	(PPS3)
PPS9 'Planning and Bio-diversity'	(PPS9)
PPS23 'Planning and Pollution Control'	(PPS23)
PPG24 'Planning and Noise'	(PPG24)
PPS25 'Development and Flood Risk'	(PPG25)

PLANNING HISTORY

Previous applications relate to Victoria Mill and are not considered relevant to the determination of this application.

CONSULTATIONS AND REPRESENTATIONS

Environment Agency

No objection to the proposed development

Network Rail

No objection in principle to the proposed development subject to the resolution of land ownership/boundary issues. The response included a list of observations which can be addressed by way of conditions and by attaching an informative to any decision notice drawing the applicants attention to the Networks Rail requirements.

District Highways Engineer

No objection subject to conditions and providing that the applicant enters into a S106 Agreement which secures provision of funding for a Green Travel Plan and off-site highway improvements.

Initial consultation response on the 1st October 2008 confirmed that the site has been subject to of pre-application discussions whereby the scope of the transport assessment and trip rates for generated traffic was agreed. The engineer considers that the site is sustainable and the residential travel plan was adequate although it requires further information to be submitted which can be secured within the S106 agreement.

Senior Landscape Officer.

No objection to the proposed development subject to the imposition conditions and submission of an ecological survey prior to determination of the application. Subsequently, an ecological survey was provided on the 20th January 2009 which the Senior Landscape Officer considered acceptable and subject to the imposition of a number of additional conditions.

Senior Housing Development Officer

The Senior Housing Development Officer has made a number of comments on the proposals. The initial response, dated 21st April 2008, can be summarised as follows: -

Local Housing Need

The Senior Housing Development Officer advised that the Housing Needs Survey (2004), along with supply and demand analysis, shows that Holmes Chapel one of the most expensive areas within the Borough to live whereby extremely high income levels are necessary to access any accommodation. It was advised that no affordable housing is in the pipeline within Holmes Chapel at present and that there is a need for all types of affordable housing within this area. We would expect to see a mix of types and sizes in line with what is being proposed for the site, and to provide an offering to meet the needs of those on different income levels.

At present the housing waiting list has over 1200 people waiting for family housing to socially rent in Holmes Chapel and only 3 nominations for family accommodation in the last 12 months had been received. In addition, the response advised that there are currently no social rented flats within this area and that significant need for socially rented properties has been unmet.

Affordability

In accordance with SPD6: Affordable Housing and Mixed Communities, Housing would seek to ensure that 30% of the site to be classed as Affordable Housing in accordance with the definitions within PPS3 and which would need to comprise 50% social rented and 50% intermediate affordable housing. Housing were concerned that the developers offer of 30% affordable housing comprised solely 2 bedroom flats on a shared ownership basis which given the mix of units being provided on the site is deemed unacceptable. They advised that they would expect to see a mix of types and sizes in line with what is being proposed for the site and to meet the local housing need.

Subsequently, and following on-going discussions, housing have accepted that the exceptional circumstances in this case (relating to retention of existing employment, overall viability and environmental health issues) would allow for the affordable housing contribution within the development to be reduced to 15%.

Local Planning and Economic Policy

No objection to the proposed development. The main elements of the response are summarised below: -

The Council cannot provide a 5-year deliverable supply of land for housing and therefore should consider favourable applications for housing with the development phased as necessary.

The applicants supporting information vis-à-vis Policy E10 suggest that the site is no longer suitable for employment use by Fine Décor with which policy concur, however, it is not clear that the site can be considered unsuitable for all employment uses and therefore consideration will need to be given to whether planning benefits highlighted in the Planning Statement can be considered to be substantial. In order to meet with the requirements of the emerging Site Allocations DPD there will also need to be evidence in relation to the relocation of the existing Fine Décor business within the Borough.

The Affordable Housing Statement suggests that 30% affordable housing will be provided on site; however, the tenure split of this affordable housing will need to be confirmed with the

Housing Section of the Council. The Statement does not include detail in relation to the provision of low cost market housing and therefore further consideration should be given to housing targets would meet this requirement. If the proposal cannot demonstrate it has provided 30% affordable dwellings and 25% low cost homes, the application could be considered as contrary to both adopted and emerging policy.

Policy also advised that a number of issues within the Affordable Housing Planning Statement are not considered to be an accurate reflection of Local, Regional or National Policy.

The Jodrell Bank Observatory

No objection subject to a condition relating to construction materials.

The Safer Communities Streetscape Officer

No objection.

Children and Young Persons Provision

No objection to the proposals subject to payment of commuted sums to cover the provision and maintenance of public open space and subject to a condition relating to the proposed LEAP specification. The consultation response identified clarified under what circumstances the on-site POS would be adopted by the Council (having regard to the culvert within the site) and identified opportunities for off-site POS enhancements were the full amount of POS not to be provided on-site. The response specified three scenarios for calculating the POS contributions having regard to whether the POS and LEAP were adopted.

The Senior Regeneration Officer (Archaeology)

No objection and no condition required. In summary, given the recent industrial development there are unlikely to be significant below ground remains are likely to be present.

The Environmental Health Officer

Contaminated Land

The Contaminated Land Officer has examined the proposals made in phase 1 of the site investigation and has stated that the proposals at this initial stage are adequate. Environmental Health has subsequently confirmed that no condition is necessary having regard to any phase 2 intrusive investigations or phase 3 remediation works.

Air Quality

Condition required ensuring dust protection measures are implemented during site works.

Noise

Following submission of additional information, Environmental Health have no objection subject to the imposition of conditions relating to noise mitigation and time limits on piling works and hours of construction.

Research and Statistics Officer (Children's Services)

Based on an assessment up to 2012, and a subsequent reassessment up to and including 2013, no financial contribution would be required as a result of the proposed development.

Cheshire Brine Subsidence Board

No observations.

Representations

A total of 7 representations were received (6 letters and 1 email). The content of these letters and email is summarised below.

Representation received 17th April from 21 Eastgate Road in favour of the proposed development but objecting to three storey properties to the rear of 17, 19, 21 & 23 Eastgate Road.

Representation received 17th April 2008 from the occupiers of 19 Eastgate Road. The letter outlined that no objection was raised to the principle of housing on the site but strongly objected to the proposed three storey properties at the rear of their property. Additional comments were made relating to fenestration and orientation having regard to privacy.

Representation received 18th April 2008 from occupiers of 17 Eastgate Road objecting to the three storey properties to the rear of 17, 19, 21 & 23 Eastgate Road but which sought to clarify that they had no objection to two storey properties.

Representation received 21st April 2008 from joint occupier of 33 Eastgate Road. The letter welcomed the principle of the development as a result of nuisance from Victoria Mills. It also related to discuss concerns over disruption from construction, concern over the proposed play facilities, presence of 3-storey units, queried the boundary treatment and management and maintenance of trees.

Representation received 21st April 2008 from the joint owner of 33 Eastgate Road, who again did not object to the development in principle but which raised concerns over the retention of the trees to the rear of their property which they state overhang their garden and are not maintained properly. They raise the question of whose responsibility it would be to maintain these trees.

Email received 5th January from occupiers of 75 Ravenscroft. It suggests that Holmes Chapel needs low cost starter homes to buy and not social housing to rent. It also states that the site should be developed with 130 units rather than the 160 proposed having regard to the potential strain on infrastructure within the village.

Representation from Holmes Chapel Action Group 17th December 2008. The response indicating that Holmes Chapel needs low cost housing and not social housing to rent. It also states that the site should be developed with 130 units rather than the 160 proposed having regard to the potential strain on infrastructure within the village.

OBSERVATIONS

The application seeks outline planning permission for residential development with associated highway improvements and open space. The application seeks detailed approval for means of access with all other matters reserved for subsequent approval (layout, scale, external appearance and landscaping).

However, in order to provide an indication of the scale of development, the applicants provided an indicative site layout plan indicating that the site could be developed with a total of 160 dwellings comprising of 60 no 2 bed apartments, 18 no. 2 bed houses, 42 no 3 bed houses, 27 no. 3/4 storey houses, 10 no 4 bed houses and 3 no 5 bed houses.

The scheme proposes one central vehicular and pedestrian access point directly from Macclesfield Road with a secondary pedestrian and emergency vehicle access point approximately 110m to the west also on Macclesfield Road. A further pedestrian access would be provided in the southwestern corner of the site linking directly into Eastgate Road.

ASSESSMENT

The main issues to consider in the determination of this application are as follows: -

- Housing Land Supply and Deliverability
- Loss of Employment Land
- Financial viability and the provision of affordable housing
- Accessibility and highway safety and capacity
- Environmental Health
- Public Open Space
- Landscape and Ecology
- Content of the consultation responses (including Network Rail and the Environment Agency)

Housing Land Supply and Deliverability

The latest housing land position statement demonstrates that the Council does not have a five-year land supply. The current figure stands at only 891 dwellings rather than the 5-year housing supply target of 1500 residential dwellings identified within adopted RSS although it needs to be borne in mind that a further 749 dwellings are awaiting the signing of a S106 Agreement which would take the total year supply to 1640 dwellings. On this basis therefore, paragraph 71 of PPS3 advises that local planning authorities must consider favourably applications for residential development having regard to the other requirements within PPS3 including those within paragraph 69.

In this regard, it is considered that the site would meet the requirements of paragraph 69 of PPS3 particularly in terms of the suitability of the site for housing and the fact it would ensure effective re-use of previously developed land. A further important consideration is that the site is considered to be deliverable because it would be available now, is suitable in that it would allow for the creation of mixed, sustainable communities and would be considered to be achievable because there is a high likelihood residential development would be delivered within 5-years.

Loss of Employment Land

Whilst the proposals would result in the loss of an existing employment site, it is considered that the proposals can demonstrate two significant planning benefits amounting to material considerations of significant weight. The first is that the proposals would facilitate the relocation of Fine Art to new premises within the borough (Cheshire East) thereby safeguarding the future of both the company and its employees. The second is that the relocation of Fine Art would resolve the long-standing environmental health and compatibility difficulties associated with Fine Arts operations which take place in close proximity to residential properties.

Having regard to these two key factors, it is considered that the requirements of policy E10 can be satisfied subject to the applicants entering into a S106 Agreement with the council to secure the relocation of Fine Arts within the Cheshire East boundary and to prevent residential taking place until such time as they have done so.

Provision of Affordable Housing

As a direct consequence of the development having to cover Fine Arts relocations costs, the applicants have indicated that the scheme could only support an affordable housing contribution of only 15% based on costs associated with 'intermediate housing' albeit still providing the necessary 25% 'low-cost' housing also required by SPG6.

In support of this position, the applicants financial appraisal details how this position had been reached based a number of financial considerations including a gross development value of £10.4m, an existing land value of £5.5m and Fine Arts £3.5m relocation costs which leave only £800,000 with which to finance affordable housing provision.

