

Application No: 22/3338C

Location: Land to the East of, VIKING WAY, CONGLETON

Proposal: Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way.

Applicant: -, Clowes Developments (North West) Limited

Expiry Date: 23-Nov-2022

SUMMARY

This full planning application proposes the erection of an employment building (Use Class B2, B8 and ancillary E(g)), and has been submitted in full as it does not comply with the height parameter on the outline, although in all other respects it does comply with the other parameters set at outline.

Highways have raised no objections but have asked how this will align with the contributions required through the original 106 on the outline.

Both the Landscape and Design officer raised several issues and made a number of recommended changes to the original proposals. The applicant has sought to address these issues and it is considered that most of these concerns in relation to landscaping and design have been met. The main issue however is considered to be that of building height. The height of the proposed building is now 14.8 metres to ridge, some 2.8 metres higher than the maximum parameter set out in the approved design code at outline. The proposed building will therefore have more visual impact than originally envisaged; however the finished floor level of the building has been lowered, and in its context of adjoining commercial uses, with the residential development behind not significantly affected, it is not considered this impact is harmful. It is hoped some of the minor design matters can be addressed by committee.

The Council's Ecologist, looking at this application in the context of the overall development – which deliver most of the mitigation, has raised no objections subject to conditions.

The Tree Officer has raised some proximity issues which ideally should be addressed but has raised no objections to the application.

Issues of amenity, contaminated land and flood risk/drainage can be addressed through conditions, although it is hoped comments from the LLFA will be reported to Members.

Members will be updated how the Highways contributions will be secured through the Section 106.

Whilst there are some concerns about building height and tree proximity issues, it is considered on balance that the proposals are acceptable.

RECOMMENDATION

Approve with conditions and to a Deed of Variation to the Section 106 agreement attached to application 19/5596C

SITE DESCRIPTION

This application relates to a 2.71ha site, to the east of Viking Way. It forms part of a larger site which has the benefit of outline planning permission under reference 19/5596C, but also included a residential development that is subject to a reserved matters application reference 22/0670C recently approved by my Members. The residential element forms the eastern boundary to the site whereas the southern boundary adjoins a recent development for commercial units which is nearing completion. To the north is a parcel of land which has outline permission for a retail development.

The site is relatively flat adjoining Viking Way, but then has a step to a terraced area above and then rises more steeply to the eastern boundary. There are trees along the eastern boundary and a small area of woodland to the south eastern corner, which lies outside the site.

There are no public footpaths crossing the site and no listed buildings or conservation areas affecting this site.

PROPOSAL

This full planning application proposes the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way.

The application has not been submitted as a reserved matters application as the proposed building would exceed the height parameter set as part of the outline approval. The height set was up to 12m on the main part of the site.

The proposed building is a typical modern warehousing type structure with a series of 4 barrel vaulted roofs running east-west across the site. The building would measure 134m x 71m x 14.8m high and create 9,537 square metres gross internal floorspace.

The submitted Design and Access Statement sets out the rationale for the design for the building, and how cutting the building into the site will keep its overall height down. The supporting statement states:

“The proposed building height is 14.8m to the highest point of the barrel roof. However, the plateau level on the site has been lowered to + 80.200 and this was approved by the enabling works planning application which was granted in February. This allows the finished floor level to be lowered from the assumed illustrative masterplan FFL of + 83.30 to a proposed FFL of 80.50. Consequently, by lowering the building and the plateau further into the site, the highest point of the roof is brought down to the same relative height as one of the two units previously in its place within the outline proposals, which will reduce its impact on the landscape. Additionally, the eaves of the proposed building will be at 12m, which is lower than the eaves level of the original masterplan unit closest to Viking Way. Furthermore, a barrelled

roof is proposed to soften the building mass within the landscape with its undulating form and to play on the natural gradient of the site, which slopes down towards Viking Way and flows towards the green buffer to the west of the site. “

The building would run at right angles to Viking Way with the eaves Viking Way, keeping the perceived height down, with access to the building being from an area of hardstanding to the northern side. Landscaped areas would be provided to the front and rear of the building.

