

Application No: 11/1682C

Location: FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL

Proposal: Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works

Applicant: Mr S Isherwood, Monde Developments Ltd

Expiry Date: 08-Aug-2011

#### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions and signing of a S106 legal agreement**

#### **MAIN ISSUES**

**Principle of Development**  
**Design Considerations**  
**Highway Safety and Traffic Generation**  
**Landscape and Tree Matters**  
**Provision of Open Space**  
**Impact on Protected Species**  
**Impact on Residential Amenity**  
**Contaminated Land**  
**Flooding and Drainage**  
**Impact on Education Capacity**  
**Impact on Setting of Adjacent Listed Building**  
**Listing Status of Fisons Building (also referred to as 'Benger House')**

#### **REFERRAL**

The application has been referred to Strategic Planning Board because it is a large-scale major development.

#### **1. SITE DESCRIPTION**

This application relates to the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off London Road. The site was previously

occupied by Sanofi Aventis, a company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by London Road and the Manchester to Crewe railway line, recreational facilities to the north, Marsh Lane to the north east, and open countryside to the south east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and occupies an area of approximately 12ha. The topography is generally flat. However, the site rises towards the north-eastern boundary, sloping gently towards the southwest. The majority of the site is previously developed. However, many of the buildings towards the western portion of the site have now been removed. Along the frontage of London Road, there is an attractive Art Deco building which remains in situ.

## **2. DETAILS OF PROPOSAL**

Outline planning permission with details of access is sought for the comprehensive redevelopment of the site for a mix of uses including up to 231 residential units; local needs retail foodstore (A1), commercial development comprising B1(a) offices, B1(c) light industrial, medical facility (D1), care home (C2) and children's day care facility (D1), part retention of the former Fisons building (frontage), demolition of rear wings and change of use to public house (A4), restaurant (A3), care home (C2) and hotel (C1) in addition to provision of public open space, landscaping and other ancillary works.

## **3. RELEVANT PLANNING HISTORY**

The applications site's lawful use as a pharmaceutical manufacturing plant pre-dates the advent of the Town and Country Planning Act in 1947. Accordingly there are no planning records associated with the original development of the site. Planning applications for the site post 1947 are associated with the plant's incremental growth and do not have any relevance to the current application.

## **4. PLANNING POLICIES**

### **National Policy**

PPS 1 Delivering Sustainable Development

PPS: Planning and Climate Change – Supplement to Planning Policy Statement 1

PPS 3 Housing

PPS 5 Planning for the Historic Environment

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPS 23 Planning and Pollution Control

PPS 25 Development and Flood risk.

## **Local Plan Policy**

PS3 Settlement Hierarchy  
PS5 Villages Inset in The Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 and GR7 Amenity and Health  
GR9 and GR10 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  
GR19 Infrastructure  
GR20 Public Utilities  
GR21 Flood Prevention  
GR22 Open Space Provision  
GR23 Provision of Services and Facilities  
BH4 Listed Buildings Effect of Proposals  
NR1 Trees and Woodland  
NR2 Statutory Sites  
NR3 Habitats  
NR5 Habitats  
H1 Provision of New Housing Development  
H2 Provision of New Housing Development  
H5 Residential Development in Villages  
H13 Affordable Housing and Low-cost Housing  
S2 Shopping and Commercial Development outside Town Centres  
S7 Shopping Commercial Development in Villages  
RC1 Recreation and Community Facilities – General  
RC13 Day Nurseries

## **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

## **5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Environmental Health**

- Recommend condition for additional contaminated land investigations
- As this is an outline planning application, further consideration should be made to the layout, including designing greater separation distance between the railway noise source and the noise sensitive dwellings proposed and considering the care home and dwellings close to the railway line.
- Further consideration should be made to increasing the separation distance between properties as this location and the predominant noise source: railway noise road traffic noise on Marsh Lane. Alternatively, further noise mitigation measures should be formulated in order to protect the outdoor living space of properties adjacent to the railway line and to protect the outdoor living space of properties along Marsh Road.
- Dwellings can be designed to mitigate noise generated by existing and proposed industrial uses and this could be dealt with by condition.
- Further noise assessment required
- Require a condition for hours of construction and pile driving
- Validation test of the sound attenuation works shall to be carried out

## **Highways**

No objection - Concludes that the proposals are acceptable subject to local improvements to further traffic management. The Strategic Highways Manager recommends that the following conditions and financial contributions are imposed:

### Conditions:

1. Detailed design and specification plans for the MOVA upgrades to the A54/A50 traffic signal junction.
2. Provide and install the agreed upgrade to the A54/A50 traffic signal junction.
3. Detailed design and construction drawings for the two proposed access junctions, related carriageway widening and footway provision
4. Provide and construct all works related to the provision of the new site access junctions.
5. Provide detailed design and specification drawings for the PUFFIN crossing installation on the A54 Station Road.
6. Provide and construct all works related to the provision of the new PUFFIN crossing on the A54 Station Road.
7. Provide a system of street lighting on the A54 Marsh Lane along the site frontage.
8. Submit a schedule for, and provide all required adjustments and necessary changes to, the highway signing and lighting related to the off-site highway works.
9. Developer will agree a revised Travel Plan Framework with agreed targets in each of the first five years post development. The TPF will relate specifically to the employment and business dedicated uses within the proposal.

### Contributions:

10. £25,000 for the provision of two bus stops on the A54 Marsh Lane.
11. £15,000 for revisions to local traffic management orders.
12. £10,000 for use by Cheshire East Council in producing additional traffic assessments related to local traffic issues and for the production and

provision of local improvements to traffic management within the village highway infrastructure.

