
APPLICATION NO: 08/0492/OUT

N.G.R. E376739 N367270

PROPOSAL: Outline application for residential development including means of access

ADDRESS: Victoria Mills, Macclesfield Road, Holmes Chapel

APPLICANT: Victoria Mills Holmes Chapel Ltd

SITE DESCRIPTION

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

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

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

POLICIES

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

Relevant Local Plan Policies:

PS4 Towns
PS10 Jodrell Bank Radio Telescope Consultation Zone
GR21 Flood Prevention
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and parking provision
GR10 Accessibility, servicing and parking provision
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths, Bridleway and Cycleway Networks
GR17 Car Parking
GR18 Traffic Generation
GR22 Open Space Provision
H1 Provision of New Housing Development
H2 Provision of New Housing Development
H5 Residential Development in Villages

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

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

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Sustainable Communities
DP 3 Promote Sustainable Economic Development
DP 4 Make the Best Use of Existing Resources and Infrastructure
DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase
DP 6 Marry Opportunity and Need
DP 7 Promote Environmental Quality
L4 Regional Housing Provision
L5 Affordable Housing
EM11 Waste Management Principle

National Policy

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

PLANNING HISTORY

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

CONSULTATIONS AND REPRESENTATIONS

Environment Agency

No objection to the proposed development

Network Rail

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

District Highways Engineer

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

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

Senior Landscape Officer.

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

Senior Housing Development Officer

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

Local Housing Need

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

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

Affordability

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

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

Local Planning and Economic Policy

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

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

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

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

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

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

The Jodrell Bank Observatory

No objection subject to a condition relating to construction materials.

The Safer Communities Streetscape Officer

No objection.

Children and Young Persons Provision

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

The Senior Regeneration Officer (Archaeology)

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

The Environmental Health Officer

Contaminated Land

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

Air Quality

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

Noise

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

Research and Statistics Officer (Children's Services)

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

Cheshire Brine Subsidence Board

No observations.

Representations

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

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

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

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

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

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

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

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

OBSERVATIONS

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

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

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

ASSESSMENT

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

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

Housing Land Supply and Deliverability

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

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

Loss of Employment Land

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

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

Provision of Affordable Housing

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

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

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

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

Highways, Accessibility and Sustainability

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

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

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

Environmental Health

Noise

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

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

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

Air Quality & Contamination

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

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

Public Open Space

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

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

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

Landscaping & Ecology

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

Objections

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

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

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

Density / Max 130 Units

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

Proposed 3-storey dwellings

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

Conclusion

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

RECOMMENDATIONS

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

Time Limits

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

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

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

General Matters

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

Materials

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

Phasing & Parameters

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

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

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

Construction Management / Environmental Health

Wheel Wash Facilities

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

Dust Suppression

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

Construction Noise

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

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

Contaminated Land

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

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

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

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

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

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

Noise Insulation

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

Highways

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

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

Drainage

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

Network Rail

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

Landscaping

Tree Protection

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

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

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

Landscaping Plans

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

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

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

S106 Agreement Requirements: -

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