Following a detailed assessment of the figures presented within the applicant's submissions it is considered that the case presented is satisfactory with any differences between the council and applicant being ones simply relating to a difference of opinion rather than anything more substantive. On that basis, and when balanced against the significant planning benefits that would be realised were the application to be approved, it is recommended that a reduced level of affordable housing provision be accepted even though it would be fail to satisfy the requirements of SPG6.

If Members resolve to accept this position and approve the application it is recommended that the S106 agreement fix the number of affordable housing units provided by the scheme at 24 units (i.e. 15% of 160 units / £800,000 specified within the appraisal) to avoid the possibility of any further reduction were the total number of units provided at reserved matters stage reduced.

Highways, Accessibility and Sustainability

Following submission of a detailed Transport Assessment, it is considered that the level of development proposed is acceptable having regard to the capacity of the existing highway network and the ability to provide safe access for both vehicles and pedestrians albeit subject to the application providing funding for a series of off-site highway improvements, upgrading of bus services/stops and in order to secure submission of a Travel Plan Framework which would be covered by the applicants proposed contributory payment of £25,000.

The site is also considered to be sustainable in accessibility terms given its location within the defined settlement boundary and the fact it has good pedestrian connections to both Holmes Chapel rail station and a range of services within Holmes Chapel village centre.

The proposals are therefore considered to satisfy the requirements PPS1 and PPS3 in terms of delivering sustainable development and policies GR2, GR3, GR10, GR14 –18 of the adopted Local Plan.

Environmental Health

Noise

As a result of the fact that the site lies adjacent to the West Coast Main Line, Macclesfield Road and other industrial premises, all of which have potential to generate significant levels of noise, it has been necessary for the applicants to undertake a noise assessment in accordance with the requirements of PPG24 'Planning and Noise'. The findings of this survey indicate that noise levels within the site, particularly adjacent to the West Coast line, fall within Category C of PPG24 where permission should not normally be granted but which also advises that where it is considered permission should be given conditions should be imposed to ensure commensurate levels of protection.

In the case of the current proposals, Environmental Health are satisfied that the proposals would be acceptable providing that noise attenuation ensures internal noise levels meet the "good" standard of BS8233: 1999 'Sound Insulation and Noise Reduction for Buildings'. This can be secured by an appropriately worded condition and would address both transport and industrial related noise thereby ensuring that the requirements of PPG24 and GR6 are satisfied.

In addition to transport and industrial noise, Environmental Health have indicated that conditions will be required to control hours of construction and in order to restrict any piling activity which could take place if the proposed development were to be approved thereby ensuring the amenity of adjacent residents is protected during any period of construction.

Air Quality & Contamination

Similarly, conditions will be necessary to address contaminated land issues and in order to control dust during site preparation and construction activity. Subject to these conditions

however Environmental Health are satisfied that the requirements of PPS23 'Contaminated Land' and policy GR6 Amenity and Health would be satisfied.

Public Open Space

As the application has only been made in outline for means of access, the detailed layout of the site has been reserved for future consideration. Notwithstanding this however, the applicants indicative site layout indicates that the development would include an element of public open space (POS), albeit of a size and scale insufficient to meet the councils POS requirements, and a Locally Equipped Area of Play (LEAP).

Whilst Streetscape had no objection in principle to the provision of POS and an enhanced LEAP to a specification of the Councils choice, further discussions have also taken place during the course of the application as to whether the POS would be adopted in the future which would be hinge upon the future treatment of the culvert within the site and whether or not it was to remain covered; here the Environment Agency initially requested that the culvert be uncovered in order to provide enhance its wildlife potential. It is however considered that this matter can be dealt with at reserved matters stage as part of the detailed design process.

The only remaining issue in this regard relates Streetscapes requirement for a financial contribution from the developer which would be secured as part of the S106 Agreement. Here the precise amount required would vary depending upon whether the on-site POS is adopted. However as a guide, the amount(s) required would potentially include £124,773 for maintenance of the on-site LEAP, £54,831 to cover adoption maintenance costs and enhanced provision or where the POS is not adopted £18,647 to cover enhanced provision and maintenance thereof.

Landscaping & Ecology

The applicants submitted two surveys which surveyed trees within the site and which considered the ecological value of the site having regard to protected species particularly whether the site would provide suitable habitat for bats. Following an assessment of these documents, it is now considered that the proposed development, subject to conditions, would comply with the requirements of policies NR1 and NR2 of the local plan as well as PPS9 'Planning and Bio-diversity'.

Objections

That housing need in Holmes Chapel comprises affordable housing to buy not social rented

Whilst the Housing section have identified that significant demand exists for social rented housing within Holmes Chapel, the application in its current form would provide only 15% intermediate housing based on the financial viability of the scheme and the requirement to relocate Fine Art within the borough.

Notwithstanding this however, Housing have indicated that if the application were to be approved, additional funding would be sought from the Housing Corporation to allow a number of the intermediate units to be transferred to social rented housing at no additional cost to the developer thereby helping to address part of the demand within Holmes Chapel for social rented housing. This position would be supported by PPS3 'Housing' which seeks to ensure a mix of house and tenure types within new developments.

Density / Max 130 Units

Whilst the Site Allocations DPD (Revised Preferred Options) 2007 indicated that the site could accommodate 130 units, the additional increase to 160 units is considered to be acceptable having regard to density, character and the ability of the highway network / village to accommodate the additional number of units.

Proposed 3-storey dwellings

As the application is made in outline for means of access, matters related to detailed design of have been reserved for future consideration including whether the scheme would incorporate any three-storey dwellings.

Conclusion

On balance it is considered that the proposed development, whilst resulting in the loss of an employment site and providing only a reduced level of affordable housing, would be acceptable having regard to the significant planning benefits which would be achieved as a result of the retention and relocation of Fine Art with the borough (Cheshire East) and the resolution of long-standing environmental health issues.

RECOMMENDATIONS

Members grant planning permission subject to conditions and subject to the prior signing of a S106 Agreement.

Time Limits

1. Application for the approval of reserved matters for each phase of the development shall be made to the Local Planning Authority before the expiration of four years from the date of this permission. Any phase of development hereby permitted shall be begun not later than whichever is the later of the following dates:

- a) Four years from the date of this permission.
- b) Two years from the date of the approval of the last of the reserved matters to be approved for that phase of development.

2. Application for approval of scale, layout, appearance and landscaping (the reserved matters) for the development shall be submitted to and approved in writing by the Local Planning Authority before that development phase is commenced.

General Matters

3. Prior to commencement of any development, other than demolition and remediation, full details of existing and proposed ground levels and proposed building slab levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in conformity with the approved details.

Materials

4. Prior to the commencement of development, other than demolition and remediation, precise details of all external facing materials and internal insulation to be used within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed only in accordance with the approved materials.

Phasing & Parameters

5. Prior to the commencement of any development, other than demolition and remediation, precise details of development phasing shall be submitted to and approved in writing by the Local Planning Authority. These shall include a plan indicating the division of the site into phases, provision of POS, construction timetable and precise location of the dwellings identified for affordable housing. The development shall then be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

6. The hereby-permitted residential development shall be restricted to Use Class C3 and shall comprise no more than 160 residential units, unless otherwise approved in writing by the Local Planning Authority.

7. The development hereby approved shall incorporate a minimum of 0.35ha public open space, excluding verges and boundary buffer strips.

Construction Management / Environmental Health

Wheel Wash Facilities

8. Prior to the commencement of development a scheme for provision of wheel wash facilities and street cleansing shall be submitted to and approved in writing by the Local Planning Authority. The facilities and cleansing scheme shall be retained and utilised throughout the course of the demolition, remediation and construction works unless otherwise agreed in writing by the Local Planning Authority.

Dust Suppression

9. Prior to the commencement of development details of a scheme for dust suppression during the course of demolition, remediation and construction works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and retained throughout the duration of the demolition, remediation and construction works unless otherwise agreed in writing by the Local Planning Authority.

Construction Noise

10. No piling work shall take place outside the hours of 9am – 5pm Monday to Friday with no piling works to be undertaken on Saturday, Sunday or Bank Holidays.

11. No construction works shall take place on the site outside the hours of 08:00 & 18:00 on weekdays, 08:00 & 13:00 on Saturdays and not at all on Sundays or Bank Holidays unless otherwise agreed in writing with the local planning authority.

Contaminated Land

12. No part of the development hereby permitted shall commence until all of the following procedures or processes have been completed.

a) A Phase I site investigation, i.e. a desk study, site walkover, and human health and environmental risk assessment, has been carried out and submitted in writing to the Local Planning Authority for written approval.

b) An investigation and assessment methodology, including analysis suite and risk assessment methodologies, has been agreed in writing by the Local Planning Authority prior to site investigations.

c) A site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination (including chemical / flammable or toxic gas / asbestos / physical hazards / other contamination) at the site and submitted to the Local Planning Authority. The investigations and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risks associated with them. This is to include a risk assessment with regard to controlled waters.

d) A remediation strategy, which shall include an implementation timetable, monitoring proposals and remediation validation methodology, has been agreed in writing by the Local Planning Authority and the agreed remediation strategy shall be demonstrably and successfully completed before the proposed use commences. As a minimum, the remediation shall be to a standard which, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the Environment Protection Act 1990.

e) Prior to the occupation of any part of the development, a Validation Report shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details on: the remediation works undertaken; validation testing; certificates of the suitability of the imported materials; the treatment, disposal or otherwise of any excavated material; and any necessary verification monitoring programme.

Noise Insulation

- 13 a) No development shall commence until a detailed scheme for noise mitigation for each phase of the development has been submitted to and approved in writing by the Local planning Authority.
- b) The scheme shall be designed and implemented to ensure that all habitable rooms with the development meet the “good standard” of BS8233: 1999 ‘Sound Insulation and Noise Reduction for Buildings’ Code of Practice.
- c) The agreed measures for each phase shall be fully implemented in accordance with the approved scheme prior to the first occupation of any dwelling and shall remain in place unless otherwise agreed in writing with the Local Planning Authority.

Highways

14. The hereby-approved access shall be fully constructed in accordance with Drawing No. 2004 - 492/SK009 (contained within the Denis Wilson Transport Assessment received 18th March 2008) prior to the first occupation of any dwelling.

15. Prior to the commencement of development precise details of the methods by which unauthorised vehicles will be prevented from using the emergency access route shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the first dwelling and shall remain in place unless otherwise agreed in writing by the Local Planning Authority

Drainage

16. Prior to the commencement of development, precise details of the method by which surface water shall be drained from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Network Rail

17. No development shall take place within 2m of the railway line boundary.

Landscaping

Tree Protection

18. The reserved matters application shall be accompanied by updated tree survey and arboricultural impact assessment assessing the impact of the proposed layout on existing trees and hedgerows within the site.

19. No development shall commence until such time as an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The document shall include details of any proposed tree works and precise details of tree protection measures in accordance with BS5837: 2005 ‘Trees in relation to construction’. No tree / hedgerow removal shall take place within the site until such time as the arboricultural method statement has been submitted and until the works have been approved in writing by the Local Planning Authority.