13. £5,000 to fund monitoring of the Travel Plan in the first five years after the date of its commencement.

### **Adult Services**

Although the current capacity of residential/nursing homes in Holmes Chapel is currently low a new 50 bed care home development due to open in 9 months time will increase the capacity 3 fold and will have an impact on any proposed new development. The need for the service within Cheshire East has to be demonstrated and it is likely that any future need in the area will be at rates currently paid by Cheshire East Council. The developer needs to provide market testing information in respect of this site.

### **Education**

There are sufficient places within the local primary and secondary schools to accommodate the pupils generated by this development.

### **Sustrans:**

- Will generate a significant amount of traffic in Holmes Chapel
- Site is separated from Holmes Chapel centre by the A-road network. The immediate environment for walking/cycling is not therefore attractive.
- Support the proposal for a pedestrian crossing point of Station Road/Marsh Lane
- Contributions should be made towards improving the local walking/cycling network to the centre of Holmes Chapel along London Road, and toward the secondary school off Chester Road
- Estate roads should have speed limit of 20mph
- Travel planning programme set up for the site with monitoring and targets

### **Environment Agency:**

No objection, subject to the following conditions:

- Submit a scheme to limit the discharge of surface water from the proposed development such that it does not exceed the run-off from the existing site.
- Submit a scheme to manage the risk of flooding from overland flow of surface water.
- A scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include; plans showing the extent and layout of the buffer zone around the River Croco and ditch; details of the planting scheme (for example, native species); details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term; details of any footpaths, fencing, lighting etc.
- The investigation of the site has revealed significant impact to the shallow groundwater by metals and organic contaminants including (but not limited to)

arsenic, cadmium, dichloromethane, chloroform, and some light fraction petroleum hydrocarbons and BTEX. The basis of the groundwater screening criteria has not been provided and is believed to be a now obsolete detailed risk assessment which has not been provided to us. For this reason, it is possible that the more recent reports may not have highlighted all contaminants of concern, due to the outdated mode of screening. We note that future risk assessment is recommended and would fully support this recommendation along with an up to date screen of the data to identify all likely contaminants of concern at the site.

The identified groundwater contamination has the potential to impact on nearby surface water features such as the drainage ditches and unnamed stream along the site boundary which drain into the River Croco. To date, no surface water monitoring to assess the level of impact on these surface water features has been undertaken. We consider this an essential part of the assessment of the site and recommend that a surface water monitoring programme be implemented.

- At the moment no detailed risk assessment or remedial options appraisal has been presented. The contamination identified at the site may pose a significant risk to nearby surface water courses and require remedial action.
- Further contaminated land investigations and remediation strategy.

## **United Utilities**

No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a soakaway/watercourse/surface water sewer. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate.

## **Greenspaces**

- There would be a deficiency in the quantity of provision of green amenity space accessible to the development
- The amount of green amenity space required would equate to 3530m<sup>2</sup>.
- Taking into account the amount of public open space proposed within the area of development, the quantity of the areas of POS would seem adequate, although more detail on landscaping proposals should be sought
- There are existing hedgerows on the eastern and southern boundary including mature trees and woodland. These areas, including any additional buffer planting, should be considered in light of future maintenance implications, planting distances in relation to buildings and tree species. For maintenance implications Greenspaces would look to a management company to carry this out.
- Adjacent to the community orchard area, an informal play area should be provided for kickabout purposes.
- There is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.
- The plan indicates the inclusion of two Local Equipped Areas for Play (LEAP), one located adjacent to the community orchard and the other to the NW side of

the development site: Green spaces can confirm that one NEAP (Neighbourhood Equipped Area for Play) standard play area would be preferred located adjacent to the community orchard. This should cater for all age ranges and include 8 items of equipment. The final layout should be agreed with CEC and should be constructed to CEC specification. and should be submitted and approved prior to the commencement of development. A 30m buffer from residential properties would be required.

- Providing the NEAP is provided on site, a commuted sum for a 25 year maintenance period would be required. The financial contributions sought from the developer would be £194,920.

## **English Heritage**

There has been a recent listing request for the former Fisons building (referred to as 'Benger House'). Until a decision has been reached, it would be premature to determine the application. Nonetheless, the application should be determined in accordance with national and local policy and the Council's specialist conservation advice.

## **6. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL**

- There is general support for the development of this site and for the grant of outline planning application. However, there are a number of items which need further investigation and which should be picked up by way of planning conditions, reserved matters or a S106 agreement
- There is support for the reduced number of houses – 231 being much less than earlier numbers proposed by the developer
- The Council supports a maximum of 55% of affordable housing on this and other large sites to fit in with the infrastructure of Holmes Chapel
- The Council objects to the access roads proposed on Station Road and supported the original proposal for an access opposite to Manor Lane with roundabout control.
- Also there is need for an additional exit route for the housing land as previous developments in Holmes Chapel have shown. Residents have to live with the consequences of the outcome of planning applications and local experience is that the theoretical reports have not provided the correct answer. Regard should be had for the position on Portree Drive Holmes Chapel
- The existing access on London Road for the commercial part of the site only is supported, but with roundabout control and a design to prevent a rat run between Station Road and London Road
- It is accepted that the provision of a large amount of office accommodation on the commercial part of the development is not required but there needs to be a careful review of the type of commercial / employment uses to make sure that the provision is right for the needs of Holmes Chapel and the Borough as a whole
- Conditions should be imposed for screening, landscaping, the protection of boundaries, obscuring the view of adjoining commercial uses, contamination on site and flood risks
- There is need for a substantial contribution to the village infrastructure based on:

1. The need to review the amount of open space provision on site and consider how it can be maintained. The present layout shows an increased amount of open space but this is amenity space and not suited for play or recreation, which is an acknowledged requirement in the village. Because of the present economic climate it would be better to improve existing play areas in the village rather than create large new ones so there should be a substantial contribution to cover this aspect. Furthermore there must be provision to maintain the large amount of open space
  2. providing funding for the improvement of existing facilities in the village
  3. providing land for a long stay car park near to the Station
- Again, it must be emphasised that local people have to live with the consequences of this development which will have a considerable impact on the village population and infrastructure. The point in time when planning permission is granted is the time to deal with local requirements, not afterwards when it is too late to have an input from the developer
  - The development generally must adhere to the concept of being sustainable in the local community.

