

Application No: 15/2154C

Location: Former Fisons Site, LONDON ROAD, HOLMES CHAPEL

Proposal: Variation of Condition 13 with respect to permission 12/2217C; Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel

Applicant: Bellway Homes Limited

Expiry Date: 12-Aug-2015

SUMMARY

The proposal will allow the continued development of the site in a timely manner whilst allowing the required contaminated land remediation to be carried out. The variation of the condition will not affect the neighbouring amenity, trees, ecology, highways or heritage over and above the existing permission on the site and the proposed development is therefore considered to be sustainable development.

RECOMMENDATION

Approve subject to conditions

PROPOSAL

This application seeks permission for the Variation of Condition 13 (contaminated land) with respect to permission 12/2217C; Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel

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.

RELEVANT HISTORY

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Coprising 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 – Approved with conditions 9th December 2011

12/3148D - DISCHARGE OF CONDITIONS 4, 21, 38 AND 39 ON APPLICATION 11/1682C – approved 6th August 2012

12/2217C - Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel – Approved with conditions 3rd April 2013

13/4317C - Non-material amendment to application 12/2217C to change the affordable unit from plot 28 to plot 27 – Approved 10th October 2013

NATIONAL AND LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development
56-68. Requiring good design

Development Plan

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Congleton Local Plan

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
H5 Residential Development in Villages
H13 Affordable Housing and Low-cost Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG6 – Spatial Distribution of Development
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management

CONSULTATIONS

CEC Highways: No comments received at time of writing this report.

CEC Strategic Housing Manager: This does not relate to the affordable housing insofar as it does not change the amount, tenure or type.

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

- The applicant and his consultants have been working closely with this Section throughout the remedial works at this site and have discussed their proposals with us at length. We are fully supportive of the proposal to divide Plot B into Plot B1 and B2 and recommend the variation in condition as requested:

CONDITION:

Prior to any phase of the development commencing on Plot B (as shown on drawing '10080 (PL) 010A' under planning reference 11/1682C):

(a) Supplementary Phase II investigations for that phase shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).

(b) If the Phase II investigations indicate that remediation is necessary for that phase, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out for that phase.

(c) If remediation is required for the relevant phase, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the relevant phase of the development hereby approved.

An informative is also suggested.

Environment Agency - No objections to the proposed variation of conditions or the wording which has been suggested.

Natural England – No comment

Historic England – No comment

PARISH/TOWN COUNCIL

Brereton Parish Council - No comment

REPRESENTATIONS – None received at time of writing this report.

APPRAISAL

The key issues are:

- Impact of varying condition 13 (Contaminated Land)

Principle of Development

The principle of development has been established by the granting of outline planning 11/1682C and the reserved matters application 12/2217C. Therefore this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates solely to the variation of condition 13 (Contaminated Land).

Impact of varying condition 13

Condition 13 of Planning permission 12/2217C required that prior to development commencing on Plot B of the site as shown on drawing '10080 (PL) 010A' under planning reference 11/1682C a number of site investigations/remediation of any potential contamination of the site are required to be carried out prior to the commencement of development. Investigations and remediation of the site are being carried out as required by condition 13.

However the remediation and ground water is taking longer than initially anticipated and it is affecting the viability of the site. Therefore to ensure that the development does not stop, and to ensure the continued construction of affordable and market housing on the site, the applicant is seeking to divide the plot into two sections; Plot B1 and Plot B2; to allow part of the site (B1) to be developed out whilst the required remediation is being carried out on the other plot (B2).

The Environmental Health Officer has commented on the application and is satisfied that the variation of the condition is acceptable and would still meet the requirements of the original condition as varied.

CONCLUSIONS

Planning permission has already been given for residential development on this site.

The proposed variation of condition would not raise any amenity, design, highways, tree or ecology issues and therefore is considered to be acceptable.

RECOMMENDATIONS

That the application be approved subject to the outstanding conditions on 11/1682C and 12/2217C with the amended condition 13.

Approve subject to the following conditions;

1. **Standard**
2. **Approval for reserved matters relates only to Plots A & B (residential element of outline approval 11/1682C)**
3. **Approved / Amended Plans & Schemes**
4. **Landscaping to be submitted**
5. **Landscaping Implementation**
6. **Retention of trees and hedgerows**
7. **Submission of Arboricultural Impact Assessment**
8. **Submission of Arboricultural Method Statement**
9. **Submission of Comprehensive tree protection measures**
10. **Materials to be submitted including hard-landscaping and surfacing**
11. **Recommendations and mitigation within submitted Protected Species survey to be carried out**
12. **Breeding birds survey**
13. ***Prior to any phase of the development commencing on Plot B (as shown on drawing '10080 (PL) 010A' under planning reference 11/1682C):***
 - (a) Supplementary Phase II investigations for that phase shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).***

(b) If the Phase II investigations indicate that remediation is necessary for that phase, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out for that phase.

(c) If remediation is required for the relevant phase, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the relevant phase of the development hereby approved.

14. Detailed design and construction drawings for the proposed access junction, related carriageway widening and footway provision and mini roundabout. Delivered prior to first occupation

15. Submission of Environmental Management Plan

16. Submission of existing and proposed levels survey

17. Removal of Permitted Development Rights Classes A-E on selected plots

18. Removal of Permitted Development Rights for openings including obscured glazing requirement

19. A scheme for the storage of refuse bins to be submitted

20. No Ash trees to be planted on the mounding close to Marsh Lane

21. No construction parking to take place on Marsh Lane

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Officer (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

