

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 26th September, 2018</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board 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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

**3. Minutes of the Previous Two Meetings (Pages 5 - 18)**

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

To approve the minutes of the previous two meetings held on 29 August 2018 and 4 September 2018 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

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

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **18/0079N-The demolition of the existing industrial buildings and structures (including the boundary wall along West Street) and the construction of 263 dwellings comprising 24 apartments and 239 houses, together with other associated works, including the provision of public open space, the laying out of roads and footways (with two new accesses from West Street), and hard and soft landscaping, Bonardier Transportations, West Street, Crewe for Countryside Properties (UK) Ltd &, Bombardier Transportation UK Ltd (Pages 19 - 44)**

To consider the above application.

6. **17/5070C-Outline Planning Permission (Revisions to 09/2083C) in respect of Zones 2,5 and 6, to provide up to 100 residential units (C3) plus care home (C2) or 120 residential units, up to 2,600sqm of commercial uses including retail (A1), restaurant/pub (A3/A\$4) plus offices (B1), with public open space and associated infrastructure, Former Albion Chemical Works, Booth Lane, Moston for Bluefield Sandbach Limited (Pages 45 - 76)**

To consider the above application.

7. **17/5223C-Erection of a three storey 66 bed care home for the elderly, Land Off Booth Lane, Moston for LNT Care Developments (Pages 77 - 94)**

To consider the above applications.

8. **18/3219M-Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works, Costain Compound, Land South Of Lymm Road, Little Bollington for TEM Property and Galliford Try (Pages 95 - 102)**

To consider the above application.

9. **18/3796D-Discharge of conditions 8 on application 13/4355M, Land to the east of Mill Hill Hollow to Woodford Road, Poynton; the A555 south of Dairy House Road to the A555 north of Beech Farm; and land to the east of the A555/B5358 junction to land north of Styal Golf Course for Stockport MBC, Cheshire East Council, Manchester City Council** (Pages 103 - 114)

To consider the above application.

10. **Member Planning Application Referral Procedure** (Pages 115 - 120)

To consider a report on the Member Planning Application Referral Procedure.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 29th August, 2018 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors D Brown, B Burkhill, S Edgar, T Fox, P Groves, J Hammond,  
D Hough, J Jackson, B Roberts and L Wardlaw (for Cllr Macrae)

**OFFICERS PRESENT**

Sheila Dillon (Planning Lawyer)  
Adrian Fisher (Head of Planning Strategy)  
Paul Hurdus (Highways Development Manager)  
David Malcolm (Head of Planning (Regulation))  
Jeremy Owens (Development Planning Manager)  
Julie Zientek (Democratic Services Officer)

**25 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Macrae.

**26 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

Councillor J Hammond declared that he was a member of Haslington Parish Council, which was mentioned in various documents.

Councillor S Edgar declared that he was a member of Weston Parish Council.

Councillor D Hough declared that he was a member of Alsager Town Council. He had also been approached by a member of the public from Bollington regarding the items on the agenda for the meeting, so he would not comment on the Bollington Town Strategy.

Councillor L Wardlaw declared that she was a member of Congleton Town Council and that she was Portfolio Holder for Health, which included the Playing Fields Strategy.

Councillor P Groves declared that he was a member of Nantwich Town Council, Bukeley and Ridley Parish Council and Stapeley Parish Council.

Councillor J Jackson declared that she was a member of Macclesfield Town Council but that she did not take part in planning committee meetings.

Councillor G Merry declared that she was a member of Sandbach Town Council but that she did not take part in planning discussions or meetings.

Councillor D Brown declared that he was a member of Congleton Town Council but that he did not take part in planning discussions or meetings.

Councillor B Roberts declared that he was a member of Crewe Town Council and that he was a member of the planning committee.

## **27 MINUTES OF THE PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 1 August 2018 be approved as a correct record and signed by the Chairman.

## **28 PUBLIC SPEAKING**

Dr Roger Small, Chairman of Handforth Neighbourhood Plan Steering Group, Town Councillor Ken Edwards, representing Bollington Town Council, and Gary Wilson, a resident of Disley, attended the meeting and addressed Members of the Strategic Planning Board.

## **29 FIRST DRAFT SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT**

Consideration was given to a report which sought approval of the First Draft Site Allocations and Development Policies Document together with its associated Sustainability Appraisal and Habitats Regulations Assessment for the purposes of public consultation. Members also considered a written update comprising amended maps which were recommended for inclusion in the Draft Adopted Policies Map.

RESOLVED – That the Housing, Planning and Regeneration Portfolio Holder be recommended to:

- (i) approve the First Draft Site Allocations and Development Policies Document along with its Sustainability Appraisal and Habitats Regulations Assessment for public consultation, and publish the range of supporting, evidence base documents listed in Appendix 8 to the report, subject to the following amendments:
  - (a) The inclusion of the amended maps, as published in the updates.
  - (b) An amendment to the document to make it clear that comments on local green gaps will be invited via the consultation process.

- (c) An amendment to the SADPD glossary to clarify the definition of 'infill development'.
  - (d) The addition of definitions for Local Urban Centre and Neighbourhood parade of shops in the SADPD glossary.
- (ii) agree that a further 'call for sites' exercise be carried out for Gypsy and Traveller and Travelling Showpersons sites alongside the consultation.

**30 SUPPLEMENTARY PLANNING DOCUMENT - THE GARDEN VILLAGE AT HANDFORTH.**

Note: Prior to consideration of this matter, the meeting was adjourned for refreshments.

Consideration was given to a report which sought approval to consult on a draft Supplementary Planning Document for the Garden Village at Handforth. A written update had also been published recommending that the following additional text of clarification was added at the end of the first bullet point on page 38 of the SPD, entitled "Employment Land (B1 and B2 uses)": *'These restrictions relate to new development over and above any re-use /redevelopment of the Ministry Of Defence site.'*

RESOLVED - That the Housing, Planning and Regeneration Portfolio Holder be recommended:

- (a) to approve the draft Supplementary Planning Document for the Garden Village at Handforth for consultation alongside the Site Allocations & Development Policies Document and Statement of Community Involvement, subject to the addition of the following text to the first bullet point of Paragraph 9.5 (headed Residential Class C3 use):  
*'The housing mix should address the need for level access accommodation – including the provision of Bungalows within the lower density areas.'*
- (b) to consider the establishment of a liaison committee involving all appropriate stakeholders.
- (c) to consider securing external architectural/design advice to appraise the proposed master plan.

**31 CHESHIRE EAST STATEMENT OF COMMUNITY INVOLVEMENT**

Consideration was given to a report which sought approval to consult on a revision and update to the Council's Statement of Community Involvement, which set out how the Council would engage with stakeholders and the wider public on all of its principal planning functions.

RESOLVED – That the Housing, Planning and Regeneration Portfolio Holder be recommended to approve the draft Statement of Community Involvement for consultation, subject to the addition of the following bullet point in paragraph 2.5:

- Ward Councillors

### 32 **CHESHIRE EAST LOCAL DEVELOPMENT SCHEME**

Consideration was given to a report seeking approval for a revision and update to the Council's Local Development Scheme, which set out the development plan documents that would comprise the Local Plan for the Borough.

With regard to the proposed Area Action Plan for the Crewe Hub Station and its environs, Adrian Fisher confirmed that it would be confined to the environs of Crewe railway station rather than Crewe as a whole, and that the next stage would involve local engagement.

RESOLVED – That the Housing, Planning and Regeneration Portfolio Holder be recommended to approve the draft Local Development Scheme.

The meeting commenced at 10.30 am and concluded at 3.10 pm

Councillor G Merry (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Tuesday, 4th September, 2018 at The Capesthorpe Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors B Burkhill, J Clowes, S Edgar, T Fox, D Hough, J Jackson,  
A Kolker and L Wardlaw (Substitute)

### **OFFICERS IN ATTENDANCE**

Mr M Brown (Enforcement Officer), Mr R Croker (Planning Officer), Ms S Dillon (Senior Lawyer), Mr K Foster (Principal Planning Officer), Mr S Hannaby (Director of Planning & Environment), Mr P Hurdus (Highways Development Manager), Mr N Jones (Principal Development Officer), Mr R Law (Principal Planning Officer) and Mr D Malcolm (Head of Planning (Regulation))

### **33 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D Brown, P Groves, J Hammond and B Roberts.

### **34 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of all of the applications, Councillor L Wardlaw declared that she was a member of Congleton Town Council and that she was Portfolio Holder for Health, which included the Playing Fields Strategy.

In the interest of openness in respect of applications 17/4034M, 17/4277M and 18/0294M, Councillor J Jackson declared that she was a member of Macclesfield Town Council but she did sit on the Town Council's Planning Committee, nor had she discussed the application with the Town Council.

It was noted that the majority of Members had received correspondence in respect of applications 17/4034M, 17/4277M and 18/0294M.

### **35 PUBLIC SPEAKING**

#### **RESOLVED**

That the public speaking procedure be noted.

**36 17/4034M LAND SOUTH OF CHELFORD ROAD, MACCLESFIELD:  
OUTLINE PLANNING PERMISSION (WITH ALL MATTERS RESERVED  
EXCEPT FOR ACCESS) FOR THE ERECTION OF UP TO 232  
DWELLINGS FOR REDROW HOMES AND JONES HOMES NORTH  
WEST**

Consideration was given to the above application.

(Councillor N Mannion, the Ward Councillor, Councillor L Smetham a neighbouring Ward Councillor, Councillor L Durham, a neighbouring Ward Councillor, Town Councillor G Jones, representing Macclesfield Town Council, Parish Councillor Dr S Browne, representing Henbury Parish Council, Sue Poynton, an objector, Richard Slater, an objector, Paul Venn an objector and Gary Halman, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- Provision of 30% affordable units, of these dwellings 65% will be affordable rented and 35% intermediate housing.
- Educational contribution towards secondary and SEN provision of £1,158,541 based on 232 dwellings being built on site.
- Contribution towards ROS £1,000 per open market house and £500 per 1 / 2 bed open market apartments.
- Contribution towards health provision by formula, occupancy x number of units x £360, the final figure depending on the number and size of properties that come forward at reserved matters.
- Contribution towards indoor recreation of £28,500 based on 232 dwellings being built on site.
- Management Plan for the on-site public open space and LEAP
- Contribution for monitoring of Travel Plan £5,000.
- Contribution of £5,000 towards the costs of reviewing the current 30MPH speed limit along Pexhill Road once the layout of pedestrian/cycle links to the road are approved.

And subject to the following conditions:-

1. Standard Outline Time limit – 3 years
2. Approve reserved matters details
3. Accordance with approved plans
4. Details of surface water drainage to be submitted
5. Reserved matters to include a signage scheme directing users to local cycle and footpath routes
6. Submission and implementation of Travel Plan
7. Reserved matters to be supported by detailed arboricultural impact assessment

8. Implementation of site access prior to first occupation
9. Reserved matters to be supported by detailed finished ground and floor levels
10. Development to be carried out in accordance with submitted Flood Risk Assessment
11. Submission of Construction and Environment Management Plan
12. Reserved matters to be supported by Ecological Enhancement Strategy
13. Safeguarding the ecological buffer to the Local Wildlife Site
14. Boundary details as part of reserved matters submission
15. Method Statement for Dust control
16. Provision of Electric Vehicle Charging Points
17. Standard contaminated land condition
18. Any importation of soil for garden use to be tested
19. Process for unexpected contamination
20. Updated badger and bat surveys with reserved matters application
21. Implement noise assessment recommendations
22. Reserved matters to include landscaping scheme
23. Noise Impact Assessment as part of reserved matters application.
24. Details of materials to be submitted
25. Details of play area and wider open space as part of reserved matters
26. Retention of hedgerows
27. Retention of veteran tree
28. Bluebell Translocation Assessment
29. No development shall take place until a scheme for the implementation of a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved scheme.
30. Submission of design code before submission of reserved matters.
31. Implement Broken Cross highway improvements prior to first occupation of any dwelling on the site
32. Implement zebra crossing on Gawsworth Road prior to first occupation of any dwelling on the site
33. Internal access to be designed to a standard that can serve potential future development of the adjacent safeguarded land and provides a satisfactory internal road link
34. Detailed lighting scheme to be submitted in support any future reserved matters application

In the event of any changes being needed to the wording of the Board's planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

Members requested that the Reserved Matters application be brought back to the Board for their consideration.

(The meeting was adjourned for lunch from 12.25pm until 1.00pm).

**37 17/4277M LAND BETWEEN CHELFORD ROAD AND WHIRLEY ROAD, CHELFORD ROAD, HENBURY: OUTLINE APPLICATION FOR THE ERECTION OF UP TO 135 DWELLINGS WITH ACCESS FROM CHELFORD ROAD AND WHIRLEY ROAD AND ASSOCIATED OPEN SPACE FOR FREDERIC ROBINSON LTD**

Consideration was given to the above application.

(Councillor L Smetham, the Ward Councillor, Councillor M Hardy, the Ward Councillor, Councillor L Durham, the Ward Councillor, Town Councillor G Jones, representing Macclesfield Town Council, Parish Councillor Dr S Browne, representing Henbury Parish Council, Richard Slater, an objector, David Nuttall, an objector, Paul Venn an objector and Gary Halman, representing the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)
- Education contributions of £271,157 (primary) £310,511 (secondary) and £91,000 (Special Educational Needs) = total of £672,668
- Contribution of £5000 towards monitoring of Travel Plan
- NHS contributions of £136,080 towards merger of Practices in at Waters Green Medical Centre
- Public Open Space on site including provision of LEAP
- Management Plan for the on-site public open space and LEAP
- Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments
- Contribution towards indoor recreation of £24,050

And subject to the following conditions:-

1. Standard Outline Time limit – 3 years
2. Submission of Reserved Matters
3. Accordance with Approved Plans
4. Site access (either priority junction and ghost right turn or roundabout) be constructed in accordance with approved plan prior to first occupation

5. The vehicular access to serve the development will be via the new junction onto Chelford Road with no vehicular access to Whirley Road
6. Implement Broken Cross highway improvements prior to first occupation of any dwelling on the site
7. Submission, approval and implementation of a Construction Management Plan
8. Final Travel Plan to be submitted. Approved and implemented
9. Zebra crossing on Gawsforth Road to be provided
10. Scheme of Piling works to be submitted, approved and implemented
11. Dust control scheme to be submitted, approved and implemented
12. Noise mitigation scheme to be submitted with reserved matters and to accord with submitted Acoustic Report
13. Travel Plan to be submitted, approved and implemented
14. Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation
15. Submission of contaminated land survey
16. Remediation of contaminate land
17. Details of drainage strategy to be submitted
18. Development to be carried out in accordance with submitted Flood Risk Assessment
19. Scheme of foul and surface water drainage to be submitted
20. Reserved matters to be supported by detailed finished ground and floor levels
21. Reserved matters application to be supported by updated Bat Survey
22. Reserved matters application to be supported by a method statement for the management of invasive non-native plant species
23. Development to be carried out in accordance with in accordance with the recommendations of the submitted Ecological Report
24. Reserved matters application to be supported by a detailed great crested newt mitigation strategy
25. Reserved matters application to be supported a detailed design for the new pond and a detailed specification for the deepening and enhancement of the retained pond
26. Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season
27. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
28. Reserved matters application to be supported by an Arboricultural Impact Assessment and Tree Protection Plan
29. Detailed lighting scheme to be submitted in support any future reserved matters application
30. Reserved matters to include a signage scheme directing users to local cycle and footpath routes
31. Scheme for the provision of bat roosts to be incorporated into the development to be submitted, approved and implemented

32. The application for Reserved Matters shall be supported by a Scheme and Management Plan detailing measures for the extraction and relocation of peat deposits.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

**38 18/0294M LAND NORTH OF CHELFORD ROAD, MACCLESFIELD: OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE ERECTION OF UP TO 31 DWELLINGS FOR MR TOM LOOMES, JONES HOMES (NORTH WEST) LTD**

Consideration was given to the above application.

(Councillor L M Hardy, the Ward Councillor, Councillor L Durham, the Ward Councillor, Councillor L Smetham, a neighbouring Ward Councillor, Town Councillor G Jones, representing Macclesfield Town Council, Parish Councillor Dr S Browne, representing Henbury Parish Council, David Nuttall, an objector and Gary Halman, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- Affordable Housing comprising 30% (65% of which will be for social rent and 35% for shared ownership / intermediate tenure) - (No more than 80% open market occupied prior to affordable provision)
- Education contributions of £65,078 (primary) £81,713 (secondary) = total of £146,791
- Public Open Space on site
- Management Plan for the on-site public open space
- Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments
- Contribution towards indoor recreation of £5460
- Contribution towards biodiversity offsetting of £34,500 (on commencement) to be spent on the restoration of Kerridge Hill Nature Reserve and Swettenham Valley Nature Reserve

And subject to the following conditions:-

1. Standard Outline Time limit – 3 years
2. Submission of Reserved Matters
3. Accordance with Approved Plans
4. Access to be constructed in accordance with approved plan prior to first occupation comprising either the priority junction site access or the roundabout access to Chelford Road via a S278 Agreement with the Highway Authority
5. Submission, approval and implementation of a Construction Management Plan
6. Scheme of Piling works to be submitted, approved and implemented
7. Dust control scheme to be submitted, approved and implemented
8. Noise mitigation scheme to be submitted with reserved matters and to accord with submitted Acoustic Report
9. Travel Plan to be submitted, approved and implemented
10. Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation
11. Submission of contaminated land survey
12. Remediation of contaminated land
13. Details of drainage strategy to be submitted
14. Development to be carried out in accordance with submitted Flood Risk Assessment
15. Scheme of foul and surface water drainage to be submitted
16. Landscaping scheme submitted with reserved matters to show retention, replacement and mitigation of hedgerows and a native composition of new hedgerow sections as well as the incorporation of native species planting and a Biodiversity and Management Plan to retain the on site marshy grassland where possible
17. Reserved matters application to be supported by a method statement for the removal and management of invasive non-native plant species (Himalayan Balsam)
18. Development to be carried out in accordance with the recommendations of the submitted Ecological Report
19. Reserved matters application to be supported by a detailed great crested newt mitigation strategy / method statement
20. Nesting Birds Survey to be carried out if works are to be carried out during the bird breeding season
21. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
22. Reserved matters application to be supported by an Arboricultural Impact Assessment and Tree Protection Plan
23. Detailed lighting scheme to be submitted in support any future reserved matters application
24. Travel Information pack to be submitted, approved and implemented
25. Scheme for the provision of bat roosts to be incorporated into the development to be submitted, approved and implemented
26. The application for Reserved Matters shall be supported by a Scheme and Management Plan detailing measures for the extraction and relocation of peat deposits.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

(The meeting was adjourned for a short break).

**39 18/2213M THE MARL FIELD , ARLEY HALL, ARLEY PARK, ARLEY CW9 6LZ: NEW MEMORIAL WALLED GARDEN, INCLUDING ANCILLARY LANDSCAPING, CAR PARK AREA AND RECEPTION FACILITIES FOR NINIAN MACGREGOR, THE WALLED GARDEN COMPANY**

Consideration was given to the above application.

(Ninian MacGregor, the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor E Brooks).

**RESOLVED**

That the application be approved subject to a referral to the Secretary of State, subject to the completion of a Section 106 Agreement securing the following:-

- Aesop's Cottage to be renovated in accordance with the 'Timber Frame Condition Survey Report (Appendix 2) within 3 years of commencement of development.
- The Arley Hall Window repairs detailed in Strutt & Parker's 'Arley Hall Window Schedule' (Appendix 1) shall be completed within 5 years of commencement of development.
- Development of the third and fourth quadrant of the walled memorial gardens, shall not commence until a programme of conservation works for the Arley Hall estate to the value of at least £100,000, (in addition to the conservation projects referred to above),-has been submitted to and approved in writing by the LPA. The programme of works shall be implemented in accordance within the agreed timetable.

And subject to the following conditions:-

1. The development shall be carried out in accordance with the submitted plans and submitted statements
2. Development to commence within 3 years
3. The development shall be carried out in strict accordance with the submitted materials

4. Landscaping implementation (carried out within the first available planning season) from the commencement of works including the reinstatement of the lime avenue, gapping up of Back Lane boundary, and external landscaping around each developed garden
5. Prior to the construction of any of the structures within the gardens, elevations and details of materials shall be submitted to the LPA and approved in writing
6. Prior to the removal of vegetation between 1st March and 31st March in any year, a detailed survey shall be carried out to check for nesting birds
7. Car park and access provided prior to first use of any one of the quadrants of the walled garden
8. Prior to first use of any constructed quadrant of the Walled garden, details of footpaths and associated landscaping connecting the constructed quadrant to the car park and Arley Estate shall be submitted to and approved in writing by the LPA. These footpaths shall be laid prior to first use of that quadrant.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

The meeting commenced at 10.30 am and concluded at 4.15 pm

Councillor G Merry (Chairman)

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Application No: 18/0079N

Location: BOMBARDIER TRANSPORTATIONS, WEST STREET, CREWE, CW1 3JB

Proposal: The demolition of the existing industrial buildings and structures (including the boundary wall along West Street) and the construction of 263 dwellings comprising 24 apartments and 239 houses, together with other associated works, including the provision of public open space, the laying out of roads and footways (with two new accesses from West Street), and hard and soft landscaping

Applicant: Countryside Properties (UK) Ltd &, Bombardier Transportation UK Ltd

Expiry Date: 13-Apr-2018

## **SUMMARY**

It is clear that this application raises a number of important issues that influence the planning balance.

On one side the application proposes to re-develop a brownfield site in Crewe, in a sustainable location within walking distance of Crewe Town Centre with its range of facilities such as schools, healthcare and POS. The development also provides housing which will contribute towards the Council's 5 year housing supply and whilst not affordable in terms of the technical definition will provide a range of homes at the more affordable end of the housing market which is of course welcomed.

The proposals are neutral with regards to ecology with appropriate mitigation measures and issues of air quality, noise, land contamination, highways and flood risk can all be readily addressed. Although there are concerns about the loss of the existing factory wall and its historical links, it is considered that recording the "asset" and retaining the lower part of the wall as a frontage wall for the development goes some way to address this issue.

Against this, the proposals do not provide any affordable housing (due to the Vacant Building Credit) and the viability of the site causes a number of negatives with limited prospect of resolution and only very limited contributions to mitigate associated impacts. The POS provision on site still falls short of that normally required. Education contributions also fall short of what is required. Collectively there are additional pressures put on existing facilities in the area. The proposals raise questions of urban design in that it falls short of the now expected levels of compliance with the CEC Design Guide. There are concerns about the loss of trees and the overall landscape provision on site.

As a result of the above this application is considered to be finely balanced. Tipping that balance for regeneration and recognising the viability of building on a brownfield site favour supporting the proposal.

**SUMMARY RECOMMENDATION: Approve subject to Section 106 Agreement and conditions.**

This application was deferred at the Strategic Planning Committee on the 1st August 2018 for the following reason:-

"That the application be deferred for further consideration to be given to the design and layout of the application."

The applicant has submitted revised proposals that incorporate the following changes:

- Public Open Space – This has been increased in area from 0.2ha (2,000sqm) to 0.3ha (3,000sqm) and as a result has reduced the number of dwellings on site by 6. The area is also now flat with no SUDS provision as before.
- Street hierarchy – Some amendments have been made to produce a hierarchy of Avenues, Streets, Lanes and Shared drives – some utilizing a Tegula block finish.
- Frontage parking – The issue is acknowledged and the applicant believes the issue can be addressed by the use of quality, more mature landscaping and has produced CGI's to demonstrate how this would look.
- Bin and cycle storage – This has now been clarified, with bin storage shown on the plans and showing each property can accommodate a garden shed within a secure area. Provision of both is shown for the apartments.
- Boundary trees – This matter is being discussed with St Barnabas Church who “appear amenable to accommodating the tree planting within their curtilage and along the boundary, but discussions are ongoing and we will keep officers updated.”
- Section 106 Contribution – The applicant is proposing a Contribution of £100,000 towards education and/or off-site POS provision as previously discussed.

The original officer's report, with the updates incorporated, is set out below.

### **PROPOSAL**

This full planning application proposes the demolition of all the existing buildings on the site and it's re development with (in it's revised form) 263 dwellings comprising a mix of flats and houses, together with an area of open space and associated hard and soft landscaping.

Access to the site would be from two points off West Street

### **SITE DESCRIPTION**

The application site consists of a sizable part of the Bombardier Engineering Works and currently consists of one very large brick and metal clad engine building, last understood to have been used for repair and refurbishment of railway engines, and still having the tracks running inside with over head gantry cranes, together with a small warehouse/storage type building on the northern boundary of the site. The remaining areas of the site are laid to hardstanding. The entire site is currently vacant.