## **7. OTHER REPRESENTATIONS**

One letter has been received objecting to this application on the following grounds:

- Overdevelopment of the site
- Development is out of scale with the village of Holmes Chapel
- Could be detrimental to the amenity of residents of Holmes Chapel and surrounding towns/villages
- This proposal will overload local roads particularly the narrow roads within the village and the two main A roads to the North of Holmes Chapel - A50 & A535 which are both extremely 'high risk' roads
- It could easily contribute to more deaths on the A50
- Re-use by business, industry and enterprise should be encouraged rather than housing.
- Would affect the infrastructure of Holmes Chapel (Doctors, Fire, Police, Schools, Shops)

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The application site is shown as being within the Settlement Zone Line for Holmes where Policy PS5, states that there is a general presumption in favour of new development, provided that it does not conflict with other policies of the local plan. Members should also note that on the 23 March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On the 15 June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which will be published in the forthcoming National Planning Policy Framework.

Collectively these two statements mark a clear effort by Government to shift the emphasis of the planning system away from what might be viewed as a protective stance and towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

The proposed scheme is in outline form with only details of access submitted for consideration at this stage. With respect to the proposed land uses, the application seeks to establish the principle of up to 231 dwellings on the site, a local needs foodstore, commercial development comprising offices and light industry, medical, care home and children's day care facility as well as a public house, restaurant and hotel.

### Housing

According to Policy H5, the proposed residential use is acceptable, provided that it does not utilise a site which is allocated for any other purpose, conflict with other policies of the local plan or result in housing land supply totals at variance with the provisions of Policies H1 and H2. Policy H5 also states that in considering applications for residential development regard will also be given to:

- the availability of previously developed sites
- their location and accessibility to jobs shops and services
- the capacity of infrastructure
- the ability to build communities and sustain infrastructure
- physical and environmental constraints of the site (such as flood risk or contamination)

Dealing with housing land supply first, Policy H1 has not been “saved” and as a result no longer forms part of the Local Plan. However, national policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. The Cheshire East SHLAA November 2010 identifies that at 31<sup>st</sup> March 2010 the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals the level of housing supply has been identified at a lower level ranging between 2.75 and 3.25 years. PPS3 states that, if a Local Authority does not have a five year supply, it should consider favourably suitable planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69. The advice is that LPAs should have regard to achieving high quality housing providing a mix that reflects local need, the suitability of the site for housing (including its environmental sustainability) and using land effectively and efficiently.

### Employment

The site is previously developed and unallocated, in the local plan. However, in the light of the previous employment use of the site, it is considered that policy E10 is

relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed.

The site has stood vacant for a while and a number of buildings that once stood on the site have now been removed with the exception of an attractive art deco building situated towards the west of the site fronting London Road. It is proposed that the front two-storey part of this building will be retained and some less attractive single storey wings to the rear will be removed as part of the overall redevelopment. The rear wings of this building are of an age and condition that would not lend themselves well to modern industrial practices and therefore industrial re-use. Nonetheless, it is indicated that the front building would be used as hotel and restaurant which would generate employment.

In addition, the application is supported by an Employment Land Market Assessment carried out by DTZ Planning Consultants. From the market analysis, it concludes that there is no clear evidence to support the development of employment floorspace (office and industrial) on anything but the smallest scale. Holmes Chapel does not play a very strong role in terms of employment floorspace, with the vast majority of East Cheshire demand directed at the key nodes of business activity in the larger settlements of Crewe, Winsford, Congleton and Knutsford. The locational disadvantages of the subject site, and the lack of profile of Holmes Chapel as an employment location, are such that any new development in the town will serve a predominantly local market. This view is supported by the slow take up on new developments. The majority of local demand in Holmes Chapel is for smaller office and industrial units. The building and surrounding land has been extensively marketed for employment uses for approximately 3 years with very limited interest having been received. Existing space is currently adequately serving the local market, and there is already a significant supply. As such, it is considered that the proposal would comply with first limb of Policy E10.

Taking on board the findings of the employment land assessment, the proposal would provide for a mix of a wider range of employment generating uses towards the western portion of the site, including non 'B' class employment uses, which still constitute economic development (in line with guidance expressed in PPS4). This will ensure that the development complements the local area and helps to off-set the loss of employment space elsewhere on the site and to create a wider range of uses. Furthermore, the proposal would allow for the retention of the art deco building at the front of the site, as well providing scope to remediate the site having regard to the previous hazardous uses. Cumulatively, these are considered to offer planning benefits. As such, the scheme is deemed to comply with local plan policy E10.

### Retail

With respect to the proposed retail on the site, the scheme includes provision of a local needs food store which is shown positioned near to the Marsh Lane frontage. This would be located mid way into the site with residential to the west and east. Policy S2 and S7 states that any new shopping and commercial development outside of the town centres of Congleton, Sandbach, Alsager and Middlewich, will

only be permitted where it is of an appropriate scale intended to serve the needs of a locally resident population.