20. Prior to any works taking place that involves the removal of vegetation, hedgerows, tree or shrubs between 1st March and 31st August in any year, a further detailed survey shall be undertaken to check for the existence of nesting birds. Where nests are found, a 4m-exclusion zone shall be created around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works involving the removal of the hedgerow, tree or shrub take place.

Landscaping Plans

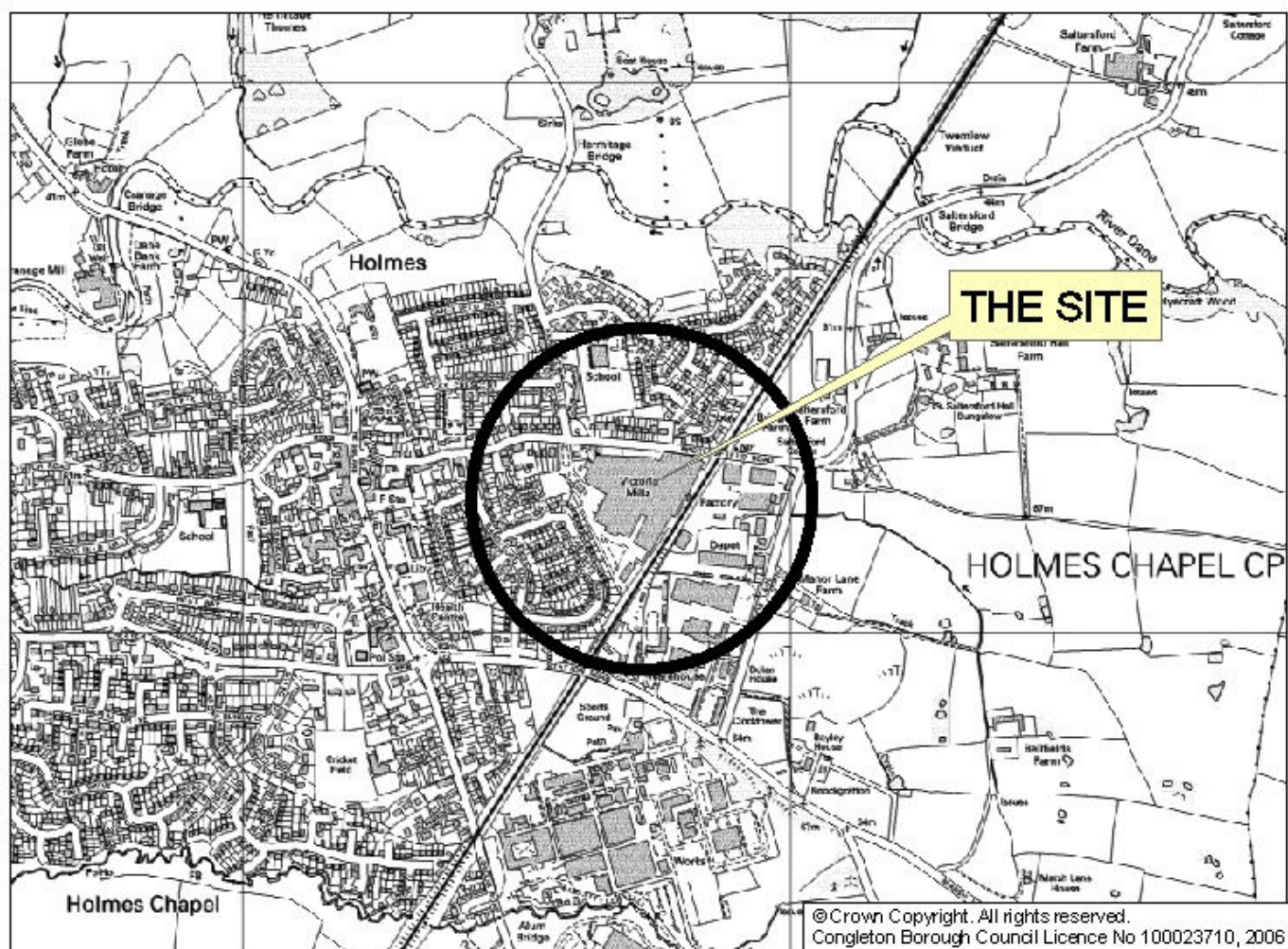
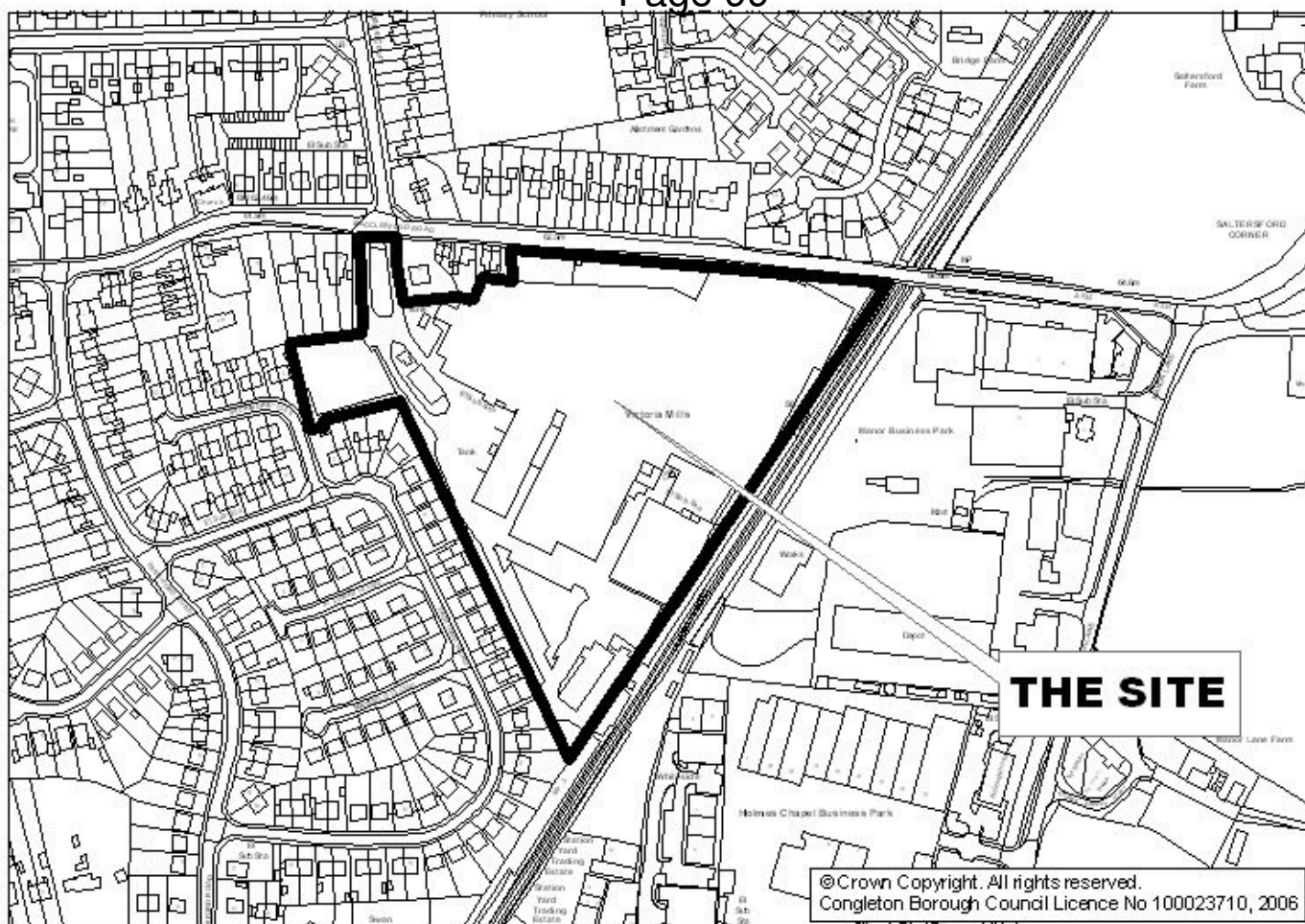
21. Prior to the commencement of development, a scheme the landscaping the site (including highways and public open space) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of both hard and soft landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities along with a full programme for implementation. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

22. No development shall commence until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

23. Prior to the commencement of development, a scheme to enhance bio-diversity in the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include provision of bat and bird boxes across the site along with a timeframe for implementation. The scheme shall then be fully implemented in accordance with the details

S106 Agreement Requirements: -

1. The agreement prevents development commencing on the application site until such time as Fine Art have relocated to the new site within Cheshire East
2. Secures provision of 15% Affordable Housing / not less than 24 units for Intermediate housing
3. Secures a financial contribution of £25,000 to specifically cover off-site highway improvements
4. Requires the applicants to submit a Green Travel Plan
5. Secures a POS contribution having regard to the variety of scenarios relating to the POS provision
6. Secures provision of an enhanced LEAP of a standard, design and specification to be agreed by the Council



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08/0492/OUT

**Outline Application for Residential Development including means of access
Victoria Mills Holmes Chapel Ltd**

Representations

Holmes Chapel Parish Council (Email received 29th January 2009).

Object to the proposals on the following grounds: -

- Density too great and should be restricted to original policy of 130 dwellings; otherwise this sets a bad precedent for other developments in the village.
- Holmes Chapel infrastructure cannot cope with too many additional dwellings so developers need to contribute to improvements by way of S106 provision for on-site facilities.
- Too much open space on site could be used for important village requirements like car parking.
- Improvements on Elm Drive play area would be preferred to over provision on this site.

Letter dated 7th April 2008 from Rigby & Company on behalf of Mr & Mrs Morgan, 66 Macclesfield Road objecting to the application on the grounds that: -

- The application uses a roadway over which our clients have a right of way
- Also it uses a corner of their garden as shown hatched Red on the attached plan
- Notice has not been served under S27 of the Town and Country Planning Act.

Further letter dated 17th April 2008 on behalf of Mr & Mrs Morgan with a further objection to the proposal on grounds relating to: -

- The visibility splay shown takes part of the garden of our clients property and consent has not been given for this.
- Three properties fronting Macclesfield Road and shown between no60 Macclesfield Road and the entrance of the site use part of the right of way and also impair our clients privacy.
- These three properties may have facing windows which would not be acceptable.
- In view of the reduction in width of the existing access road over which our clients have a right of way our client would not have room to turn his caravan out of his property as he does at the present time
- The density in the overall plan is far greater than the number provided by local development framework of 130 dwellings. In the circumstances it should be possible for adjustments to be made to the overall site so that it is not necessary to build over parts of the property where our clients have a right of way.

Additional Comments

Flood Risk Assessment

Due to the site size, which exceeds 1ha, the application was accompanied by a Flood Risk Assessment (FRA). The main findings of the FRA were as follows; the site was at low risk of flooding; redevelopment would reduce surface water run-off from 0.61m³/s to 0.29m³/s by virtue of the reduction in impermeable surface (Estimated); the reduced surface water run off rates would reduce the risk of flooding both on the site and in downstream areas; and finally that the use of SUDS could help to further reduce the run-off rate. Therefore, following withdrawal of the Environment Agency objection, it is considered the application satisfies the requirements of PPS25 'Development and Flood Risk'.