The site would adjoin the remaining areas of the Bombardier works to the east which are still operational.

There are some trees only the northern boundary of the site and on the railway embankment.

The site adjoins the Chester railway line to the south and West Street to the north, and the engine building forms part of the boundary wall along West Street. Whilst most of West Street is residential in character, there is a church and associated buildings along the norther site boundary, and the site is relatively close to a range of retail/food and drink uses off Dunwoody Way.

### **RELEVANT HISTORY**

None relevant in the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient use of land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 Green Infrastructure  
SE 13 Flood Risk and Water Management  
CO 1 Sustainable Travel and Transport  
CO 4 Travel Plans and Transport Assessments  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 3 Health and Well Being  
SC 4 Residential Mix  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
EG3 Existing and Allocated Employment Sites

The site is unallocated in the LPS, and lies to the west to the Central Crewe allocation LPS1.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. Crewe and Nantwich Local Plan policies are set out below.

NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

Borough of Crewe and Nantwich extensions and householder development Supplementary Planning Document July 2008.

## **CONSULTATIONS**

**Environment Agency** – No objection in principle subject to conditions relating to contaminated land.

**United Utilities** – No objections subject to conditions relating to separate drainage systems and requiring a surface water management scheme.

**Network Rail** – No objections are raised, and a range of detailed comments have been made, but in general “Given the scale, layout and proposed works, the applicant must liaise with Network Rail before the construction works and ensure that there is no impact to the safe operation and integrity of the railway.”

**Archaeology** - The Cheshire Archaeology Planning Advisory Service (APAS) are in agreement with the conclusions of the submitted archaeological desk-based assessment, and whilst they do not object to the development on archaeological grounds, they would advise that should planning permission be granted for this, or any similar scheme, that a programme of further archaeological mitigation should be undertaken. This is because the report does recognise that the existing, early 20th century works building and associated rear boundary wall are of local significance, and as such the loss of these structures through demolition should be mitigated through a programme of historic building recording.

**Public Rights of Way** – A range of detailed comments have been provided setting out the NPPF’s aspiration to encourage people to walk and cycle to key destinations to promote healthier lifestyles and better integrate communities and they suggest the developer should assess those linkages as part of their proposals.

**Spatial Planning** – Their comments are incorporated into the loss of employment land section below.

**Environmental Health** – No objections are raised. Conditions have been requested relating to contaminated land, noise, air quality electric vehicle charging points. These will be included on the decision notice.

**Highways** – Whilst they have been involved in discussions with the applicant, and it is understood they have no significant objections to the application formal comments are awaited.

**Housing Strategy** – Whilst originally raising an objection, as 53 units should be provided as Affordable/Social rent and 28 units as Intermediate tenure, as no affordable housing is proposed. However when considering the Vacant Building Credit calculation provided by the applicant they accept its findings and as such withdraw the objection.

**Flood Risk** – Additional information has been requested, which the applicant has supplied. Comments on this are awaited.

**Education** – No objection subject to developer contribution of £678,815. Without the contribution they would raise an objection to this application.

**ANSA (Open Space)** – Ansa object to this application as it does not conform to Policy SE6 or Fields In Trust standards.

### **VIEWS OF CREWE TOWN COUNCIL**

The Town Council deeply regrets the lack of affordable housing in the scheme. It can confirm that the boundary wall was indeed camouflaged during the war, contrary to the assertions contained within application documents.

The principle of residential development is acceptable on this site, but the Town Council has concerns about certain details of the proposals as follows:

- There is no access to rear of the proposed terraced properties for bins, bikes and maintenance
- Noise mitigation measures are identified in the specialist report but it is not clear if they have been incorporated in the submitted scheme, eg bunding to the railway line. CTC does not consider it acceptable to require occupiers to keep windows closed to maintain acceptable noise levels as suggested in the report. The layout could be redesigned to reduce railway noise impact to the nearest properties, for example by orientating dwellings so that blank gable ends face the railway line
- Open space – there is a complete lack of designated play space on the estate, and the nearest available open space is 700m away according to the design and access statement which is too far for young children to have to travel.
- The proposed street pattern uniform and uninteresting with no sense of place.
- There are concerns about possible pressure of additional traffic on the local road network eg Minshall New Road, particularly in conjunction with other proposals in the vicinity.

### **OTHER REPRESENTATIONS**

Representations have been received from 23 properties, including residents of Crewe but also from further afield. The points raised are summarised as follows;

- The factory wall on West Street is an important part of the town's railway heritage, that despite inaccurate assertions in the applicant's archaeological assessment, was camouflaged in WW11 to hide it from German bombing by being painted. Whilst the painting has faded, it can still be seen. There are mixed views on whether the wall should be retained, but if removed, it should be accurately recorded.
- The access points onto West Street will lead to highway safety issues and should be re-considered.

- Concerns about traffic congestion on West Street especially when considered alongside Bentley's proposals on Pym's Lane.
- Lack of parking provision for the houses
- The design of the housing lacks imagination, and does not provide a good housing mix or any affordable, social or elderly accommodation.
- Concerns about disruption/disturbance during the construction process and asbestos contamination.

### **APPRAISAL**

#### **Key Issues**

- Principle of development
- Loss of Employment Land
- Contaminated Land
- Affordable Housing and Housing Mix
- Education
- Open Space and Recreation
- Residential Amenity
- Impact on Local Highway Network / Access
- Heritage considerations
- Design and Layout
- Landscape
- Ecology
- Trees
- Noise
- Air Quality
- Flood Risk
- Viability/Section 106 agreement

#### **PRINCIPLE OF DEVELOPMENT/HOUSING SUPPLY**

As noted above, the site is not allocated in the adopted Cheshire East Local Plan Strategy, but being within the built up area of Crewe and clearly constituting Previously Developed Land there would be no objections in principle to its redevelopment, subject to the loss of employment land considered below.

That said, as Members will be aware, the Council is able to demonstrate a 5 year supply of deliverable housing sites through a combination of commitments and Local Plan allocations, and this site does not currently contribute to those numbers. In short whilst there are no objections in principle to the development of this site for housing which would contribute to overall supply – which although welcomed, it is not currently needed to meet the Local Plan numbers. As such the weight that can be attached to this argument is reduced.

#### **LOSS OF EMPLOYMENT LAND**

Policy EG3 ("Existing and Allocated Employment Sites") of the Local Plan Strategy sets out the policy approach to existing employment sites. It seeks to protect employment sites for employment uses where appropriate, in order to maintain an adequate and flexible supply of

employment land to attract new and innovative businesses, to enable businesses to grow and to create new and retain existing jobs.

Consistent with NPPF paragraph 22, Policy EG 3 does not automatically protect employment land, but provides the tests to be applied where alternative uses might be considered appropriate. These tests are not a simple tick-box exercise and robust evidence must be provided to demonstrate that premises are causing significant nuisance or environmental problems that cannot be mitigated; or the site is no longer suitable or viable for employment use, there is no potential for modernisation or alternate employment uses, and no other occupiers can be found.

In this way, the policy is designed to make sure an existing employment site is not suitable for any employment use; not just its present or most recent use. Where it can be demonstrated that there is a case for alternative development on employment land, all opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.

It is the applicant's contention that the site is no longer suitable or viable for employment use, that modernisation of the site is not possible and no other occupiers can be found (Point 1 (ii) of policy EG3)

Footnote 42 of policy EG3 provides further guidance regarding the application of the test for whether other occupiers can be found, namely, that the site should be marketed at a realistic price, reflecting its employment status for a period of not less than 2 years. The Council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received.

The applicant has included a marketing report which sets out how, in the applicants view, that the site is no longer suitable or viable for employment use and provides evidence of marketing for periods in 2010/11 and 2015.

The Council's Skills and Growth Company (SAGC) have been asked for their view on the applicants marketing report. The SAGC are in principle against the loss of employment land. SAGC produces an annual commercial property report, with research undertaken by an independent consultancy and this consistently demonstrates a strong demand for employment land, particularly for industrial use.

SAGC deal with 500+ businesses per annum and offer intensive business support to those with growth and/or relocation plans. Both indigenous Cheshire East companies and new investors cite lack of available development land as a key driver in taking their project outside of the Borough.

However, SAGC do recognise that the marketing report outlines a number of potential challenges to enabling the site to be brought to market and do not intend to formally object to this proposal. They do present reservations regarding certain elements of the marketing report including the use of Cheshire East Commercial Property Review as an example of their route to market. This is a report to demonstrate past deals so is not treated as a site marketing document

The Spatial Planning team consider it of utmost importance that applications for alternate uses on employment land do robustly address the policy tests to demonstrate that the site is no longer suitable or viable for employment use, there is no potential for modernisation or

alternate employment uses, and no other occupiers can be found. The marketing report and associated appendices do consider these issues. However, there are a number of further matters that the Spatial Planning Team wanted the applicant to consider and address, with regards to the evidence of marketing the site. The applicant has provided this information and Spatial Planning have confirmed they are satisfied the policy tests have been met.

Policy EG3 notes that where it can be demonstrated that there is a case for alternative development on existing employment sites, that these will be expected to meet sustainable development objectives set out in policy MP1, SD1 and SD2 of the Local Plan Strategy.

The Council's Employment Land Review (2012) (Appendix E2) considered the Bombardier Site. It was noted as a prominent site with the presence of older style industrial buildings. Access was considered to be good from Dunwoody Way. The Employment Land Review considered the development potential of the site to be limited although there may be development opportunities around the edge of the site as operations consolidates. The ELR noted that it was a large site with outmoded buildings. The overall view was that the site had potential for change of use – as the surrounding area is mainly residential. It also noted that the site was outmoded and contamination may also be an issue.

In conclusion the application addresses Policy EG3 and as such there are no objections to the loss of this employment site.

### **CONTAMINATED LAND**

The site clearly has a history of uses that could lead to the site being contaminated and given the intended use for residential purposes is a matter of some concern.

The applicant however has submitted a full site investigation and remediation strategy in support of the application and the Environment Agency write:

*“The reports detailed above submitted in support of this planning application provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.”*

The EA therefore recommend a series of contaminated land conditions. Environmental Protection write:

*“URS (the applicant's consultant) undertook an investigation at the site in 2005 to assess it in the context of a continued industrial end-use scenario. In 2013, Aecom reassessed the URS data with respect to a residential end-use scenario. The presence of VOCs was shown to be site-wide within the current application site and was considered to pose a risk to human health. It was recommended that vapour protection membranes should be incorporated into the construction of any new buildings in order to remove the pathway from VOC vapours. These risks and measures have not been considered in the current assessment. The Conceptual Model is incomplete and does not consider all contaminant linkages for the site.”*

Environmental Protection have raised no objections subject to a range of planning conditions.

## **AFFORDABLE HOUSING**

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 269 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 81 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in Crewe per year up to and including 2018 is for 50x 1 bedroom, 149x 3 bedroom and 47x 4+ bedroom General Needs dwellings. The SHMA is also showing a need for 12x 1 bedroom and 20x 2 bedroom Older Persons dwellings. These dwellings can be via flats, cottage style flats or bungalows.

The SHMA is showing an oversupply of 2 bedroom General Needs dwellings.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 997. This can be broken down to 450x 1 bedroom, 364x 2 bedroom, 132x 3 bedroom and 50x 4 bedroom dwellings. On this site a mix of 1, 2, 3 and 4 General Need's dwellings with a provision of 1 and 2 Older Persons dwellings would be acceptable.

53 units should be provided as Affordable/Social rent and 28 units as Intermediate tenure.

The applicant is advising in the Planning Statement that no Affordable housing can be provided due to the Vacant Building Credit. The Application form is stating all the housing on site is to be Market Housing. The Vacant Building Credit calculation is showing via the correct calculations that no Affordable Housing can be provided on the site.

Vacant building credit was introduced to promote development on brownfield sites. It allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements (whether financial contribution or provision). It applies to any building that has not been abandoned and is brought back into any lawful use, or is demolished to be replaced by a new building.

The PPG explains that existing gross floorspace (assuming it has not been abandoned) should be credited against that of the new development.

In this case there is no overall increase in floorspace and as such no affordable housing can be required.

## **EDUCATION PROVISION**

The development of 269 dwellings is expected to generate:

50 primary children (269 x 0.19) – 1 SEN

39 secondary children (269 x 0.15) – 1 SEN

3 SEN children (269 x 0.51 x 0.023%)

The development is expected to impact on both primary school and SEN places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and SEN school places still remains.

The Service has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to a basic need of primary places demographically and from additional approved housing and allocated strategic sites in the locality as identified in the Local Plan. The two largest expansions being Monks Coppenhall Primary School and Hungerford Primary Academy (both by an additional 210 places). The expansions are being jointly funded by basic need funds and S106.

The Service is expanding the schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards.

On this basis Education are seeking a full primary claim and will receive the payments for the works paid for by the Council up front to mitigate the 50 primary children as a direct cause of the Bombardier Transport proposal. The proposal is not forecast to impact upon secondary education.

Special Education Need (SEN) provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 3 children expected from proposed development will exacerbate the shortfall. The 2 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is thought to be of EYFS age and as this provision is not currently claimed for, it cannot be reflected in the above calculation.

$50 \times £11,919 \times 0.91 = £542,315$  (primary)

$3 \times £50,000 \times 0.91 = £136,500$  (SEN)

Total education contribution: £678,815

Now the number of dwellings has been reduced by 6 this figure will need to be amended accordingly.

### **PUBLIC OPEN SPACE AND RECREATION**

Cheshire East aims to deliver a good quality and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits.

In terms of POS provision, based on 269 dwellings (now 263) a total of 16,140sqm is required on site comprising of 20sqm of children's play space, amenity greenspace and green infrastructure connectivity. In terms of 5sqm required for allotment provision an offsite contribution would be considered to increase capacity elsewhere as there is a large demand for allotments in Crewe identified by the Open Space Survey.

The Open Space Survey also identifies central western Crewe as a high density area with limited access to amenity green space going beyond 5 to 10 minutes walking distance. This development will exasperate this issue. There is also a shortage of 34ha of children's play areas in Crewe and this development will increase this shortage. Both G.I. AGS and formal play is required on site.

The latest planning layout shows a small central green area surrounded by roads, but increased in size from the original submission. The site is bounded by tree planting but now provides a usable recreation area for residents to use.

Should permission be granted there is also a requirement for indoor and outdoor sport provision.

### Indoor Sport Provision

#### 1. Policy

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

Policy SC1 - 5. "Make sure that appropriate developments contribute, through land assembly and financial contributions, to new or improved facilities where development will increase demand and / or there is a recognised shortage of local leisure, community and recreation facilities".

Policy SC2 – 3. "Make sure that major residential developments contribute, through land assembly and financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage".

This development will increase the need for local indoor leisure provision and as such a financial contribution should be sought towards Crewe Lifestyle Centre the nearest provision (1.3 miles away)

#### 2. Evidence base

- Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. The Indoor Built Facility Strategy has identified that there is currently a

sufficient stock of facilities (pools and sports halls) to meet current and new demand, however the additional population will increase demand on other areas of provision including health and fitness / gym provision and for Crewe the Council will look to focus meeting that demand at Crewe Lifestyle Centre.

### 3. Contribution required

- 269 houses at 1.61 people per residence = a population increase of 433
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 185 additional “active population” due to the new development in Crewe
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to either
  - An additional seven stations. Requirement for – x 5 running machines (£6,500 per treadmill) , x 2 resistance / weight pieces (£3,000 per piece). Total £35,500
  - Or
  - Contribution to extending the gym at Crewe Lifestyle Centre as part of a capital redevelopment. Total £35,500

### Outdoor Sport Provision

A shortage of 0.64ha of outdoor sport facilities are identified by the Open Space Survey therefore so not to increase this, a commuted sum of £1,000 per dwelling is required. This will be directed at King George V Playing Fields to enhance drainage, re-profile pitches and to improve the general facilities.

Although the applicant has sought to address some of the comments made by further increasing the size of the central area of POS, this does not address the central concerns of ANSA that there is insufficient provision being made for residents on or off site in an area that is already lacking in overall provision. The proposal now includes an area of 3,000 sqm, an increase of 33% over the proposals first presented to Committee, together with a possible contribution to off site provision.

In addition to the changes to the area of POS, the applicant sought to address this by highlighting the proximity of existing provision in the area. Whilst it may be the case that there is some provision within relatively easy walking distance, Queen’s Park in particular, this provision does not currently meet existing requirements for the population in the area, and because main roads need to be crossed to access this provision it is not accessible to younger children.

### **RESIDENTIAL AMENITY**

Issues of noise are addressed under that section of the report, with this section concentrating on privacy/massing issues.

Policies on separation distances are set out in Borough of Crewe and Nantwich extensions and householder development Supplementary Planning Document July 2008, which typically requires a distance of 21 metres between any proposed principal window and a directly

opposing principal window in a neighbouring dwelling, and 13.5 metres between a principal window and a flank elevation.

In most instances on the site these stated distances are met or exceeded, however there are parts of the site where this is not the case. Firstly the proposed properties on the south side of West Street behind the retained wall will only be some 16m from properties to the north. In this instance the desire to replicate the street scene typical of this part of Crewe – of terraces opposite each other, and the fact that it is the frontages or the public space between houses is considered to be acceptable.

Within the site itself there are instances where the minimum distances are not met (typically 18/19m separation), and in some cases where properties are back to back, which clearly is not ideal. This does not impact on existing residents except where noted above. However this is an urban scheme where there are clear viability issues, and if all the required separation distances are achieved there would be a reduction in housing numbers and this would render the scheme unviable and therefore undeliverable. In the few instances where this is an issue it is considered that on balance it is acceptable to make the proposals work, and as the scheme is designed for sale/rent occupiers can make their own decision whether they feel there is a significant issue. Given the character of the area, it is not considered that refusal could be sustained on this basis.

### **IMPACT ON HIGHWAY NETWORK/ACCESS**

#### **Safe and suitable access**

The accesses have been designed to adoptable standards and include standard footways from West Street into the site. Speed surveys have been carried out showing West Street to have a design speed of approximately 30mph, and the associated visibility splays have been provided. The accesses will be located away from where on-street parking on West Street takes place and West Street has a width of approximately 7m.

The footway along the site frontage on West Street will have a width of 2m. Acceptable footway access is available to the wider Crewe area including bus stops on West Street. The bus stop on West Street on the same side of the development at the western side should be upgraded to include a shelter. The developer will need to liaise with TSS regarding this.

An accident analysis of those on West Street has been carried out and concluded that they were as a result of driver error rather than the road layout.

#### **Network Capacity**

To determine the net vehicular impact of the site a trip generation exercise has been carried out for the existing site and for the proposal. The proposal will result in a net increase in vehicle trips of approximately 70 in the AM peak and 100 in the PM peak.

The access onto Dunwoody Way will no longer be used and the vehicle trips from the site will come off West Street. A proportion of the vehicle trips to/from the existing site will already use West Street. Using existing traffic distribution data, the net increase in vehicles using West Street during the AM and PM peak hours in the design year, as result of the development, is forecast to be 30 and 50 respectively, or a little less than 1 per minute over the hour.

The new site accesses, Pyms Lane/Minshull New Road, West Street/Dunwoody Way, and West Street/Victoria Avenue junctions were all assessed. Committed developments including those in Leighton, Flowers Lane and the Bentley applications were included in the assessments.

Whilst there would be a cumulative impact on these junctions, it is considered acceptable due to the traffic generation associated with the existing lawful land use.

### **Layout**

The access carriageways will have a width of 5.5m and further into the site these will be reduced to manage design speeds, in accordance with CEC standards and national guidelines. Further in again the shared space concept is introduced and although not strictly to the CEC Design Guide, there is no Highways reason to object to it.

The houses will provide off-road parking in line with CEC standards. The apartments to the west of the site will not provide a standard level of provision, at just over 1 space per apartment. Car ownership data for apartments in this part of Crewe show that this level of provision will be sufficient to cater for residents, and will not lead to on-street parking, assuming they remain unallocated which will increase the efficiency of the provision.

### **Conclusion**

Given the existing lawful land use and the net highways impact of the proposal is reduced and is acceptable. No objection is raised subject to conditions relating to making improvements to the bus stop on West Street, having a construction management plan and car parking for the apartments being unallocated. An informative relating to the requirement for a Section 38 Agreement is also recommended.

### **HERITAGE CONSIDERATIONS**

There are two issues here, firstly the significance of the factory wall on West Street, and the impact of the proposed development on the Heritage assets on West Street, namely St Barnabus Church and St Barnabus Vicarage both Grade II. The Webb Orphanage now Webb House on Victoria Avenue (again Grade II), is relatively close to the site, but being on the far side of the railway line to the south, and well screening by trees it is not considered that the development will impact on it's setting.

The loss of the railway building is regrettable given its local historic interest, but a more substantive effort is being made to retain the base and pillars of the building to create an enclosing wall for the north western frontage of the site, as a reference to the substantial building that presently occupies the site.

Whilst the building has some historical significance to Crewe, attempts to have it listed have proved successful, and it is difficult to see how it could be incorporated into any development. As set out above it should be fully recorded before any demolition works take place.

The loss of the trees in the north eastern corner of the site will adversely affect the Sylvan setting of the listed church and vicarage. There is concern as to whether planting of more substantial trees in gardens of properties to the south will either compensate for the impact upon the setting of the listed buildings or indeed affect living conditions for occupants. There

are also concerns about enforceability. This is examined further below, but replacement trees that will be able to reach maturity are an important element of any proposals.

### DESIGN AND LAYOUT

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

This approach is consistent with CELPS Policy SE1 and the recently adopted Cheshire East Design Guide.

This full application was supported by a design and access statement and design code, but the proposals have raised a number of issues that have led to extensive consultations with the applicant and their agents. Dealing with each of the points:

The Street hierarchy is still not sufficiently strong in terms of character of built form and associated streetscape although there has been some progress, particularly with the inclusion of the avenue for principal streets and inclusion and more extensive changes in surfacing materials. However, the present design and materiality of the mews streets in the layout are unlikely to be particularly successful in creating multi-use streets, including encouraging informal play.

Sense of place/local distinctiveness – the overarching character departs from the character of this part of Crewe, with high concentrations of terraced housing immediately off West Street on this key gateway approach but it does not create a place of sufficiently distinct and high quality in its own right. Certain improvements have arisen, notably siting the apartment block and terraced forms in the western corner to define the gateway (and replicate the scale of the railway building and terraces), albeit the western elevation could have been more animated with more active use and fenestration on this side of the building. House types are reasonably well detailed but question their appropriateness to the context. Immediately local examples should have more strongly influenced the design of houses to reinforce sense of place. This does feel like an opportunity missed to create something very distinctive.

Views from streets to the north of West Street are now being terminated more positively.

The interface with the railway requires further information, most particularly whether existing trees that will help to screen the development on the railway side will be unaffected (this is not shown on the layout).

Despite the further enlargement of the space, the area of public open space provision is substandard for a scheme of this size. Open space could have more positively characterised the development to help create a place with a stronger identity.

There is an imbalance in parking in certain parts of the scheme, with high proportions of frontage parking that will be heavily reliant on high quality frontage landscaping to ensure that those areas are not overly dominated by parked vehicles. The parking associated with the flats also requires more landscaping to prevent it becoming a 'sea of tarmac' with little to soften it.

There is concern that during implementation the scope for quality frontage landscaping will reduce further within streets and in areas to define public/private boundaries. There is also concern about the depth of frontage landscaping on West Street and the capacity to achieve a decent scale of landscaping to reinforce the edge of the street.

Further information has now been provided with regards to bin and cycle storage..

In some locations, rear boundaries are exposed in street scenes due to the street alignment and housing stepping back to accommodate frontage parking, reducing the consistency of the building line.

In conclusion the applicant has gone some way to addressing urban design/layout issues, with issues of POS/Private space, and external storage at least in part being addressed, but there still remain some concern, and in the Building for Life 12 Assessment there is still a "red" for:

- Character - it feels like a missed opportunity to create a memorable and distinctive development.

### **LANDSCAPE**

The following formed the original report:

The application site covers an area of approximately 6.9 hectares and is occupied by the Crewe railway Works buildings. The site is bound to the north-west and the north by West Street, along part of which runs the rear brick wall of the works building, as well as the grounds and church of St Barnabas, to the north of West Street are existing residential dwellings, to the east the operational Bombardier site works and to the south by a railway line, south of which are residential dwellings.

The submission does not include a Landscape and Visual Appraisal, which in the circumstances is not surprising as the site currently exhibits the monumental structures of its industrial heritage and as such was not within the area appraised as part of the Cheshire Landscape Character assessment. However the Design and Access Statement does identify the Cheshire East Design Code and that within the Design Guide that Crewe and the surrounding area falls within the Salt & Engineering Towns Character Area.