The Cheshire Retail Study states that the main focus for retailing in Holmes Chapel is within the village centre. However, the report identifies an undersupply of convenience goods floorspace and considers that there is a need for additional floorspace within Holmes Chapel of between 360-870 sq m. The proposed retail element would offer only 450 sq m floorspace and as such would not be considered 'significant' (i.e. more than 500 sq m) and would fit in with the identified need. Consequently, the proposed retail is considered commensurate with the existing needs and would principally serve the needs of local residents especially the proposed residential units.

#### Hotel

The proposed development includes provision for a hotel where Policy E16 and E17 are relevant. Policy E16 states that the provision of tourist and visitor facilities and attractions will be permitted for development within those settlements defined in PS4 and PS5, providing a number of criteria are met – including ensuring that the proposal is for a facility appropriate to the area. The site is well connected to the local road network, including junction 18 of the M6 and the proposal would help to boost the visitor economy to both the village of Holmes Chapel and the wider area. It is anticipated that the proposal would offer a minimum of 40 rooms which would generate local employment of at least 13 jobs. As such, as well as benefiting local employment, it is considered that the proposal would also benefit local shops and amenities within the village centre which would be within close walking distance. The site is within the settlement zone line and having regard to the above, is considered to be appropriate to the area.

#### Day Nursery

Turning to the proposed children's day care facility, Policy RC13 states that proposals for the development of new day nurseries will be permitted provided that:

- the facility is of a scale appropriate to the locality
- measures are taken to minimise noise nuisance arising from the development
- parking and dropping off facilities can be provided.

The proposed day nursery is shown as being located within the commercial portion of the site and as such would not give rise to noise nuisance. In respect of layout and the precise area for outdoor play, this would be something which would be secured at the reserved matters stage. It is considered that the proposal would serve the needs of the locally resident population and would be appropriate to the locality.

#### Office, Industrial and Care Home Uses

Being within the settlement zone line, and having regard to the existing lawful industrial uses on the site and their potential scale, the proposed office and industrial floor space would be less significant and a smaller scale. Having regard to this and the site's sustainable location and position within the settlement zone line, it is considered that these uses are acceptable subject to them being restricted to the floor space proposed.

With respect to the proposed care home facility, initially the Council's adult services section raised concern about the need for additional accommodation in Holmes Chapel and sought clarification on whether any market testing had been carried out. In response, the applicant has confirmed that there is still a strong need for such accommodation owing to the demographics of the local population taking into account new expected provision on the form of a new 50 bed care home on Chester Road. Consequently, the proposed care home use is considered appropriate and will add to the mix of uses on the site whilst contributing to the local area by satisfying need.

### Sustainability of Site

The application site is located on the south-easterly edge of the village. The village centre is only 600m to the north of the London Road frontage and the proposed access off Marsh Lane. The proposal seeks to improve connectivity with the centre by providing a Puffin pedestrian crossing near to the proposed Marsh Lane access and this will ensure that the site is easily accessible on foot. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the nearby Holmes Chapel Railway Station. Taking this into account and the issues covered above, the site is considered to be in a sustainable location and the uses proposed are deemed to be acceptable. The principle of the development is acceptable in these terms.

### **Design Considerations**

Whilst this is an outline application with details of appearance and layout reserved, a significant level of detail has been submitted to support the proposals.

An indicative masterplan and Design and Access Statement have been submitted to support the design rationale behind the proposed design which are acknowledged and generally accepted. In general terms, the residential development would occupy the eastern portion of the site and would where practicable be positioned around a central core of open space. The proposed commercial/industrial uses would occupy the western portion of the site. The proposed density of the residential elements of the scheme would be 30 dwellings per hectare and would comprise a mixture of two to three storey buildings. This density would decrease towards the eastern perimeter of the site to ease the transition with the open countryside to the southeast and to maximise opportunities for planting and open space.

With respect to the boundaries with the existing Sanofi Aventis site to the south, an easement has been provided to try to increase separation with the site and to promote the amenity afforded to the residential uses. With respect to the commercial uses, these would occupy the eastern portion of the site and would tie in with the existing industrial commercial land uses. It is considered that a scheme of acceptable design and appearance could be secured at the reserved matters stage based on the indicative master plan provided.

## Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes two points of access for the site; one via an upgraded existing junction onto the A50 London Road at the far western end of the site, and a new access onto the A54 Marsh Lane. The A50 London Road access would serve the mixed-use and employment uses whilst the A54 Marsh Lane access would serve the proposed residential units as well as the local foodstore. There will be no permanent vehicular link between these two defined site areas. There will be a pedestrian/cycle link between the two separate halves of the development and the design of this link would also allow it to serve as an emergency link between the two halves of the site should the need arise.

The applicants have employed a Highway Consultant to produce a Transport Assessment (TA). The Strategic Highways Manager confirms that the TA reflects current guidance in its: structure, content and assessments. The TA assesses traffic generation numbers and from this considers the traffic impact on the existing highway network. It is also noted that the Transport Assessment does not allow for any potential reductions to traffic impact based on the potential for existing traffic flows from the site. The Strategic Highways Manager recognises that this is a robust assessment and is acceptable.

Traffic generation from the site is calculated from vehicle trip rates derived from the TRICS database agreed with the Strategic Highways Manager. These figures form the basis of the junction analysis provided within the Transport Assessment. The TA has assessed all of the necessary junctions on the strategic highway network which included an assessment of junction 18 on the M6. The capacity of both the proposed junctions and the existing junctions has been assessed with the future development traffic added and shows there is generally sufficient capacity within existing junctions to deal with the additional flows for most of the junctions. These capacity calculations are provided for both the projected year of opening and the future year 2020.