In accordance with the findings of the FRA however, it is recommended that the wording of condition 16 be modified and a number of conditions be attached to the permission which reflect the recommendations made within the FRA.

Condition 16 to read:

16. Prior to the commencement of development, precise details of the method by which surface water shall be drained from the site shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include an assessment of the potential use of SUDS within the scheme as well as detailed calculations which demonstrate that surface water run-off from the proposed development do not exceed existing surface water run-off rates. The approved drainage scheme shall then be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Add the following condition:

24. No development shall commence, other than demolition and site preparation works, until such time as a detailed survey of Allum Brook culvert has been submitted to and approved in writing by the Local Planning Authority. The survey should include a full structural survey of Allum Brook culvert, establish the culverts precise route and location, whether it can accommodate increased loading and whether it should be diverted to further reduce the risk of downstream flooding. The agreed measures shall then be fully implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

25. No development shall commence until such time as an assessment of overland flow for the proposed layout has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Consultation Responses from Network Rail.

In addition to the railway safety comments, Network Rail also submitted comments in relation to land ownership. However, Members will be aware that matters relating to land ownership and rights of access are a civil matter and not therefore material in the determination of the application.

Holmes Chapel Parish Council.

Based on the indicative layout, the scheme as presented results in under provision of on-site POS. Streetscape have therefore indicated that a financial contribution is required to cover enhancement of off-site POS, indicated to be Elm Drive.

The suggestion that on-site POS should be sacrificed for car parking would be detrimental to the delivery of sustainable development, good urban design and ensuring that the scheme made provision for on-site POS.

Matters relating to density and infrastructure are addressed in the full report.

Mr & Mrs Morgan, 66 Macclesfield Road.

Members will be aware that matters relating to land ownership and rights of access are a civil matter and not therefore material in the determination of the application.

Whilst comments have been made on the indicative layout (privacy & amenity) the layout acts purely as an illustrative guide only. The detailed layout and design of

individual dwellings are reserved for future consideration and therefore issues of privacy and amenity will be considered at that stage.

Additional comments on S106 requirements.

For clarification, the £25,000 financial requirement sought under point 3 extends to include the submission and implementation of a Green Travel Plan identified under point 4.

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CHESHIRE EAST COUNCIL

Southern Planning Committee

Date of Meeting 27th April 2011
Report on 10/0741C 19-23 Lawton Road, Alsager
(Co-op and Fairview Car Park Site, Alsager Town Centre)

1.0 Purpose of the Report

- 1.1 For Members to consider amendments to the proposed conditions and S106 Heads of Terms to an existing resolution to approve.

2.0 Decision Required

- 2.1 To agree to the proposed amendments to both the conditions and S106 Heads of Terms.

3.0 Background

- 3.1 This update relates to a scheme previously approved by Members on the 19th May 2010 for proposals to redevelop the Fairview Car Park site with a new Co-operative food store, retail units, restaurant, reconfigured and refurbished car park and replacement public open space.
- 3.2 The resolution sought to approve the scheme subject to a number of conditions and the prior signing of a S106 Agreement to secure the provision of financial contributions, a travel plan, control development phasing and deliver the replacement play equipment and market stall provision.
- 3.3 Following this resolution, officers have been working closely with the applicants and solicitors in order to complete the S106 Agreement and finalise the precise wording of the various conditions. Whilst substantial progress has been made, officers wish to gain approval for a number of minor changes to the resolution in respect of the proposed conditions and S106 Heads of Terms which will allow the legal agreement to be finalised and the decision issued in order that scheme can be implemented.
- 3.4 The reasons for requesting the changes are now discussed in detail below.

4.0 S106 Heads of Terms**Highway Related Matters**

- 4.1 Whilst officers originally sought to secure financial contributions, Travel Plan and the various highway works and improvements through the S106 Agreement we now seek to make a number of amendments.
- 4.2 Whilst it is proposed to retain the requirement to secure financial contributions and travel plan via the S106 Agreement, we now consider it more appropriate to secure the on and off-site highway works by way of a number of planning conditions.

- 4.3 The proposed conditions would therefore cover the following matters that were previously addressed within the proposed S106:
- Secure implementation of the approved new junction to Lawton Road;
 - Secure Implementation of the approved site access road;
 - Secure details of how the proposed signal junction will be linked in to the existing Lawton Road signal junction and the how the existing pedestrian crossing will be upgraded to PUFFIN standard;
 - Secure a TRANSYT design for the linked operation of the existing and proposed signal junctions;
 - Secure a scheme for bus-stop enhancements; and
 - Secure a scheme for footpath enhancements along Lawton Road between the site and the existing Civic Centre bus stop.
- 4.4 In terms of the scheme for the proposed bus stop enhancement, it was originally agreed that a scheme would upgrade the existing facility outside Alsager Civic Centre. However, because this was recently upgraded, it is now proposed to secure enhancements to the Alsager Health Centre stop which would serve a large residential catchment and provide enhanced public transport provision into Alsager Town Centre to serve the application site.

Public Art & Christmas Lights

- 4.5 The S106 originally sought to secure the ability to display an unspecified form of public art within the proposed town square, as well as the ability to erect Christmas lights once the development had been completed. Following extensive discussions however, this has been found to be unworkable in the absence of detailed scheme for public art and because of legal difficulties associated with erecting public lights in terms of private licensing arrangements and technical matters associated with public liability.
- 4.6 Officers therefore consider that a more appropriate solution would be to secure public art by way of a new condition that would require the applicant to agree a scheme of public art with officer's and install it within the square within a specified period following completion of the development. Similarly with Christmas lights, officers consider that a suitable alternative would be for a condition to secure the necessary physical infrastructure during the construction stage that would then allow lights to be displayed at a later stage (albeit subject to private licensing arrangements outside planning legislation).

Market

- 4.7 At the time of dealing with the application, it was envisaged that the developers would provide 25-new pop up stalls and the associated anchor points and pop-up sockets.
- 4.8 Since the resolution in 2010 however, Members will be aware that the Localism agenda has brought about potential for a radical alteration in the way such services are delivered and as a result it is considered that a more flexible approach is required in terms of the approach taken to the S106.

- 4.9 We therefore consider that the most appropriate solution would be to secure a financial contribution of £17,500 through the S106 specifically for purpose of providing new market stalls for Alsager Market if should it be deemed appropriate once the method of service delivery has been finalised. This would then ensure that the opportunity for securing improvements to Alsager market is maintained but which would allow the money to be returned to the developer were it not spent within a period of two years.

Public Open Space

- 4.10 No fundamental changes are proposed in respect of the inclusion of POS related matters within the S106. The changes sought however relate to the fact that a detailed design for replacement play equipment has now been agreed (following public consultation) and the exact amount to cover the shortfall in 'Amenity Greenspace' now confirmed at £11,195.34. As such the S106 Agreement would be adjusted to reflect these changes.

Phasing

- 4.11 Whilst it was originally envisaged that phasing of the development would be secured within the S106 Agreement, due the nature and content of the proposed S106, we now consider phasing can be suitably controlled by way of condition. In this respect, an indicative phasing plan has been submitted by the applicants which serves to demonstrate the delivery of off-site highway works, replacement public open space and new public square within an acceptable timescale. It is therefore intended to deal with phasing by condition which will also refer specifically to an 'approved phasing plan'.

Restaurant Restriction

- 4.12 It is now also proposed to offer greater flexibility for the applicants in terms of reducing the length of time the restaurant must remain within its use class from five down to two years. This is due to the fact that the applicant was concerned the restriction was onerous and could result in a potentially empty unit which would detract from the scheme if not let; a view with which officers agree and have therefore sought to amend.

Community Infrastructure Levy Considerations

- 4.12 In terms of the elements within the proposed S106 that would fall to be classified as 'Infrastructure', notably financial contributions to cover off-site highway works, 'Amenity Greenspace' and market stall provision and the requirement to deliver replacement play equipment and new adult fitness equipment, officers consider that the requirements of the Community Infrastructure Regulations are met.
- 4.13 Firstly, the requirements of the S106 are 'Necessary to make the development acceptable' because of vehicular movements associated with the development, the requirement for the Local Highway Authority to implement works to the highway and because the scheme results in loss of public open space and associated play equipment; Secondly, they are 'Directly related to the development' because the requirements only arise due to the impacts of the scheme; and thirdly they are 'Fairly and reasonably related in scale and kind' because the contributions cover the loss of 'Amenity Greenspace' resulting from the development, the cost of providing new stalls which fit within the replacement market area and reflect reasonable costs associated with the monitoring of the travel plan for a 5-year period.

5.0 Changes to the Proposed Conditions

- 5.1 Whilst officers consider that the previous section identifies the majority of changes needed as a result of alterations to the proposed S106 Agreement, a number of other minor alterations to conditions are also sought which are described in detail below.
- 5.2 The proposed hours' of operation conditions include minor changes to extend the times that the food store, retail units and restaurant can operate. Officers consider these are entirely appropriate for the town centre environment and will enable the development to operate effectively whilst preserving residential amenity and thereby satisfying the requirement of policy GR1 and GR6.
- 5.3 In place of the 10% renewable energy condition, the applicants propose to construct the scheme to BREEAM 'Very Good' standard. Officers have agreed to support such an approach because it is a recognised national standard and offers a more comprehensive approach to delivering sustainable development rather than focusing purely on the requirements of RSS policies EM17 and EM18 in terms of delivering 10% renewable energy.
- 5.4 In terms of other minor changes, it is proposed that:
- The floorspace restriction on the food store excludes the lobby area,
 - The scheme secures the provision of two electric car charge points
 - The scheme makes provision for retention and relocation of the existing CCTV system rather than being required to install a new system
 - The wording of the drainage condition is adjusted to allow flexibility as to whether the proposed swale (a surface water storage area within the POS) is included within the final drainage scheme.

6.0 Conclusion and Recommendation

- 6.1 That Members resolve to agree to the following revised conditions and S106 Agreement Heads of Terms:

S106 Agreement Heads of Terms

A) Highway Requirements

- Submission of a travel plan with triggers and arrangements for monitoring and implementation;
- Prior to first occupation of the food store, the developers to pay £5000 to cover monitoring of the Travel Plan by the Council; and
- Prior to the commencement of development, the developer to pay a financial contribution of £7500 to cover local traffic management at the junction of Lawton Road with an additional financial contribution of £10,000 to cover future maintenance of road markings associated with the new junction onto Lawton Road.

B) Greenspace Requirements

- Prior to commencement of development, that the developers pay a financial contribution of £11,195.34 to cover the shortfall in amenity

Greenspace. The money shall be spent on amenity Greenspace or play provision within 800m of the site.