The submission includes a Planning Layout and Landscape Masterplan. However it is not considered that the submitted proposals adequately follow the Cheshire East Design Code, nor is it felt that the landscape strategy will achieve a 'green and pleasant environment throughout the site', for a number of reasons.

The proposals only allow very limited opportunities to introduce trees and soft landscape along the site's frontage along West Street and the cramped and narrow design as shown is unlikely to do much to improve the visual appeal of the street, nor will it create an avenue of trees as stated, since there are no existing trees located along the northern side of West Street, which is characterised by terraced housing with very small front gardens that are largely devoid of vegetation. A wider offset with West Street would also have afforded the opportunity to continue any green infrastructure to the north of the three proposed cul-de-sacs shown on the masterplan.

The central green area appears to be minimal in size, and while overlooked by dwellings, is also surrounded on each side by roads and access to driveways. The green itself is shown with a boundary treatment of grass with trees, a sloping bank and the majority of the site devoted to wildflower grass. This may provide a focus for those dwellings that surround it, but will render it unusable for play and recreation.

Reference is made in the Design and access Statement to a hierarchy of routes in the scheme; primary routes, secondary routes and shared drives. There are primary routes that provide access from West Street and that form a loop within the site, and secondary routes that link the primary routes into the residential areas, and there are shared drives. However the differences between the primary and secondary routes are imperceptible and apart from their functions as highway routes, provide no clear distinction in terms of character or design hierarchy. The uniformity of street and design of the streets prevents any meaningful street planting or hierarchy of shrub or tree planting across the site. While the masterplan shows tree planting in many of the front gardens, the restricted layout means that these would be restricted to smaller ornamental species. It is suggested that the proximity to driveways, houses and impacts on residential amenity may well mean that these would not be particularly successful in the longer term.

Any opportunities to provide a more a positive design transition between the existing and functioning Bombardier site to the east and the railway line to the south have been overlooked, this is disappointing.

It is not considered that the proposals reflect the guidance offered in the Cheshire East design Guide, nor is it considered that they embody best practice in spatial planning and urban design.

Since the initial comments were made, the landscaping proposals have been amended to improve the West Street frontage, and the central area of POS which does contribute more positively to the area. The applicant is keen to highlight the high quality of landscaping that forms part of their schemes and will help to soften the street scene.

### **ECOLOGY**

The phase one survey which informs the ecological assessment was undertaken at a poor time of year however considering the nature of the habitats present on site this is not a significant constraint.

It is advised that the trees along the sites northern boundary should be retained to provide opportunities for foraging bats.

Whilst as set out in the tree section of this report these trees will need to be removed, they are proposed to be replaced, and whilst in the short term they will not provide as good a foraging habitat in time they will and as such it is considered this matter is addressed.

Provided the trees are replaced it is advised that there are unlikely to be any significant ecological issues associated with the proposed development, subject to conditions covering the following matters:

- Hedgehog habitats and gaps in fences.
- Detailed survey for nesting birds
- Detailed proposals for breeding swifts and White Letter Hairstreak

### **IMPACT ON TREES**

There is tree cover on and adjacent to the site, mainly on the boundaries. None of the trees are subject to TPO protection.

The tree cover comprises:

- An avenue of mature broadleaved trees along the northern boundary of the site comprising a row of Lombardy poplars, Ash and some Sycamore.
- To the north west there is a self set group approximately 7 metres in width comprising young Birch, Poplar and Sycamore.
- To the south in the railway corridor there is a linear strip of early mature/mature Birch, Sycamore, Goat Willow and Oak.
- Close to a warehouse within the site there is a small group of ornamental conifers.

The submission is supported by a Tree Survey Report and Impact Assessment dated December 2017. The tree survey covers 55 individual trees and small groupings. The trees were generally assessed to be in poor to moderate condition with no trees being afforded a high value. Nevertheless, 16 individual grade B trees and 2 grade B groups are identified.

The constraints posed by the trees are identified on a site survey as existing. The report references clearance of the site and removal of all trees within the boundaries. There is also reference to the need to afford sufficient stand off to minimise impacts on the rooting zones and overhead canopies of off site trees.

In this urban setting and in an area where there is limited tree cover, the presence of mature trees is a material consideration. In particular, the belt of trees to the north makes some contribution to amenity.

The revised landscape proposals remove previously proposed trees from locations close to several proposed properties fronting West Street which would avoid future conflicts. Nevertheless, tree planting is still shown in narrow planting strips across the site. The new trees proposed in rear gardens along the northern boundary with the St Barnabus Church are unlikely to fully mitigate for the mature trees to be removed. As stated previously, beyond a standard 5 year maintenance condition, in private gardens these would be out of LPA control. A more sensitive approach might be to design a layout which allowed a belt of tree planting and landscape works on this boundary out with private gardens, with development facing.

In respect of the off site trees on the railway embankment to the south, the report recommends a 4 metre stand off and protective measures. These trees are still not shown on the site layout although a 4 metre stand off appears to be achieved. Protective measures for these trees could be sought by condition but it should be noted that final proposals for remediation measures and levels may impact on the trees roots.

Should tree loss be unavoidable, it would be essential to secure meaningful replacement planting to compensate for the losses. Whilst indicative planting is shown on the proposed site layout, the space afforded and juxtaposition with buildings/hard surfacing is likely to constrain the scale of tree planting which could be achieved.

As discussed in the heritage section, the sylvan backdrop for the Listed Buildings on West Street is an important part of their setting, and whilst the loss of the boundary trees regrettably is accepted, as they are not in particularly good health, and when the adjacent building is demolished, and the associated slab removed it is considered very difficult to retain them in a safe condition. What matters then is how they are replaced and protected in the long term.

The current proposal include replanting sizable trees which will, in time, replace the sylvan setting for the buildings, the issue however is that they will be in the back gardens of residential properties with modest sized gardens. The concern is that they will be removed by homeowners, and in time their size will give social proximity issues which again will see them removed. The applicant is still looking at other options here, including the possibility of planting some trees to the rear of St Barnabus Church and the outcome of these discussions will be reported in a written update.

### **NOISE**

The applicant has submitted an acoustic report by Bureau Veritas UK Ltd in support of the application. The impact of the noise from West Street, the railway and the adjacent industrial use on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the adjacent road, railway and industrial process. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, conditions are necessary in order for this application to be approved, which essentially means carrying out the report recommendations which includes boundary treatment, glazing and ventilation measures.

### **AIR QUALITY**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard has been had to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015)

This is a proposal for the residential development of 269 dwellings comprising 24 apartments and 245 dwellings. Air quality impacts have been considered within the air quality assessment submitted in support of the application by Redmore Environmental. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2016 - Verification
- Opening year Do-Minimum (DM) (predicted traffic flows in 2018 should the proposals not proceed)
- Opening year Do-Something (DS) (predicted traffic flows in 2018 should the proposals be completed)

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to NO<sub>2</sub> and PM<sub>10</sub> concentrations, with none of the receptors experiencing greater than a 1% increase relative to the AQAL.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Crewe has three Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

The developer has already submitted an Interim Travel Plan which Environmental Protection deems sufficient to prevent a condition being raised to request one. However, Environmental Protection also believes that further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Therefore conditions are recommended regarding Electric Vehicle Infrastructure, dust control and ultra low emission boilers.

### **FLOOD RISK**

Comments on the additional information provided by the applicant are still awaited at the time of writing this report. Any comments received will be reported as a late item to Members.

## **EMPLOYMENT**

The addition of 269 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Crewe Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

## **VIABILITY/SECTION 106**

The applicant submitted a viability report in support of the application which in short states that because of the significant costs in redeveloping this site it is unable to sustain any of the requested financial obligations requested towards education and public open space. Affordable housing provision as set out above is not required because of the vacant Building Credit.

In brief the abnormal costs of developing this site amount to some £2.8m, a substantial amount of which comprises demolition and site remediation, site clearance and preparation, abnormal foundations, storm water attenuation and a capping layer.

This viability report has been independently assessed and although initially it was considered that the “Scheme is capable of providing S106 financial contributions whilst remaining financially viable”, after further discussions on abnormal costs and other matters the Consultants have confirmed the applicant’s position that no obligations can be afforded by the proposed development. The consultants acting for the Council write:

“We therefore do not consider that the sales values achieved will be at the level required for the Scheme to become financially viable and therefore is not currently capable of providing S106 contributions whilst remaining financially viable.”

Lack of any contributions to mitigate the impact of development is always going to be difficult to support – no matter what the viability states or whether it is independently agreed. As discussed in the earlier report, the applicants are able to offer a total of £100,000 towards education and/or POS off-site provision.

A section 106 agreement will accompany the application and is required to secure the following:

- £100,000 towards education and/or POS off-site provision

## **CIL REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council’s requirement

for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **COMMENT ON REPRESENTATIONS**

The majority of the points of objection have been addressed in the main body of the report, and concerns about the demolition process, whilst understood, will be addressed under other environmental protection legislation.

### **CONCLUSION AND PLANNING BALANCE**

It is clear that this application raises a number of important issues that influence the planning balance.

On one side the application proposes to re-develop a brownfield site in Crewe, in a sustainable location within walking distance of Crewe Town Centre with its range of facilities such as schools, healthcare and POS. The development also provides housing which will contribute towards the Council's 5 year housing supply and whilst not affordable in terms of the technical definition will provide a range of homes at the more affordable end of the housing market which is of course welcomed.

The proposals are neutral with regards to ecology with appropriate mitigation measures and issues of air quality, noise, land contamination, highways and flood risk can all be readily addressed. Although there are concerns about the loss of the existing factory wall and its historical links, it is considered that recording the "asset" and retaining the lower part of the wall as a frontage wall for the development goes some way to address this issue.

Against this, the proposals do not provide any affordable housing (due to the Vacant Building Credit) and the viability of the site causes a number of negatives with limited prospect of resolution and only very limited contributions to mitigate associated impacts. The POS provision on site still falls short of that normally required. Education contributions also fall short of what is required. Collectively there are additional pressures put on existing facilities in the area. The proposals raise questions of urban design in that it falls short of the now expected levels of compliance with the CEC Design Guide. There are concerns about the loss of trees and the overall landscape provision on site.

As a result of the above this application is considered to be finely balanced. Tipping that balance for regeneration and recognising the viability of building on a brownfield site favour supporting the proposal.

### **RECOMMENDATION**

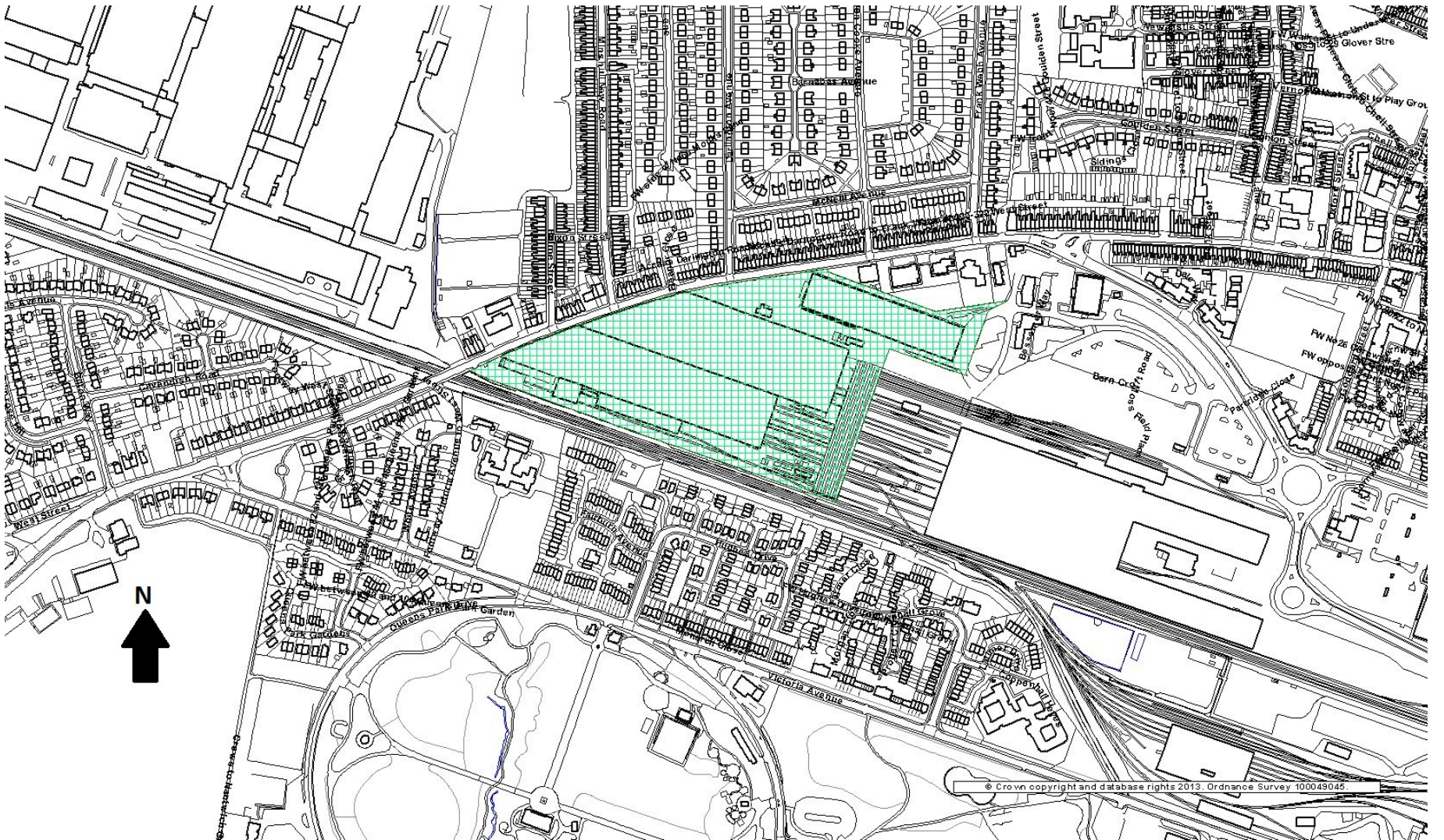
**Approve** subject to a legal agreement to secure

- £100,000 towards education and/or POS off-site provision

**And the following conditions**

1. **Standard 3 year consent**
2. **Approved Plans**
3. **Materials**
4. **Landscaping**
5. **Implementation of landscaping**
6. **Tree Protection Measures**
7. **The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
8. **Noise mitigation measures**
9. **Provision and implementation of Travel Plan**
10. **Dust control measures**
11. **Electric Vehicle Infrastructure**
12. **Submission of a Contaminated Land Phase II investigation.**
13. **Control over imported soils**
14. **Requirement to inform LPA if unexpected contamination found**
15. **Submission of Construction and Environmental Management Plan**
16. **Bin and cycle storage.**
17. **Hedgehog habitat creation and gaps in fences.**
18. **Detailed survey for nesting birds**
19. **Detailed proposals for breeding swifts and White Letter Hairstreak**
20. **Archaeological programme of works**
21. **Separate drainage systems**
22. **Detailed design of surface water drainage**
23. **Broadband provision**
24. **Finished floor levels**
25. **Improvements to the bus stop on West Street**
26. **No allocation of parking spaces for the apartment blocks**

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*



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Application No: 17/5070C

Location: Former Albion Chemical Works, BOOTH LANE, MOSTON, CHESHIRE

Proposal: OUTLINE PLANNING PERMISSION (REVISIONS TO 09/2083C) IN RESPECT OF ZONES 2, 5 AND 6, TO PROVIDE UP TO 100 RESIDENTIAL UNITS (C3) PLUS CARE HOME (C2) OR 120 RESIDENTIAL UNITS, UP TO 2,600SQM OF COMMERCIAL USES INCLUDING RETAIL (A1), RESTAURANT/PUB (A3/A4) PLUS OFFICES (B1), WITH PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE

Applicant: BLUEFIELD SANDBACH LIMITED

Expiry Date: 28-Sep-2018

## SUMMARY

The principle of development is considered to be acceptable and the site is located within the settlement boundary. On balance the partial loss of this employment site is considered to comply with the objectives set out in EG 3, MP1, SD1 and SD2 although it is accepted that the site does have some weaknesses in meeting the specific objectives relating to accessibility and open space provision.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land), it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of housing.

The impact upon air quality has been assessed as part of this application and subject to the imposition of planning conditions the development would comply with Policy SE 12 point 1.

The impact upon infrastructure would be neutral as the impact upon education and health would be mitigated through the provision of a contributions. The development would comply with Policy IN 1.

In terms of the POS provision the development based on the indicative plan would result in a shortfall of provision and the development would be contrary to Policy SE 6 point 4 (iii) which requires that new developments provide adequate open space. The provision of a NEAP would be secured as part of a S106 Agreement and would comply with SE 6. The provision of an off-site contribution to allotments would comply with SE 6 and indoor recreation would be mitigated through the provision of a contribution in accordance with SC 2 point 3.

Details of the proposed landscaping would be secured at the reserved matters stage and a condition will be imposed to secure a scheme of replacement tree planting within the

grass verge. The proposed development is considered to comply with the requirements of Policies SE 4 and SE 5.

With regard to ecological impacts, the development would result in the loss of the Priority habitat known as 'Open Mosaic Habitats on previously developed land'. This will in turn lead to a High magnitude adverse impact upon little Ringed Plover as a result of the direct loss of habitat and also the loss of openness. This impact will be significant at the County level. In this case Policy SE 3 point 4 states that development will not normally be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. In this case some mitigation will be secured and it is also important to note that the site has an extant planning permission. As a result the impact is considered to be acceptable.

The development would not have significant drainage/flood risk implications and complies with Policy SE 13.

The development is acceptable in terms of its impact upon trees on this site and replacement planting will be secured. This development will comply with Policy SE 5.

It is considered that the proposed development demonstrates that an acceptable design solution can be secured in accordance with the CEC Design Guide and Policy SE 1. However this is a Reserved Matter and the final judgement will be made at that stage. Subject to the proposed scheme of replacement tree planting within the grass verge the impact upon the built heritage assets is considered to be acceptable and the development would comply with Policy SE 9.

The impact in terms of the Hazardous Substances Consents on the site will be dealt with under delegated powers.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. This is in accordance with policy CO 1.

The site is largely brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site. The redevelopment of this brownfield site complies with the policy principles underpinning the vision to the CELPS (para 1.29) which states that;

*'Develop brownfield sites, where possible, to minimise the use of greenfield, Strategic Green Gap, open countryside or Green Belt sites'*

Although the development would have some weaknesses/conflicts in terms of its POS provision and the impact upon biodiversity it is considered that on the whole the development would comply with the relevant policies of the Cheshire East Local Plan Strategy, Congleton Borough Local Plan and the Moston Neighbourhood Plan.

### **RECOMMENDATION**

**DELEGATE to the Head of Planning (Regulation) to APPROVE subject to the removal of the HSE 'advise against' consultation response and the completion of a S106 Agreement and the imposition of planning conditions**

## **PROPOSAL:**

This is an outline application for zones 2, 5 and 6 to provide up to 100 residential units (C3) plus care home (C2) or up to 120 residential units; and up to 2,600sqm of commercial uses including retail (A1), restaurant/pub (A3/A4) plus offices with public open space and associated infrastructure.

All matters are reserved apart from access. The access would be via a single junction off Booth Lane.

## **SITE DESCRIPTION:**

This outline application relates to approximately 5.1 of land and is situated 3.6km north west of Sandbach Town Centre, and is 4.5km south east of Middlewich.

The site is a former chemical works which has now been cleared and some remediation has taken place on this site. On the west, the site has a long frontage to the A533 (with a tree lined grass verge), and it is bound by the Sandbach to Middlewich railway line to the east. The site also lies adjacent to the Trent and Mersey Canal which is a designated Conservation Area. There is a retained industrial site to the north.

To the south of the site is a residential site which is under construction and includes the Grade II listed, Yew Tree Farm House, which dates from the 16<sup>th</sup> century, with 19<sup>th</sup> century additions.

## **RELEVANT HISTORY:**

17/5223C - Erection of a three storey 66 bed care home for the elderly – No decision made

17/5068C - Construction of an office building (Use Class B1), associated car parking, proposed access road and mitigation bund – No decision made

16/3465C - Non Material Amendment to approval 14/4212C - Approved 26<sup>th</sup> July 2016

15/3224C - Non-Material Amendment relating to 14/4212C – Approved 17<sup>th</sup> July 2015

14/4218C - Variation of conditions 6, 7, 25 and removal of condition 14 on application 09/2083C – Approved 27<sup>th</sup> February 2015

14/4212C - Detailed approval is now sought for access, appearance, landscaping, layout and scale in respect of the residential element of the scheme. The outline application 09/2083C was subject to an EIA therefore an Environmental Statement was submitted to the local authority as part of the outline submission – Approved 27<sup>th</sup> February 2015

09/2083C - The comprehensive redevelopment of the site for a mix of uses comprising of up to 375 residential units (Class C3); 12000sqm of office floorspace (Class B1); 3810sqm of general industrial (Class B2) and warehousing (Class B8) floorspace; 2600sqm of commercial uses incorporating pub (A4), hotel (C1), restaurant (A3), Health club (D2), retail (A1), car dealership (Sui-generis), fast food restaurant (A5) and offices (B1); retention and change of use of Yew Tree

Farm complex for up to 920sqm of residential (Class C3) and non-residential (D1) uses; public open space together with access and associated infrastructure, with all matters reserved as set out in the application and described in drawings DMP6059/001 revision C and DMP6059/004 revision C – Approved 14<sup>th</sup> May 2014

### **POLICIES**

#### **Cheshire East Local Plan Strategy**

PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 6 – Green Infrastructure  
SE 7 – The Historic Environment  
SE 8 – Low Carbon Energy  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments

#### **Congleton Borough Local Plan**

The relevant Saved Policies are: -

PS4 Towns  
NR4 Non-statutory sites  
GR9 Accessibility, servicing and provision of parking  
GR13 Public Transport Measures  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
NR2 Statutory Habitats  
NR3 Habitats

NR5 Habitats

### **Neighbourhood Plan**

The Moston Neighbourhood Plan is at Regulation 16 stage.

LD1 – Design and Landscape Setting

LD2 – Dark Skies

INF1 – Utilities

INF2 – Broadband

INF3 – Surface Water Management

ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity

ENV2 – Trees, Hedgerows and Watercourses

LE2 – Non Rural Employment

HER1 - Heritage

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development

80-82. Building a strong, competitive economy

59-66. Delivering a sufficient supply of homes

124-132. Achieving Well Designed Places

### **Other Considerations:**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Cheshire East Design Guide

### **CONSULTATIONS:**

**Historic England:** Do not wish to offer any comments

**Highways England:** No objection

**Environment Agency:** No objection subject to the imposition of planning conditions. The Environment Agency have also offered a number of general comments in relation to the contaminated land issues on this site.

**Health & Safety Executive:** Advise that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

**Cheshire East PROW:** The developer should be tasked to undertake a thorough assessment of the *quality* of the accessibility of the site for pedestrians and cyclists to and from key destinations. The access along the Canal towpath is limited by a bridge with steps or via a narrow footbridge over the lock and there is no means of crossing Booth Lane and this would create a barrier to

residents using active travel. Parts of the canal towpath have indeed been recently upgraded, but not those sections nearest to the development site. The 'direct pedestrian access point' at the south corner of the site should be designed and constructed suitable for use by both pedestrians and cyclists as it forms one of the key desire lines for non-motorised users.

**Natural England:** Statutory Conservation Sites – no objection. For advice on Protected Species refer to the Natural England standing advice.

**CEC Skills and Growth Company:** The viability challenges of bringing forward the scale of office development (in the original plan) and the potential for securing alternative employment use or other occupiers for this site are noted. The additional new jobs created through the alternative commercial uses are welcomed.

**Canals and Rivers Trust:** A legal agreement securing a financial contribution towards the canal towpath and access improvements is necessary. The towpath can therefore also be seen as an important walking and cycling route, both for general leisure, recreation and the promotion of healthy activity, and also as an important sustainable and traffic-free route helping to link the proposed development with the adjacent towns and villages and the wider walking, cycling and green spaces network within the authority area. In this instance, it is considered that the towpath in the vicinity of the application site needs to be upgraded in order to fulfil the role identified for it by the policies of Local Plans and within the supporting application documents. To cope with any significant increase in footfall along this stretch of towpath, the surface needs to be adequate and sufficiently hard-wearing in order to a) encourage its use- if it is in poor condition, this will deter potential users, and b) to ensure that such increased use does not add to the Trusts maintenance liabilities. In this regard, the Canal and Rivers Trust consider that a contribution of £150,000 towards towpath improvements would be proportionate to the quantum of development proposed for the site and would be used to provide approximately 1km of towpath improvements from the development site either north from Bridge 163 towards Middlewich and/or south to link to bridge 162, Dragon Lane and the sustrans route 5 to the west (accessed via Dragons Lane).