RELEVANT PLANNING HISTORY

Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

Relating specifically to this site:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure. LAND OFF, VIKING WAY, CONGLETON - APPROVED 2 Feb 2022

In addition are the following applications submitted to-date (excluding discharge of condition applications) for other parts of the site included within the outline area:

22/0670C Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline. Land East of VIKING WAY, CONGLETON – APPROVED at October SPB.

22/2338C Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment. Land to the East and West of VIKING WAY, CONGLETON – APPROVED Feb 2023

22/2350C Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C LAND TO THE WEST OF VIKING WAY, CONGLETON – APPROVED March 2034

Finally an application for the retail element (local centre) of the site is anticipated shortly.

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG1 – Development Strategy

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and recreation
SC2 – Indoor and outdoor recreation
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 13 - Flood Risk and Water Management
CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

Site Allocations and Development Policies Document (“SADPD”)

GEN1 - Design principles,
ENV1 - Ecological network,
ENV2 - Ecological implementation,
ENV3 - Landscape character,
ENV5 - Landscaping,
ENV6 - Trees, hedgerows and woodland implementation,
ENV7 - Climate Change,
ENV12 - Air quality,
ENV14 - Light pollution,
ENV15 - New development and existing uses,
ENV16 - Surface water management and flood risk,
ENV17 - Protecting water resources,
INF1 - Cycleways, bridleways and footpaths,
INF3 - Highways safety and access,
INF6 - Protection of existing and proposed infrastructure
INF9 – Utilities.

Neighbourhood Plans:

The Hulme Walfield and Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness
ENV2 Trees and Hedgerows
ENV3 Multi Use Routes

ECON1 – Rural Economy
INF1 – Infrastructure

Other Material Considerations

The National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environment Agency – Have no objections

United Utilities – No objection subject to a condition concerning approving development to be carried out in accordance with the submitted drainage design.

CEC Head of Strategic Infrastructure: No objections

CEC Environmental Health: Amenity and Air Quality comments are discussed within the report, but in short they raise no objections subject to conditions. Contaminated Land comments are awaited.

CEC Flood Risk Manager: Comments awaited

VIEWS OF THE TOWN/PARISH COUNCILS

Hulme Walfield and Somerford Booths Parish Council:

Make no comment on the application.

OTHER REPRESENTATIONS

No comments received

OFFICER APPRAISAL

Principal of Development

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

“The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.32;
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park as set out in Figure 15.32;
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction as set out in Figure 15.32;
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;
7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
8. Contributions to health and education infrastructure; and
9. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.32.”

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation.

Highway Implications

Whilst no objections are raised, Highways have noted that there were a number of S106 requests and conditions tied to the commercial development in the outline application and asked how they could be secured under this full application. In addition, they note that showers and changing facilities will be provided and that cycle parking is provided in excess of recommended CEC standards.

Landscape

The Landscape Officer, commenting on the original submission, recommended that the comments/actions listed below are given further consideration.

Landscape Masterplan/Planting Plan

- Consider extending the proposed tree and scrub planting to the north to help further screen the proposed bin store at the north-east corner. The gap in planting may present views towards this feature from the proposed Phase 1 residential development to the east.
- Relocate the proposed wet well away from the site access/public frontage and towards the west of the site (e.g., near the proposed pump house). This is likely to be a visual detractor from Viking Way and would be best served away from the public highway/high-traffic areas.
- There are opportunities for additional tree planting within the site, especially along Viking Way and the site entrance. Explore opportunities to further increase tree planting along the public frontage and around the carpark.
- Breakup proposed parking bays so they don't dominate the landscape. Ensure that the design encourages the greater use of landscape strips between parking areas.
- Include the location/extent of the proposed retaining walls. Consider opportunities to soften the appearance of proposed retaining features through the inclusion of planting.
- Review proposed planting and possible conflicts with WG4* and the proposed retaining walls at the south-east corner of the site.