- Prior to the first occupation of the hereby-approved food store, the developers shall purchase and install (at their expense) the agreed replacement play equipment, adult fitness equipment and layout the amenity Greenspace (including fencing and drainage) in accordance with the approved plans.
- That the agreement contains appropriate mechanisms for inspection, remedial measures and sign off of play equipment and Amenity Greenspace prior to occupation of the food store.

C) Market & Public Realm

- Prior to the commencement of development, the developer provides a financial contribution of £17,500 towards the provision of new market stalls for Alsager Market to be spent by Cheshire East BC within a two-year period or subsequently returned to the developer.
- Mechanism to allow up to 10-public events to take place within a defined area within the new public square fronting Lawton Road. (Events restricted to those approved by Cheshire East BC).

D) Development Restrictions

- Mechanism to ensure that only the development approved by this application is fully implemented and not either of the two alternative planning permissions 37808/3 and 05/0639/OUT are instead constructed.
- Mechanism to ensure that the proposed restaurant unit remains in its use class for a minimum period of two years following completion of the hereby-approved food store.

Proposed Conditions

1. 3 Year Time Limit
2. Development in accordance with the approved plans
3. All materials to be submitted and agreed prior to construction
4. Restriction to Net Retail Floorspace of 1318m² excluding lobby area
5. Standard contaminated land condition

Control over Hours

6. Restriction of hours of demolition, construction and associated deliveries to 07.30 to 17.30 hours on Monday to Friday, 0730 to 1300 hours on Saturday, with no work at any other time including Sundays and Public Holidays

7. Food store hours of opening 07.00 to 22.00 hours on Monday to Saturday and 10.00 to 17.00 on Sundays or Public Holidays.
8. Retail units' hours of opening 07.00 to 22.00 hours on Monday to Saturday and 10.00 to 17.00 on Sundays or Public Holidays.
9. Restaurant hours of opening 07.00 – 12.00 midnight.
10. No deliveries to the food store outside the hours of 07.45 and 20.00-hours Monday to Saturday and 09.00 and 17.00 hours on Sundays, Bank or Public Holidays.

Noise Mitigation

11. Scheme for noise mitigation to food store service yard to be submitted and agreed.
12. Precise details of air conditioning plant and equipment with noise mitigation to be submitted and agreed.
13. Precise details of extraction equipment with noise mitigation to be submitted and agreed.

Highways

14. Precise details and implementation of new junction to Lawton Road.
15. Precise details and implementation of new access road into the site from Lawton Road
16. Notwithstanding the approved plans, and unless otherwise agreed, the car park shall be laid out in strict accordance with drawing number 113/349/P11 Rev C.
17. Scheme to link existing signal junction at Lawton Road / Sandbach Road North to the proposed signal junction and upgrade existing pedestrian crossing to PUFFIN Standard.
18. Submission and implementation of a detailed TRANSYT design re linked signal operation.
19. Precise details and implementation of a scheme to upgrade existing bus stop at Sandbach Road South / Alsager Medical Centre to be submitted.
20. Precise details and implementation for a scheme of footpath enhancements to Lawton Road connecting the site to the Civic Centre bus stop.
21. Provision of infrastructure for two electric car charge points to be submitted and implemented.
22. Relocation of existing CCTV system.
23. Detailed public realm strategy and timetable for implementation.
(extending to include amongst other things materials, lighting, signage,

public lighting anchor brackets and power supply, boundary treatments, planting and street trees and other street furniture).

Surface Water Drainage and Attenuation

- 24. Scheme for surface water regulation.
- 25. Restriction on surface water discharge to 85-litres/second.
- 26. Site drained on a separate system (foul to foul and surface water to SUDS and surface water sewer).

Landscaping and Ecology

- 27. Landscaping scheme.
- 28. Landscaping implementation.
- 29. Tree protection.
- 30. Protection of breeding birds.
- 31. Bird and bat boxes to be erected.

Other Matters

- 32. Precise design and implementation of roller shutters.
- 33. Precise details and implementation of a site waste management plan.
- 34. Scheme to be constructed to BREEAM Very Good standard.
- 35. Development phasing.
- 36. Precise details and implementation external service yard and lighting facing Wesley Avenue.
- 37. Precise details and implementation of a scheme for public art within the hereby approved public square.

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Planning Reference No:	10/0741C
Application Address:	19-23 Lawton Road, Alsager.
Proposal:	Demolition of existing Co-operative foodstore. Construction of new Co-operative foodstore, associated service area and retail units. Reconfiguration and refurbishment of existing town centre car park and public open space.
Applicant:	Kimberley Developments PLC, 33 St James Street, London.
Application Type:	Full Planning Permission
Ward:	Alsager
Registration Date:	26 th February 2010
Earliest Determination Date:	9 th April 2010
Expiry Date:	28 th May 2010
Date report Prepared	6 th May 2010
Constraints:	Within the Settlement Zone Line Alsager Town Centre Principal Shopping Area Protected Area of Open Space / Recreation Facility Flood Zone 1

SUMMARY RECOMMENDATION

Grant planning permission subject to conditions and S106 Agreement

MAIN ISSUES

- Principle of Development and Retail Policy
- Layout and Design
- Loss of Public Open Space and compensatory provision
- Flood Risk and Drainage
- Accessibility and Highway Safety
- Environmental Health Related Issues (contamination and noise)
- Residential Amenity (interface)
- Impact on Trees
- Bats and Ecology
- Requirement for S106 Agreement

Date Report Prepared:
6th May 2010

1. REASON FOR REPORT

The application proposes small-scale major development in excess of 1000m² floorspace.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to a 1.9ha site within Alsager town centre which extends to include the existing Co-op store fronting Lawton Road, its service yard area, Fairview Car Park and an existing area of public open space on the sites eastern boundary.

The site is bounded to the north by Alsager Highfields Community Primary School, to the east by residential properties along Wesley Avenue, to the south by Lawton Road and to the west by Alsager Highfields Community Primary Nursery.

The site is located in the heart of Alsager town centre, with the site frontage to Lawton Road being allocated within the Principal Shopping Area. As a result the area is largely commercial comprising other shops, cafes and leisure uses with the also sitting directly adjacent to Alsager Civic Centre, library and one-stop shop.

The existing Co-op store has an existing net retail floorspace of 675m² and is an unsightly single storey building set 1-2m below Lawton Road and is totally out of character with the adjacent Victorian Villas, now converted to a variety of other retail and business uses. The store also has its private car 41-space car park and vehicular access onto Lawton Road.

Fairview Car Park is Alsager's principal town centre car park with 310 spaces. It hosts a market once a week, contains various recycling facilities and has been planted over the years with a variety of trees. It is used by shoppers as well as visitors to the various civic amenities such as the library and church. There are a number of private access points within the car park giving access to the rear of existing commercial properties which front Lawton Road.

To the east of the car park is an area of public open space containing grassed play space and various pieces of play equipment. The area of open space is backed onto by properties along Wesley Avenue. Over the course of time, residents of these properties have created a number of private access points to allow direct access onto the public open space.

At present, the sole vehicular access into the site is located on Sandbach Road North between No53 and the Library. There are however four pedestrian access points into the site from Lawton Road and a further footpath in the northern corner of the site which allows access to the School and the adjoining residential areas around Green Drive and Fairview Avenue.

The site also contains a large number of trees. These are generally located around the periphery of the application site split into a series of small groups. The main groups of note are Group 10 and Group 8 to the front and side of the existing Co-op store and a collection of trees to the far west of the car park area comprising trees T1 – T10, T13 and Group 1, however there are also a number of mature individual trees which are particularly prominent within the site.

3. DETAILS OF PROPOSAL

The applicants seek planning permission for comprehensive redevelopment of the existing Co-op store, Fairview Car Park area and adjacent public open space. In overall terms the applicants propose retail led development comprising new Co-op food store, two smaller retail units and a new restaurant set around a new public square. The application would also involve reconfiguration and refurbishment of the existing car parking facilities and provision of compensatory public open space and play equipment.

The scheme is however discussed in more detail below.

The plans propose to demolish the existing Co-op food store fronting Lawton Road and replace it with a two-storey L-shaped building set around a new public square. The building would contain a restaurant to the Lawton Road frontage and two smaller retail units directly overlooking the public square. A small yard area would be provided at the rear of the building to allow servicing by smaller delivery vehicles and parking for up to 5 staff vehicles.

The proposed food store would be located towards the rear of the site on the existing area of public open space. The building would be a single storey, rectangular building measuring approximately 36m wide and 50m in length with an eaves height of 5m and ridge height of 9m providing a gross floorspace of 1858m² and net retail sales area of 1318m². The building would be serviced from a yard area located to the north of the building accessed by an entrance directly off Fairview Car Park and which would contain a HGV turning area and 15 staff parking spaces.

In design terms, the restaurant element of the scheme would deliver a traditional built frontage to Lawton Road, inspired by the vernacular of both Lawton Road and Alsager more generally, before making a gradual transition to contemporary design for the food store element which incorporates features such as a large glazed atrium screened by Brise Soleil (decorative steel louvers).

The scheme would reconfigure the existing car park area to provide 313 spaces and resurface it, in part, with permeable blocks to allow the site to be drained in a sustainable manner. The northern area of the site would also be reconfigured to provide 2650m² public open space equipped with new play equipment for children and, potentially, exercise equipment for adults.

A new traffic light controlled junction is also proposed onto Lawton Road catering for both vehicles and pedestrians; in this respect the junction would include 3 traffic light controlled pedestrian crossings. The existing vehicular access to Sandbach Road North would be retained and would remain unchanged from its current design.

Whilst the site already benefits from planning permission for a new food store, this application has been submitted following extensive pre-application

discussions between the applicants and the Council as to how the design of the scheme could be improved in terms of layout and design with a particular focus on the creation of a new retail circuit by way of enhanced accessibility.

4. RELEVANT HISTORY

37808/3

Erection of Class A1 retail food store together with associated car parking, servicing and landscaping and the formation of new vehicular accesses. Full planning permission granted on 20th July 2007 following the signing of the S106 Agreement.

05/0639/OUT

Outline application for erection of 1858m² retail store with 357space car park and associated highway works, means of access and siting only to be considered, all other matters reserved. Approved by committee on the 29th November 2005. S106 Agreement signed 20th February 2008.