The Trust have previously been asked to consider accepting surface water discharge from the site to the canal. The Trust have raised concerns in terms of the contamination on the site. Any such discharge to the canal will require the prior consent of the Canal & River Trust and, assuming that the Trust are satisfied that the canal has sufficient capacity to accept this discharge, this consent will be subject to completion of a commercial agreement. The Trust would also need to be satisfied that no contamination would be discharged to the canal. The applicant's mercury report shows that mercury contaminated soils would be encapsulated. This may assist in preventing contamination of the canal. This would be subject to the drainage design for the site.

The Trust would suggest that the applicant seeks agreement to discharge surface water via the Trusts Third Party Works. The applicant should contact the Trusts Utilities team if they wish to discuss the feasibility of accepting surface water discharge further. An informative is suggested.

**CEC Strategic Highways Manager:** No objection.

**Cheshire Archaeology:** No further archaeological mitigation is required at this site.

**CEC Education:** To alleviate forecast pressures, the following contributions would be required:

### 100 dwellings

18 primary pupils (19 less 1 SEN pupil) = £195,233

15 secondary pupils = £245,140

1 SEN pupil = £45,500

### 120 dwellings

22 primary pupils (23 less 1 SEN pupil) = £238,618

18 secondary pupils = £294,168

1 SEN pupil = £45,500

**United Utilities:** No objection subject to the imposition of planning conditions.

**CEC Strategic Housing Manager:** No objection.

**CEC Flood Risk Manager:** Conditions suggested.

**Environmental Health:** Conditions suggested in relation to noise mitigation, piling, Travel Plans, Electric Vehicle Charging, Low Emission Boilers and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

**Cheshire Brine Board:** As the site is located outside of the consultation area the Board would not normally make any comments.

However please be aware that there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

**Network Rail:** Network Rail objected to the 2014 residential-led mixed use development on this site to highlight the location of the two level crossings and the safety risk as a result of the application. This development will result in up to an additional 120 residential units to replace the employment land provision. Network Rail request that the Council includes the following two conditions;

- The developer undertakes a stopping up of the level crossing via S257 of the Town and Country Planning Act
- The level crossing must be closed prior to the occupation of any dwellings on the site

The impacts of increased numbers and users and the change in character of users should be considered in the Councils decision. As a publicly financed organisation Network Rail is not funded to mitigate the impact of new development upon its infrastructure

**Ansa Open Space:** The development of 100 dwellings creates the need for 6,000sqm of Public Open Space (POS) excluding allotments or 7,200sqm for 120 dwellings. The DAS refers to a *significant amount of POS is being provided* however this is not quantified and does not appear to be sufficient. Play provision should be addressed on site by way of a NEAP and should complement site being currently being built out.

The CELP also requires a 5sqm per dwelling allotment space. No allotment provision is being provided except in the form of raised beds exclusively for the use of the care home residents

therefore a contribution of £230.70 per dwelling is required to improve the allotments on Booth Lane.

Contributions are required for indoor sport and a total of £18,200 is required based on 100 dwellings and a total of £21,540 is required based on a total of 120 dwellings.

### **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Moston Parish Council:** Support the application and make the following comments;

- Planning applications on the former Albion Lock Chemicals Works are a dilemma to Moston Parish Council as the site is quite clearly within the Moston Parish Boundary, well away from Sandbach but for the purposes of the local plan the site is included within the Sandbach settlement area
- The Parish Council are generally in favour of re-development on Brown Field Sites, however Moston is within the open countryside and the potential of around 500 houses (3 times the present number) plus the commercial use is something which concerns local residents.
- It is understood that there will be a requirement for more commercial and retail premises in addition to houses in the future which this application if granted would contribute to. With that in mind the Parish Council support the application but wish to see the affordable Housing provision offered first to Moston residents and give full support to the request from Canal and River Trust for a contribution of £150,000 towards towpath improvements on the Trent and Mersey Canal with the proviso the improvements outlined by Canal and River Trust go south from Bridge 163 to at least Bridge 162 for the reasons outlined in the application. The Parish Council would obviously support further towpath improvements southwards towards Bridge 160 which would then enable cyclists to reach National Cycle Route 5 without travelling on the narrow roads of Dragons Lane and Plant Lane.

**Middlewich Town Council:** No comments received.

**Sandbach Town Council:** No objection based on the amended plans. Members welcome the reduced density of housing. Members would like clarification however, on the line of the public footpath that crosses the site, as it is unclear what is happening to it.

**Bradwall Parish Council:** No comments received.

### **REPRESENTATIONS:**

A letter of representation has been received from Cycling UK which raises the following points:

- Additional S106 contributions for cycling measures are required and this should include;
  - Sandbach FP36/Bradwall FP3 should be upgraded for cycling as it would allow cycling access into the countryside and north towards Middlewich avoiding the A533
  - Moston FP7/Bradwall FP4 – Improvements should be investigated for upgrading to cycling but it has not been explored how best to cross the railway line.

### **APPRAISAL**

The site is a previously developed site which lies within the Settlement Boundary as defined by the Congleton Borough Local Plan. The site does not have any specific allocation as part of the Congleton Borough Local Plan or the CELPS.

The site is an employment site although the former buildings have been cleared from the site and the site has an extant outline planning permission for employment/commercial development as part of application 09/2083C (then varied as part of application 14/4218C).

This development would result in the loss of an existing employment site and as a result Policy EG3 of the CELPS applies. Policy EG3 states that existing employment sites will be protected for employment use unless:

- Premises are causing significant nuisance or environmental problems that could not be mitigated; or
- The site is no longer suitable or viable for employment use; and
  - There is no potential for modernisation or alternate employment uses; and
  - No other occupiers can be found.

Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD1 and SD2 of the CELPS. All opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.

In this case the developer has submitted an employment land review for this site and this states that the site has been marketed since October 2014. This shows that enquiries have been received from four businesses requiring light industrial B1 (C) use. In terms of B2 and B8 uses the applicant has stated as follows;

- B2 or B8 will either will not pay the land value required; or
- The uses are not high quality, as required and set out by the Council in their pre-application response; or
- The job skills are low quality; or
- The number of jobs generated is low; or
- They are not compatible with the proposed high quality Brenntag offices, care home and roadside uses which are proposed; or
- A combination of some or all of these points

The supporting report identifies that none of the parties who have made an offer for the site have actually made an offer for the site close to the underlying land value. Furthermore the applicant states that the base cost of the site before developers profit is taken into account means that the land owner would need to obtain a price in excess of the current land value. On this basis the report concludes that there is no realistic interest from B1(c), B2 or B8 sectors either from occupiers or developers at the open market value of the site or a figure to reflect land value plus the loss of developers profit.

In terms of alternative uses the submitted report has stated that the proposed office which would be provided would serve Brenntag providing 1,000sqm of office space and would result in the creation of 40 new jobs as well as protecting 37 existing on-site jobs. The new office will be subsidised by the landowner to retain Brenntag on the site. The land owner has already agreed terms with specialist care home provider (LNT Care Developments) to provide a 66 bed care home at the southern part of the site which would create 40-50 new jobs.

Discussions have taken place with other commercial operators (family pub and retail sectors). The operators in these sectors have stated that they would need a minimum of 500 dwellings on the

adjoining development in order to sustain the business (the family pub and retail elements would create an estimated 56 jobs).

In this the Skills and Growth Company have been consulted as part of this application and have stated that the new additional jobs created through the alternative commercial uses are welcomed and no objection has been raised to this application.

In this case it is considered that the principle of this mixed use scheme would comply with Policy EG3 of the CELP.

### **Retail Impact**

The NPPF and Policy EG 5 require an impact assessment if the floor space of the development exceeds 2,500sq.m and a sequential test.

The proposed commercial elements of the scheme up to 2,600sqm, including A1 retail use, sits within the previously approved parameters for the original outline application which approved a maximum of 2,600sqm for the following uses pub (A4)/hotel (C1)/restaurant (A3) or health club (D2), retail (A1), car dealership (sui-generis), fast food restaurant (A5) and offices (B1).

Although no impact assessment or sequential test has been provided it is accepted that there is an extant permission of this site and on this basis it is not considered to be reasonable to require a further assessment given the extant planning permission. Therefore the principle of retail development on the site is established.

It should also be noted that the extant planning permission does not include any condition to restrict the type of goods which can be sold from the site.

### **Affordable Housing**

The SHMA 2013 shows that the majority of the demand in the sub area of Sandbach Rural per year until 2018 is for 13 x one bedroom, 2 x two bedroom and 3 x four bedroom dwellings for General Needs. The SMHA also shows a requirement for 2 x one bedroom older persons dwellings. These can be flats, cottage style flats, bungalows or lifetime homes. The SHMA shows an over supply of 2 bedroom General Needs accommodation.

There are 10 people/families identified on the Cheshire Homechoice waiting list with Brereton, Moston and Bradwall as their first choice. This can be broken down to 3 x one bedroom, 3 x two bedroom, 4 x three bedroom dwellings. In addition to this in 2013 a rural housing needs survey for Brereton was carried out which evidenced a need for at least 12 households in need of affordable housing.

With the housing need data shown above a mix of 1, 2, 3 and 4 general needs dwellings and 1 bedroom older person dwellings on this site would be acceptable.

A proposed development of 100 dwellings would result in a requirement for 30 affordable dwellings and a development of 120 dwellings result in a requirement of 36 affordable dwellings.

The applicant has confirmed that 30% of the units will be provided as affordable with the tenure split being 65% rented and 35% intermediate tenure (the mix of units will be determined at the Reserved Matters stage).

### Highways Implications

The original outline application approved the construction of a mix of residential and commercial development, the residential element 375 dwellings is already under construction by Taylor Wimpey. The main change in this application is that some of the employment is being replaced by residential development.

With regards to the traffic impact of this application, the applicant has compared the traffic generation of the consented approval against the generation likely to arise from this proposal. The results of this assessment indicate that the current proposal would result in slightly less traffic generation than the consented scheme, the results are considered to be a correct assessment of the traffic impact of the application.

This application includes the provision of a ghost island right turn lane at the junction with Booth Lane to provide access to the site. This has been assessed in regards to the operational capacity and will operate well within capacity with the development traffic added.

There were a number of highway contributions agreed on the original outline permission 09/2083C these were predominantly tied to the occupation of residential units and are listed below;

- A533/A54 Leadsmithy Street, Middlewich:- £170,000 – To be paid prior to the occupation of the 333rd dwelling
- A533/A534 The Hill/High St/Old Mill Rd/Brookhouse Rd roundabout, Sandbach £197,000 – To be paid prior to the occupation of the 150<sup>th</sup> dwelling
- £190,000 to be spent either on Junction 17 of the M6 or the Middlewich bypass whichever comes forward first (the decision regarding allocation of this contribution to be delegated to the Head of Planning and Housing, in consultation with the Chairman) – To be paid prior to the occupation of the 166<sup>th</sup> dwelling
- Quality partnership bus shelters £25,000 – To be paid prior to the occupation of the development
- Real Time Information facility, Sandbach Rail Station £20,000 – To be paid prior to the occupation of the development
- Travel Plan facilities and targets £38,000 – To be paid prior to the occupation of the development

To date the Council has received the payment for the bus shelter contribution, the Sandbach Rail Station contribution and the Travel Plan contribution

The Strategic Highways Manager has stated that these improvements which were required to mitigate the existing outline consent and that these should be reflected in this application should changes be made to the S106. In this case it is not considered necessary to replicate the requirement for these contributions as part of this application as any contributions will be secured as part of the development which is under construction to the south of the site.

### Amenity

There are no existing residential properties in close proximity to this application site. However it should be noted that the site to the south has planning permission for a residential development. The indicative plan shows that the proposed dwellings would have separation distances of between 20-22m (principle elevation to principle elevation) to the approved dwellings to the south and the care home would have a separation distance of 25.6m to the approved dwellings. It is considered that an adequate solution could be secured at the Reserved Matters stage.

### Contaminated Land

Given the previous use of the site as a chemical works there is land contamination issues associated with this site. This issue was subject to discussions at the outline stage by the Strategic Planning Board at the meetings on 16<sup>th</sup> February 2011 (where it was deferred for among other things further information in relation to land contamination) and 20<sup>th</sup> April 2011 (where members resolved to approve the outline application).

As stated within the report to Strategic Planning Board on 20<sup>th</sup> April 2011 the remedial works including the Mercury Plant decontamination and the remediation of the waste sludge lagoon, have been completed in accordance with statutory regulatory approval. Both the Environment Agency and the Council's Contaminated Land Officer confirmed as part of the outline application that they are satisfied with the works that have been carried out to date.

As part of this application there have been lengthy discussions between the Councils Environmental Health Officer (also involving the Environment Agency) and the applicant. A scheme to deal with the Mercury Plant Room contamination has been agreed as part of the discharge of condition 22 (contaminated land) on application 14/4218C (discharge reference 18/1641D).

The mercury contamination is located towards the centre of the site and the approved remediation involves the mercury contaminated soils being retained in situ with a 2000mm barrier to the sides and capping of 300mm and concrete capping of 100mm. There will then be a minimum of 1.5m of soils laid above the mercury room encapsulation with the provision of monitoring boreholes. The area of the mercury contamination would not have any dwellings sited above it and the indicative layout shows that this area would include a central green area of public open space.

Whilst extensive investigations have been undertaken there are uncertainties with regards controlled waters risks as raised by the Environment Agency and human health in terms of mercury. As such further investigations are required to confirm remedial actions. This may be combined with the verification works following the remedial works to the Mercury Cell Room and former Brine Pit area. Subject to the imposition of the suggested conditions the Councils Contaminated Land Officer has confirmed that she has no objection to this application.

### Noise

The applicant has submitted an acoustic report in support of the application. The impact of the noise from environmental and industrial noise on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by both environmental and industrial noise. The mitigation measures considered are as follows;

- Noise Attenuation Bund
- Thermal double glazing unite
- The provision of an acoustic fence (in design terms this would not be appropriate)

The noise assessment states that *'noise levels can be readily controlled by simple mitigation measures, a detailed façade assessment should be undertaken when the specific build up of external walls and internal room configurations and geometries are known'*. As a result a further acoustic report will be conditioned as part of each reserved matters application for residential development.

### Disturbance during the construction phase of the development

In this case a condition in relation to piling works will be attached to any approval to protect residential amenities.

### Air Quality

Air quality impacts have been considered within the air quality assessment submitted in support of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows, as well as any potential impact from the neighbouring gas fired power station. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2016 baseline – model verification
- 2019 without development
- 2019 with development

The assessment concludes that the impact of the future development on the chosen receptors will be *negligible* with regards to both NO<sub>2</sub> and PM<sub>10</sub> concentrations, with one of the receptors experiencing a slight adverse effect for NO<sub>2</sub> and the rest a negligible effect. The local power plant is also predicted not to have a significant effect on the development's location with regards to air quality. However, one of the receptors, is located within the nearby AQMA in Sandbach and it is this Environmental Health Officer's opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be worse than predicted.

Both Middlewich and Sandbach have Air Quality Management Areas, and as such the cumulative impacts of developments in or near the towns are likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. Therefore conditions will be imposed to secure Travel Plans and Electric Vehicle Charging Point provision. Subject to these conditions the development would comply with Policy SE 12 point 1.

### Future Commercial Uses

The indicative plan shows that the commercial and residential parts of the development would be zoned with the open space separating the two. The commercial aspects of the scheme are currently listed as retail (A1), restaurant/pub (A3/A4) and offices. The commercial uses are unlikely to raise any significant issues in terms of the residential amenities of the future occupiers. However a further assessment will be undertaken at the Reserved Matters stage when the layout of the housing and the form of the proposed commercial uses is known.

### **Trees and Hedgerows**

The application is supported by an Arboricultural Impact Assessment (AIA). The survey in the assessment covers four individual trees, four groups of trees and one hedge. The survey affords the vegetation Grades C and U.

The revised indicative plans show the existing Booth Lane frontage trees retained although the updated Arboricultural Impact Assessment maintains recommendations for removal of many of these trees. On the basis of the detailed arboricultural assessment, and in view of the short safe life expectancy of the specimens in question, removal may be an inevitable outcome. As stated previously, many of the trees are outside the applicant's control (within highway land). However the highways department have confirmed that they will in principle accept a scheme of replacement planting provided that it does not impact upon the existing street lighting and road signage and this will be controlled via the imposition of a planning condition to secure details as part of the first Reserved Matters application.

### **Landscape**

The principle of development of this former industrial site and adjacent green field land to the south was established under application 09/2083C. Residential development is now underway on the green field land. The remainder of the site has been cleared although some grassland, tree and scrub cover remains. On the Booth Lane frontage, in part outside the site edged red, there are hedgerows and prominent groups of mature trees which afford valuable screening to the existing industrial development.

Key landscape issues raised with the original application included the loss of green field land, the relationship to the Trent and Mersey Canal Conservation Area, the provision of suitable landscape buffers to the road and to adjacent industrial sites and to securing a landscape strategy and management plan for the whole site.

As an outline application with only access to be determined, the full landscape impacts would only become apparent with reserved matters applications.

The revised Illustrative Masterplans make some improvements to the layouts and include some pedestrian links. Concerns remain that with remediation required on the site, the site constraints, and the need to ensure an acceptable social relationship between trees and residential properties.

The future treatment of this verge and many of the trees present is still uncertain however the highways department have confirmed that they will in principle accept a scheme of replacement planting provided that it does not impact upon the existing street lighting and road signage and this will be controlled via the imposition of a planning condition to secure details as part of the first Reserved Matters application.

Despite these concerns it should be noted that the site has an extant planning permission which could still be implemented and includes less detail than the current planning application in terms of the landscape strategy for the site and little to no detail as to what would happen with the trees along the roadside frontage. As a result the landscape implications of the development are considered to be acceptable.

### Design

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'*

This is supported by the Cheshire East Design Guide SPD and Policy SE1 of the CELPS.

The indicative layout has undergone significant improvement and has reduced the number of units since the earlier illustrative layout which was regimented and car dominated. This shows that a stronger urban design solution can be achieved. The Councils Urban Designer has commented that there are still a few areas of improvement but it is considered that these are relatively minor and can be resolved at the Reserved Matters stage.

To accompany this application the applicant has produced a Spatial Design Code. The Spatial Design Code is to illustrate several key design parameters which form an underpinning spatial framework for the proposed development. The Spatial Design Code focuses on issues relating to;

- The establishment of the principal mix of uses
- The location of these land uses and key areas of the proposed development
- The establishment of parameters that define the likely amount of development
- The location and characteristics of important green space or key areas of public realm
- The proposed hierarchy for movement and connectivity
- The setting out of a framework for contextually responsive developments
- Principles that will enable definition of key character areas

The Councils Urban Designer has commented that the Spatial Design Code is the minimum he would expect but it does address the fundamentals and he would generally concur with the

accompanying Building for Life Assessment. However he acknowledges that there is a danger that frontage parking could become overly dominant in some areas and therefore this and streets for all could quite easily descend into a red rating if more parking were to become street frontage rather than in courts (which some developers shy away from).

The main issue with the Spatial Design Code is that the language in the code should be more definite (for example using 'will', 'shall' rather than 'could' or 'may'). The purpose of a code is to set in place design rules that the Reserved Matters will then follow. The passive emphasis in the wording leaves too much flexibility. This has been fed back to the applicant who is in the process of producing a revised Spatial Design Code and reviewing the wording used.

Other amendments which have been sort to the Design Code relate to the street design and materiality to reflect the Design SPD and to adjust the building footprints/development zones in relation to landscape and to secure the frontage landscape (and succession planting) on Booth Lane as part of the green infrastructure creating the setting for the development and softening the relationship with the Trent and Mersey Canal Conservation Area.

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The main vehicular access is via Booth Lane to the west. The proposed dwellings would face the POS and towards Booth Lane. The development would provide a vehicular and pedestrian link to the approved development to the south. The development would provide a new private amenity corridor along the Booth Lane frontage

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

The site is relatively isolated but is on a bus route between Middlewich and Sandbach. Furthermore the application includes a pub/restaurant and commercial premises and there are connections to the adjacent approved development.

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

The site is served by public transport with bus stops to the Booth Lane frontage. Footpath links provide access to the bus stops.

### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the Design Code states that the development will provide 30% affordable housing and properties ranging from 2-4 bed units. The development will include apartments, terraced units, semi-detached and detached units. A condition will be attached to ensure that an appropriate housing mix will be provided.

## Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

The layout has a number of strengths including the provision of courtyards/cul-de-sacs to help generate character and a sense of place. The housing square would provide a key node within the site. The road alignments allow for the introduction of green spaces, creating character and interest. The open space approach is consistent with that taken on the approved development to the south.

## Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The development respects the boundaries of the site and would overlook Booth Lane. The central area of open space which is well overlooked would create a buffer between the proposed residential and commercial development.

## Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The proposed development includes a hierarchy of streets with a variation in form. Parking would mainly be provided to the side/rear of the proposed dwellings. All streets are enclosed with vista units and 2.5 storey units are used to contain views. The units will also be orientated to address corners with dual elevations.

## Easy to find your way around

*Is the scheme designed to make it easy to find your way around?*

The site is well connected internally and it would be easy to navigate throughout the development.

## Streets for all

*Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?*

It is considered that the proposed highways design is appropriate and on the whole avoids large straight stretches which would encourage speeding. The housing square calms traffic and would create a more social environment. Shared surfaces will be used to help calm traffic speeds and to introduce a strong pedestrian presence.

## Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be limited with the majority provided to the side/rear of the dwellings.

## Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The open space within the site and this would be well-overlooked. It is considered that the development would create an attractive and safe area of public open space.

#### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The submitted plan shows that dwellings on the proposed development would have private amenity space with rear access. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

#### Design Conclusion

On the basis of the above assessment it is considered that the proposed development demonstrates that an acceptable design solution can be secured. However this is a Reserved Matter and the final judgement will be made at that stage.

#### **Built Heritage**

The site is located opposite the designated heritage assets of the Trent and Mersey Canal Conservation Area and Lock 68 and Accommodation Bridge, grade II listed. The development has the potential to adversely impact upon the setting of both.

Concerns have been raised in terms of the retention of the trees/vegetation to the boundary of the site with Booth Lane and that the removal of any trees would impact upon the setting of the heritage assets. The future treatment of this verge and many of the trees present is still uncertain however the highways department have confirmed that they will in principle accept a scheme of replacement planting provided that it does not impact upon the existing street lighting and road signage and this will be controlled via the imposition of a planning condition to secure details as part of the first Reserved Matters application.

It should also be noted that the extant planning permission included the provision of commercial uses along the majority of the road frontage with a small element of office development to the frontage with the remaining office to the opposite part of the site. These uses would include buildings of a larger scale with car parking areas and a lack of landscaping compared to the smaller scale housing development which includes a greater level of landscaping. On this basis the proposed development would have less impact than the fall-back position which is the extant planning permission and is considered to be acceptable.

#### **Archaeology**

An archaeological condition was attached to the planning consent which required a Geophysical Survey to be undertaken in order to establish the need, if any, for further archaeological mitigation. This survey was undertaken by Wardell Armstrong Archaeology in April 2015. The survey did not reveal any evidence of likely archaeological features. As a result no further archaeological mitigation is required at this site.

## Ecology

### Impact upon the SSSI

The application site lies in close proximity to the SSSI at Sandbach Flashes and in this case Natural England has confirmed that the SSSI does not represent a constraint in determining this application.

### Priority Habitat

The demolition of the building and clearance of this site and its subsequent neglect has resulted in this site beginning to naturally re-vegetate. Habitats of this type can amount to a Priority habitat known as 'Open Mosaic Habitats on previously developed land'.

The habitats present on this site meet the definition of this Priority Habitat and as such are a material consideration in the determination of this application. The habitats present on site would also meet the Local Wildlife Site selection criteria. The proposed development which would result in the loss of this habitat, would have a significant adverse impact upon biodiversity.

In order to partly compensate for the loss of habitat resulting from the proposed development 'Brown Roofs' are proposed to be incorporated into the proposed buildings. A roof of this type would be designed to mimic the existing habitats present on the site, but due to the small size of the roof in relation to the habitat lost, would make only a moderate contribution to addressing the significant loss of biodiversity resulting from the scheme.

CELPs policy SE3 which protects priority habitats is pertinent to the determination of this application as is Policy ENV1 of the MNP which identifies the site under Figures U and V as 'High Value' habitat and as an indicative wildlife corridor. In this case it should be noted that the site has an extant planning permission for development and if planning consent is granted a condition could be attached which requires any future reserved matters application for the commercial buildings to be supported by detailed proposals for the incorporation and management of brown roofs.

### Wintering and Breeding Birds

The initial submitted survey was undertaken in January when a notable number priority bird species were present on site.