Boundary Treatment Plan

1. Consider changing security fence to dark green colour. Reducing the height of the proposed fencing to 2m would also make boundary features less visually intrusive.

Habitat Creation and Management Plan

1. Consider adding a management operations schedule to the end of the document.
2. Ensure proposed hard landscape elements (e.g., street furniture and play equipment etc.) are included within this document or covered by a separate management plan.

The applicant has sought to address these comments through the submission of revised landscaping plans including a Landscape Management Plan which would appear to address the majority of the comments made, although it is hoped this can be confirmed by the landscape officer.

If the application is to be approved without amendment, the landscape officer recommended conditions relating to Landscaping - Implementation and submission of a Landscape Management Plan are applied.

Design & Building Height

The Council's Design officer raised the following Issues and outlined the solutions reached:

- Encroachment of ancillary use/space into the SuDS corridor and its impact on landscape design/screening:

It is still considered there is still some encroachment into the ancillary space which should be landscaped, but the access for fire service is explained in the context of Building Regs requirements. The landscape scheme has also been amended to soften the approach and is an improvement on the original design.

- Quality of landscape information, particularly for the Viking Way frontage but also more generally:

A revised landscape scheme has been produced which promotes additional soft landscaping across the scheme. With regards to the Swales on the Viking Way frontage it has been explained why these cannot permanently hold water but appropriate marginal wetland planting forms part of the landscape proposals for the Viking Way frontage. SuDS management proposals are also specifically set out in the wider Landscape Management Plan. This is accepted, albeit with a degree of disappointment.

- Scope to get more tree lining of the footpath route including by an inner line of trees on the car park side by moving things around/shunting the parking area eastwards. Also make much more of the entrance to the building linked to enhanced architecture of its north-western corner.

Revised proposals for the pedestrian entrance into the building have been enhanced through better surfacing

- Planting zones are a bit pinched in size. Scope for these to be designed as rain gardens perhaps as part of the SuDS. Also scope for additional tree planting in tree pits within the parking area:

Planting areas have been extended in certain areas, but they aren't rain gardens. This is explained in relation to the limitations imposed by the drainage for the building. Additional trees have been included in the parking area.

- Design of the building including dealing with its mass, and particularly enlivening the section closest to Viking Way, potentially with some living walling – fenestration, form, massing, materiality of the corners etc:

The design and scale of the building essentially stays the same as previously, but the materiality has been altered to reflect that for phase 2, taking account of Member aspirations. This does help to break up the mass of the building by exaggerating the base and making the roof more recessive. However, it is highlighted that the building is 14.8 metres to ridge, some 2.8 metres higher than the maximum parameter set out in the approved design code at outline. It should also be noted that the footprint of this building is considerably larger than any shown on the illustrative masterplan submitted at outline to accompany the design code.

It is noted that the visualisations do not show the building in its wider context and that information should be provided to enable those impacts to be illustrated. The additional information submitted says the corner has been enhanced with additional glazing but glazing was already present on the western elevation so it is unclear where additional glazing has been provided, but this could have included glazing of the stairwell in addition to that for the entrance lobby and landing area. The use of a singular colour of cladding in dark green and the signage zone will assist in defining the NW corner of the building. Block paving has been used to define the pedestrian entrance. In essence therefore, whilst there has been some improvement, it could have gone further and been a little more imaginative.