5. POLICIES

National Policy

PPS1 'Delivering Sustainable Development'
PPS4 'Planning for Sustainable Economic Growth'
PPS9 'Planning and Bio-diversity'
PPG13 'Transport'
PPG14 'Development of Unstable Land'
PPG17 'Planning for Open Space, Sport and Recreation'
PPS23 'Planning and Pollution Control'
PPS25 'Development and Flood Risk'

Regional Spatial Strategy

DP1 'Spatial Principles'
DP2 'Promote Sustainable Communities'
DP3 'Promote Sustainable Economic Development'
DP4 'Make the Best Use of Existing Resources and Infrastructure'
DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'
DP6 'Marry Opportunity and Need'
DP7 'Promote Environmental Quality'
DP9 'Reduce Emissions and Adapt to Climate Change'
RDF1 'Spatial Priorities'
W1 'Strengthening the Regional Economy'
W5 'Retail Development'
RT2 'Managing Travel Demand'
RT9 'Walking and Cycling'
EM3 Green Infrastructure'
EM5 'Integrated Water Management'
EM18 'Decentralised Energy Supply'
MCR3 'Southern Part of the Manchester City Region'

MCR4 South Cheshire'

Local Plan Policy

PS4 'Towns'

GR1 'New Development'

GR2 'Design'

GR4 'Landscaping'

GR6 'Amenity and Health'

GR7 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR10 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR15 'Pedestrian Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'

GR19 'Infrastructure'

GR20 'Public Utilities'

GR21 'Flood Prevention'

GR22 'Open Space Provision'

NR1 'Trees and Woodlands'

NR2 'Statutory Sites'

NR3 'Habitats'

NR5 'Enhance Nature Conservation'

S1 'Shopping Hierarchy'

S4 'Principal Shopping Areas'

S11 'Shop Fronts'

S12 'Security Shutters – Solid Lath'

S13 Security Shutters – Lattice /Mesh Grilles'

RC1 'Recreation and Community Facilities Policies'

RC2 'Protected Areas of Open Space'

Other Material Considerations

Volume 2: Cheshire Town Centre Study 2006 to 2021

The Cheshire Replacement Waste Local Plan March 2010

SPD14 'Trees and Development'

6. CONSIDERATIONS (External to Planning)

Environment Agency:

No objection to the proposed development subject to conditions for: -

Restriction of the surface water discharge from the development to 85litres/second and provision of 396m³ attenuation storage

Provision of 3600m² of permeable paving and a small swale

United Utilities

No objection to the proposed development subject to a number of conditions. By way of summary, UU require the site to drain foul drainage into the foul sewer and ensure that surface water discharges to a combination of SUDs and the surface water sewer in accordance with the drainage strategy and

parameters contained in part 5 of the applicants Flood Risk Assessment prepared in December 2009 by WSP.

Strategic Highways and Transportation Manager:

No objection to the proposed development subject to conditions and subject to the applicants entering into a S106 Agreement. The SHM's comments are discussed however in much greater detail within the appraisal section.

Environmental Health:

No objections subject to conditions covering the following areas: -

Restriction on hours of construction

Restriction on hours of store opening

Restriction on hours of deliveries

Submission of a detailed scheme for noise mitigation

Submission of a scheme for odour control from cooking equipment

Ecology

No objection to the proposed development because there are no significant ecological issues and no evidence of bats. It is recommended that a number of conditions are attached to any planning permission however to protect any breeding birds within the site and secure erection of new bat and bird boxes.

Local Development Framework Section

No objection to the proposed development.

Ground Service Co-ordinator (Greenspace Section)

No objection to the proposed development. They advise that they have worked closely with the applicant's consultants and have agreed to carry out further consultation work with the adjacent school along with further consultation with the Town Council.

Three designs [for the replacement equipment] have been drawn up which will form the basis of the public consultation exercise and have been costed at approximately £116,000. Additional stretches of fencing will also be required to enclose the amenity Greenspace in order to ensure user safety from the adjacent car parking area.

Senior Landscape and Tree Officer (SLTO)

The SLTO is concerned that the proposal would result in harm to, or removal of apparently healthy trees. Some replacement planting is indicated as part of the development however the overall impact on the streetscape would be a net loss of trees. This loss will have to be balanced against any potential benefits from the development. There may be scope to reduce tree loss / damage by amendment to the layout. In respect of retained trees, there needs to be greater separation distance between the building and one off site Oak tree, and special measures to protect the Oak tree close to the service area. Protection measures in accordance with BS5837: 2005 'Trees in

Relation to Construction' would be required for all remaining trees. The submission does not include any details of hard and soft landscaping proposals. In the event of approval further details will be required.

ALSAGER PARTNERSHIP

On the whole the Partnership is in support of the plans with some considerations:

- The application states that the new unit fronting Crewe Road should be for restaurant use. Concerns have been fed back from local traders that there could be a strong threat to the sustainability of existing daytime businesses if this were to incorporate a cafe bar or coffee shop. The Partnership would like this to be considered.
- Building designs should accommodate facilities for Christmas lights and floral displays to support the on- going bloom and Christmas activities promoted by the Chamber of Trade and Round Table. These activities contribute greatly to the town's vibrancy and appeal.
- There were some concerns regarding the availability of plans for public viewing in the town centre. For future reference it would be helpful to ensure that plans are sited where they can be viewed for more than a few hours each day.
- Local traders have observed that there may be opportunities to move the market from its site on the car park, and make it more visible by siting it around the Civic Centre or Sandbach Road South frontages. This might ease pressure on land use while any building work takes place.

ALSAGER CIVIC CENTRE HALLS OFFICER

Is concerned that the Wednesday market is in the wrong location because: -

- It would restrict access to the centre during an emergency
- It would prevent access for the library bus
- It would affect ability of the refrigerated blood donor lorry to access the building once a month
- That noise from the market would disturb functions at the centre; and
- Parking spaces are identified outside the service doors.

7. ALSAGER TOWN COUNCIL

The Town Council support the plan but would like to make the following additional comments: -

- There should be fencing around the new play area and village green to prevent children encroaching onto the car park.

- The new play area and village green should be constructed before work commences on the new store, and subject to a tripartite agreement between Alsager Town Council, Cheshire East Council and the Co-operative, so that the new play area cannot be disposed of in the future without the agreement of all parties.
- The design for the new site should compliment the existing town scene.
- Any financial sum gained from this development should be used towards the refurbishment/redevelopment of the civic centre.
- No loss of car parking spaces. The Town Council request clarification that there will be no loss of car parking spaces.
- Disabled spaces must be provided behind the Civic Hall.
- The position of the market as detailed on the plan is not suitable if access to the Civic Centre and Library is to be blocked leaving no access for emergency vehicles, servicing arrangements, the disabled bays in front of the library etc. Also no disabled bays on the car park, in the vicinity of the Civic Centre should be blocked by the market.
- The Town Council would like Cheshire East to note the inadequate arrangements for consultation on this plan. This is an important development within Alsager Town Centre and yet only one plan was available for the whole of the Town, along with very poor advertising indicating where the plan was available for inspection.

8. OTHER REPRESENTATIONS

A total of 9 representations were received objecting to the development. The Grounds of objection can be summarised as follows: -

- Concern over the size, scale and design of the development and its impact on the character of Alsager
- Impact of the development on existing traders within Alsager
- Concerns over loss of amenity (noise, overlooking, privacy)
- Impact on the public open space and children's play equipment
- Impact on trees and large net loss of 37 trees
- Concern over new tree planting in the car park area for reasons including the fact that bird droppings damage car paint and that the trees will have to be maintained by the Council
- Highway related issues extending to include concerns at the provision of a new access onto Lawton Road, possible traffic congestion, pedestrian and vehicular safety in and around the site, the ability of the site to accommodate service vehicles and that the scheme has made insufficient provision for car parking.
- Concern about the location of the replacement market zone blocking access to the civic centre and preventing access for the Blood Donor Vehicle which visits the site once a month
- That the proposed adult fitness with the park will become an area for anti-social behaviour and that the police should be consulted
- The application includes too little information on access for the disabled and has a lack of car parking for the disabled at the civic centre

A number of comments were also received which could not be taken into account because they cannot be regarded as material considerations. These included: -

- Loss of property value as a result of the development
- The development will affect a prescribed right of way from residents back gardens along Wesley Avenue

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement February 2010
Retail Statement February 2010
Open Space Assessment February 2010
Contaminated Land Assessment December 2009
Flood Risk Assessment December 2009
Transport Assessment January 2010
Bat Survey Report December 2009
The Co-op Group Sustainability Report 2008/09
Tree Survey December 2009

10. OFFICER APPRAISAL

Principle of Development

Whilst the principle of retail development on the site has already been established, it is necessary to revisit the principle of development following the publication of PPS4 in December 2009.

In order to this, the applicants submitted a retail statement which assessed how the scheme performed against the requirements of PPS4. Following assessment of this document and the scheme more generally, your officers are entirely satisfied that the scheme meets the requirements of PPS4 and performs well against the range of identified policy tests.

EC10 'Determining Planning Applications for Economic Development'

The scheme performs well when assessed against the requirements of paragraph EC10.2 because it delivers high quality design that is resilient to climate change and in a highly accessible location. Moreover, the scheme is predicted to have a positive impact on the local economy through clawed back expenditure and associated spin-off benefits for other traders within the town centre. Your officers therefore consider that the scheme should be viewed favourably in accordance with the advice at paragraph EC10.1 because delivers sustainable economic growth.

EC14 Supporting Evidence

Whilst EC14.5 does not require the applicants to undertake an impact assessment, because the scheme is under 2500m², located within the Town Centre and would avoid significant impact on other centres, the applicant's still included an assessment within their statement. This served to demonstrate that impacts associated with the development are entirely acceptable because Alsager has a clear and demonstrable capacity to

support the development and because the scheme would allow for clawback of leaked expenditure with resultant spin-off benefits for other traders within the Town Centre. This position is supported by the findings of the 2006 Cheshire Town Centre study which identified a need within the town for an additional 780m² – 1560m² net food retail floorspace up to the year 2016.

EC15 Sequential Assessment

Whilst paragraph EC15 requires the applicants to undertake a sequential search for alternative sites, on the basis that part of the site falls outside the Principal Shopping Area, your officers concur with the applicants findings that there are no more alternative, sequentially preferable sites available; a position reinforced when considering the requirement of EC10.2 in terms of delivering high quality design.

Conditions and Restrictions

At this stage, your officers consider that only one condition is required in order to restrict the net retail floorspace within the supermarket to that proposed i.e. 1318m². However further advice will be provided to members at committee over whether an additional condition is required to restrict the amount of floorspace within the store given over to the sale of comparison goods (i.e. non-food).

Design

The layout and design flows from detailed urban design assessment undertaken by your officers, consultation with both Alsager Town Council and Alsager Partnership followed by extensive negotiations with the applicant's architects over the course of the last 12-months. As a result, your officers consider that the application before members represents a significant improvement to the existing approved schemes for reasons now discussed in more detail.

The layout and design ensure that the scheme successfully integrates into the Primary Shopping Area of Alsager. This is achieved through use of focal point features within key buildings, creation of new built frontage to Lawton Road and through creation of a new public square with outdoor seating area. Furthermore, the combined effect of these features is to create a new retail circuit in order to encourage greater levels of pedestrian movements in and around the town centre; something designed into the scheme to address traders concerns over a perceived lack of footfall within the town centre.

The built form has also paid particular attention to the scale and mass of existing buildings. Here the applicants have taken an architectural lead from the scale and proportion of the adjacent Victorian Villa's and utilised an upper floor window design seen on an adjacent Victorian school building. In terms of the supermarket, the contemporary design approach is considered to be a more appropriate solution and has allowed for a long stretch of glazing to be designed into the western elevation (overlooking the car park) and inclusion of a focal point entrance feature to reinforce the retail circuit. It also allows for the height of the buildings to be kept as low as practically possible thereby ensuring residential amenity is preserved.