A detailed breeding bird survey has now been undertaken. This survey recorded a number of priority/protected bird species including Lapwing and Little Ring Plover which are ground nesting birds associated with open habitats. Little Ringed Plover in particular is associated with post industrial sites. These species are a material consideration in the determination of this application.

The application site is of County value for nesting birds and in 2018 the application site may have been one of the most important sites in the County for Little Ringed Plover.

The Councils Ecologist has advised that the proposed development will have a High magnitude adverse impact upon birds as a result of the direct loss of habitat and also the loss of openness. This impact will be significant at the County level.

Local Plan policy SE3 which protects priority species is pertinent to the determination of this application. The provision of a brown roof as described above could potentially provide suitable compensatory habitat for Little Ringed Plover provided it was of a minimum of 2,000 square meters. However there is no certainty that this provision be successful. The commercial units shown on the illustrative master plan are too small to accommodate a suitable sized brown roof. So whilst brown roofs would provide some compensation for loss of habitat they would not address the impacts of the proposed development upon birds.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site entrance. This loss could be compensated via a planning condition to secure details at the Reserved Matters stage.

### Pond

There is a pond present on the application site. A full Great Crested Newt survey or detailed habitat suitability assessment has not been completed of this pond. However considering the distance between this pond and the ponds in the surrounding landscape and the presence of landscape features that would present at least a partial barrier to the movement of Great Crested Newts it is considered that Great Crested Newts are unlikely to be present on this site.

It is presumed that the pond has formed as a result of localised impeded drainage following site clearance works which is characteristic of 'Open Mosaic Habitats on Previously Developed Land' priority habitat. Ponds can also be considered a priority habitat in their own right.

Although concerns have been raised by the Councils Ecologist in relation to the loss of the pond it is not considered that the loss of this feature would be significant. It should also be noted that the extant planning permission does not include any requirement for the provision of a pond.

### Reptiles

The location of the site adjacent to the canal and the nature of the habitats that have developed on the site since the demolition of the former factory buildings mean that Grass Snakes may occur on the site on a transitory basis.

In order to minimise the risk of reptiles being harmed during the development of this site the submitted ecological assessment includes a number of 'reasonable avoidance measures'. These measures could be secured through the imposition of a planning condition.

### Biodiversity offsetting

In its current form the proposed development will result in a significant adverse impact on biodiversity.

The Councils Ecologist recommended that an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology be undertaken.

An assessment of this type would both quantify the residual impacts of the development, including the loss of priority open mosaic habitats, and calculate in 'units' the level of additional compensation which would be required to 'offset' the impacts of the development to ensure that the development proposals achieve a no net loss of biodiversity and provide sufficient compensation to satisfy Local Plan Policy SE3 which requires all developments to aim to positively contribute to the enhancement of biodiversity.

In this case such an assessment has been undertaken and the mitigation (either in the form of land to be used elsewhere to provide compensatory habitat or in the form of a contribution) is currently under discussion with the applicant and an agreed approach will be confirmed as part of an update when taking into account the fall-back position on this site.

### **Public Open Space**

#### On Site Provision

Policy SE6 of the Cheshire East Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space, Green Infrastructure Connectivity and Allotments.

The Open Space Survey identifies a shortage of allotments and formal children's play facilities and an assessment of existing public Open Space within 800m of the site has identified a deficit in amenity green space. In addition Green Infrastructure Connectivity is also required.

The development of 100 dwellings creates the need for 6,000sqm of Public Open Space (POS) excluding allotments or 7,200sqm for 120 dwellings. Based on the indicative plan the development would only provide approximately 3,400sqm of POS based on the plan showing 100 dwellings and a care home or 4,300sqm of POS based on the plan showing 120 dwellings. Both figures are considerably lower than the quantity required and therefore does not meet the standards required by policy.

Play provision should be addressed on site by way of a NEAP and should complement site being currently being constructed to the south of the site. The NEAP should be a minimum 1000sq.m with the addition amenity greenspace adjacent for informal games all designed to European and Fields in Trust standards and taking note of a 30m buffer zone to the surrounding residential development.

The CELP also requires a 5sqm per dwelling allotment space. No allotment provision is being provided except in the form of raised beds exclusively for the use of the care home residents therefore a contribution of £230.70 per dwelling is required to improve the allotments on Booth Lane. In this case an offsite contribution is preferable given the contamination present on this site.

#### Indoor Sport

Policies SC1 and SC2 of the Cheshire East Council Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute towards both outdoor and indoor recreation.

In this contributions would be required to improve the quality and number of health and fitness stations at Sandbach Leisure Centre. Based on a development of 100 dwellings there has been a request for a contribution of £18,200 and based on a development of 120 dwellings there has been a request for a contribution of £21,450.

### **Education**

A development of 100 dwellings is expected to generate 18 primary aged children, 15 secondary aged children and 1 SEN child.

A development of 120 dwellings is expected to generate 22 primary aged children, 18 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by five local primary schools.

There will be a shortfall within the local primary schools and on this basis a contribution of £195,233 (based on a development of 100 dwellings) or £238,618 (based on a development of 120 dwellings) will be required to mitigate the impact of this development upon local primary provision.

In terms of secondary school education, the proposed development would be served by four local secondary schools.

There will be a shortfall within the local secondary schools and on this basis a contribution of £245,140 (based on a development of 100 dwellings) or £294,168 (based on a development of 120 dwellings) will be required to mitigate the impact of this development upon local secondary provision.

For SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population.

### **Health Infrastructure**

The NHS have not provided any comments on this application, however it should be noted that they have made comments on application 17/5223C which is a full application for a care home on this site. This outline application includes the provision of a care home within one of the options for development and it is only reasonable that the same requirements in terms of health are applied to this current application.

Ashfields Medical Centre covers 5 nursing homes in the local area, and visits are required by Medical professional between 1-2 times per week per home. Whilst the building is considered adequate, the increasing population will create pressure points within the practice. On this basis a contribution of £23,760 will be required to mitigate the impact of this development if the care home is developed.

### **Health and Safety**

The site includes a number of constraints due to the historical Hazardous Substance Consents (HSC's) associated with the previous uses of the site. These constraints have generated 'advise against' consultation responses from the Health and Safety Executive (HSE). These constraints are no longer considered to be applicable and the LPA has written to the Health and Safety Executive to state that it considers that the HSC's are automatically revoked in accordance with Section 17 of the Planning (Hazardous Substances) Act 1990. However until this has been confirmed by the HSE the 'advise against' consultation response remains in place. It is suggested that this matter is delegated to the Head of Planning (Regulation) to resolve.

### **PROW/Cycle provision**

The site is adjacent to public footpath Moston No. 7 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way. An informative will be attached to the decision notice in relation to the PROW.

The representation from Cycling UK is noted as is the requirements of Policy SD 2. However the suggested improvements to the PROW Sandbach FP36/Bradwall FP3 and Moston FP7/Bradwall FP4 are not considered to be CIL compliant or reasonable and the suggested contribution towards the canal towpath would provide a more direct and accessible route into Middlewich and Sandbach.

### **Impact upon Canal Infrastructure**

The site is in an isolated location and would be difficult to access without the use of the private motor vehicle. In this case the canal network opposite including the towpath offers an accessible pedestrian route from the site north towards Middlewich and south towards Sandbach. The provision of sustainable forms of transport is supported within the CELPS.

Improvements to the canal towpath would improve the usage of this link from future occupants of the site and employees within the commercial development. In order to upgrade the towpath and to provide improved access a contribution of £150,000 will be secured towards Canal towpath improvements.

### **Impact upon Rail Infrastructure**

In this case the comments made by Network Rail relate to the PROW (Moston FP7) which runs to the south of the site which crosses the railway line via a level crossing. Network Rail have requested that this PROW is diverted and that the level crossing is closed as the development would result in additional users using this route. This is not supported and it is not considered reasonable to attach a condition to require the diversion of the PROW or the closure of the level crossing.

### **Flood Risk and Drainage**

Part of the application site is located within Flood Zones 2 (medium probability of flooding) and 3 (high probability of flooding) according to the Environment Agency Flood Maps. As the application site exceeds 1 hectare, a Flood Risk Assessment was submitted as part of the outline application.

In this case the Councils Flood Risk Manager has contacted the Environment Agency along with linking application 17/5068C to confirm development modelling and they have received the following comments, the “FRA demonstrated that the site is not affected by fluvial flooding and is in effect in Flood Zone 1”.

On this basis there is no objection from the Councils Flood Risk Manager subject to the imposition of planning conditions. It should also be noted that the Environment Agency and United Utilities have raised no objection to the development on Flood Risk Grounds.

### **Lighting**

Policy LCDC2 (Dark Skies) of the Moston Neighbourhood Plan (MNP) states that ‘*Any future outdoor lighting systems should have a minimum impact on the environment, minimising light pollution and adverse effects on wildlife. Schemes should reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the nighttime skies dark and reducing glare*’. In this case the development is within an existing settlement boundary and adjacent to an existing employment site. As a result the issue of external lighting will be controlled through the imposition of a planning condition.

### **Brine Board**

In line with the comments made by the Cheshire Brine Board an informative will be attached to the decision notice.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for NHS provision in Sandbach where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for education provision in Middlewich/Sandbach where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards education provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development site is in an isolated location between Middlewich and Sandbach and would be largely dependent on the use of the private motor vehicle. In order to improve the canal towpath and pedestrian links into Middlewich and Sandbach a contribution towards improving the existing

infrastructure will be required. This is considered to be necessary and fair and reasonable in relation to the development.

The development site is in an isolated location between Middlewich and Sandbach and would require POS, children's play, allotment provision and indoor leisure mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development

The development would result in the significant adverse impact on biodiversity. To help mitigate and replace the habitat which would be lost a contribution towards biodiversity offsetting will be required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

### **PLANNING BALANCE**

The principle of development is considered to be acceptable and the site is located within the settlement boundary. On balance the partial loss of this employment site is considered to comply with the objectives set out in EG 3, MP1, SD1 and SD2 although it is accepted that the site does have some weaknesses in meeting the specific objectives relating to accessibility and open space provision.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land), it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of housing.

The impact upon air quality has been assessed as part of this application and subject to the imposition of planning conditions the development would comply with Policy SE 12 point 1.

The impact upon infrastructure would be neutral as the impact upon education and health would be mitigated through the provision of a contributions. The development would comply with Policy IN 1.

In terms of the POS provision the development based on the indicative plan would result in a shortfall of provision and the development would be contrary to Policy SE 6 point 4 (iii) which requires that new developments provide adequate open space. The provision of a NEAP would be secured as part of a S106 Agreement and would comply with SE 6. The provision of an off-site contribution to allotments would comply with SE 6 and indoor recreation would be mitigated through the provision of a contribution in accordance with SC 2 point 3.

Details of the proposed landscaping would be secured at the reserved matters stage and a condition will be imposed to secure a scheme of replacement tree planting within the grass verge. The proposed development is considered to comply with the requirements of Policies SE 4 and SE 5.

With regard to ecological impacts, the development would result in the loss of the Priority habitat known as 'Open Mosaic Habitats on previously developed land'. This will in turn lead to a High magnitude adverse impact upon little Ringed Plover as a result of the direct loss of habitat and also the loss of openness. This impact will be significant at the County level. In this case Policy SE 3 point 4 states that development will not normally be permitted except where the reasons for or

benefits of the proposed development outweigh the impact of the development. In this case some mitigation will be secured and it is also important to note that the site has an extant planning permission. As a result the impact is considered to be acceptable.

The development would not have significant drainage/flood risk implications and complies with Policy SE 13.

The development is acceptable in terms of its impact upon trees on this site and replacement planting will be secured. This development will comply with Policy SE 5.

It is considered that the proposed development demonstrates that an acceptable design solution can be secured in accordance with the CEC Design Guide and Policy SE 1. However this is a Reserved Matter and the final judgement will be made at that stage. Subject to the proposed scheme of replacement tree planting within the grass verge the impact upon the built heritage assets is considered to be acceptable and the development would comply with Policy SE 9.

The impact in terms of the Hazardous Substances Consents on the site will be dealt with under delegated powers.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. This is in accordance with policy CO 1.

The site is largely brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site. The redevelopment of this brownfield site complies with the policy principles underpinning the vision to the CELPS (para 1.29) which states that;

*‘Develop brownfield sites, where possible, to minimise the use of greenfield, Strategic Green Gap, open countryside or Green Belt sites’*

Although the development would have some weaknesses/conflicts in terms of its POS provision and the impact upon biodiversity it is considered that on the whole the development would comply with the relevant policies of the Cheshire East Local Plan Strategy, Congleton Borough Local Plan and the Moston Neighbourhood Plan.

## RECOMMENDATION:

**DELEGATE to the Head of Planning (Regulation) to APPROVE subject to the removal of the HSE ‘advise against’ consultation response and the completion of a S106 Agreement to secure the following;**

S106	Amount	Triggers
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage.  No more than 80% open market occupied prior to affordable provision in each

		phase.
<b>Education</b>	<p>For a development of 100 dwellings; Primary £195,233 Secondary £245,140 SEN £45,500</p> <p>For a development of 120 dwellings; Primary £238,618 Secondary £294,168 SEN £45,500</p>	To be confirmed
<b>Health</b>	<p>If the care home is provided as part of this application. £23,760 (Ashfields Medical Centre)</p>	To be confirmed
<b>Indoor recreation</b>	<p>For a development of 100 dwellings a contribution of £18,200.</p> <p>For a development of 120 dwellings a contribution of £21,450.</p>	To be confirmed.
<b>Allotment Contribution</b>	£230.70 per dwelling	To be confirmed
<b>Public Open Space</b>	<p>Private Management Company</p> <p>Provision of a NEAP and the open space</p>	<p>On first occupation</p> <p>On occupation of 50% of the dwellings</p>
<b>Biodiversity Off-Setting Contribution</b>	Exact sum to be confirmed	To be confirmed.
<b>Canal Towpath improvement contribution</b>	£150,000	To be confirmed.

And the following conditions;

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3

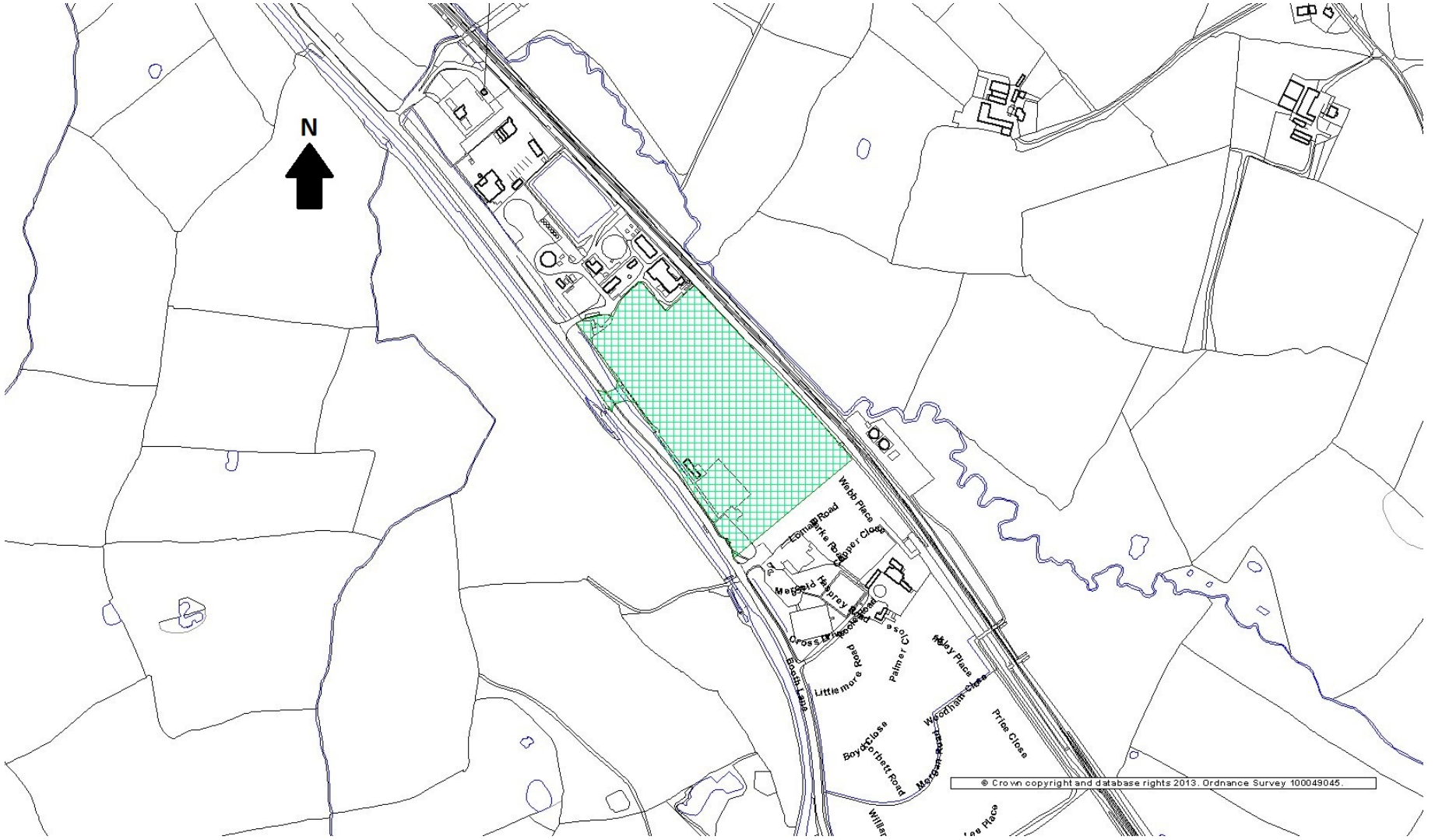
4. Approved Plans
5. Contaminated land – submission of a remediation strategy
6. Contaminated land – No occupation prior to the submission of a verification report
7. Contaminated land – works to stop if further unknown contaminated land is uncovered
8. Reserved Matters application to include details of existing and proposed levels
9. Each Reserved Matters application for residential development shall include an updated acoustic appraisal together with any mitigation measures.
10. Piling works
11. Travel Plan – Residential development
12. Travel Plan – Commercial development
13. Electric Vehicle Charging Provision
14. Reserved matters application for the commercial units to include a scheme of brown roofs
15. Reserved matters application to include a scheme of replacement hedgerow planting
16. The proposed development to proceed in strict accordance with the measures detailed in paragraph 5.2.5 of the submitted Preliminary Ecological Appraisal prepared by enzygo
17. Reserved Matters application for the housing to include a phasing plan
18. Development to be carried out in accordance with the submitted FRA
19. No development shall take place until a detailed strategy / design and associated management / maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority.
20. Scheme to ensure that the site boundary will need to be adequately protected to ensure that any flood risk is contained and managed onsite and not transferred off site.
21. External Lighting to be submitted and approved
22. Each phase of the development hereby approved shall incorporate a mix of units of
  - 
  - 1bed and/or 2 bed dwellings – between 10% and 30% of the number of dwellings
  - 3 bed dwellings – between 20% and 40% of the number of dwellings
  - 4 bed and/or 5 bed dwellings – between 20% and 40% of the number of dwellingand a minimum of 5 % of the units shall be bungalows or units for single storey living. The 1st reserved matters application shall provide a strategy for the distribution of all the housing across the site in accordance with these parameters. Thereafter the housing on each phase of development shall accord with the housing mix details provided unless otherwise approved in writing by the Local Planning Authority
23. The first Reserved matters application shall include a survey the trees within the grass verge and provide and implement a scheme of re-planting of tree (and removal if necessary) within the grass verge.

In order to give proper effect to the Board`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage.  No more than 80% open market occupied prior to affordable provision in each phase.
<b>Education</b>	For a development of 100 dwellings; Primary £195,233 Secondary £245,140 SEN £45,500  For a development of 120 dwellings; Primary £238,618 Secondary £294,168 SEN £45,500	To be confirmed
<b>Health</b>	If the care home is provided as part of this application. £23,760 (Ashfields Medical Centre)	To be confirmed
<b>Indoor recreation</b>	For a development of 100 dwellings a contribution of £18,200.  For a development of 120 dwellings a contribution of £21,450.	To be confirmed.
<b>Allotment Contribution</b>	£230.70 per dwelling	To be confirmed
<b>Public Open Space</b>	Private Management Company  Provision of a NEAP and the open space	On first occupation  On occupation of 50% of the dwellings
<b>Biodiversity Off-Setting Contribution</b>	Exact sum to be confirmed	To be confirmed.
<b>Canal Towpath</b>	£150,000	To be confirmed.

improvement contribution		
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Application No: 17/5223C

Location: LAND OFF, BOOTH LANE, MOSTON, CHESHIRE

Proposal: Erection of a three storey 66 bed care home for the elderly.

Applicant: LNT Care Developments

Expiry Date: 30-Apr-2018

**CONCLUSION:**

The principle of development is considered to be acceptable and the site is located within the settlement boundary.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land).

The impact upon infrastructure would be neutral as the impact upon health would be mitigated through the provision of a contribution.

Details of the proposed landscaping would be secured via a condition and a condition will be imposed to secure a scheme of replacement tree planting within the grass verge.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The development would not have significant drainage/flood risk implications.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

Following negotiations and revisions to the design of the scheme the design implications and the impact upon built heritage would be acceptable.

The impact in terms of the Hazardous Substances Consents on the site will be dealt with under delegated powers.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works.

The site is largely brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

As a result the proposed development is considered to comply with the policies contained with the Cheshire East Local Plan Strategy, the Congleton Borough Local Plan and the emerging Moston Neighbourhood Plan.

**SUMMARY RECOMMENDATION:**

**DELEGATE to the Head of Planning (Regulation) to APPROVE subject to the removal of the HSE 'advise against' consultation response and the completion of a S106 Agreement and the imposition of planning conditions.**

**PROPOSAL**

This is a full application for the erection of a 66 bed care home for the elderly. The submitted plans show that the proposed development would be accessed via a long L-shaped access which would run though the adjacent industrial site to the north. The proposed building would be L-shaped in its form and would be three-storeys in height with the main access taken from within the site.

The home will be registered for both dementia care and general residential care, this allows the home to cater for the demand in the local area. If there are 66 people in need of dementia care then the home can provide for this. The building is designed to enable each floor to be divided into sections to allow for different needs to be met. The home can be divided to have one floor solely for dementia or general needs.

**SITE DESCRIPTION**

This outline application relates to approximately 0.46 of land and is situated 3.6km north west of Sandbach Town Centre, and is 4.5km south east of Middlewich.

The site is a former chemical works which has now been cleared and some remediation has taken place on this site. On the west, the site has a long frontage to the A533 (with a tree lined grass verge), and it is bound by the Sandbach to Middlewich railway line to the east. The site also lies adjacent to the Trent and Mersey Canal which is a designated Conservation Area. There is a retained industrial site to the north.

To the south of the site is a residential site which is under construction and includes the Grade II listed, Yew Tree Farm House, which dates from the 16<sup>th</sup> century, with 19<sup>th</sup> century additions.

**RELEVANT HISTORY:**

17/5070C – Outline planning permission (revisions to 9/2083C) in respect of zones 2, 5 and 6 to provide up to 122 residential units (C3) plus care home (C2) or 144 residential units, up to 2600sqm of commercial uses including retail (A1), restaurant/pub (A3/A4) plus offices (B1) with public open space and associated infrastructure – No decision made

17/5068C - Construction of an office building (Use Class B1), associated car parking, proposed access road and mitigation bund – No decision made

16/3465C - Non Material Amendment to approval 14/4212C - Approved 26<sup>th</sup> July 2016

15/3224C - Non-Material Amendment relating to 14/4212C – Approved 17<sup>th</sup> July 2015

14/4218C - Variation of conditions 6, 7, 25 and removal of condition 14 on application 09/2083C – Approved 27<sup>th</sup> February 2015

14/4212C - Detailed approval is now sought for access, appearance, landscaping, layout and scale in respect of the residential element of the scheme. The outline application 09/2083C was subject to an EIA therefore an Environmental Statement was submitted to the local authority as part of the outline submission – Approved 27<sup>th</sup> February 2015

09/2083C - The comprehensive redevelopment of the site for a mix of uses comprising of up to 375 residential units (Class C3); 12000sqm of office floorspace (Class B1); 3810sqm of general industrial (Class B2) and warehousing (Class B8) floorspace; 2600sqm of commercial uses incorporating pub (A4), hotel (C1), restaurant (A3), Health club (D2), retail (A1), car dealership (Sui-generis), fast food restaurant (A5) and offices (B1); retention and change of use of Yew Tree Farm complex for up to 920sqm of residential (Class C3) and non-residential (D1) uses; public open space together with access and associated infrastructure, with all matters reserved as set out in the application and described in drawings DMP6059/001 revision C and DMP6059/004 revision C – Approved 14<sup>th</sup> May 2014

### **POLICIES**

#### **Cheshire East Local Plan Strategy**

PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 6 – Green Infrastructure  
SE 7 – The Historic Environment  
SE 8 – Low Carbon Energy  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments

#### **Congleton Borough Local Plan**

The relevant Saved Policies are: -

PS4 Towns  
NR4 Non-statutory sites  
GR6 Amenity and Health  
GR7 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR13 Public Transport Measures  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
NR2 Statutory Habitats  
NR3 Habitats  
NR5 Habitats

### **Neighbourhood Plan**

The Moston Neighbourhood Plan is at Regulation 16 stage.

