

Application No: 17/5223C

Location: LAND OFF, BOOTH LANE, MOSTON, CHESHIRE

Proposal: Erection of a three storey 66 bed care home for the elderly.

Applicant: LNT Care Developments

Expiry Date: 30-Apr-2018

**CONCLUSION:**

The principle of development is considered to be acceptable and the site is located within the settlement boundary.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land).

The impact upon infrastructure would be neutral as the impact upon health would be mitigated through the provision of a contribution.

Details of the proposed landscaping would be secured via a condition and a condition will be imposed to secure a scheme of replacement tree planting within the grass verge.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The development would not have significant drainage/flood risk implications.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

Following negotiations and revisions to the design of the scheme the design implications and the impact upon built heritage would be acceptable.

The impact in terms of the Hazardous Substances Consents on the site will be dealt with under delegated powers.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works.

The site is largely brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

As a result the proposed development is considered to comply with the policies contained with the Cheshire East Local Plan Strategy, the Congleton Borough Local Plan and the emerging Moston Neighbourhood Plan.

**SUMMARY RECOMMENDATION:**

**DELEGATE to the Head of Planning (Regulation) to APPROVE subject to the removal of the HSE 'advise against' consultation response and the completion of a S106 Agreement and the imposition of planning conditions.**

**PROPOSAL**

This is a full application for the erection of a 66 bed care home for the elderly. The submitted plans show that the proposed development would be accessed via a long L-shaped access which would run though the adjacent industrial site to the north. The proposed building would be L-shaped in its form and would be three-storeys in height with the main access taken from within the site.

The home will be registered for both dementia care and general residential care, this allows the home to cater for the demand in the local area. If there are 66 people in need of dementia care then the home can provide for this. The building is designed to enable each floor to be divided into sections to allow for different needs to be met. The home can be divided to have one floor solely for dementia or general needs.

**SITE DESCRIPTION**

This outline application relates to approximately 0.46 of land and is situated 3.6km north west of Sandbach Town Centre, and is 4.5km south east of Middlewich.

The site is a former chemical works which has now been cleared and some remediation has taken place on this site. On the west, the site has a long frontage to the A533 (with a tree lined grass verge), and it is bound by the Sandbach to Middlewich railway line to the east. The site also lies adjacent to the Trent and Mersey Canal which is a designated Conservation Area. There is a retained industrial site to the north.

To the south of the site is a residential site which is under construction and includes the Grade II listed, Yew Tree Farm House, which dates from the 16<sup>th</sup> century, with 19<sup>th</sup> century additions.

**RELEVANT HISTORY:**

17/5070C – Outline planning permission (revisions to 9/2083C) in respect of zones 2, 5 and 6 to provide up to 122 residential units (C3) plus care home (C2) or 144 residential units, up to 2600sqm of commercial uses including retail (A1), restaurant/pub (A3/A4) plus offices (B1) with public open space and associated infrastructure – No decision made

17/5068C - Construction of an office building (Use Class B1), associated car parking, proposed access road and mitigation bund – No decision made

16/3465C - Non Material Amendment to approval 14/4212C - Approved 26<sup>th</sup> July 2016

15/3224C - Non-Material Amendment relating to 14/4212C – Approved 17<sup>th</sup> July 2015

14/4218C - Variation of conditions 6, 7, 25 and removal of condition 14 on application 09/2083C – Approved 27<sup>th</sup> February 2015

14/4212C - Detailed approval is now sought for access, appearance, landscaping, layout and scale in respect of the residential element of the scheme. The outline application 09/2083C was subject to an EIA therefore an Environmental Statement was submitted to the local authority as part of the outline submission – Approved 27<sup>th</sup> February 2015

09/2083C - The comprehensive redevelopment of the site for a mix of uses comprising of up to 375 residential units (Class C3); 12000sqm of office floorspace (Class B1); 3810sqm of general industrial (Class B2) and warehousing (Class B8) floorspace; 2600sqm of commercial uses incorporating pub (A4), hotel (C1), restaurant (A3), Health club (D2), retail (A1), car dealership (Sui-generis), fast food restaurant (A5) and offices (B1); retention and change of use of Yew Tree Farm complex for up to 920sqm of residential (Class C3) and non-residential (D1) uses; public open space together with access and associated infrastructure, with all matters reserved as set out in the application and described in drawings DMP6059/001 revision C and DMP6059/004 revision C – Approved 14<sup>th</sup> May 2014