Your officers therefore consider that scheme performs well when assessed against the principal requirements of PPS1 and PPS4 to deliver high quality design which improves the character of the area and the way it functions. Additionally, the scheme is also considered to meet the requirements of RSS policies DP1, DP2 and DP7 as well as local plan policies PS4 and GR1.

Loss of Public Open Space

As with the existing approved schemes, the proposed development involves redevelopment of the existing public open space (3058m²) and the play equipment therein. To compensate for this, the proposed development incorporates 2650m² compensatory POS with enhanced play equipment in order to deliver qualitative improvements.

In this respect, and whilst the final design would be subject to further public consultation, the current scheme has been confirmed as acceptable by the Greenspace section and includes provision of new play equipment for both under 11's as well as an element of fitness equipment for adults, for which the requirement was identified following recent public consultation events.

This would be secured by way of a S106 which requires the applicants to deliver the compensatory POS within an agreed timeframe and design, fund and install the replacement play equipment to the satisfaction of the Council (subject to the precise design being agreed with the Council following further public consultation).

Whilst the Town Council have requested that the new POS and play equipment be delivered before any other part of the development, such an approach would be acceptable to the Greenspace section. In this respect, were the POS to be installed during phase one of development, the likelihood of it being damaged during the construction process would be greatly increased particularly as the area identified for the replacement POS is likely be required during construction (for Portakabins / storage etc) if sufficient car parking is to be maintained for the town centre throughout the build period.

The inclusion of a phasing mechanism within the S106 Agreement may however address these concerns because it would allow the Council to agree a precise timeframe for installation of the replacement POS and play equipment prior to the commencement of development.

In overall terms therefore, your officers are satisfied that the proposed development meets the requirements of PPG17 and local plan policies RC1 and RC2.

Flood Risk Assessment and Drainage

In overall terms, and on the basis of the advice from the Environment Agency and United Utilities, your officers are satisfied that the scheme adequately meets the requirements of PPS25 and policy GR20 of the adopted local plan.

The applicants Flood Risk Assessment identifies that the site is not at risk of flooding up to 1 in 100 year events, even allowing for +20% climate change and that surface water drainage can be managed in such a way as to also reduce the risk of downstream surface water flooding. The proposed outline drainage strategy is also broadly acceptable, utilising sustainable urban drainage and securing reduced outflow rates to the public sewer.

One area that would however require further discussions is the proposed inclusion of a small swale within the POS where, during extreme storm events, excess surface water (which could not be accommodated within underground storage tanks) would be directed. Whilst the risk of such an event is extremely low (less than 1%), the Greenspace section do not normally allow swales on Council managed POS (even though they are accepted on privately managed POS).

Your officers are however satisfied that this issue can be satisfactorily resolved by way of surface water drainage condition in order to allow further discussions to take place between the Council, Environment Agency and applicants with a view to agreeing an acceptable design approach. Moreover, it is also possible that the further survey work proposed within the FRA, in relation to groundwater water filtration rates, may serve to demonstrate that the use of a swale is in fact unnecessary.

Accessibility and Highway Safety

The proposed development has been subject to detailed pre-application discussions between the applicant's consultants and the Council Highway Engineer and on that basis the Strategic Highways Manager has confirmed that he has no objection to the proposed development subject to the imposition of conditions and subject to securing financial contributions by way of S106 Agreement. The key issues are discussed in more detail below.

Accessibility

The sites location within Alsager Town Centre means that the development is considered to be highly accessible by a range of transport modes. The layout of the scheme has a particular focus on pedestrian movements and includes 3 new pedestrian crossing points designed to reinforce the retail circuit and create new pedestrian connections into and around the town centre thereby encouraging linked trips. The scheme also includes provision for new cycle parking facilities directly outside the new supermarket.

Access, vehicle movements and proposed junction design

The Strategic Highways Manager agrees that the traffic associated with the proposed development can be accommodated satisfactorily within the local highway network without any undue detrimental impact in terms of congestion, turning movements and highway safety. The SHM also considers that the operational relationship between the existing signalised junction at Bank Corner and proposed junction onto Lawton Road is acceptable subject to detailed technical design which will need to be agreed with the Council prior to the commencement of construction; something proposed for inclusion within the S106 Agreement.

Car Parking Provision

Whilst the proposed development would result in a net loss of 38 car parking spaces, the parking survey undertaken by the applicants clearly demonstrates that the proposed provision of 298 car parking spaces is within the identified threshold of parking need and that the level of provision is therefore appropriate for the town. Whilst the figure would be reduced on market day, the revised car park layout has been designed to ensure that car parking provision on market days is maximised and car park can operate with maximum operational efficiency.

Notwithstanding this, your officers propose a condition to ensure the final layout of the parking area is agreed prior to commencement of development. This would allow a small number of spaces to be clawed back through more efficient layout in the sites northern corner and for concerns about service access and disabled parking at the Civic Centre to also be addressed.

Proposed Public Square

In terms of the proposed public square, discussed in more detail in earlier in the report, members will note that the presence of a discreetly designed lay-by. This is necessary to allow retail units facing onto the square to be serviced by larger HGV vehicles which could not otherwise be accommodated within the rear service yard area. It is proposed to treat this area with materials so that, to all intents and purposes, it reads as an integral part of the public square. It is also likely to be subject to some form of regulation order to restrict its use solely to deliveries although this would fall outside the remit of the planning process.

Proposed Market Location

The revised layout includes an indicative position for Alsager's market designed to ensure that traders benefited from a position near to the super market entrance (thus generating spin off benefits for the traders) and so as to reinforce the retail circuit within the town. It would also allow for the market to be self-contained in terms of traders van parking (proposed to the west of the market on spaces to the rear of the civic centre) so that the remainder of the car park can operate more efficiently.

It has also been agreed that the developers will provide new pop-up market stalls, incorporate market stall anchor points along with pop-up power sockets into the new car park allowing market stalls to be uniformly laid out and traders' access to a dedicated power supply on market days all of which will be secured within the S106 Agreement.

Whilst comments have been received expressing concern that the revised market location will affect the servicing of Alsager Civic Centre, your officers consider this matter can be easily resolved through appropriate management of the market by Council officers; something which with the Head of Markets concurs. Quite simply, this would mean leaving an appropriate space for vehicular access at the rear of the civic centre during market days which would be marshalled by the Council's market officer. Similarly, the once a

month blood donor collection could be re-sited in an alternative location within the revised car park thereby ensuring the service remains unaffected.

In overall terms therefore, your officers are satisfied that the requirements of PPS1, PPG13 along with the relevant RSS and local plan policies, particularly GR1, GR9 and GR18 have been satisfied and that the scheme has fully catered for market traders with the potential to offer significant benefits.

Environmental Health Related Issues

Contamination

The applicants preliminary risk assessment identified only moderate environmental sensitivity and no potentially significant contamination sources concluding that the risk in overall terms was low with no significant risk to controlled waters or human health.

Whilst the survey indicates some risk in relation to ground stability as a result of historic salt extraction, the report does not identify this as an impediment to development or as a matter which is likely to lead to any abnormal costs; rather it is something that is likely to be considered in terms of the detailed structural design and building regulation application.

The survey therefore concludes that further structural work is required through geo-environmental assessment which should also extend to include soil and groundwater sampling by way of additional precaution.

Therefore, subject to the standard contaminated land condition being imposed to any permission, the requirements of policies GR7 and GR8, along with PPS23, can be satisfied.

Noise

The proposed development has potential to generate noise not only during construction and but following completion as a result of HGV movements and air conditioning plant. It must be noted however that the location of the proposed service yard is near identical to the existing approved schemes; however unlike the scheme approved under 37808/3, avoids the need for a service access road along the rear of the building thus removing a potential source of noise.

Following an assessment of the scheme however, the Environmental Health section are satisfied that any noise arising from construction or operation of the site can be adequately controlled by way of suitably worded conditions to cover the following areas: -

- Restrict construction times
- Restrict store opening hours
- Restrict hours of delivery
- Require the submission of a detailed scheme for noise mitigation to the HGV Service Yard (which could include acoustic screens, sealed loading bays and, if necessary, require vehicle reversing alarms and refrigeration equipment to be switched before vehicles enter the site)

- Require the submission of an appropriate noise mitigation for any air conditioning or refrigeration plant or equipment once the developer has confirmed the location and specification of equipment

Therefore, subject to the above conditions, your officers are satisfied that the requirements of local plan policy GR6 would be satisfied and any potential impact on residential amenity mitigated.

Residential Amenity (separation distances and impact of development)

The supermarket component of the scheme, which is closest to residential properties along Wesley Avenue, has been designed so as to minimise any impact on residential amenity.

In terms of layout, the buildings design ensures a separation distance of 24m and 32m respectively is retained to the outrigger and rear elevation of No2 Wesley Avenue and 27m and 32m respectively to the outrigger and rear elevation of No16 Wesley Avenue. In terms of design, the building incorporates a dual pitched roof which allows for the eaves height at the closes point to the boundary to be kept to only 6m with the additional increase in height up to the ridge offset by the increase in separation distance. The rear elevation has also been designed without windows thereby ensuring privacy remains unaffected.

On the basis of the above, your officers are satisfied that the requirements of policies GR1 and GR6 have been appropriately addressed by the application.

Impact on Trees

The proposed development will result in the loss of a large number of trees. In this respect, whilst the removal of may of the trees has been shown to be justified on the basis that many of the trees are poor quality with limited life, the Senior Landscape Officer has expressed concern at the loss of small number of healthy trees and woodland area at the to the rear of 53 Sandbach Road North. On that basis the scheme conflicts to some degree with policy NR1 of the adopted local plan,

It is considered however that the loss of a small number of healthy trees is substantially outweighed by benefits arising from allowing their removal in terms of delivering high quality urban design, an appropriate level of car parking, attractive public open space and economic benefits for the wider town centre. Moreover, the scheme makes provision for significant levels of replacement planting which, whilst not on a 1:1 basis, will serve to offset in the short-term harm and secure positive benefits in medium term as the trees mature.

Whilst the Senior Landscape Officers has expressed concerns about the impact of the development on two healthy Oak Trees adjacent to the site, the comments fail to have regard to the fact that the current layout is unlikely to have a greater on these trees than the other previously approved schemes

which could still be implemented. It would therefore be unreasonable to require the layout of the building to be adjusted or altered on that basis.

Where trees are retained however, it will be necessary for any permission to contain a suitably worded conditions to secure the protection of trees during the construction phase and in order to ensure that an appropriate scheme for hard and soft for hard and soft landscaping within the site is agreed prior to the commencement of development.

Bats and Ecology

Given the age and style of the building, the applicants were required to submit a detailed bat survey prepared by a suitably qualified ecologist. The report concluded that the building has no potential for bat access points and no suitable external features that could be utilised by bats. It was also found that the interior of the building would not support bats and that none of the tree around the site were suitable for bats. Redevelopment of the site would therefore avoid adverse impact on bats or species, a position with which the Councils ecologist agreed.