LD1 – Design and Landscape Setting  
LD2 – Dark Skies  
INF1 – Utilities  
INF2 – Broadband  
INF3 – Surface Water Management  
ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity  
ENV2 – Trees, Hedgerows and Watercourses  
LE2 – Non Rural Employment  
HER1 – Heritage

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development  
18-22. Building a strong, competitive economy  
50. Wide choice of quality homes  
56-68. Requiring good design

### **Other Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
North West Sustainability Checklist

### CONSULTATIONS

**Health & Safety Executive:** Advise that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

**Canals and Rivers Trust:** On the revised application (17/5070C) the Trust set out its requirements in terms of upgrading access to the towpath and surfacing given the reliance on the canal network to provide a sustainable transport route for future residents.

The use of the towpath would be a more realistic option if the towpath surfacing and access improvements as previously requested for the wider consent are agreed. It is noted within the applicants travel plan that they are committed to promoting walking and cycling for staff and visitors to the site. The Trust would ask the Council to consider whether a contribution should be sought from this development towards the towpath surfacing and access improvements requested for the wider consent under reference 17/5070C in the vicinity of Lock 68.

The scale of the proposed building would not be insignificant and would be visible from the canal corridor, however this would be softened by the retention of the mature trees and vegetation adjacent to Booth Lane. The Trust would ask that these trees are protected during the development of the site and that any landscaping on the site looks to increase the stock of native trees and vegetation along this boundary.

**CEC Strategic Highways Manager:** No objection.

**CEC Education:** No comments received.

**United Utilities:** No objection subject to the imposition of planning conditions.

**CEC Strategic Housing Manager:** This application is for 66 x C2 classed dwellings. As such no Affordable housing is required to be provided.

**CEC Flood Risk Manager:** Condition suggested.

**Environmental Health:** Conditions suggested in relation to piling works, travel plan, electric vehicle infrastructure, dust control, remediation strategy, details of soil imported onto the site and further works in unexpected contamination is found on the site.

**Cheshire Brine Board:** As the site is located outside of the consultation area the Board would not normally make any comments. However there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

**CEC PROW:** Informative suggested.

**NHS England:** Contribution of £23,760 requested.

**Ansa Open Space:** The policy does not require POS provision for a care home as it concentrates on family dwellings. The addition of raised beds for growing foodstuffs would encourage social cohesion and will have benefits for both the mental and physical health of residents. The opportunities for green gyms should be explored as they can cater specifically for older adults.

#### **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Moston Parish Council:** Support the application and make the following comments;

- Planning applications on the former Albion Lock Chemicals Works are a dilemma to Moston Parish Council as the site is quite clearly within the Moston Parish Boundary, well away from Sandbach but for the purposes of the local plan the site is included within the Sandbach settlement area
- The Parish Council are generally in favour of re-development on Brown Field Sites, however Moston is within the open countryside and the potential of around 500 houses (3 times the present number) plus the commercial use is something which concerns local residents.
- Moston PC understand that there will be a requirement for more care homes in the future and support this application which will hopefully provide employment for local residents
- The Parish Council support the Canal and Rivers Trust in seeking a contribution from this development towards surfacing the towpath and access improvements for the wider consent in the vicinity of Lock 68. The PC would encourage a landscaping scheme to increase the stock of native trees and vegetation along the boundary adjacent to Booth Lane to lessen the impact of the building from the lane and canal corridor

#### **REPRESENTATIONS:**

No representations received.

#### **APPRAISAL**

The site is a previously developed site which lies within the Settlement Boundary as defined by the Congleton Borough Local Plan. The site does not have any specific allocation as part of the Congleton Borough Local Plan or the CELP.

The site is an employment site although the former buildings have been cleared from the site and the site has an outline planning permission for employment/commercial development as part of application 09/2083C. This development would result in the loss of an existing employment site and as a result Policy EG3 of the CELP applies. Policy EG3 states that existing employment sites will be protected for employment use unless:

- Premises are causing significant nuisance or environmental problems that could not be mitigated; or
- The site is no longer suitable or viable for employment use; and
  - There is no potential for modernisation or alternate employment uses; and
  - No other occupiers can be found.

Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD1 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.

In this case the developer has submitted an employment land review for this site and this states that the site has been marketed since October 2014. This shows that enquiries have been received from four businesses requiring light industrial B1 (C) use. In terms of B2 and B8 uses the applicant has stated as follows;

- B2 or B8 will either will not pay the land value required; or
- The uses are not high quality, as required and set out by the Council in their pre-application response; or
- The job skills are low quality; or
- The number of jobs generated is low; or
- They are not compatible with the proposed high quality Brenntag offices, care home and roadside uses which are proposed; or
- A combination of some or all of these points

The supporting report identifies that none of the parties who have made an offer for the site have actually made an offer close to the underlying land value. Furthermore the applicant states that the base cost of the site before developers profit is taken into account means that the land owner would need to obtain a price in excess of the current land value. On this basis the report concludes that there is no realistic interest from B1 (c), B2 or B8 sectors either from occupiers or developers at the open market value of the site or a figure to reflect land value plus the loss of developers profit.

In terms of alternative uses the submitted report has stated that the land owner has already agreed terms with specialist care home provider (LNT Care Developments) to provide a 66 bed care home at the southern part of the site which would create 40-50 new jobs.

In this the Skills and Growth Company have been consulted as part of application (17/5070C) and have stated that the new additional jobs created through the alternative commercial uses are welcomed and no objection has been raised to this application.

In this case it is considered that the principle of this mixed use scheme would comply with Policy EG3 of the CELP.

### **Affordable Housing**

This application is for a C2 Care Home development, as such no Affordable housing is required.

### **Highways Implications**

The original outline application approved the construction of a mix of residential and commercial development, the residential element 375 dwellings is already under construction by Taylor Wimpey. The main change in this application is that some of the employment is being replaced by the proposed care home.

With regards to the traffic impact of this application, Care Homes have low traffic generations and are almost entirely made up from staff and visitor trips and as such there are no traffic impact concerns with this application. The information submitted indicates that there will be 42 employees in total and given the shift patterns 15 staff being on site at any one time.

There are 25 car parking spaces (increased from 18 as part of the original plans) proposed on the site and the applicant has indicated that operationally this is a sufficient number of parking spaces required on the site. The CEC parking standards for this use class recommends that 37 spaces are provided, clearly the 25 spaces is below the standards. However the Strategic Highways Manager has considered this application and has advised that the parking provision on this site is acceptable and on this basis there are no objections to the parking provision or traffic generation from this proposed development.

### **Amenity**

There are no existing residential properties in close proximity to this application site. However, it should be noted that the site to the south has planning permission for a residential development. The submitted plan shows that the proposed Care Home would have separation distance of 13.7m to the boundary, 25.7m to the rear elevations of the approved dwellings and 18.6m to the side elevation of the approved dwelling to the Booth Lane frontage. This is considered to be an acceptable relationship subject to the provision of additional tree planting to this boundary.

### Contaminated Land

Given the previous use of the site as a chemical works there is land contamination issues associated with this site. This issue was subject to discussions at the outline stage by the Strategic Planning Board at the meetings on 16<sup>th</sup> February 2011 (where it was deferred for among other things further information in relation to land contamination) and 20<sup>th</sup> April 2011 (where members resolved to approve the outline application).

As stated within the report to Strategic Planning Board on 20<sup>th</sup> April 2011 the remedial works including the Mercury Plant decontamination and the remediation of the waste sludge lagoon, have been completed in accordance with statutory regulatory approval. Both the Environment Agency and the Council's Contaminated Land Officer confirmed as part of the outline application that they are satisfied with the works that have been carried out to date.

As part of this application there have been lengthy discussions between the Councils Environmental Health Officer (also involving the Environment Agency) and the applicant. The Mercury Plant contamination is located away from the site of the proposed Care Home and the Environmental Health Officer has stated that land contamination does not represent a constraint to this development subject to the imposition of planning conditions.

### Disturbance during the construction phase of the development

In this case a condition in relation to piling works will be attached to any approval to protect residential amenities.

### Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with the NPPF and the Government's Air Quality Strategy.

This proposal is for the erection of a care home for the elderly. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Sandbach and Middlewich have Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse. Conditions in relation to a Travel Plan, electric vehicle infrastructure and dust control would help to mitigate the impact from this proposed development.

### **Trees and Hedgerows**

There are three existing trees located on the grass verge to Booth Lane. These trees are no exceptional specimens. However the Councils Tree Officer considers that trees T1 and T2 are worthy of higher grade than the grade C afforded in the tree survey. The layout would require the removal of trees T2 and T3. Should the development be approved it would be essential to secure new tree planting on the site and to afford retained tree T1 appropriate protection measures during the construction phase.

In addition to the losses identified above, the revised access proposals will impact on existing trees. An updated arboricultural report has not been provided with this application. However, a condition will be attached to require the developer to survey the trees within the grass verge and provide and implement a scheme of re-planting of tree (and removal if necessary) within the grass verge.

### **Landscape**

The principle of development of this former industrial site and adjacent green field land to the south was established under application 09/2083C. Residential development is now underway on the green field land. The remainder of the site has been cleared although some grassland, tree and scrub cover remains. On the Booth Lane frontage, in part outside the site edged red, there are hedgerows and prominent groups of mature trees which afford valuable screening to the existing industrial development.

Key landscape issues raised with the original application included the loss of green field land, the relationship to the Trent and Mersey Canal Conservation Area, the provision of suitable landscape buffers to the road and to adjacent industrial sites and to securing a landscape strategy and management plan for the whole site.

The proposed development would be prominent to view from Booth Lane and the Trent and Mersey Canal, with the three storey building appearing dominant within the street scene. No detailed landscape proposals have been provided however, existing underground services could restrict tree planting opportunities on the road frontage within the sited edged red.

A realigned pedestrian link from the Booth Lane bus stop and a route is indicated outside the site edged red, the original route remains within the site, terminating at the boundary. This could be addressed as part of a detailed hard and soft landscape scheme.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'*

This is supported by the Cheshire East Design Guide SPD and Policy SE1 of the CELPS.

The design reflects the pre-submission discussions regarding the re-design of the 3 storey nursing home. The architectural buildings create a more interesting and distinctive building and better relate the development to its context and the relationship to the Trent and Mersey Canal conservation area and Lock 68 and associated Accommodation Bridge.

It is also important to secure the footpath connection to Booth Lane for the wider regeneration site and for this site. The proposed bus stop immediately outside the will be an important 'lifeline' for those residents wishing/able to use public transport.

In terms of landscaping on the frontage, there is scope to include more landscaping in the south western corner of the site without compromising views over the lock and bridge

Conditions will be required to control the detail and materiality of the building itself and the landscaping around the building and how this site positively addresses Booth Lane.

### **Built Heritage**

The site is located opposite the designated heritage assets of the Trent and Mersey Canal Conservation Area and Lock 68 and Accommodation Bridge, grade II listed. The development has the potential to adversely impact upon the setting of both.

The future treatment of this verge and many of the trees present is still uncertain however the highways department have confirmed that they will in principle accept a scheme of replacement planting provided that it does not impact upon the existing street lighting and road signage. It should be noted that the extant planning permission included the provision of commercial uses along the majority of the road frontage with a small element of office development to the frontage with the remaining office to the opposite part of the site. These uses would include buildings of a similar scale to the proposed Care Home with car parking areas. On this basis the proposed development would have less impact than the fall-back position which is the extant planning permission and is considered to be acceptable. From a design point of view the Councils Urban Designer has confirmed that he has no objection to the proposed development.

### **Ecology**

#### Impact upon the SSSI

The application site lies in close proximity to the SSSI at Sandbach Flashes and in this case Natural England has confirmed that the SSSI does not represent a constraint in determining this application.

### Priority Habitat

The demolition of the building and clearance of this site and its subsequent neglect has resulted in this site beginning to naturally re-vegetate. Habitats of this type can amount to a Priority habitat known as 'Open Mosaic Habitats on previously developed land'.

The habitats present on this site meet the definition of this Priority Habitat and as such are a material consideration in the determination of this application. The habitats present on site would also meet the Local Wildlife Site selection criteria. The proposed development which would result in the loss of this habitat would have a significant adverse impact upon biodiversity.

CELPs policy SE3 which protects priority habitats is pertinent to the determination of this application as is Policy ENV1 of the MNP which identifies the site under Figures U and V as 'High Value' habitat and as an indicative wildlife corridor. In this case it should be noted that the site includes an extant planning permission for development and the policies of the MNP can only be given limited weight.

The submitted ecological assessment advises that 0.2ha of priority habitat would be lost as a result of the proposed development. The submitted ecological assessment proposes the use of native species in the landscaping of the proposed development as a means of compensating for the loss of priority habitat. This is unlikely to be sufficient to ensure there is no net loss of biodiversity as a result of the proposed development.

### Wintering and Breeding Birds

The initial submitted survey was undertaken in January when a notable number priority bird species were present on site.

A detailed breeding bird survey has now been undertaken. This survey recorded a number of priority/protected bird species including Lapwing and Little Ring Plover which are ground nesting birds associated with open habitats. Little Ringed Plover in particular is associated with post industrial sites. These species are a material consideration in the determination of this application.

The application site is of County value for nesting birds and in 2018 the application site may have been one of the most important sites in the County for Little Ringed Plover.

The proposed development would have an adverse impact upon ground nesting birds as a result of the direct loss of habitat and also the loss of openness and disturbance resulting from the access road associated with the proposed care home. Local Plan policy SE3 which protects priority species is pertinent to the determination of this application.

The Council's Ecologist advises that the risk of birds being disturbed during the construction phase could be minimised through conditions that limit the timing of works. This measure would not however compensate for the loss of habitat or the disturbance resulting from the operation of the access road and so there would remain an impact upon these species.

The Councils Ecologist recommended that an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology be undertaken.

An assessment of this type would both quantify the residual impacts of the development, including the loss of priority open mosaic habitats, and calculate in 'units' the level of additional compensation which would be required to 'offset' the impacts of the development to ensure that the development proposals achieve a no net loss of biodiversity and provide sufficient compensation to satisfy Local Plan Policy SE3 which requires all developments to aim to positively contribute to the enhancement of biodiversity.

In this case such an assessment has been undertaken and the mitigation (either in the form of land to be used elsewhere to provide compensatory habitat or in the form of a contribution) is currently under discussion with the applicant and an agreed approach will be confirmed as part of an update when taking into account the fall-back position on this site.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site entrance. This loss could be compensated via a planning condition to secure replacement planting details.

### Great Crested Newts

There is a pond present on the wider site. A full Great Crested Newt survey or detailed habitat suitability assessment has not been completed of this pond. However considering the distance between this pond and the ponds in the surrounding landscape and the presence of landscape features that would present at least a partial barrier to the movement of Great Crested Newts it is considered that Great Crested Newts are unlikely to be present on this site.

### Reptiles

The location of the site adjacent to the canal and the nature of the habitats that have developed on the site since the demolition of the former factory buildings mean that Grass Snakes may occur on the site on a transitory basis.

In order to minimise the risk of reptiles being harmed during the development of this site the submitted ecological assessment includes a number of 'reasonable avoidance measures'. These measures could be secured through the imposition of a planning condition.

### **Public Open Space**

Although policy does not require POS as it concentrates on family dwellings, Policy SC3 Health and Well-Being promotes developments to provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation. Any new POS should be well defined, flexible and purposeful.

The Councils POS Officer considers that the addition of raised beds encourages social cohesion, and will have benefits on both the mental and physical health of residents. If located in the correct area close to the kitchens it would be practical to use giving residents further purpose for attending the beds.

### **Health Infrastructure**

Ashfields Medical Centre covers 5 nursing homes in the local area, and visits are required by Medical professional between 1-2 times per week per home. Whilst the building is considered adequate, the increasing population will create pressure points within the practice. On this basis a contribution of £23,760 will be required to mitigate the impact of this development if the care home is developed.

### **Health and Safety**

The site includes a number of constraints due to the historical Hazardous Substance Consents (HSC's) associated with the previous uses of the site. These constraints have generated 'advise against' consultation responses from the Health and Safety Executive (HSE). These constraints are no longer considered to be applicable and the LPA has written to the Health and Safety Executive to state that it considers that the HSC's are automatically revoked in accordance with Section 17 of the Planning (Hazardous Substances) Act 1990. However until this has been confirmed by the HSE the 'advise against' consultation response remains in place. It is suggested that this matter is delegated to the Head of Planning (Regulation) to resolve.

### **PROW**

The site is adjacent to public footpath Moston No. 7 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way. An informative will be attached to the decision notice in relation to the PROW.

### **Flood Risk and Drainage**

The site covered by this Reserved Matters application is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare.

It is noted that the site is located on existing brownfield land and located within flood zone 1. Existing brownfield sites should aim to provide a 30% betterment in terms of surface water run off and a condition will be imposed to secure the drainage details prior to the commencement of development.

The Councils Flood Risk Manager, United Utilities and the Environment Agency have all been consulted as part of this application and have raised no objection to this application.

### **Lighting**

Policy LCDC2 (Dark Skies) of the Moston Neighbourhood Plan (MNP) states that *'Any future outdoor lighting systems should have a minimum impact on the environment, minimising light*

*pollution and adverse effects on wildlife. Schemes should reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the nighttime skies dark and reducing glare’.* In this case the development is within an exiting settlement boundary and adjacent to an existing employment site. As a result the issue of external lighting will be controlled through the imposition of a planning condition.

### **Impact upon Canal Infrastructure**

The site is in an isolated location and would be difficult to access without the use of the private motor vehicle. In this case the canal network opposite including the towpath offers an accessible pedestrian rote from the site north towards Middlewich and south towards Sandbach. The provision of sustainable forms of transport is supported within the CELPS.

Improvements to the canal towpath would improve the usage of this link from future occupants of the site and employees. The contribution towards the upgrade of the towpath will be dealt with as part of the application for the wider site.

### **Brine Board**

In line with the comments made by the Cheshire Brine Board an informative will be attached to the decision notice.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for NHS provision in Sandbach where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in the significant adverse impact on biodiversity. To help mitigate and replace the habitat which would be lost a contribution towards biodiversity offsetting will be required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

### **PLANNING BALANCE**

The principle of development is considered to be acceptable and the site is located within the settlement boundary.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land).

The impact upon infrastructure would be neutral as the impact upon health would be mitigated through the provision of a contribution.

Details of the proposed landscaping would be secured via a condition and a condition will be imposed to secure a scheme of replacement tree planting within the grass verge.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The development would not have significant drainage/flood risk implications.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

Following negotiations and revisions to the design of the scheme the design implications and the impact upon built heritage would be acceptable.

The impact in terms of the Hazardous Substances Consents on the site will be dealt with under delegated powers.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works.

The site is largely brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

As a result the proposed development is considered to comply with the policies contained within the Cheshire East Local Plan Strategy, the Congleton Borough Local Plan and the emerging Moston Neighbourhood Plan.

### **RECOMMENDATION:**

**DELEGATE to the Head of Planning (Regulation) to APPROVE subject to the removal of the HSE 'advise against' consultation response and the completion of a S106 Agreement to secure the following;**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	£23,760 (Ashfields Medical Centre)	To be confirmed
<b>Biodiversity Off-Setting Contribution</b>	Exact sum to be confirmed	To be confirmed.

And the following conditions;

1. Standard time 3 years
2. Approved Plans
3. Contaminated Land – Remediation Strategy to be submitted and approved
4. Contaminated Land – Verification Report to be submitted and approved
5. Contaminated Land – Testing of soils imported onto the site
6. Contaminated Land – If contamination previously not identified is uncovered then works should stop and a scheme of remediation is to be submitted and approved
7. Piling Method Statement
8. Travel Plan to be submitted and approved
9. Electric Vehicle Infrastructure provision
10. Dust Control Measures to be submitted and approved
11. Survey the trees within the grass verge and provide and implement a scheme of re-planting of tree (and removal if necessary) within the grass verge.
12. Tree Protection measures to be submitted and approved
13. Landscaping to be submitted and approved and to include additional tree planting along the southern boundary of the site, replacement hedgerow planting and hard landscaping (including pedestrian links)
14. Landscaping implementation
15. Boundary treatment to be submitted and approved
16. Materials to be submitted and approved
17. Surfacing Materials to be submitted and approved
18. The proposed development to proceed in strict accordance with the measures detailed in paragraph 5.2.5 of the submitted Preliminary Ecological Appraisal prepared by enzygo
19. Drainage Strategy for the site to be submitted and approved
20. External Lighting to be submitted and approved

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

Should the application be the subject of an appeal agreement is given to enter into a S106 Agreement with the following Heads of Terms;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	£23,760 (Ashfields Medical Centre)	To be confirmed
<b>Biodiversity Off-Setting Contribution</b>	Exact sum to be confirmed	To be confirmed.



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Application No: 18/3219M

Location: Costain Compound, Land South Of, LYMM ROAD, LITTLE BOLLINGTON

Proposal: Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works

Applicant: ., TEM Property and Galliford Try

Expiry Date: 10-Oct-2018

**SUMMARY**

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. However in this case it is considered that very special circumstances exist to outweigh the harm caused namely:

1. The compound is required in support of a major infrastructure project and meets all the requirements for a compound – and is already set up as such.
2. There are no preferable alternative sites available, and all alternatives are in the Green Belt having equal or greater harm on openness.
3. The site is of a temporary nature.

There are no objections on the grounds of landscape impact, amenity, ecology, Highways or flood risk.

**RECOMMENDATION**

**Approve with conditions**

**SITE DESCRIPTION**

This application relates to the existing Costain compound located on the south side of the A56 Lymm Road adjacent to the Bowdon Roundabout, close to the newly constructed A556 in Little Bollington, but close to the Trafford MBC boundary.

The compound extends to an area of 6.09 Ha, and consists of three elements. To the east, adjacent to the Bowdon Roundabout, is an extensive area of hardstanding used for parking, and a series of mobile low (but long) flat roofed buildings used for office accommodation and welfare facilities. In the centre of the site is an area marked as “laydown” on the plans where there are currently extensive mounds of earth. Finally to the west are areas of grassland with a water storage lagoon. The site is accessed from the A56 sharing the Cheshire Lounge access road, which forms the eastern boundary.

The site sits within areas of open countryside, with open fields to the south and west, but with woodland belts along the road side to the north. The nearest buildings consist of two farms and the Cheshire Lounge, but all are some distance from the site boundary.

The site lies entirely within the North Cheshire Green Belt.

### **PROPOSAL**

The current compound was erected for use in connection with the A556 Knutsford to Bowdon Improvement Scheme which is now nearing completion. The works were done as a nationally significant infrastructure project, and in 2014 the A556 Knutsford to Bowdon Improvement Development Consent Order was granted by the Secretary of State, which included the compound in question to be used by Highways England as a site compound.

The proposal is to retain the compound for the forthcoming M56 smart motorway works, a significant national infrastructure project in its own right. The proposed smart motorway works would start at Junction 8 on the M56 close to this site, and run to Junction 6 adjacent to Manchester Airport. The smart motorway works are anticipated to begin in early 2019 and run to the end in 2020-2021. Galliford Try is the appointed contractor by Highways England.

The applicant is seeking a 3 year temporary consent which allows for some flexibility as the timescales for the project are not yet fixed as the scheme design is in the process of being finalised and consultation is due to start shortly. Whilst the scheme should be complete in 2 years, 3 years is requested to allow for unforeseen delays and to allow for the compound to be closed and all the hardstanding to be removed.

### **RELEVANT PLANNING HISTORY**

None - The Development Consent Order referenced above is a National order not one granted by Cheshire East Council.

### **POLICIES**

#### **Cheshire East Local Plan Strategy – 2010-2030**

PG3 – Green Belt  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN 1 - Infrastructure  
SE 1 - Design  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 13 - Flood Risk and Water Management  
CO2 – Enabling Business Growth Through Transport Infrastructure

#### **Macclesfield Local Plan (Saved policies)**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
GC1 – Green Belt  
T1 – General Transportation Policy

### **Other Material Considerations**

The National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System

National Planning Practice Guidance

The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014

### **CONSULTATIONS (External to Planning)**

**CEC Highways** – No objections

**CEC Public Rights of Way** – Although it is unlikely the development will impact on the adjacent PROW it is recommended that an advice note be attached to any approval reminding the developer of their obligations.

