

Application No: 12/0311C

Location: FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE

Proposal: Removal of Condition 40 of Approved Application 11/1682C - Relating to Details of Mini Roudabout

Applicant: Mr S Artiss, Bellway Homes Limited NW

Expiry Date: 17-Apr-2012

SUMMARY RECOMMENDATION

APPROVE

MAIN ISSUES

The key issues for Members to consider, is whether or not the requirement to provide a mini roundabout at the junction of Manor Lane with Station Road/Marsh Lane (condition number 40 of approval 11/1682C), is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

1. REFERRAL

The application has been referred to Strategic Planning Board, because it seeks to remove a condition that was imposed by the Board.

2. 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. They 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.

The part of the site which this application relates to specifically is the highway junction of Manor Lane with Station Road / Marsh Lane which is to the northeast of the site.

3. DETAILS OF PROPOSAL

At the Strategic Planning Board meeting of 17th August 2011, Members resolved to grant outline planning permission (ref; 11/1682C) with details of access 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.'

This application seeks to remove condition number 40 of the permission, which requires a mini roundabout to be provided at the junction where Station Road/Marsh Lane meets with Manor Lane.

3. RELEVANT PLANNING HISTORY

9th December 2011

APPROVED

11/1682C - 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.

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS5 Villages Inset in the Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR9 and GR10 Accessibility, servicing and provision of parking

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Highways

No Objection

Sustran

Do not feel able to comment as they do not have the information as to why the condition was imposed. However, Holmes Chapel suffers some traffic congestion and that travel planning / slowing traffic down / making walking and cycling more attractive have to be given consideration in planning and land use decisions.

6. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL

Object for the following reasons:

1. The provision of a mini roundabout at the junction of Manor Lane and Marsh Lane would ensure that traffic can flow freely in all directions. It is particularly important that traffic can flow freely out of Manor Lane and turn right and a roundabout would improve the situation.
2. Holmes Chapel has a problem of HGV traffic flowing through the village centre along Macclesfield Road. The alternative route along Manor Lane and then Station Road is a potential route to improve safety and avoid narrow passing points in the village centre.
3. The removal of the proposed roundabout would increase the difficulty of turning right from Manor Lane into Marsh Lane as the proposed filter lane will give cars going along Station Road a clear run. This is likely to create a greater accident risk due to poorer visibility for vehicles turning right out of Manor Lane.
4. The supporting statement from Croft Transport Solutions purports to show why a roundabout is not feasible. However this depends on where the centre of the 18.5m required circle is positioned. Moving the centre towards the development site would remove the constraint of requiring third party land.
5. As stated by SUSTRANS, Holmes Chapel has a traffic congestion problem and the proposal to eliminate the proposed roundabout will only make matters worse.
6. Any work on the road network in and around Holmes Chapel should be considered for its overall impact on the village. The provision of a roundabout would provide an improvement. The alternative solution of a filter lane along Marsh Lane would make matters worse and is considered unacceptable.
7. In summary, this junction presents problems already. Additional houses and a new road junction off Marsh Lane will make traffic conditions worse. If there are good grounds for not providing a roundabout, then some alternative suitable provision should be made and incorporated as a planning condition

VIEWS OF THE BRERETON PARISH COUNCIL

Object – the condition should be retained on grounds of highways safety

7. OTHER REPRESENTATIONS

Letters from 2 neighbouring properties, Marsh Hall and Bayley House, have been received objecting to this application on following grounds:

- The current access location is inappropriate in relation to adjacent listed Marsh Hall
- This proposal represents a logical alternative that would have the following benefits:
 - Controlling traffic from Manor Lane, London & Marsh Lane
 - Eliminate traffic build up & tail-back of traffic turning left out of Manor Lane
 - Would serve to slow traffic in all directions
 - Avoid the removal of bank screening near to Marsh Hall and retention of more planting
 - Would reduce impact on setting of grade II listed Marsh Hall
- High volumes of homes in relation to Marsh Hall

8. OFFICER APPRAISAL

Assessment

The principle of the development has already been accepted and it is not the purpose of this report to revisit the merits of the proposal. The key issues for members to consider, is whether or not condition number 40, is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects in accordance with para 206 of the National Planning Policy Framework (NPPF).