The traffic signal junction at the A50/A54 crossroads is shown as needing some treatment to absorb traffic generated by the development and negotiations with the developer's highway consultant have resulted in the proposal to provide a new signal management system for this junction which will mitigate development impact and provide a general improvement in overall traffic capacity. The new system is able to better manage the traffic flows and respond to flow peaks by changing green times and allowing a freer flow of traffic through the junction. The inclusion of pedestrian phases in such a junction does interrupt the system, but once pedestrians have been accommodated, the new system will more efficiently reduce any traffic build up. This proposal has been ratified by the Authority's traffic signal engineers who have confirmed that the proposed improvement will provide the betterment required.

This installation will also allow for the consideration of an additional pedestrian crossing phase in the signal junction to supplement the existing one, and the Strategic Highways Manager will judge this provision against overall junction capacity before confirming or otherwise that this option is viable. The Strategic Highways Manager has confirmed that this final aspect of the signal improvement could be negotiated via the S278 agreement under the Highways Act 1980, should a planning permission be granted. In any event, the new signal management system will provide betterment at this junction.

The existing site access onto the A50 London Road will be upgraded to serve the employment and business uses proposed for this development. This junction will be a simple priority junction and will be supplemented by a ghost island right turn lane system. Traffic signals for this junction were considered. However, owing to the presence of the small Alum Court cul-de-sac opposite, the assessment under the LINSIG traffic signal software showed that this wasn't necessary and the right turn lane facility will appropriately manage the traffic.

The new site access onto the A54 Marsh Lane will serve the residential element of the proposed development and serve some 231 units. This new junction will also be a simple priority junction and will be supplemented by a ghost island right turn lane system which will also be extended to provide for the junction of Manor Lane with Station Road/Marsh Lane. This right turn lane system is designed to assist with vehicle turning movements and ensure that right turning vehicles into either junction are removed from the through-flow on the major carriageway. This junction provision requires some widening of the A54 using part of the site frontage. This widening work will include both carriageway widening and the provision of a frontage footpath to carry pedestrians towards the railway station and village centre via a new proposed PUFFIN crossing located some 55 metres to the northwest. The Transport Assessment analysis of these two access junctions shows that both junctions will operate well within capacity and will not therefore give rise to traffic or highway safety problems.

With respect to accessibility, the TA has assessed the accessibility of the site for: pedestrian, cycle, bus and rail options. Pedestrian accessibility has been designed for permeability within the internal housing layout and conscious of the need for pedestrians to cross the A54 Marsh Lane to access the railway station and the village centre. The off-site proposals include for a new Puffin crossing on the A54 which will cater for these pedestrian needs, as well as, local foot traffic to and from the proposed retail facility. This Puffin crossing location will enable pedestrians to cross to the village side of the A54 and this means that there will be no requirement for them to cross at the traffic signals at the A50/A54 crossroads.

Cycle access will use existing infrastructure and clearly the village centre plus other existing local facilities such as Brereton Heath are all within appropriate cycling distance via existing and good network routes.

Bus facilities are to be improved locally and this will involve the provision of two new quality partnership bus stops on Marsh Lane.

Rail access is good with the local railway station in the immediate vicinity of the site on the A54. The provision of site frontage footpaths and the Puffin crossing will allow easy access to the railway station which is served by the main north/south Crewe line. The Strategic Highways Manager, whilst recognising that Holmes Chapel is a rural village, acknowledges that with the local nature of village amenities and the improvements on offer for pedestrian accessibility, this site should be considered sustainable as it is reasonably served by existing facilities.

In addition to the proposed crossings, junction improvements and traffic management systems, the developer has agreed to give financial support to the production of further local traffic analysis regarding local traffic management issues and their solution. The application proposal offers a Travel Plan Framework for the site which outlines the principles by which travel management would be managed by a Travel Plan Coordinator and a Travel Plan Action Group. There are proposals for each element of the employment uses to have a Travel Plan which would fall under an umbrella management system for the whole site and this is appropriate.

## **Landscape and Tree Matters**

### Landscape

Although landscaping is reserved for future consideration, the application is supported by a Landscape and Visual Assessment. The assessment concludes that the landscape character of the site will change as a result of the proposed development and that the effect will be minor adverse.

In relation to visual effects, the most significant effect on public views resulting from the development is anticipated to be minor adverse for receptors using Marsh Lane, Manor Lane and Mill Lane where there would be views towards new development. Views would diminish as the landscape framework matured. Minor adverse residual effects on private views are anticipated to be experienced by properties close to the site: Marsh Hall, Bayley House and Knockgrifton, Parkmill Farm and properties on London Road south of Allum Bridge.

It is inevitable that there will be change to its landscape character. In the long term, it appears that with the Landscape Framework as indicated, the form of development proposed could potentially be accommodated without significant detrimental impact on external visual receptors. In the short term, however the loss of the tree screening on Marsh Lane in particular will have a significant visual impact, allowing clear views both of the new development and of the retained offices on the site. Nevertheless, notwithstanding the suggestion in the submission that views from within the site to the retained employment site would be mitigated by a strong landscaped buffer proposed using the 5m easement on the site boundary, it is considered that the mitigating benefits of such planting would be limited. However, they would not be so significant as to warrant a refusal.