**The National Trust** – Writing in connection with the nearby property of Dunham Massey which lies some 700m to the north of the site. They disagree with the applicant's view that the proposal conforms with Green Belt policy, stating "since the development clearly impacts upon the openness of the Green Belt, and conflicts with the purposes of including land in the Green Belt." They do not feel the applicant has presented a robust case as to why an exception should be made to Green Belt policy. Finally stating: "Should the Council be minded to approve the application however, we would wish to ensure that suitable conditions are imposed, ensuring that the land use is temporary, for a fixed period of time, and that the site is appropriately reinstated."

### **VIEWS OF THE PARISH COUNCILS**

**Little Bollington Parish Council** – Concern is expressed about the proposals, as the consent order required the land to be restored at the end of the A556 works, and the site is in the Green Belt. They go on to say:

"Should exceptional circumstances prevail such that it is deemed prudent to grant planning permission for a strictly temporary use, then safeguards must be applied to ensure the protection of this green belt status and to prevent any form of development becoming the long term use of the land."

Any such planning permission must:

- ensure the use of the land is strictly temporary with a clear end date
- guarantee restoration of the land to its former use as farm land
- not allow the “the tarmac and hardstanding components of the compound” to “be retained in perpetuity”
- respect and protect the Green Belt”

Finally the PC remind us of the specific clauses of the Consent Order and in particular requirements to remove the compound on completion of the works.

**Millington Parish Council** – The Parish Council agree that the existing site is reused. However they do insist that after the works for the smart motorway has finished or indeed if it does not go ahead, that the land should be reinstated to farm land; which was a condition in the development consent order of the A556.

**Dunham Massey Parish Council** - The site is part of the Green Belt. The review by Cheshire East Council and the Government Planning Inspector in 2016 concluded that the site should NOT be allowed as a site for development. Allowing retention of the hard surfacing on the site will make it easier for the landowner to ignore or overturn this decision in the future. The land should be returned to its original state as defined in the approvals given for work on the A556 link road.

Dunham Massey Parish Council has previously considered proposals for developments on this site, and fully supports opposition to these and any other proposals.

### **OTHER REPRESENTATIONS**

A significant number of comments have been received from residents of both Cheshire East, and in particular Trafford, clearly concerned that the compound would be retained beyond the A556 works, and concerned that it could lead to the site being permanently used for some form of development. Many of the residents do not object to the principle of the site continuing to be used, but wanting to ensure it is time limited and upon completion requiring the land to be restored to agricultural land. The other points raised generally are covered by the points raised by the Parish Council's and the Nation Trust set out above.

### **OFFICER APPRAISAL**

#### **Principal of Development/Green Belt/Alternative sites**

The Revised NPPF 2018 continues to afford the Green Belt significant protection, again stating at para 144:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

New buildings are defined as being inappropriate in the Green Belt unless listed in the exceptions. Site compound offices/welfare uses etc. are not listed and therefore constitute inappropriate development which is by definition harmful to the Green Belt. At Para 146. Other forms of development are not

considered to be “inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it”. Within this list is:

“c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;”

However whilst this may include the building of the A556 or the smart motorway works, it is not considered it includes a compound, and as such it is considered the compound and its associated buildings constitutes inappropriate development in the Green Belt.

The NPPF advises that substantial weight must be given to the harm to the Green Belt. Any other harm additional to that of inappropriateness must also be considered. The proposal, due to its scale and nature, will have a significant impact on the openness of the Green Belt for the duration of the development. It will also cause encroachment into the countryside contrary to the purposes of including land in the Green Belt. Although the impact is tempered considerably on the basis that the harm will persist only for a temporary period, substantial weight must still be attributed to the loss of openness and encroachment.

As noted in the report, there would also be additional harm to the landscape which carries moderate weight against the proposal.

The question then is whether there are other considerations in favour of the development that clearly outweigh the identified harm. If so, then very special circumstances (VSC's) may exist to justify granting planning permission. The applicant sets them out in their supporting statements. In brief these are:

1. A compound is required for the M56 smart motorway works as “strategic infrastructure” and this needs to be as close as possible to the motorway, with easy access. Whilst there are a number of open sites along the M56, few are adjacent to the adjacent motorway junctions (No. 6, 7 & 8) and all (with one exception set out in the applicant's statement near the airport which is unavailable) are also in the Green Belt and would equally be defined as inappropriate.
2. The compound is already in existence, with a good access link direct onto the Bowdon Roundabout, and then onto the M56, and has the required service links to power/water etc. Areas of hardstanding are already laid out.

The compound requirements are set out as being:

- Minimum distance from, and easy access to, the proposed works (J6-8 M56);
- Available from November 2018 and to be continuously available till at least the end of 2020;
- Site area of at least 6 ha;
- Need for hardstanding areas for parking, offices and storage of materials;
- Utilities connections and appropriate drainage;
- Access into the site and HGV access on surrounding roads;
- Located away from residential properties; and,
- Secure site and lighting.

The existing compound meets all these requirements.

3. The use is temporary for a maximum period of 3 years.

In short a compound is required for the Highways England works, and the existing site meets all the requirements. Other sites have been considered but the number of viable options are very limited, each lies in the Green Belt and will have a least as much, if not more impact on the openness of the Green Belt as the current proposal. Logically therefore it is sensible to continue the existing site. It is considered that these factors, in combination, do clearly outweigh the harm to the Green Belt and the other harm identified.

It is considered VSC's exist in this case on the condition that the use is temporary and the site is restored to agricultural use when the works are finished.

### **Landscape Impact**

The site is very open to views, particularly from the south, and particularly from the A556 and the access road to the Bowdon Roundabout which is elevated as it approaches the site. Screening is limited to the tree belts to the north, which does limit views from the Bowdon Roundabout itself and from receptors to the north including the National Trust property Dunham Massey.

Whilst the site does have some landscape harm, this is limited by the height of the structures and most significantly by the temporary nature of the proposals. The Council's landscape officer has raised no objections to a temporary consent.

The applicant has been asked to clarify the layout proposed, and whilst it is not anticipated that it will change significantly from the existing, this needs to be conditioned to restrict the areas of hardstanding and to control the location of buildings, parking and material storage to limit visual impact. This matter will be reported in an update report to Members.

### **Amenity**

The nearest residential properties, two farms, are some distance from the site and it is not anticipated that there will be any amenity concerns with the proposals. Any comments received from Environmental Protection will be reported in an update report.

### **Ecology**

The Council's ecologist has raised no issues with the continued use of this compound site.

### **Highway Implications**

The Highways officer writes "There are no material highway implications associated with the above proposal for the continued use of the construction compound, which was used during the construction of the A556 bypass; as I would not expect the traffic generation associated with the proposed six mile stretch of the M56 Smart Motorway scheme to be significantly different to that associated with the A556 bypass scheme."

### **Flood Risk/Drainage**

No known issues, but any comments received from the Flood Risk Team will be reported in an update report.

## CONCLUSIONS

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. There would also be harm to the Green Belt as a result of loss of openness and encroachment, as well as some additional harm to the landscape. However in this case it is considered that very special circumstances exist to clearly outweigh the harm caused namely:

1. The compound is required in support of a major infrastructure project and meets all the requirements for a compound – and is already set up as such.
2. There are no preferable alternative sites available, and all alternatives are in the Green Belt having equal or greater harm on openness.
3. The site is of a temporary nature.

There are no objections on the grounds of landscape impact, amenity, ecology, Highways or flood risk.

Whilst there are requirements to refer certain Green Belt departure applications to the Secretary of State, in this case, whilst the site is a significant size, the impact on openness is limited by virtue of the temporary nature of the use, and as such it is not considered necessary to refer the matter. Members will also note that the Secretary of State granted the original Consent Order which included the compound site, and this ultimately is a Highways England proposal for a major infrastructure project.

## RECOMMENDATION

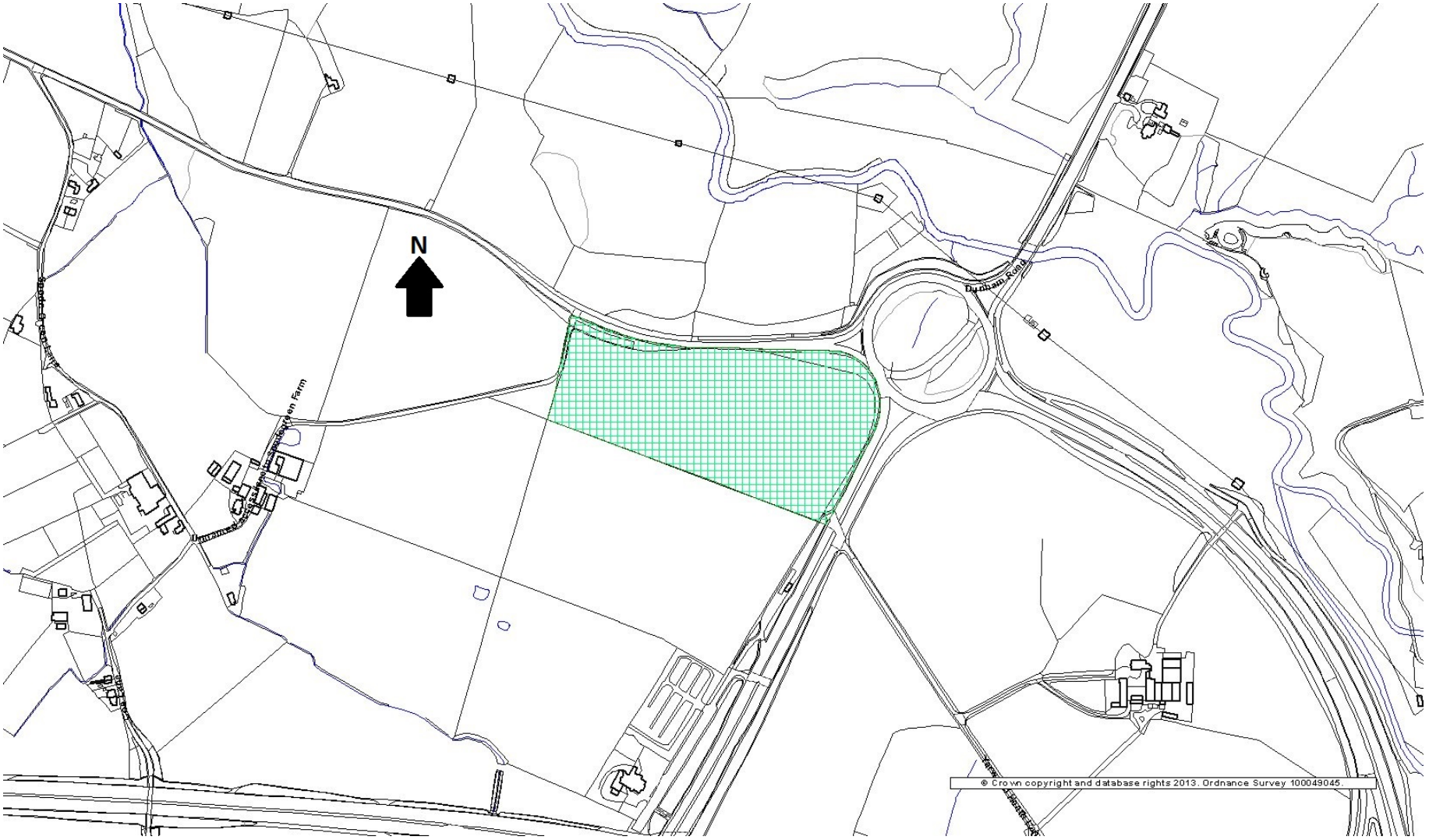
**Approve subject to the following conditions;**

- 1. Temporary 3 year consent**
- 2. Land to be reinstated to agricultural land at the end of the approved period with all hard-surfaces being removed.**
- 3. Approved plans**

**Informatives;**

- **Public Rights of Way**

**In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.**



Application No: 18/3796D

Location: Land to the east of Mill Hill Hollow to Woodford Road, Poynton; the A555 south of Dairy House Road to the A555 north of Beech Farm; and land to the east of the A555/B5358 junction to land north of Styal Golf Course.

Proposal: Discharge of conditions 8 on application 13/4355M.

Applicant: Stockport MBC, Cheshire East Council, Manchester City Council

Expiry Date: 27-Sep-2018

### **Reason for Report**

The wording of condition 8 of the planning application 13/4355M requires the condition to be discharged with the agreement of the Strategic Planning Board.

### **PROPOSAL**

Discharge of conditions 8 on application 13/4355M.

### **SITE DESCRIPTION**

The application to discharge the condition relates to a number of sites from Disley to the east to Wilmslow and Handforth to the west. The sites are all located within highway land and the precise details of each location is detailed later in the report.

### **RELEVANT HISTORY**

13/4355M - Description of entire relief road: Construction of the A6 to Manchester Relief Road, incorporating: seven new road junctions; modifications to four existing road junctions; four new rail bridge crossings; three new public rights of way/accommodation bridges; five new road bridges; a pedestrian and cycle route for the whole length of the relief road, including retrofitting it to the 4 kilometre section of the A555; six balancing ponds for drainage purposes; and associated landscaping, lighting, engineering and infrastructure works.

Description of development for portion of relief road proposed within Cheshire East - Construction of the A6 to Manchester Airport Relief Road, incorporating: modifications to one existing road junction; two new public rights of way/accommodation bridges; one new road bridge; a pedestrian and cycle route for the whole length of the relief road, including retrofitting it to the existing section of the A555, one balancing pond for drainage purposes; and associated landscaping, lighting, engineering and infrastructure works. Approved 25 June 2014.

## **CONSULTATIONS (External to Planning)**

Highway Engineer – See below.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

None received.

## **OTHER REPRESENTATIONS**

None received.

## **APPRAISAL**

The wording of the condition proposed to be discharged is as follows;

**Prior to the new sections of the scheme hereby approved being brought into use a scheme detailing a package of mitigation measures (intended to restrain, alleviate and manage traffic flow increases at locations identified and to levels indicated through enhanced mitigation as shown in figures 9.6 and 9.7 in the submitted Transport Assessment) has been submitted to and agreed in writing with the Local Planning Authority. Such scheme shall include details of and a methodology and timetable for delivery of the measures, a programme for review, surveys and monitoring of the impact of the measures and if required reappraisal of an addition to the agreed package of measures. The new sections of road shall not be brought into use until the measures have been implemented in accordance with the approved details unless the prior written consent of the Local Planning Authority has been obtained. (note: this includes mitigation measures for, but not limited to, Disley Village Centre, the A6 corridor, Clifford Road Poynton and B5358 Station Road / Dean Road Handforth .Where this condition requires approval or consent by the Local Planning Authority those matters shall be referred to the Council's Strategic Planning Board).**

The condition is unusual in requiring committee involvement in the discharge of conditions, particularly when they are of such a technical nature in relation to highway mitigation works. This report provides an overview of the mitigation works that have been undertaken to comply with the condition.

Since planning approval was granted, the scope and nature of these mitigation works has been shaped through extensive public consultation and engagement with Ward Members.

The following works were identified;

- The installation of traffic signals and Jacksons Edge Road, Disley, the restriction of vehicle use for Jacksons Edge so it is not used as a 'rat run' and the enhancement of pedestrian facilities. These works were completed in April 2017.

- A number of improvements along the A6 in Disley were completed in November 2017. These included a revised road lining system, provision on cycle lanes, and parking bay revisions.
- The installation of traffic signals on the junction of Red House Lane and the A6 in Disley. This work was completed in July 2017.
- The reconfiguration of the traffic signals at the junction of Station Road and Wilmslow Road, Handforth. This allows for additional pedestrian phases and crossings and the work was completed in February 2018.
- Signing and lining revisions and installation of new mini roundabout at the junction of Welland Road and Dean Road, Handforth. The lining was completed in April 2018 and the works are on-going on the mini roundabout.

Improvements were initially required along Clifford Road / Chester Road, Poynton. Clifford Road already benefits from a comprehensive traffic calming scheme that manages vehicle speeds.

Since the approval of the A6 MARR scheme a separate scheme for the Poynton Relief Road has planning permission and is progressing to public inquiry later this year into the proposed compulsory purchase orders. At present it is expected that works on the scheme will commence in Autumn 2019. It is forecast the opening of the Poynton Relief Road will further reduce traffic along Clifford Road by 33%

The improvements carried out will be reviewed 12 months following the opening of the A6 MARR and then again five years after the opening of the road. This is to ensure the improvements are working as intended.

The works set out above have been assessed by the Council's Highway Engineer and all the works had been agreed in advance through the Transport Assessment submitted with the original planning application. It is also agreed no further works are required at Clifford Road, Poynton. The submitted monitoring and evaluation plan is considered acceptable for the review, survey and monitoring of the impact of the implemented measures. Therefore no objections are raised to the discharge of this condition.

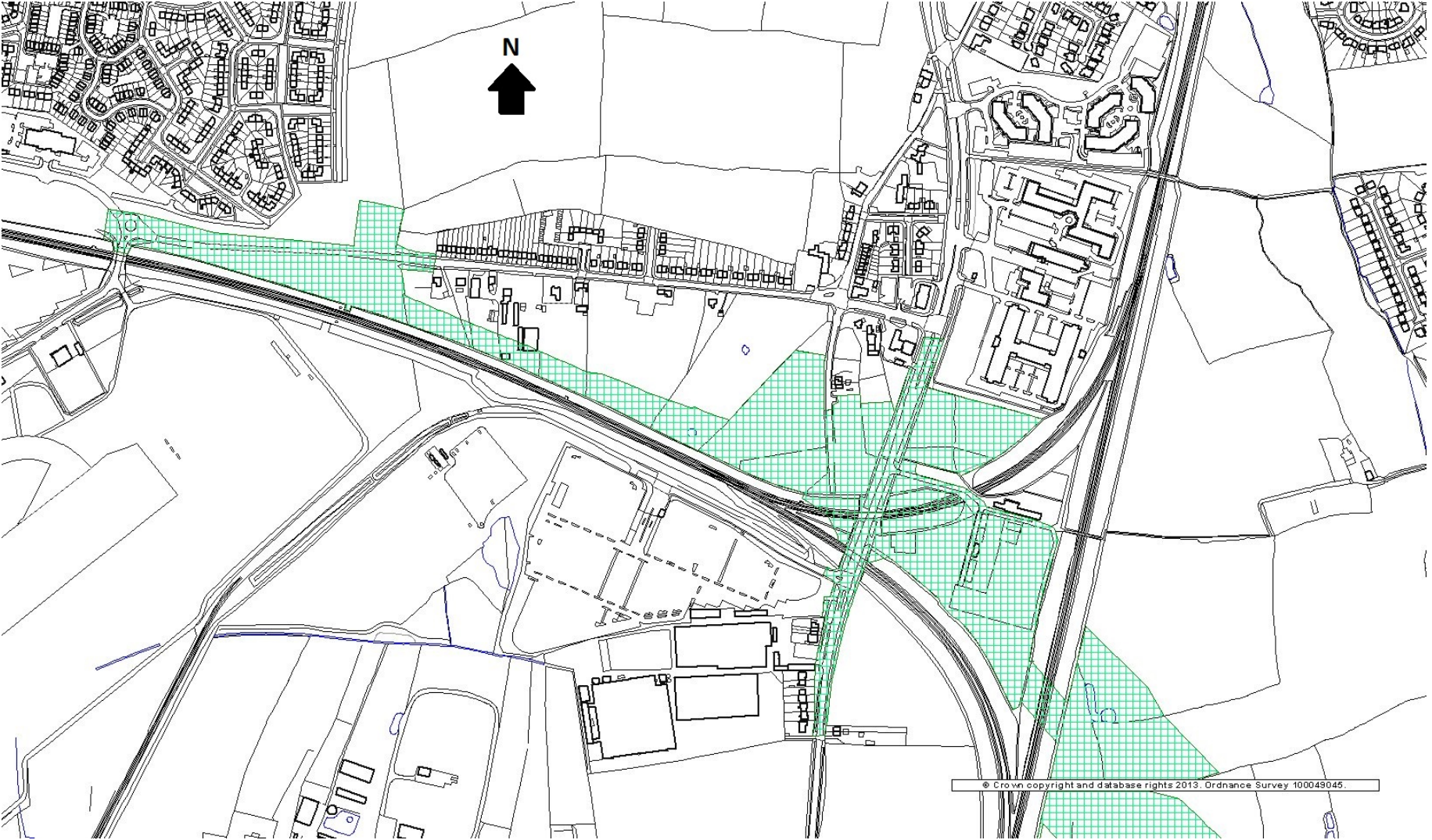
The mitigation process has therefore been an evolving one, and this report is before Members to be able to ensure final compliance with the condition for the highway mitigation works that have been undertaken.