- Need for updated site levels in the form of sections including final building outline superimposed:

Sections have been provided including the building, also showing the building in its wider context in respect to existing and proposed development. Inevitably the proposed building will be the most strident of buildings in the locality as illustrated in comparison to recently constructed employment area and phase 4

- Providing more discreet utility infrastructure:

The pumping station is now subterranean, but the substation is retained in its original position. It is to be finished in green to help it integrate but there is no landscaping shown to help screen it on the Viking Way frontage

- Potential for enhanced sustainable design – water harvesting, passive and active design e.g. ground source heating, promoting natural light, solar PV/thermal etc. as part of enhancing building performance. The sustainable design of the building has been explained in the supporting information, including performance beyond Building regs and 10% renewable/de-centralised energy. The amendments do not include any further measures around active and passive sustainable design however.

- Boundary fencing needs to be as discrete/high quality as possible

Paladin fencing is now green as suggested in Landscape comments. However, it is proposed as 2.4 metres high when landscape recommended it be 2 metres. It is suggested that 2 metres is appropriate here and the applicant has been asked for clarity here.

Other issues

Clarity is required on whether the gabion wall is to be a stone structure or a living treatment to enable vegetation to establish on it.

Conclusions

The design officer feels there has been some improvement to the scheme in terms of the building and external areas and landscape, but the amendments could have gone a little further, especially for the NW corner of the building with strongest interface with Viking Way. Explanations have been given as to the practical considerations in relation to certain aspects of the scheme, not least the SuDS design, and this is accepted, albeit with a degree of disappointment.

The building is going to be taller than the approved coding parameters at outline, and that, combined with the size of the footprint, will make for a strident building, notwithstanding the changes to the design and materiality. The set back and associated landscaping on the Viking Way frontage will help soften the relationship between the building and Viking Way but it will still be pretty dominant in the area. Consequently, although it is a balanced position having regard to the sensitivities expressed at the outline stage and the departure from the outline code, there is no design objection.

Trees

This application has been supported by a document titled; Viking Way – Supplementary Advice for the Phase 3 planning submission. The area is contained with land which is subject to consent for development under Outline application 19/5596C. The trees proposed for removal with this application, TG7 a group of semi mature low quality C Category trees were formally shown on the landscape

masterplan within a dashed line as requiring removal to accommodate development on this area of the site. Changes of levels and the construction of a retaining wall are shown to the west of WG4 but outside the RPAs of retained trees and it's noted that this feature is subject to consideration with the enabling works application. The footprint of the building is considered to present an inferior relationship to WG4 to that formally indicated on the approved Outline Plans and consideration should be given to provide for greater separation between the building and the tree cover to provide for a more sustainable relationship in the longer term.

The submitted arboricultural information has indicated constraints arising from this element of the wider development and has also identified the position and type of tree protection fencing for the duration of any approved construction period. The note suggests that adequate compensatory planting will be provided which is anticipated to arise in a net gain although the detail is indicative and would be subject to the requirement to provide more information as stated in comments submitted by the Council's Landscape Officer.

Should the application be recommended for approval a condition is recommended requiring Tree protection and construction measures.

Ecology

This is a full planning application and so is not subject to the conditions of the outline consent (19/5596c).

Badgers

The application is supported by a badger survey. No setts were identified on site, but badgers are active in this locality. It is advised that the proposed development is likely to have a low-level adverse impact upon this species as a result of the loss of potential foraging habitat.

As the status of badgers can change within a short time scale, it is advised that if planning consent is granted a condition should be attached which requires the submission of an updated badger survey prior to the commencement of development.

Common Toad

This priority species was recorded during surveys undertaken to inform the outline application at this site. The proposed development will result in a minor adverse impact upon this species as a result of the loss of distant terrestrial habitat. This loss would be compensated for through the creation of ponds within the River Dane Corridor as secured under the outline consent for the development of the wider site.

Lighting

There is some light pollution onto the habitat creation area on the eastern proportion of the site. The light spill does not extend onto the open space/habitat creation provided as part of the residential development. Impacts for lighting are therefore no greater than anticipated during the determination of the outline application.