The Senior Landscape and Tree Officer has recommended recommend conditions to cover tree and hedgerow protection, works to retained trees, submission of arboricultural method statements, submission of landscape and boundary treatment details. In addition a mechanism for securing the management of the proposed areas of POS and all the buffer areas, including retained plantation woodland

together with a mechanism to ensure that a framework of advanced boundary planting was established at an early stage rather than be provided piecemeal as the site is developed.

### Trees

To public view the most visually significant of the tree population are those located on the periphery of the site. These include:

- trees close to Allum Brook visible from London Road
- mature trees and the plantations located adjacent to Marsh Lane
- planting on the corner of Marsh Lane and Mill Lane.

The planting close to Marsh Lane is on mounding and includes Sycamore, Ash, Beech, Scots Pine, Norway Maple and Poplar species. A further plantation is located on the south east boundary and extends some distance north into the site. This planting was originally intended to provide screening of the previous industrial buildings on the site and to degree offers some screening of the buildings that remain.

Although the layout is indicative and only access is included in the application, the Arboricultural Implications Assessment indicates that the development as illustrated would result in the loss of 7 individual trees and 10 groups of trees with additional impact on a further 3 groups. These comprise trees throughout the site, including significant sections of the linear plantations adjoining Marsh Lane, most of a large mid site plantation extending into the site from the south east, a small number of trees close to the access with London Road, several Lombardy Poplars to the south west of the site and part of a group of trees to the south of the sports ground. The Implications Assessment states that the most numerous and significant tree losses will be incurred in the loss of the plantation trees, to the detriment of the screening, landscape delineation, wildlife and habitat values currently provided.

The Assessment summary advises that, given the complexity of the site, multiple arboricultural method statements will be required, addressing the various development zones and that minor remedial works and thinning operations will be required to retained trees. It is considered that it will be possible to mitigate for the significant tree losses and for there to be a net gain in arboricultural value. However, the provision must be for planting to include a significant proportion of trees with a large mature size and for planting to be implemented to a sufficiently high standard to ensure that the ultimate size and longevity of trees will not be compromised. From the information provided, it appears that the proposed development should not directly impact on the trees near Allum Brook.

The level of screening to the industrial works currently afforded by trees on the eastern boundary is considerable and their removal would open up views into the site when viewed from Marsh Lane and the junction of Manor Road. Unless sufficient screen planting could be provided in mitigation, together with a comprehensive framework of landscape works across the site, this would be a major concern. It is however, important to take into account that the plantations were planted to screen an industrial use and given their character and form may not be appropriate for retention in the context of a new mixed use development

which needs to be integrated into Holmes Chapel. The Landscape Framework indicated on would allow for tree planting in mitigation for the anticipated losses and provided an appropriate landscape framework can be achieved, in the light of a new use for the site, on balance the losses are deemed to be acceptable.

In respect of hedgerows, there are two sections of hedgerow on the site both worthy of retention. On the southeast boundary of the site there is a well establish mixed species hedge with trees. On the boundary of the site with Marsh Lane, running from the junction with Mill Lane there is a Hawthorn hedge. The Landscape Framework shows these hedgerows retained however, it appears the new access arrangement would result in hedgerow loss along Marsh Lane. As an internal footway is indicated, a roadside footpath may not be necessary. This could be explored at the reserved matters stage.

### **Provision of Open Space**

The indicative zoning plan shows the provision of both green amenity space and Public Open Space within the development. The developer has explained that this will be provided in accordance with the Council's Supplementary Planning Guidance and will be maintained by a management company.

Precise details of the location, nature and extent of the open space will be submitted at reserved matters stage. To ensure that this takes place it is recommended that the Section 106 Agreement should state that the reserved matters shall make provision for the Public Open Space within the development site. The Agreement should also require details of grading, drainage, layout, landscape, fencing, seeding and planting of the public open space to be agreed in writing with the Council.

### **Impact on Protected Species**

The application is accompanied by a Phase I habitat survey. This concludes that bats, amphibians (great crested newts) and barn owls are not likely to be present or affected by the proposed development. However, the site does exhibit features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include woodland, hedgerows and breeding birds.

Much of the woodland cover which occurs on this site is plantation woodland which is likely to be of relatively limited ecological value. There is however an area of semi-natural broad leaved woodland located near to the River Coco. This is not shown as being retained on the submitted indicative master plans. The Councils Nature Conservation Officer has recommended that the indicative master plan for the site be amended to show the retention of this area of woodland. Given that this area is not proposed for development, it is considered that this could be secured through condition and retention secured at the reserved matters stage. The same would apply for the hedgerows to the North east and South eastern boundary of the proposed residential areas of the site.

With respect to breeding birds, the submitted ecological assessment concludes that the adverse impact of the development upon local bird species is not likely to be

significant. However, no recent breeding bird surveys appear to have been undertaken to inform this assessment. In light of this, the Nature Conservation Officer has advised that the adverse impact of the proposed development on breeding birds could be at least partially compensated for by the implementation a landscaping scheme for the site which uses appropriate native species and as such conditions could be imposed which require a further survey during the bird breeding season and the incorporation of features into the scheme for use by breeding birds.

A badger sett has been identified as being present on site. The submitted ecological statement concludes that it may be necessary to close the existing sett prior to the commencement of development and provides details of the location of a replacement artificial sett. At the request of the Council's Nature Conservation Officer, the applicant has submitted a detailed badger method statement. The method statement is acceptable and will satisfactorily address the adverse impacts of the proposed development on badgers. However, as the current application is for outline permission it is recommended that a further survey is carried out at the served matters stage. Subject to these being implemented, the requirements of PPS9 and the EC Habitats Directive are satisfied.