Condition number 40, states that:

“Prior to the first occupation of the residential development hereby permitted on plots A and B, details of a proposed mini roundabout to be located at the junction where Marsh Lane meets with Manor Lane has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the first phase of residential development.”

Previously, the new site access onto the A54 Marsh Lane was to serve the proposed development comprising of 231 residential units (plots A and B). Originally, it was proposed that this new junction would be a simple priority junction, supplemented by a ghost island, right turn lane system, extending to provide for the junction of Manor Lane with Station Road / Marsh Lane.

This right turn lane system was designed to assist with vehicle turning movements and ensure that right turning vehicles into either junction are removed from the through-flow of traffic on the major carriageway. This configuration was considered to be acceptable in the previous Transport Assessment and the Strategic Highways Manager concluded that this access would operate well within capacity and would not give rise to or exacerbate traffic or highway safety problems.

Nonetheless, Members were concerned about this proposed access and the junction of Manor Lane with Station Road/Marsh Lane. Members felt that the proposal would be better served by a mini roundabout and therefore condition number 40 was imposed.

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where safe provision is made for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The Strategic Highways Manager (SHM) has confirmed that there is no technical reason why the access junction strategy for this development proposal should be changed from that previously proposed. The developer has demonstrated that the original access proposals would serve the development appropriately.

Furthermore, the SHM has stated that the relevant guidance 'TD54/07' (Design Manual for Roads and Bridges – DfT document), does not allow the use of a mini-roundabout to serve new development and therefore the imposition of the condition does not meet with current advice.

Despite this, the developer's highway consultant has submitted a technical assessment demonstrating that the original junction proposal is satisfactory and that a roundabout of sufficient size would not be necessary or achievable.

In order to provide a suitably designed mini-roundabout capable of serving the traffic generated by the development, whilst managing all other categories of traffic (including HGVs), the roundabout would need to be of a size which requires two separate parcels of third party land beyond the control of the applicant. The applicant's Highways Consultant therefore states that the roundabout would not be able to be implemented and in any event, the originally proposed design would better serve technical requirements.

The Strategic Highways Manager has considered this evidence and concurs that the offered junction is satisfactory to serve the site and that a roundabout of sufficient scale to manage all types of traffic would not be necessary and would require third party land. This means that the provision of a mini-roundabout would be untenable and therefore it is not considered that the condition imposed is reasonable in all other respects.

On this basis, and given that the proposed junction offers a viable solution to serve the proposed development for plots A and B, the Strategic Highways Manager offers no objection to the removal of Condition 40. Consequently, the originally proposed access, junction design and highways considerations would accord with local plan policy GR9 and therefore the provision of a mini-roundabout would not be necessary or reasonable in all other respects.

10. REASONS FOR APPROVAL

The principle of the development has already been accepted.

The original proposal to serve plots A and B of the development (the residential elements) by a new site access onto the A54 Marsh Lane, with improvements to the junction of Manor

Lane with Station Road/Marsh Lane is acceptable in design terms and complies with relevant guidance and current local plan policy.

The provision of a min roundabout would not meet with current advice, and would require be required, achievable or deliverable as it would require 2 separate parcels of land which are outside the control of the applicant. As such, the imposition of condition number 40, is not necessary or reasonable in all other respects and does not therefore accord with the tests outlined in para 206 of the NPPF.

Condition number 40 should therefore be removed and this is supported by the Strategic Highways Manager.

Other Issues

Objectors have made reference to the impact that the previously agreed access would have on the setting of the adjacent grade II listed Marsh Hall. The access would be located in the same position, where as per the previous report, it is considered that the impact on the setting would not be significant and would not warrant a refusal. 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.

11. RECOMMENDATION

That Members resolve to remove condition number 40 of planning approval 11/1682C, subject to the conditions and the terms of the S106 legal agreement (formal deed of variation) previously agreed which are set out below:

a) APPROVE subject to completion of a 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.**

b) APPROVE subject to 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 5560m²**
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 and provision will be made for improvements to the cycle network linking London Road for the benefit of the whole development.
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

c) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