## **POLICIES**

### **Cheshire East Local Plan Strategy**

PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SC4 – Residential Mix  
SC5 – Affordable Homes  
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 3 - Biodiversity and Geodiversity  
SE 6 – Green Infrastructure  
SE 7 – The Historic Environment  
SE 8 – Low Carbon Energy  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments

### **Congleton Borough Local Plan**

The relevant Saved Policies are: -

PS4 Towns  
NR4 Non-statutory sites  
GR6 Amenity and Health  
GR7 Amenity and Health  
GR9 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  
NR2 Statutory Habitats  
NR3 Habitats  
NR5 Habitats

### **Neighbourhood Plan**

The Moston Neighbourhood Plan is at Regulation 16 stage.

LD1 – Design and Landscape Setting  
LD2 – Dark Skies  
INF1 – Utilities  
INF2 – Broadband  
INF3 – Surface Water Management  
ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity  
ENV2 – Trees, Hedgerows and Watercourses  
LE2 – Non Rural Employment  
HER1 – Heritage

### **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  
18-22. Building a strong, competitive economy  
50. Wide choice of quality homes  
56-68. Requiring good design

### **Other Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
North West Sustainability Checklist

## CONSULTATIONS

**Health & Safety Executive:** Advise that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

**Canals and Rivers Trust:** On the revised application (17/5070C) the Trust set out its requirements in terms of upgrading access to the towpath and surfacing given the reliance on the canal network to provide a sustainable transport route for future residents.

The use of the towpath would be a more realistic option if the towpath surfacing and access improvements as previously requested for the wider consent are agreed. It is noted within the applicants travel plan that they are committed to promoting walking and cycling for staff and visitors to the site. The Trust would ask the Council to consider whether a contribution should be sought from this development towards the towpath surfacing and access improvements requested for the wider consent under reference 17/5070C in the vicinity of Lock 68.

The scale of the proposed building would not be insignificant and would be visible from the canal corridor, however this would be softened by the retention of the mature trees and vegetation adjacent to Booth Lane. The Trust would ask that these trees are protected during the development of the site and that any landscaping on the site looks to increase the stock of native trees and vegetation along this boundary.

**CEC Strategic Highways Manager:** No objection.

**CEC Education:** No comments received.

**United Utilities:** No objection subject to the imposition of planning conditions.

**CEC Strategic Housing Manager:** This application is for 66 x C2 classed dwellings. As such no Affordable housing is required to be provided.

**CEC Flood Risk Manager:** Condition suggested.

**Environmental Health:** Conditions suggested in relation to piling works, travel plan, electric vehicle infrastructure, dust control, remediation strategy, details of soil imported onto the site and further works in unexpected contamination is found on the site.

**Cheshire Brine Board:** As the site is located outside of the consultation area the Board would not normally make any comments. However there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

**CEC PROW:** Informative suggested.

**NHS England:** Contribution of £23,760 requested.

**Ansa Open Space:** The policy does not require POS provision for a care home as it concentrates on family dwellings. The addition of raised beds for growing foodstuffs would encourage social cohesion and will have benefits for both the mental and physical health of residents. The opportunities for green gyms should be explored as they can cater specifically for older adults.

## **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Moston Parish Council:** Support the application and make the following comments;

- Planning applications on the former Albion Lock Chemicals Works are a dilemma to Moston Parish Council as the site is quite clearly within the Moston Parish Boundary, well away from Sandbach but for the purposes of the local plan the site is included within the Sandbach settlement area
- The Parish Council are generally in favour of re-development on Brown Field Sites, however Moston is within the open countryside and the potential of around 500 houses (3 times the present number) plus the commercial use is something which concerns local residents.
- Moston PC understand that there will be a requirement for more care homes in the future and support this application which will hopefully provide employment for local residents
- The Parish Council support the Canal and Rivers Trust in seeking a contribution from this development towards surfacing the towpath and access improvements for the wider consent in the vicinity of Lock 68. The PC would encourage a landscaping scheme to increase the stock of native trees and vegetation along the boundary adjacent to Booth Lane to lessen the impact of the building from the lane and canal corridor

## **REPRESENTATIONS:**

No representations received.

## **APPRAISAL**

The site is a previously developed site which lies within the Settlement Boundary as defined by the Congleton Borough Local Plan. The site does not have any specific allocation as part of the Congleton Borough Local Plan or the CELP.