### **Impact on Residential Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise.

The indicative layout demonstrates that the site could be developed, without compromising the amenity of nearby residential properties. It should also be noted that the site would be developed at density of 30 dwellings per hectare and it is considered that this density would allow the development to be brought forward without impacting upon the residential amenity of future occupants in terms of overlooking, privacy, and daylight. As such the proposed density of development would allow distances in excess of those recommended in Supplementary Planning Guidance Note 2 to be achieved which could be dealt with at the reserved matters stage.

With regard to noise, a Noise Assessment has been submitted to support the application. The assessment recommends a series of mitigation measures to be carried out to reduce the impact of noise on the future occupants of the proposed dwellings, primarily from the adjacent Crewe to Manchester Railway Line and adjacent commercial and industrial uses. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing, acoustic ventilation and materials in the development to help minimise any noise impact. This is based on the indicative layout which could be subject to change at the detailed design stage. Notwithstanding this the provision, the extent of mitigation measures could be secured by condition. The Councils' Environmental Health Division is satisfied that the noise considerations identified could be dealt with by way of condition and in accordance with policy GR6 and PPG24.

## **Contaminated Land**

Owing to the previous land uses, parts of the site have been subjected to contamination and require remedial works. Detailed site investigation reports have been submitted with the application and these have been divided into 3 plots to reflect the differing ground conditions across the site.

Plot A, which is the residential development occupying the east of the site, is relatively unaffected by contamination and is likely to be developed in the first phase of the development. It is envisaged that Plot B, which is the limb of residential development that adjoins the eastern and western portions of the site (i.e. the centre section) will be remediated whilst Plot A is being built. The remediation of Plot C will follow.

The Council's Environmental Health department has reviewed the site investigation reports and have offered no objection, subject to further investigations.

## **Flooding and Drainage**

Part of the application site is located within Flood Zones 2 as shown on the Environment Agency Flood Map. However, this area represents a small parcel of land situated along the River Croco and no development is proposed on or within the vicinity of this land.

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding.

The site is largely located within Flood Zone 1 indicating that the site is not at risk from fluvial or tidal sources. The proposed development is in outline and as such the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1. Suitable mitigation and the siting of appropriate development can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of PPS 25. Data obtained from the SFRA also places the site at low risk of flooding from other sources.

In accordance with PPS 25 and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan along the River Croco.

## **Provision of Affordable Housing**

The proposed development will provide 69 affordable units (45 social rent and 24 for intermediate tenure) within the proposed 231. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of

which 65% should be social rented (with potential for affordable rent) and 35% should be intermediate tenure.

### **Impact on Education Capacity**

The proposed development is of a scale which has the potential to create greater demand on schools in the local area. The Education department has confirmed that there is sufficient capacity within local primary and secondary schools to accommodate the likely number of pupils generated. As such, no contribution has been requested.

### **Impact on Setting of Adjacent Listed Building**

Marsh Hall, a grade II listed residential property is situated towards the east of the site on the opposite side of Marsh Lane.

The owner of this property raised concerns with particular reference made to the impact that the proposed access off Marsh Lane would have on the setting of Marsh Hall. In response to this, the access has been moved towards the west as far as practicable to help minimise any impact whilst having regard to highway safety requirements. As amended, the position of the access would not be situated directly adjacent to the listed building and would achieve a distance of approximately 17 metres distance from the access. Marsh Hall's boundary along Marsh Lane is well screened and only glimpses of the listed building can be obtained. Consequently, the listed building would not be read in the context of the proposed access or the nearest part of the built development. The proposal would not detrimentally impact on the setting of the listed building. This view was supported by the Council's Conservation Officer during pre-application discussions.

### **Listing Status of Fisons Building (also referred to as 'Benger House')**

As previously stated, the site hosts an attractive art deco building occupying the London Road frontage of the site.

During initial pre-application discussions, there was concern regarding the potential loss of this building and consequently an application was made to English Heritage to list the building which is still under consideration. However, through subsequent discussions and negotiation, the proposed scheme to redevelop the site will involve retention of the front part and facade of the building and subject to an appropriate design and sympathetic conversion, the architectural fabric, detail and historic character of the building would be safeguarded and the proposal would bring the building back into viable use. Furthermore, the applicant has since submitted a comprehensive Heritage Assessment report produced by Peter de Figueiredo concluding that the building does not merit listing. In light of this, and given that the proposal seeks to retain and convert the building, it is not considered that granting outline approval would prejudice English Heritage's decision should they choose to list the building.

## 10. REASONS FOR APPROVAL

The proposal involves the redevelopment of a brownfield site within the settlement boundary, for residential use and commercial uses, which is considered to be acceptable in principle. Although the proposals would result in the loss of an existing employment site, the redevelopment involves a significant element of new employment generating uses on part of the former factory site. The scheme also has a number of other positive planning benefits, including the remediation of the site and the provision of local employment and removal of potentially heavy industrial uses. It will also assist in meeting the Council's 5 year housing land supply requirement and in the delivery of much needed affordable housing.

The indicative masterplan shows that the site could accommodate a scheme of acceptable design and appearance with suitable Public Open Space and within the scale parameters proposed which could be secured at the reserved matters stage. The impact on the local landscape would change as a result of the proposal due to the removal of a former screening bund and some planting, however, the proposed density and scale of development would not be as significant as the former buildings on site that the bund was designed to screen and the impact on the local landscape would not be significant.

With regard to the traffic generation from this site, the adverse impact on the traffic signal junction at the A50/A54 crossroads is to be mitigated by the provision of a new controller system not currently employed at this junction and this has been agreed with the Cheshire East traffic signal team. The development will provide accessibility options which include for: pedestrian, cycle, bus and rail modes of travel including new puffin crossing along Marsh Lane and other highway improvements which will improve connectivity with Holmes Chapel Village Centre.