Breeding birds

A number of species of breeding birds were recorded throughout the wider site subject to the outline planning consent. This included a small number of priority bird species, which are a material consideration for planning. Only a single potential breeding pair was recorded breeding in vegetation within or immediately adjacent to the application site boundary.

The development of this site is likely to reduce the openness of the habitats and make them less suitable for ground nesting birds which were recorded in very small numbers across the wider site. It is advised that potential impacts of the proposed development on breeding birds is likely to be minor and is likely to be at least partially compensated for through the on-site planting and the incorporation of bird boxes.

Biodiversity Net Gain

Biodiversity net gain as considered under the outline application for the wider site. The outline site was found to be capable of delivering a biodiversity net gain on the basis of habitat creation works both within the development plot and associated with land within the River Dane corridor.

This full application delivers a greater area of landscaping/habitat creation than anticipated for this phase under the outline consent.

Whilst this application is not a reserved matters application and so does not trigger the delivery of the River Dane habitat creation works, it is intended that the River Dane Corridor works would be triggered under the associated enabling works application (22/2338C). It can therefore be concluded that the proposed development of this site, under both this and the enabling works planning applications, would be likely to deliver a Biodiversity Net Gain.

If planning consent is granted a condition would be required to secure the delivery and maintenance of the habitat creation measures on site.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. The application is supported by proposals for the incorporation of bat & house sparrow boxes, brush piles, and native species planting.

If planning consent is granted a condition is required to secure features to enhance the biodiversity value of the application site.

Conditions

If planning consent is granted conditions would be required to secure the following:

- Updated badger survey prior to commencement.
- Implementation of submitted Ecological Enhancement
- Implementation of submitted Habitat Creation and Management Plan.

Amenity

There are no residential properties on or immediately adjacent to the site, and the nearest properties are a farm complex of dwellings off the fishing club access, referred to as Home Farm/Sandylane Mews on the plateau above. Permission has been granted for residential development on the plateau above, although no major issues are anticipated.

Environmental Protection comment that in support of the application, the applicant has submitted an acoustic report (NIA).

The NIA relates to the proposed site layout is detailed at page 3 of the NIA and corresponds to the applicants Planning Layout. Any amendments to the planning layout must comply with the NIA or the NIA maybe required to be reviewed accordingly.

The impact of the noise from use of the development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings
- BS4142:2014 Methods for rating and assessing industrial and commercial sound

An agreed methodology for the assessment of the noise source.

The report recommends that no noise mitigation measures are required to achieve BS8233: 2014 and WHO guidelines; to ensure that occupants of nearby properties are not adversely affected by noise from use of the development.

The reports methodology, conclusion and recommendations are accepted.

Air Quality

This proposal is for the erection of an employment building. In support of the application the developer has submitted a qualitative screening assessment. The report states that a detailed assessment into the impacts of NO₂, PM₁₀ and PM_{2.5} during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows, and concludes, therefore, that the development impacts on local air quality will be not significant. The report also concludes that the potential dust impacts during construction will also be not significant subject to appropriate dust mitigation measures.

That being said, there is still 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.

Congleton 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.

Conditions relating to Electric Vehicle Infrastructure & Ultra Emission Boilers are recommended.

Contaminated Land

The Contaminated Land team has no objection to the application subject to the following comments with regard to contaminated land:

- A Phase I Preliminary Risk Assessment dated August 2019 has been submitted for review.
 - o The Phase I report assesses a larger area than that of this planning application. Areas 5, 6 and 8 within the report are relevant to this application.
 - o The report identified a number of contaminant linkages, but these were for the wider site and the contaminant linkages pertaining to Areas 5, 6 and 8 were not specified.
- A geo-environmental report has been submitted in support of the planning application dated 4 August 2020.