The site is an employment site although the former buildings have been cleared from the site and the site has an outline planning permission for employment/commercial development as part of application 09/2083C. This development would result in the loss of an existing employment site and as a result Policy EG3 of the CELP applies. Policy EG3 states that existing employment sites will be protected for employment use unless:

- Premises are causing significant nuisance or environmental problems that could not be mitigated; or
- The site is no longer suitable or viable for employment use; and
  - There is no potential for modernisation or alternate employment uses; and
  - No other occupiers can be found.

Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD1 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.

In this case the developer has submitted an employment land review for this site and this states that the site has been marketed since October 2014. This shows that enquiries have been received from four businesses requiring light industrial B1 (C) use. In terms of B2 and B8 uses the applicant has stated as follows;

- B2 or B8 will either will not pay the land value required; or
- The uses are not high quality, as required and set out by the Council in their pre-application response; or
- The job skills are low quality; or
- The number of jobs generated is low; or
- They are not compatible with the proposed high quality Brenntag offices, care home and roadside uses which are proposed; or
- A combination of some or all of these points

The supporting report identifies that none of the parties who have made an offer for the site have actually made an offer close to the underlying land value. Furthermore the applicant states that the base cost of the site before developers profit is taken into account means that the land owner would need to obtain a price in excess of the current land value. On this basis the report concludes that there is no realistic interest from B1 (c), B2 or B8 sectors either from occupiers or developers at the open market value of the site or a figure to reflect land value plus the loss of developers profit.

In terms of alternative uses the submitted report has stated that the land owner has already agreed terms with specialist care home provider (LNT Care Developments) to provide a 66 bed care home at the southern part of the site which would create 40-50 new jobs.

In this the Skills and Growth Company have been consulted as part of application (17/5070C) and have stated that the new additional jobs created through the alternative commercial uses are welcomed and no objection has been raised to this application.

In this case it is considered that the principle of this mixed use scheme would comply with Policy EG3 of the CELP.

### **Affordable Housing**

This application is for a C2 Care Home development, as such no Affordable housing is required.

### **Highways Implications**

The original outline application approved the construction of a mix of residential and commercial development, the residential element 375 dwellings is already under construction by Taylor Wimpey. The main change in this application is that some of the employment is being replaced by the proposed care home.

With regards to the traffic impact of this application, Care Homes have low traffic generations and are almost entirely made up from staff and visitor trips and as such there are no traffic impact concerns with this application. The information submitted indicates that there will be 42 employees in total and given the shift patterns 15 staff being on site at any one time.

There are 25 car parking spaces (increased from 18 as part of the original plans) proposed on the site and the applicant has indicated that operationally this is a sufficient number of parking spaces required on the site. The CEC parking standards for this use class recommends that 37 spaces are provided, clearly the 25 spaces is below the standards. However the Strategic Highways Manager has considered this application and has advised that the parking provision on this site is acceptable and on this basis there are no objections to the parking provision or traffic generation from this proposed development.

## **Amenity**

There are no existing residential properties in close proximity to this application site. However, it should be noted that the site to the south has planning permission for a residential development. The submitted plan shows that the proposed Care Home would have separation distance of 13.7m to the boundary, 25.7m to the rear elevations of the approved dwellings and 18.6m to the side elevation of the approved dwelling to the Booth Lane frontage. This is considered to be an acceptable relationship subject to the provision of additional tree planting to this boundary.

## Contaminated Land

Given the previous use of the site as a chemical works there is land contamination issues associated with this site. This issue was subject to discussions at the outline stage by the Strategic Planning Board at the meetings on 16<sup>th</sup> February 2011 (where it was deferred for among other things further information in relation to land contamination) and 20<sup>th</sup> April 2011 (where members resolved to approve the outline application).

As stated within the report to Strategic Planning Board on 20<sup>th</sup> April 2011 the remedial works including the Mercury Plant decontamination and the remediation of the waste sludge lagoon, have been completed in accordance with statutory regulatory approval. Both the Environment Agency and the Council's Contaminated Land Officer confirmed as part of the outline application that they are satisfied with the works that have been carried out to date.

As part of this application there have been lengthy discussions between the Councils Environmental Health Officer (also involving the Environment Agency) and the applicant. The Mercury Plant contamination is located away from the site of the proposed Care Home and the Environmental Health Officer has stated that land contamination does not represent a constraint to this development subject to the imposition of planning conditions.

## Disturbance during the construction phase of the development

In this case a condition in relation to piling works will be attached to any approval to protect residential amenities.

## Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with the NPPF and the Government's Air Quality Strategy.



This proposal is for the erection of a care home for the elderly. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Sandbach and Middlewich have Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse. Conditions in relation to a Travel Plan, electric vehicle infrastructure and dust control would help to mitigate the impact from this proposed development.

## **Trees and Hedgerows**

There are three existing trees located on the grass verge to Booth Lane. These trees are no exceptional specimens. However the Councils Tree Officer considers that trees T1 and T2 are worthy of higher grade than the grade C afforded in the tree survey. The layout would require the removal of trees T2 and T3. Should the development be approved it would be essential to secure new tree planting on the site and to afford retained tree T1 appropriate protection measures during the construction phase.

In addition to the losses identified above, the revised access proposals will impact on existing trees. An updated arboricultural report has not been provided with this application. However, a condition will be attached to require the developer to survey the trees within the grass verge and provide and implement a scheme of re-planting of tree (and removal if necessary) within the grass verge.

## **Landscape**

The principle of development of this former industrial site and adjacent green field land to the south was established under application 09/2083C. Residential development is now underway on the green field land. The remainder of the site has been cleared although some grassland, tree and scrub cover remains. On the Booth Lane frontage, in part outside the site edged red, there are hedgerows and prominent groups of mature trees which afford valuable screening to the existing industrial development.

Key landscape issues raised with the original application included the loss of green field land, the relationship to the Trent and Mersey Canal Conservation Area, the provision of suitable landscape buffers to the road and to adjacent industrial sites and to securing a landscape strategy and management plan for the whole site.

The proposed development would be prominent to view from Booth Lane and the Trent and Mersey Canal, with the three storey building appearing dominant within the street scene. No detailed landscape proposals have been provided however, existing underground services could restrict tree planting opportunities on the road frontage within the sited edged red.

A realigned pedestrian link from the Booth Lane bus stop and a route is indicated outside the site edged red, the original route remains within the site, terminating at the boundary. This could be addressed as part of a detailed hard and soft landscape scheme.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this’*

This is supported by the Cheshire East Design Guide SPD and Policy SE1 of the CELPS.

The design reflects the pre-submission discussions regarding the re-design of the 3 storey nursing home. The architectural buildings create a more interesting and distinctive building and better relate the development to its context and the relationship to the Trent and Mersey Canal conservation area and Lock 68 and associated Accommodation Bridge.

It is also important to secure the footpath connection to Booth Lane for the wider regeneration site and for this site. The proposed bus stop immediately outside the will be an important ‘lifeline’ for those residents wishing/able to use public transport.

In terms of landscaping on the frontage, there is scope to include more landscaping in the south western corner of the site without compromising views over the lock and bridge

Conditions will be required to control the detail and materiality of the building itself and the landscaping around the building and how this site positively addresses Booth Lane.

## **Built Heritage**

The site is located opposite the designated heritage assets of the Trent and Mersey Canal Conservation Area and Lock 68 and Accommodation Bridge, grade II listed. The development has the potential to adversely impact upon the setting of both.

The future treatment of this verge and many of the trees present is still uncertain however the highways department have confirmed that they will in principle accept a scheme of replacement planting provided that it does not impact upon the existing street lighting and road signage. It should be noted that the extant planning permission included the provision of commercial uses along the majority of the road frontage with a small element of office development to the frontage with the remaining office to the opposite part of the site. These uses would include buildings of a similar scale to the proposed Care Home with car parking areas. On this basis the proposed development would have less impact than the fall-back position which is the extant planning permission and is considered to be acceptable. From a design point of view the Councils Urban Designer has confirmed that he has no objection to the proposed development.

## **Ecology**

### Impact upon the SSSI

The application site lies in close proximity to the SSSI at Sandbach Flashes and in this case Natural England has confirmed that the SSSI does not represent a constraint in determining this application.

### Priority Habitat

The demolition of the building and clearance of this site and its subsequent neglect has resulted in this site beginning to naturally re-vegetate. Habitats of this type can amount to a Priority habitat known as 'Open Mosaic Habitats on previously developed land'.

The habitats present on this site meet the definition of this Priority Habitat and as such are a material consideration in the determination of this application. The habitats present on site would also meet the Local Wildlife Site selection criteria. The proposed development which would result in the loss of this habitat would have a significant adverse impact upon biodiversity.