The proposals are considered to be acceptable in terms of their impact on the adjacent listed Marsh Hall and the development is not anticipated to result in increased risk of off-site or on site flooding. The developer has offered to provide 30% affordable housing based on 65% social rented and 35% intermediate tenure, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. Any impacts on protected species and the residential amenity of future occupants could be adequately mitigated for and the subject to further investigations, the contamination on parts of the site could be remediated appropriately.

The proposal would provided for the retention of the existing Art Deco building at the front of the site (London Road) and would not undermine English Heritage's listing decision. The proposal complies with the relevant local plan policies and accordingly it is recommended for approval subject to a Section 106 agreement and appropriate conditions.

## 11. RECOMMENDATION

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

- 1. Affordable housing provision of 30% - to be provided on site. The housing is to be provided based on 65% social rented and 35% intermediate tenure, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements.**
  
- 2. The following contributions:-**
  - £25,000 for the provision of two bus stops on the A54 Marsh Lane.**
  - £15,000 for revisions to local traffic management orders.**
  - £10,000 for use by Cheshire East Council in producing additional traffic assessments related to local traffic issues and for the production and provision of local improvements to traffic management within the village highway infrastructure.**
  - £5,000 to fund monitoring of the Travel Plan in the first five years after the date of its commencement.**
  
- 3. Provision for public open space to serve the whole of the development to be agreed with the Council when details of layout are submitted for approval. This must secure the provision and future management of children's play areas and amenity greenspace in accordance with quantitative and qualitative standards contained in the Council's policy documents including the Congleton Borough Local Plan First Review SPG1 and its Interim Policy Note for the Provision of Public Open Space 2008. Submitted details must include the location, grading, drainage, layout, landscape, fencing, seeding and planting of the proposed public open space, transfer to and future maintenance by a private management company.**

**And the following conditions**

- 1. Standard outline**
- 2. Submission of reserved matters**
- 3. Approved Plans – location and zoning including retention of front part of former Fisons building**
- 4. Submission / approval / implementation of a scheme for phasing and timescales for development works**
- 5. Before any phase of development hereby permitted is commenced, full details of all reserved matters relating to that phase (layout, scale, external appearance of the buildings and the landscaping of the site) shall be submitted to and approved by the Local Planning Authority.**
- 6. The employment units hereby permitted as illustrated on the Illustrative Colour Site Masterplan 10080-PL-110 and labelled 'B1(c) light industrial/ B1(a) offices' shall be constructed for either office (B1a) or light industrial use (B1c) or as a combination of B1(a) offices and B1(c) light industrial, to be**

confirmed through the submission of reserved matters applications. The combined total floorspace for the identified employment units shall not exceed 5560m<sup>2</sup>

7. Notwithstanding detail shown – indicative masterplan to be amended to show retention/management of area of woodland by River Croco
8. Any reserved matters application to be supported by an up to date badger survey report
9. Any reserved matters application to be supported by an up to date survey for breeding birds
10. Further contaminated land investigations / mitigation pursuant to condition 5.
11. Reserved matters to be in accordance with scale parameters
12. Detailed design and specification plans for the MOVA upgrades to the A54/A50 traffic signal junction.
13. Provide and install the agreed upgrade to the A54/A50 traffic signal junction.
14. Detailed design and construction drawings for the two proposed access junctions, related carriageway widening and footway provision
15. Provide and construct all works related to the provision of the new site access junctions.
16. Provide detailed design and specification drawings for the PUFFIN crossing installation on the A54 Station Road.
17. Provide and construct all works related to the provision of the new PUFFIN crossing on the A54 Station Road.
18. Provide a system of street lighting on the A54 Marsh Lane along the site frontage.
19. Submit a schedule for, and provide all required adjustments and necessary changes to, the highway signing and lighting related to the off-site highway works.
20. Developer will agree a revised Travel Plan Framework with agreed targets in each of the first five years post development. The TPF will relate specifically to the employment and business dedicated uses within the proposal for each of the reserved matters
21. Submission of scheme for protecting the proposed dwellings from railway noise and vibration
22. Submission of a scheme for protecting housing from noise from all the commercial and industrial activities
23. Each reserved matters application for commercial activities to be accompanied by submission and approval of proposed hours of operation
24. Each reserved matters application for commercial activities to be accompanied by a noise impact assessment has been submitted to and approved by the Local Planning Authority. Any recommendations within the report shall be implemented prior to the development being brought into first use.
25. Prior to commencement of development of any commercial building scheme for the acoustic enclosure of any fans,

**compressors or other equipment with the potential to create noise, to be submitted**

- 26. Prior to commencement of development of any commercial building details of any external lighting shall be submitted to and approved**
- 27. Prior to commencement of development of any commercial building details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours**
- 28. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays**
- 29. Details of the method, timing and duration of any pile driving operations to be approved**
- 30. Details of the method, timing and duration of any floor floating operations connected with the construction of the development hereby approved to be approved**
- 31. Submission of scheme to limit the discharge of surface water from the proposed development such that it does not exceed the run-off from the existing site**
- 32. A scheme for the management of overland flow**
- 33. A scheme to dispose of foul and surface water**
- 34. scheme for the provision and management of a buffer zone alongside the watercourses**
- 35. Accordance with Landscape framework**
- 36. Retention of trees and hedgerows**
- 37. Submission of Arboricultural Impact Assessment**
- 38. Submission of Arboricultural Method Statement**
- 39. Submission of Comprehensive tree protection measures**