- o The submitted report presents a desk based review of available information and a Conceptual Model for the site.
- o A ground investigation was undertaken to confirm the Conceptual Model.
- o Made ground was encountered at three exploratory hole locations, however only one sample of made ground was analysed. Further sampling may be required so the material can be characterised appropriately, however the contaminated land team are aware that this material may now have been moved elsewhere on the site.
- o Materials have been moved around the site in a cut and fill exercise. The impacts of the placement of material on the western area should be considered on the gassing regime.
- o Further investigation works are proposed, these should be undertaken and submitted to the contaminated land team for approval.

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, the contaminated land team recommends a number of conditions and informatives be attached should planning permission be granted.

Flood Risk/Drainage

Whilst this was assessed at the time of the outline application, and looked at in detail for the enabling works application (22/2338C) the comments from the LLFA are important to ensure that the proposals do not compromise drainage proposals for the site as a whole, and lead to unforeseen impacts.

Comments from the LLFA are awaited and will need to be reported in an Update Report to Members.

SECTION 106

Whilst there were Section 106 requirements on the outline, this application being a stand-alone Full application would not be subject to those requirements. Whilst most requirements under the 106 are not applicable to this application – affordable housing etc, the Highways contributions are. It is considered that the original 106 should be varied so that this application, pro rata contributes towards the Highway contributions. Members will be updated on this matter when further discussions have been held with the applicant and Highways.

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.

CONCLUSIONS

This full planning application proposes the erection of an employment building (Use Class B2, B8 and ancillary E(g), and has been submitted in full as it does not comply with the height parameter on the outline, although in all other respects it does comply with the other parameters set at outline.

Highways have raised no objections but have asked how this will align with the contributions required through the original 106 on the outline.

Both the Landscape and Design officer raised several issues and made a number of recommended changes to the original proposals. The applicant has sought to address these issues and it is considered that most of these concerns in relation to landscaping and design have been met. The main issue however is considered to be that of building height. The height of the proposed building is now 14.8 metres to ridge, some 2.8 metres higher than the maximum parameter set out in the approved design code at outline. The proposed building will therefore have more visual impact than originally envisaged; however the finished floor level of the building has been lowered, and in its context of adjoining commercial uses, with the residential development behind not significantly affected, it is not considered this impact is harmful. It is hoped some of the minor design matters can be addressed by committee.

The Council's Ecologist, looking at this application in the context of the overall development – which deliver most of the mitigation, has raised no objections subject to conditions.

The Tree Officer has raised some proximity issues which ideally should be addressed but has raised no objections to the application.

Issues of amenity, contaminated land and flood risk/drainage can be addressed through conditions, although it is hoped comments from the LLFA will be reported to Members.

Members will be updated how the Highways contributions will be secured through the Section 106.

Whilst there are some concerns about building height and tree proximity issues, it is considered on balance that the proposals are acceptable.

RECOMMENDATION

Approve subject to a Deed of Variation to the Section 106 agreement attached to application 19/5596C and to the following conditions;

- 1. Standard 3 year consent**
- 1. Approved plans**
- 2. Tree Protection**
- 3. Landscape implementation**
- 4. Submission of a Landscape Management Plan**
- 5. Updated badger survey prior to commencement.**
- 6. Safeguarding of nesting birds**
- 7. Implementation of submitted Ecological Enhancement**
- 8. Implementation of submitted Habitat Creation and Management Plan.**
- 9. Electric Vehicle infrastructure**
- 10. Ultra Low Emission Boilers**
- 11. Noise measures recommended**
- 12. Submission of a supplementary Phase II ground investigation and risk assessment**

- 13. Submission and approval of a Verification Report prepared in accordance with the approved Remediation Strategy**
- 14. Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use**
- 15. Contaminated Land – unexpected findings**
- 16. Construction & Environmental Management Plan to include hours of working**
- 17. Implementation of drainage plans as submitted**
- 18. Submission of sustainable drainage management and maintenance plan for the lifetime of the development**

Informatives;

- **Water Course & Bylaw 10**
- **EP Standard informs**

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 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 Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