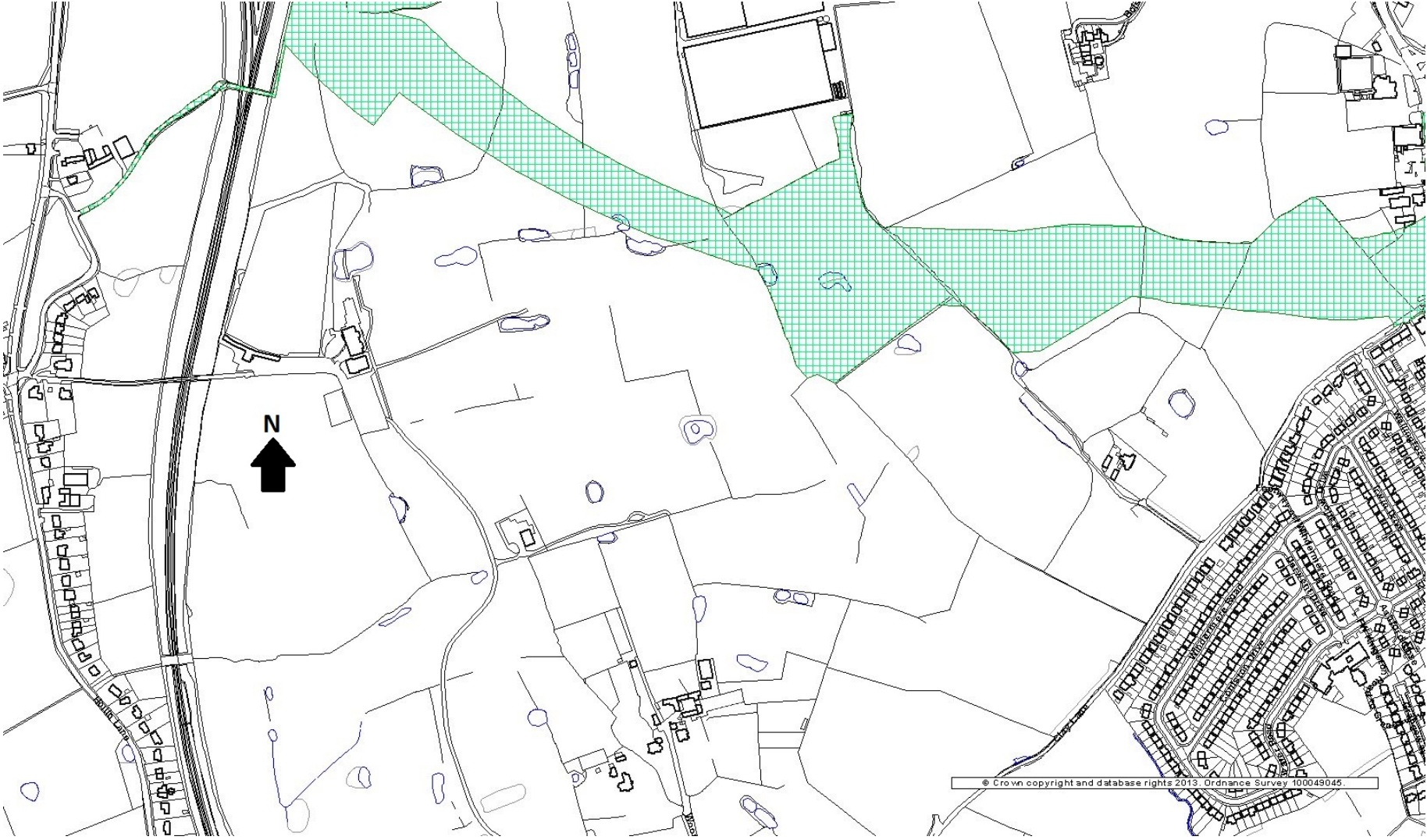
### **CONCLUSION AND RECOMMENDATION**

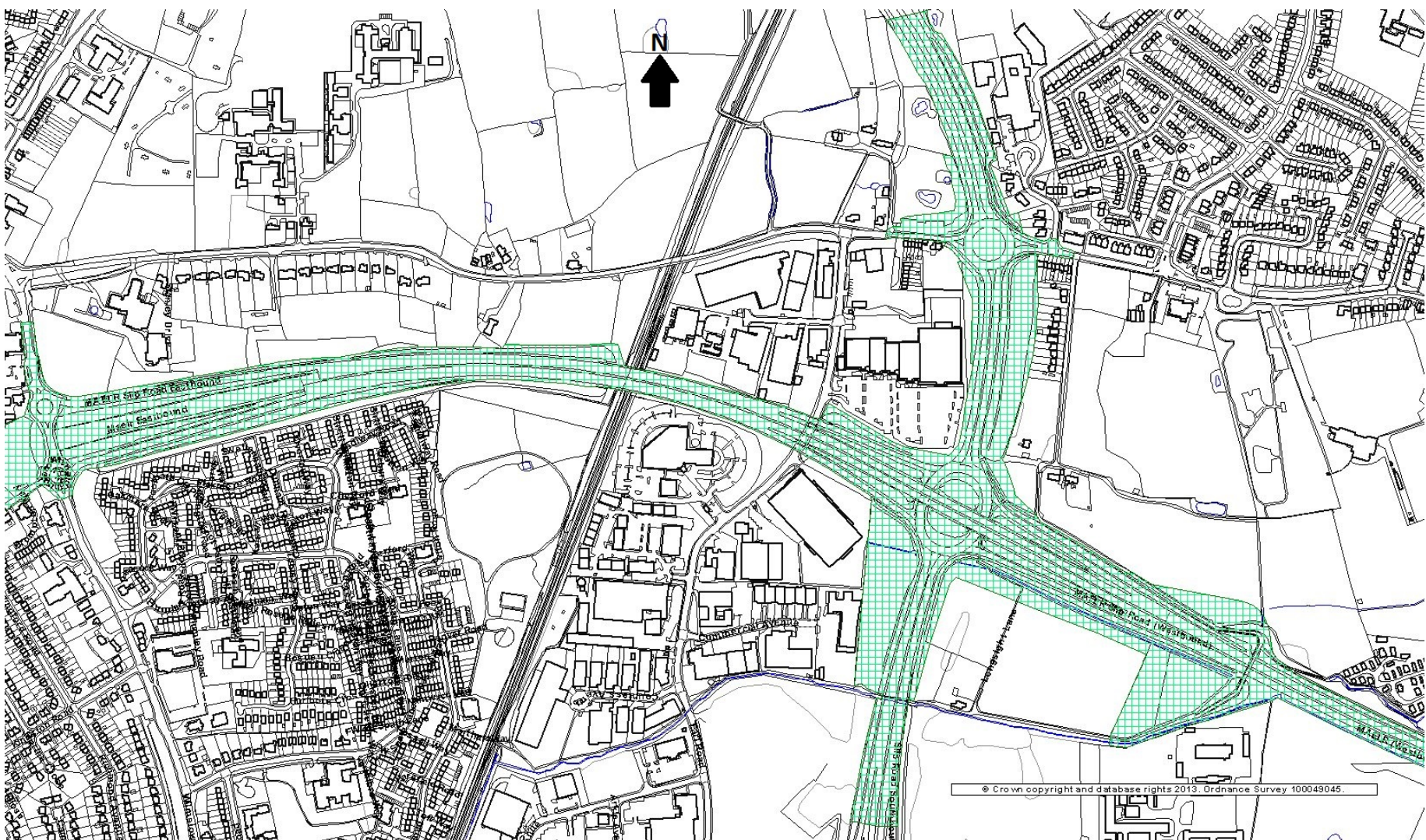
The improvements carried out or currently being carried out are considered to achieve the required changes to the highway network to ensure their efficient operation but also to encourage drivers to use the A6MARR route rather than local roads.

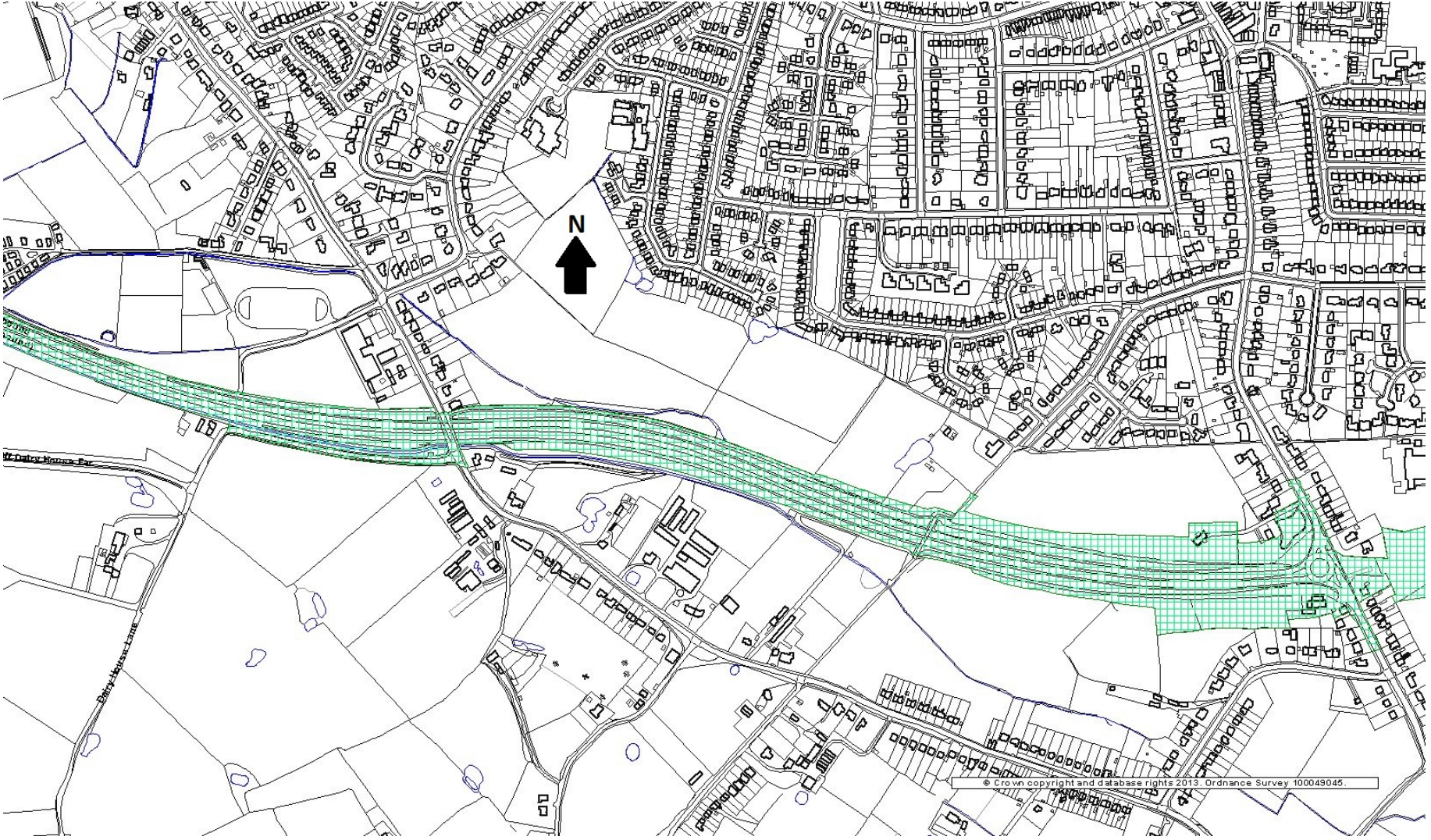
It is recommended that the condition is discharged.

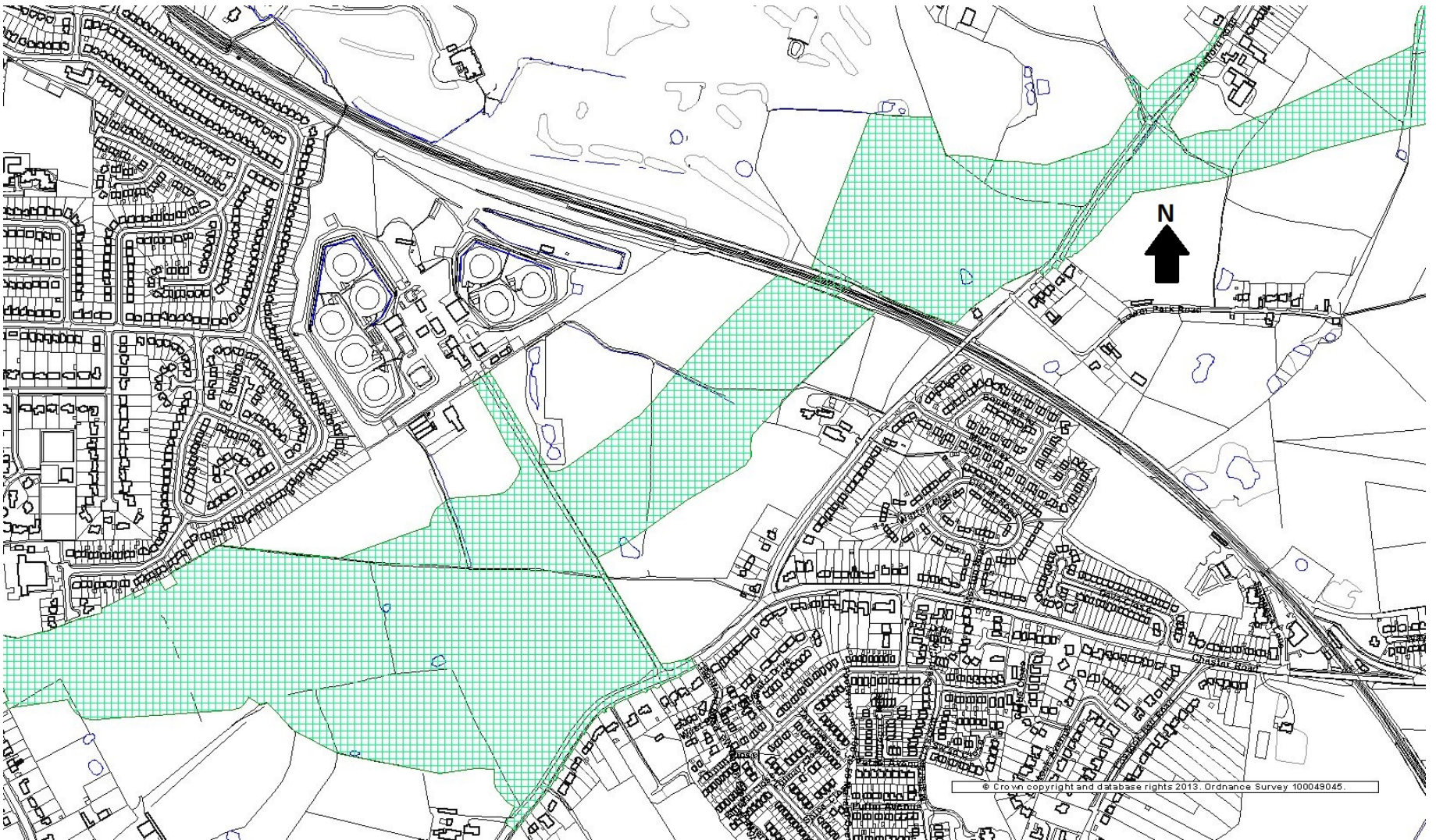
*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

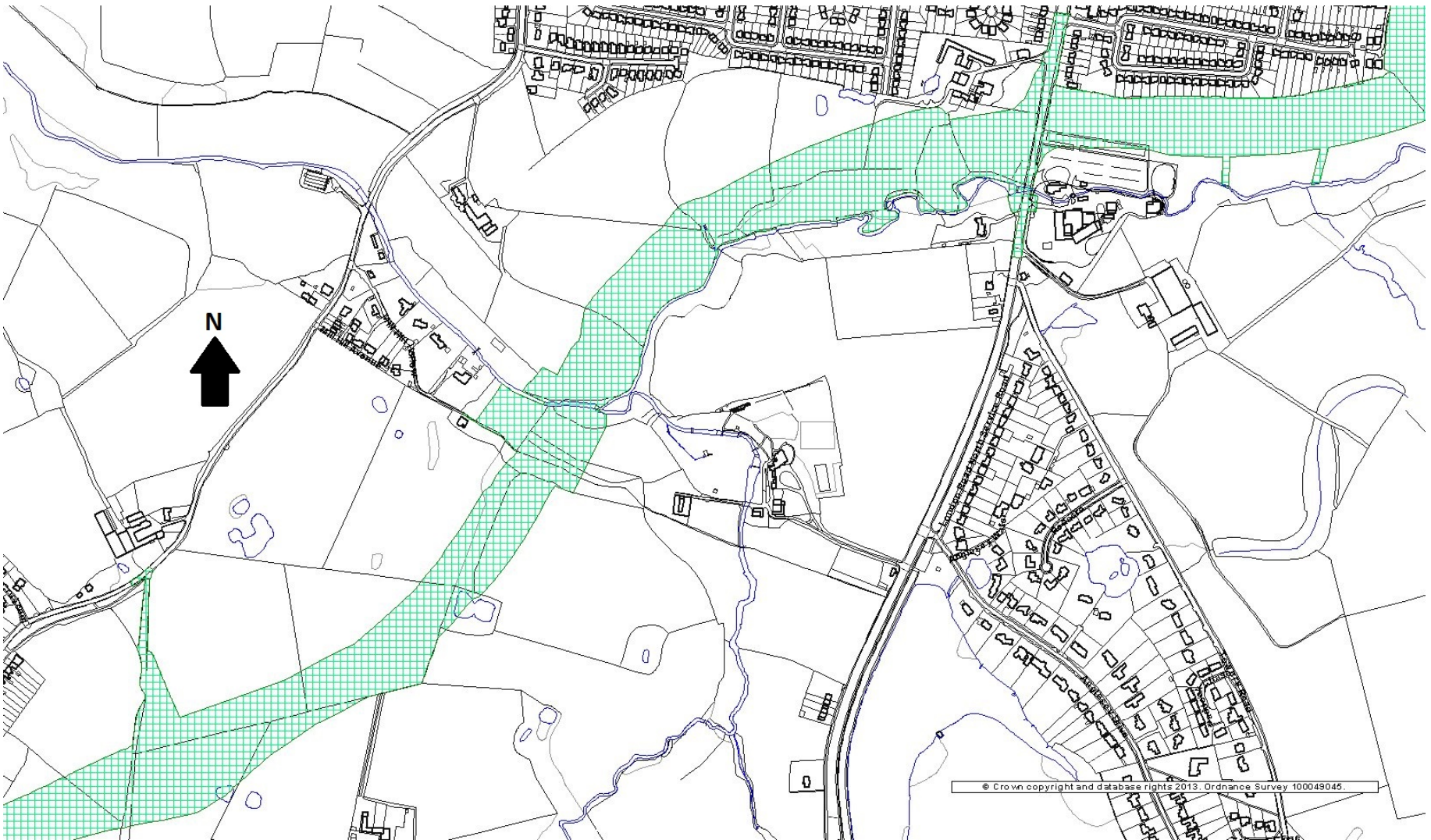


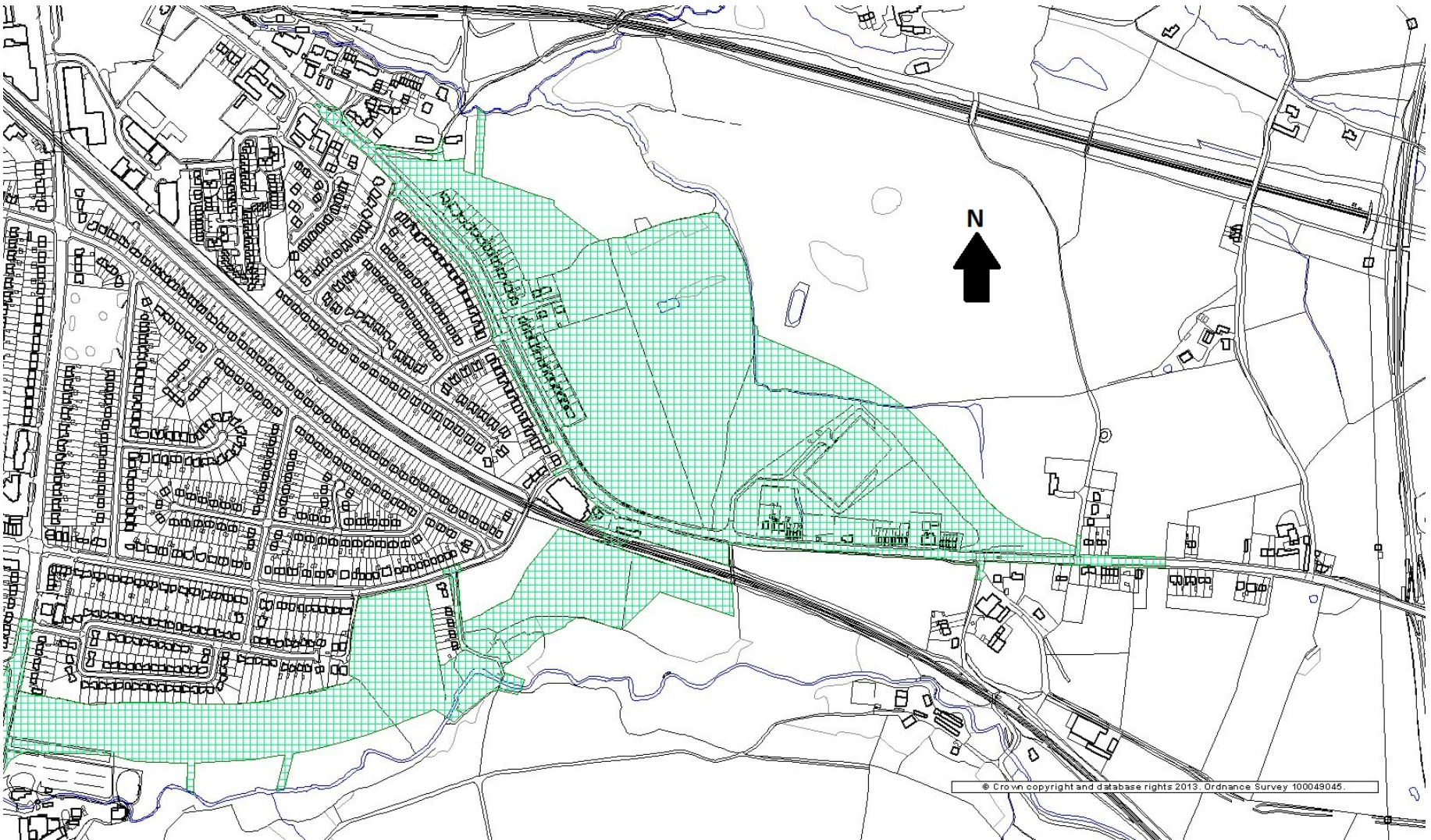












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## **STRATEGIC PLANNING BOARD**

**Date of Meeting:** 26 September 2018

**Report Title:** Member Planning Application Referral Procedure

**Portfolio Holder:** Cllr Ainsley Arnold

**Senior Officer:** Sean Hannaby, Director of Planning & Environment

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### **1. Report Summary**

- 1.1. This report seeks approval to adopt the Referral Procedure for Planning Applications.

### **2. Recommendation**

- 2.1. That Strategic Planning Board adopt the Referral Procedure attached as Appendix 1.

### **3. Reasons for Recommendation**

- 3.1. The current procedure is outdated and a new version is needed to bring it in line with more recent changes to the Terms of Reference and Constitution.

### **4. Other Options Considered**

- 4.1. None.

### **5. Background**

- 5.1. The current 'Call-In Procedure' was prepared and adopted in the early years of the Council in 2010. Accordingly it is appropriate to review the document and bring it up to date.
- 5.2. The principle of the procedure has not changed significantly since 2010 but there are a number of minor changes which the new procedure attached as Appendix 1 incorporates.

- 5.3. The procedure has been renamed as the 'Referral Procedure' as noted within the new Constitution adopted in January this year. This is to avoid confusion with the terminology associated with the 'Call-In' procedure for Cabinet.
- 5.4. The time period for referral has been amended to reflect the longer time period of 15 working days.
- 5.5. The current Call-in Procedure only includes the ability to call-in an application to the Northern or Southern Planning Committees. The proposed revision at Appendix 1 includes referral to Strategic Planning Board if appropriate eg: at para 12, referrals of large scale reserved matters will normally be returned to Strategic Planning Board, referrals of small scale reserved matters will normally be returned to whichever Planning Committee granted the outline.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. The Procedure must be clear in its terms and consistent with the Constitution.

### **6.2. Finance Implications**

- 6.2.1. There are no direct implications for finance

### **6.3. Policy Implications**

- 6.3.1. There are no direct implications for policy.

### **6.4. Equality Implications**

- 6.4.1. There are no direct implications for equality

### **6.5. Human Resources Implications**

- 6.5.1. There are no direct implications for human resources

### **6.6. Risk Management Implications**

- 6.6.1. There are no direct implications for risk management

### **6.7. Rural Communities Implications**

- 6.7.1. There are no direct implications for rural communities.

### **6.8. Implications for Children & Young People**

- 6.8.1. There are no direct implications for children and young people.

### **6.9. Public Health Implications**

6.9.1. There are no direct implications for public health.

## **7. Ward Members Affected**

7.1. All Wards

## **8. Consultation & Engagement**

8.1. This is an operational matter for Strategic Planning Board as stated within the Council's Constitution "*to adopt working protocols and procedures*" so is not subject to wider consultation or engagement.

## **9. Access to Information**

9.1. Once adopted the Procedure can be placed on the Councils website alongside other procedural guidance.

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

Name: David Malcolm

Job Title: Head of Planning Regulation

Email: david.malcolm@cheshireeast.gov.uk

ENC:

Appendix 1: Planning Applications Member Referral Procedure

## **APPENDIX 1**

### **PLANNING APPLICATIONS - MEMBER REFERRAL PROCEDURE**

#### **What is it?**

1. The Council's Constitution provides the basis for decision making for planning applications, with Terms of Reference being set out for Strategic Planning Board, Northern and Southern Planning Committees. They exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges.
2. Most of these functions (over 90%) are however delegated to the Director of Planning and Environment and do not need to go before Committee for determination.
3. If the item has not already been identified as a Committee item within the Terms of Reference a Member can request that the application be referred (or "called-in") for consideration by the next appropriate Planning Committee.

#### ***Extract from current Constitution***

*Referred up to them by a Councillor in accordance with the Committees' Referral procedure. However:*

*32.4.1 any request must be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee*

*32.4.2 applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers*

*32.4.3 applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call in and will be dealt with under delegated powers*

*32.4.4 there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.*

#### **Procedure**

4. In order to satisfy the requirements for a Development Management service which is fair and transparent and to ensure that performance targets are not compromised, any request by a Member for an

application to be referred to Committee should be made in accordance with the following procedure.

5. Members must complete the electronic form on the Centranet to make the request for a referral. This automatically sends a copy of the request to the Chairman and the Lead Officer.
6. Ward Members will automatically be notified of any applications within their ward with a time frame for referral.
7. In any event the 'referral' request must be made within **15 working days** of the issue of the electronic notification of the application.
8. Referral should not be requested unless it is necessary because of significant concerns or potential significant impact of the development.
9. To complete the referral request form you will need the application reference number, location of the site, the proposal and valid planning reasons (material considerations) for requesting the referral.
10. Valid planning reasons or material considerations for the referral must be given. For example this can include:
  - The effect of the proposal upon the amenity of adjoining land and buildings
  - The impact on the surrounding area
  - Issues relating to highways, including access/visibility/parking problems
  - The design, scale, character of existing buildings and proposed buildings
  - Significant planning policy implications
11. The Lead Officer, in consultation with the Chairman or Vice Chairman of the Planning Committee, will confirm or reject the referral request based on the significance of the development and valid planning reasons. Members who request a referral will only be notified if their request has been rejected – with the appropriate reasons.
12. Referral requests will normally be presented to the appropriate Northern or Southern committee based upon the geographical location. Referral requests that are accepted may, at the discretion of the Head of Planning in consultation with the Chairman or Vice Chairman of the Strategic Planning Board, be referred to Strategic Planning Board for determination. It will normally be expected that referrals of reserved matters applications will be referred to the committee that made the decision on the outline permission.
13. Members requesting a referral should attend the Board/Committee meeting. If they wish to exercise public speaking rights they should notify the Democratic Services Officer of this by noon on the preceding day, in accordance with the Public Speaking Protocol.

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