The report did however recommend two conditions; the first to secure biodiversity enhancements and the second to ensure protection of breeding birds during construction. The proposed development would therefore satisfy the requirements of Planning Policy Statement 9 and local plan policies NR2 and NR3.

Historic Permissions

On the basis that the current application offers significant benefits and improvements over and above the existing extant permissions, your officers consider the proposed S106 Agreement should extend to include a clause requiring the applicants to rescind the right to implement the two existing planning permissions under 37808/3 and 05/0639/OUT.

This would ensure that only the current proposed scheme was implemented and that the benefits identified throughout this report are fully delivered. This can be secured within any S106 Agreement because the parties involved within the current application have all been signatories to the two previous agreements.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development would result in the delivery of a new retail scheme within Alsager Town Centre which would deliver sustainable economic development catering for both an identified retail need and allowing the town to claw back leaked expenditure.

In design terms the scheme offers a high quality design solution that would serve to enhance the character of the area and the way it functions. It would ensure that the supermarket was more effectively linked into the principal shopping area and would deliver wider benefits to the public realm through

creation of a new public square, retail circuit and replacement public open space directly adjacent to Alsager Highfields Community Primary.

The scheme successfully addresses the requirements of highways, ecology and drainage and it is therefore recommended that planning permission be granted subject to conditions and the prior signing of a S106 Agreement.

S106 Agreement to Include

Highway Requirements

- Submission of a Travel Plan Framework to an annual monitoring report and nominated travel plan co-ordinator and financial contribution of £5000 to cover monitoring of the Travel Plan by the Council.

Detailed scheme for off-site highway works to include: -

- Prior to commencement, submission of a detailed design for the upgrade of existing pedestrian crossings to Lawton Road and Bank Corner to PUFFIN facilities fully implemented prior to first occupation.
- Prior to commencement, submission of detailed TRANSYT design for the new signal controlled junction and its linked operation with the existing signal junction at Bank Corner and controlled crossing.
- Upgrade existing bus stop lay-by adjacent to the civic centre.
- Financial contribution of £7500 to cover local traffic management at the junction of Lawton Road with an additional financial contribution of £10,000 to cover future maintenance of road markings associated with the new junction onto Lawton Road

Greenspace

Requirements

- Provision of compensatory public open space in accordance with the amended approved plans, or any subsequently amended plan, having regard to condition no16 (Finalised car park layout), which shall also include landscape specification, drainage and boundary treatments.
- That the precise design of the new play equipment is to agreed with the Council before being fully installed by the applicants at their expense (with an appropriate mechanisms for inspection and sign off).
- That the agreement secures an appropriate financial Contribution to cover shortfall in amenity Greenspace provision (the precise figure will be confirmed) to be spent within 800m of the site.

Phasing

Precise details of the construction phasing to be agreed with the Council prior to the commencement of development covering timeframes for: -

- Construction and occupation of the supermarket element
- Construction of the small retail units and restaurant
- Construction of compensatory public open space and play equipment
- Construction and laying out of the car park area
- Construction and opening of the new junction onto Lawton Road and provision of new pedestrian crossings / other offsite highway works

Development to be fully constructed in accordance with the approved plans within the agreed timeframes.

Market & Public Realm

That the developer provides 25 new pop-up market stalls, fixed anchor points and pop-up electric sockets of a design and specification to be agreed with the Council.

Mechanism to ensure that public art and Christmas Lights can be displayed within the new public square by Cheshire East Borough Council and/or Alsager Town Council.

Mechanism to allow public events to take place, organised by Cheshire East Borough Council and / or Alsager Town Council, within a defined area on the proposed public square.

Development Restrictions

- Mechanism to ensure that only the development approved by this application is fully implemented and not either of the two alternative planning permissions 37808/3 and 05/0639/OUT are instead constructed.
- Mechanism to ensure that the proposed restaurant unit remains in its use class for a minimum period of five years.

Proposed Conditions

Time Limits and Parameters

1. 3yr Time Limit
2. Development in accordance with approved amended plans received 29th April 2010.
3. All materials to be submitted and agreed prior to construction.
4. Restriction of retail floorspace within the supermarket to 1318m² net retail floorspace.

Environmental Health

- | | | | |
|-------------|--------------|------|-----------|
| 5. Standard | Contaminated | Land | Condition |
|-------------|--------------|------|-----------|
6. Restriction of hours of Construction Mon – Fri 07.30 to 17.30 hours, Sat 07.30 – 13.00 and not at all on Sundays and Bank Holidays
 7. Restriction on hours of opening for supermarket (to be agreed and confirmed at committee)
 8. Restriction on hours of opening for other retail units (to be agreed and confirmed at committee)
 9. Restriction on hours of opening for the restaurant (to be agreed and confirmed at committee but likely to be no later than 23.00 - 23.30 hrs)
 10. Restriction on hours of delivery for all units (to be agreed and confirmed at committee)
 11. Detailed scheme for noise mitigation for delivery areas (inc acoustic screens, control of HGV reversing alarms and refrigeration units)
 12. Detailed scheme for noise mitigation for plant and equipment
 13. Details scheme for extraction equipment re cooking equipment

Highways, Drainage and Public Realm

14. No development shall commence until such time as the detailed design of the proposed new junction, based on site layout plan Dwg. No 113 / 349 /P11 Rev A, has been submitted to and approved in writing by the Council. That no part of the development shall be occupied until such time as the new junction has been fully completed in accordance with the approved plans.
15. No development shall commence until such time as the detailed design of the proposed access road into the site from the new junction, based on site layout plan Dwg. No 113 / 349 /P11 Rev A, has been submitted to and approved in writing by the Council. That no part of the development shall be occupied until such time as the new junction has been fully completed in accordance with the approved plans.
16. Final layout of the car parking area to be agreed
17. Scheme for the provision of electric car charger points to be submitted and agreed
18. Precise details of CCTV scheme to be submitted and agreed

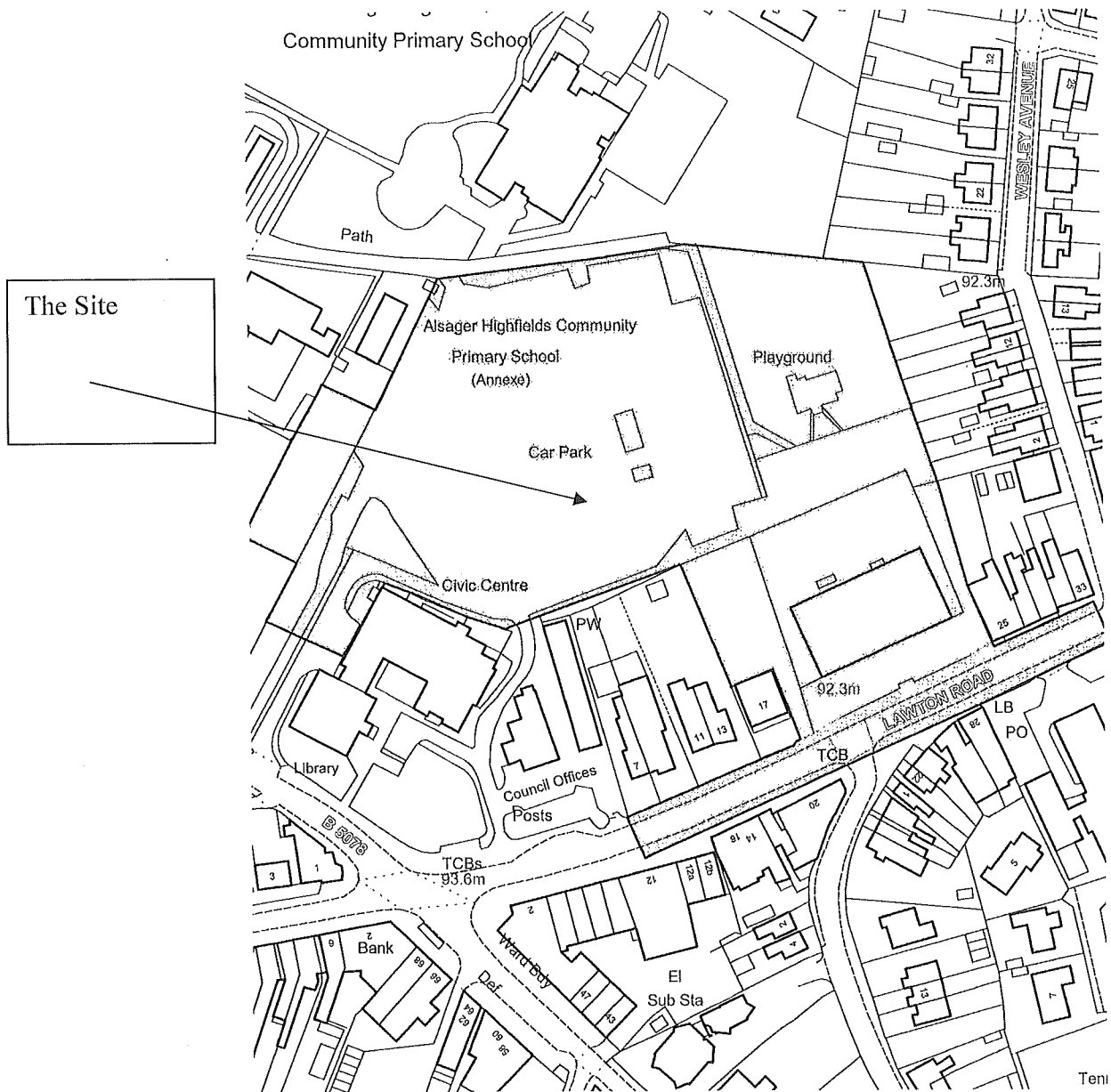
19. Submission of detailed public realm treatment strategy for the site to be submitted and agreed with the Council and fully implemented within an agreed timeframe. Scheme to include paving materials, planters, seating, street lighting specification, lighting scheme for the public square, cycle parking specification, trolley bay specification and boundary treatments for the site.
20. Precise detail of the surface water regulation system to be submitted and approved in writing and fully implemented thereafter. Scheme to include provision for 3600m² permeable paving and swale unless otherwise agreed.
21. Restriction of surface water discharge from the site to 85-litres/second.
22. Site to be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should be discharged to a combination of SUDs and surface water sewer in accordance with the drainage strategy and parameters contained in part 5 of the WSP Flood Risk Assessment Dated Dec 09.

Landscaping & Ecology

23. Standard landscaping scheme (Design and implementation).
24. Standard landscaping replacement planting within 5-years.
25. Scheme for tree protection during construction.
26. Breeding bird protection.
27. Ecological enhancements (bat and bird boxes and tree planting to be native species).

Other matters

28. Precise details of all roller shutters to be submitted and approved in writing prior to the commencement of development
29. Site waste management plan to be submitted and agreed
30. Details of 10% renewable energy to be submitted and agreed



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