CELPs policy SE3 which protects priority habitats is pertinent to the determination of this application as is Policy ENV1 of the MNP which identifies the site under Figures U and V as 'High Value' habitat and as an indicative wildlife corridor. In this case it should be noted that the site includes an extant planning permission for development and the policies of the MNP can only be given limited weight.

The submitted ecological assessment advises that 0.2ha of priority habitat would be lost as a result of the proposed development. The submitted ecological assessment proposes the use of native species in the landscaping of the proposed development as a means of compensating for the loss of priority habitat. This is unlikely to be sufficient to ensure there is no net loss of biodiversity as a result of the proposed development.

### Wintering and Breeding Birds

The initial submitted survey was undertaken in January when a notable number priority bird species were present on site.

A detailed breeding bird survey has now been undertaken. This survey recorded a number of priority/protected bird species including Lapwing and Little Ring Plover which are ground nesting birds associated with open habitats. Little Ringed Plover in particular is associated with post industrial sites. These species are a material consideration in the determination of this application.

The application site is of County value for nesting birds and in 2018 the application site may have been one of the most important sites in the County for Little Ringed Plover.

The proposed development would have an adverse impact upon ground nesting birds as a result of the direct loss of habitat and also the loss of openness and disturbance resulting from the access road associated with the proposed care home. Local Plan policy SE3 which protects priority species is pertinent to the determination of this application.

The Council's Ecologist advises that the risk of birds being disturbed during the construction phase could be minimised through conditions that limit the timing of works. This measure would not however compensate for the loss of habitat or the disturbance resulting from the operation of the access road and so there would remain an impact upon these species.

The Councils Ecologist recommended that an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology be undertaken.

An assessment of this type would both quantify the residual impacts of the development, including the loss of priority open mosaic habitats, and calculate in 'units' the level of additional compensation which would be required to 'offset' the impacts of the development to ensure that the development proposals achieve a no net loss of biodiversity and provide sufficient compensation to satisfy Local Plan Policy SE3 which requires all developments to aim to positively contribute to the enhancement of biodiversity.

In this case such an assessment has been undertaken and the mitigation (either in the form of land to be used elsewhere to provide compensatory habitat or in the form of a contribution) is currently under discussion with the applicant and an agreed approach will be confirmed as part of an update when taking into account the fall-back position on this site.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site entrance. This loss could be compensated via a planning condition to secure replacement planting details.

### Great Crested Newts

There is a pond present on the wider site. A full Great Crested Newt survey or detailed habitat suitability assessment has not been completed of this pond. However considering the distance between this pond and the ponds in the surrounding landscape and the presence of landscape features that would present at least a partial barrier to the movement of Great Crested Newts it is considered that Great Crested Newts are unlikely to be present on this site.

### Reptiles

The location of the site adjacent to the canal and the nature of the habitats that have developed on the site since the demolition of the former factory buildings mean that Grass Snakes may occur on the site on a transitory basis.

In order to minimise the risk of reptiles being harmed during the development of this site the submitted ecological assessment includes a number of 'reasonable avoidance measures'. These measures could be secured through the imposition of a planning condition.

### **Public Open Space**

Although policy does not require POS as it concentrates on family dwellings, Policy SC3 Health and Well-Being promotes developments to provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation. Any new POS should be well defined, flexible and purposeful.

The Councils POS Officer considers that the addition of raised beds encourages social cohesion, and will have benefits on both the mental and physical health of residents. If located in the correct area close to the kitchens it would be practical to use giving residents further purpose for attending the beds.

## **Health Infrastructure**

Ashfields Medical Centre covers 5 nursing homes in the local area, and visits are required by Medical professional between 1-2 times per week per home. Whilst the building is considered adequate, the increasing population will create pressure points within the practice. On this basis a contribution of £23,760 will be required to mitigate the impact of this development if the care home is developed.

## **Health and Safety**

The site includes a number of constraints due to the historical Hazardous Substance Consents (HSC's) associated with the previous uses of the site. These constraints have generated 'advise against' consultation responses from the Health and Safety Executive (HSE). These constraints are no longer considered to be applicable and the LPA has written to the Health and Safety Executive to state that it considers that the HSC's are automatically revoked in accordance with Section 17 of the Planning (Hazardous Substances) Act 1990. However until this has been confirmed by the HSE the 'advise against' consultation response remains in place. It is suggested that this matter is delegated to the Head of Planning (Regulation) to resolve.

## **PROW**

The site is adjacent to public footpath Moston No. 7 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way. An informative will be attached to the decision notice in relation to the PROW.

## **Flood Risk and Drainage**

The site covered by this Reserved Matters application is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare.

It is noted that the site is located on existing brownfield land and located within flood zone 1. Existing brownfield sites should aim to provide a 30% betterment in terms of surface water run off and a condition will be imposed to secure the drainage details prior to the commencement of development.

The Councils Flood Risk Manager, United Utilities and the Environment Agency have all been consulted as part of this application and have raised no objection to this application.

## **Lighting**

Policy LCDC2 (Dark Skies) of the Moston Neighbourhood Plan (MNP) states that *'Any future outdoor lighting systems should have a minimum impact on the environment, minimising light*

*pollution and adverse effects on wildlife. Schemes should reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the nighttime skies dark and reducing glare’.* In this case the development is within an exiting settlement boundary and adjacent to an existing employment site. As a result the issue of external lighting will be controlled through the imposition of a planning condition.

### **Impact upon Canal Infrastructure**

The site is in an isolated location and would be difficult to access without the use of the private motor vehicle. In this case the canal network opposite including the towpath offers an accessible pedestrian rote from the site north towards Middlewich and south towards Sandbach. The provision of sustainable forms of transport is supported within the CELPS.

Improvements to the canal towpath would improve the usage of this link from future occupants of the site and employees. The contribution towards the upgrade of the towpath will be dealt with as part of the application for the wider site.

### **Brine Board**

In line with the comments made by the Cheshire Brine Board an informative will be attached to the decision notice.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for NHS provision in Sandbach where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in the significant adverse impact on biodiversity. To help mitigate and replace the habitat which would be lost a contribution towards biodiversity offsetting will be required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

### **PLANNING BALANCE**

The principle of development is considered to be acceptable and the site is located within the settlement boundary.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land).

The impact upon infrastructure would be neutral as the impact upon health would be mitigated through the provision of a contribution.

Details of the proposed landscaping would be secured via a condition and a condition will be imposed to secure a scheme of replacement tree planting within the grass verge.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The development would not have significant drainage/flood risk implications.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

Following negotiations and revisions to the design of the scheme the design implications and the impact upon built heritage would be acceptable.

The impact in terms of the Hazardous Substances Consents on the site will be dealt with under delegated powers.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works.

The site is largely brownfield and in this case the redevelopment of the site would provide a number of economic benefits in the re-use of the site.

As a result the proposed development is considered to comply with the policies contained with the Cheshire East Local Plan Strategy, the Congleton Borough Local Plan and the emerging Moston Neighbourhood Plan.

## **RECOMMENDATION:**

**DELEGATE to the Head of Planning (Regulation) to APPROVE subject to the removal of the HSE ‘advise against’ consultation response and the completion of a S106 Agreement to secure the following;**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	£23,760 (Ashfields Medical Centre)	To be confirmed
<b>Biodiversity Off-Setting Contribution</b>	Exact sum to be confirmed	To be confirmed.

And the following conditions;

1. Standard time 3 years
2. Approved Plans
3. Contaminated Land – Remediation Strategy to be submitted and approved
4. Contaminated Land – Verification Report to be submitted and approved
5. Contaminated Land – Testing of soils imported onto the site
6. Contaminated Land – If contamination previously not identified is uncovered then works should stop and a scheme of remediation is to be submitted and approved
7. Piling Method Statement
8. Travel Plan to be submitted and approved
9. Electric Vehicle Infrastructure provision
10. Dust Control Measures to be submitted and approved
11. Survey the trees within the grass verge and provide and implement a scheme of re-planting of tree (and removal if necessary) within the grass verge.
12. Tree Protection measures to be submitted and approved
13. Landscaping to be submitted and approved and to include additional tree planting along the southern boundary of the site, replacement hedgerow planting and hard landscaping (including pedestrian links)
14. Landscaping implementation
15. Boundary treatment to be submitted and approved
16. Materials to be submitted and approved
17. Surfacing Materials to be submitted and approved
18. The proposed development to proceed in strict accordance with the measures detailed in paragraph 5.2.5 of the submitted Preliminary Ecological Appraisal prepared by enzygo
19. Drainage Strategy for the site to be submitted and approved
20. External Lighting to be submitted and approved

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

Should the application be the subject of an appeal agreement is given to enter into a S106 Agreement with the following Heads of Terms;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	£23,760 (Ashfields Medical Centre)	To be confirmed
<b>Biodiversity Off-Setting Contribution</b>	Exact sum to be confirmed	To be confirmed.



