

Application No: 22/2338C

Location: Land to the East and West of VIKING WAY, CONGLETON, CW12 1TT

Proposal: Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment.

Applicant: Clowes Developments (North West) Limited

Expiry Date: 20-Sep-2022

## **SUMMARY**

This application proposes creating a platform for development following outline approval for the site. Reserved matters for part of this site (the commercial element west of Viking Way) has been submitted and is also on this agenda, a standalone application for a large commercial unit east of Viking Way has been submitted, and the application for the retail element is anticipated shortly.

Although this is a full planning application that needs to be considered on its merits – as it is not tied to the outline approval, it has still been submitted so that it does accord with the parameters approved at outline, although the sequencing, especially that of the ecology and greenway works need to be closely examined.

Highways have no objections, and although no comments have been received from the PROW Team, the line of the greenway to the River Dane is unaffected by the proposals.

The Council's Ecologist has raised a number of issues, most significantly how this application impacts on the provision of the River Dane corridor improvements which would not be secured by this application as it does not form reserved matters under the outline approval, unless another mechanism is secured. This has been discussed with the applicant and Members will be updated on the agreed approach.

Landscape, Design and Tree comments have influenced a number of changes to the scheme and revised plans have been received that seek to address matters raised. Members will be updated on final comments on these issues but from discussions held, and initial plans received, it is considered that most matters have now been addressed.

The Council's Flood Risk team have raised a number of issues, which the applicant is seeking to address, however these matters could be conditioned if necessary.

Finally issues of amenity, and contaminated land can be addressed through conditions.

Whilst at the time of writing this report there a number of issues to resolve, from discussions it is hoped all significant issues can be resolved by Committee.

## **RECOMMENDATION**

**Approve with conditions**

## **SITE DESCRIPTION**

This application relates to a 12.65 ha site, bisected by Viking Way effectively forming two parcels east and west of the road. The whole site has the benefit of outline planning permission under reference 19/5596C, which also included a residential development that is subject to a reserved matters application reference 22/0670C recently approved by Members. The residential element forms the northern and eastern boundaries to the parcel of land on the eastern side of Viking Way.

The western parcel gently slopes down towards the River Dane which forms the western boundary, although there is a step down towards the western boundary marked by a mature hedgerow. To the south is the Airbags factory, whilst to the north is an area of agricultural land, subject to a current planning application for housing under reference 22/1930C. The site currently has the remaining parking compound for the Congleton Link Road in the south-eastern corner, with the rest of the site being used for agriculture. The western boundary adjoining the river is heavily wooded, and there is a hedgerow with some trees running north south across the site towards this western boundary as noted above.

The eastern parcel is relatively level adjoining Viking Way, but then rises towards the east with a distinct terraced “step”, and a steeper slope to the boundary where it meets the adjoining residential proposal which would sit on a plateau above this site. The land is in agricultural use, and there are some trees/hedgerows to the site boundaries, and in particular a small area of woodland to the south-eastern corner, outside the application site. To the south there is a very recent commercial development which was nearing completion at the time of the site visit. To the north is the site recently approved for residential development.

There are no public footpaths crossing the site and no listed buildings or conservation areas affecting this site.

## **PROPOSAL**

This full planning application proposes a range of enabling works in advance of reserved matters approval for commercial/retail development on the site. The application title reads:

“...the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment.”

In effect the development would create the platform for future development by levelling the main areas of the site, although it is important to state the areas nearest the river corridor are relatively unaffected except for some proposed earth mounding back from the river edge/footpath route, to create landscape features.

Taking each element:

- Site hoardings – This consists of painted timber hoardings 2.4m high along Viking Way and Heras Fencing 2m high around the remaining site boundaries (excluding an existing section where there is already suitable boundary treatment around the works compound).
- Tree removal – Two groups of “low quality” trees, together with one poor and one moderate quality tree are proposed.
- Cut and fill excavations – As set out above, this aims to create development platforms for the commercial and retail elements of the scheme on either side of Viking Way. The main “area of change”

is removal of material to the rear (east) of the site creating a steeper slope and some deposition to the west, but the extent of change in these areas is less significant.

- Watercourse realignment – This involves a relatively minor adjustment to a drainage ditch on the north-eastern boundary of the site to take it closer to the site boundary.

The application has been recently revised with more information submitted showing the level changes, SUDS, and showing less abrupt level changes at the edge of the development platforms.

## **RELEVANT PLANNING HISTORY**

### Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

### Relating specifically to the wider site:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure. LAND OFF, VIKING WAY, CONGLETON. APPROVED 2 Feb 2022

In addition are the following applications submitted to-date (excluding discharge of condition applications) for other parts of the site included within the outline area:

22/2350C Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C LAND TO THE WEST OF VIKING WAY, CONGLETON. Also on this agenda

22/3338C Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way. Land to the East of, VIKING WAY, CONGLETON.

To the north of the site on the western side of Viking Way is a recently approved application for residential development:

22/0670C Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline. Land East of VIKING WAY, CONGLETON. APPROVED by SPB October 2022

An application for residential development to the north is under consideration;

22/1930C The demolition of certain existing buildings and the erection of residential dwellings (Use Class C3) with access, car parking, landscaping, public open space and associated infrastructure. MOUNT PLEASANT FARM, GIANTSWOOD LANE, HULME WALFIELD

Finally, an application for the retail element (local centre) of the site is anticipated shortly.

## **POLICIES**

### **Cheshire East Local Plan Strategy – 2010-2030**

PG1 – Development Strategy  
PG6 – Open Countryside  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 – Developer Contributions  
SC1 – Leisure and recreation  
SC2 – Indoor and outdoor recreation  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 - Green Infrastructure  
SE 13 - Flood Risk and Water Management  
CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

### **Saved policies in the Congleton Local Plan**

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures
GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

### **Neighbourhood Plans:**

The Hulme Walfield and Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness  
ENV2 Trees and Hedgerows  
ENV3 Multi Use Routes

ECON1 – Rural Economy  
INF1 – Infrastructure

## **Emerging Cheshire East Site Allocations and Development Policies Document (“SADPD”)**

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector’s Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

GEN1 - Design principles, ENV1 -Ecological network, ENV2 - Ecological implementation, ENV3 - Landscape character, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, ENV17 - Protecting water resources, INF1 - Cycleways, bridleways and footpaths, INF3 - Highways safety and access, INF6 - Protection of existing and proposed infrastructure and INF9 – Utilities.

### **Other Material Considerations**

The National Planning Policy Framework  
National Planning Practice Guidance

### **CONSULTATIONS (External to Planning)**

**Environment Agency** – No objections, subject to a conditioning the Finished Floor Levels (FFL’s) of the development.

**CEC Head of Strategic Infrastructure:** No objections.

**CEC Environmental Health:** No objections, most matters were covered by comments on the outline application, but more detailed comments were received in relation to contaminated land.

**CEC Flood Risk Manager:** The LLFA have requested further information/clarity on a number of points. If this cannot be achieved intime for Committee this can be conditioned.

### **VIEWS OF THE TOWN/PARISH COUNCILS**

#### **Hulme Walfield and Somerford Booths Parish Council:**

The Parish Council requests that the site working hours stated in the Construction and Environmental Management Plan are revised to be 8am to 6pm on weekdays and 9am – 2pm on Saturdays and that this should include the start time for deliveries or the arrival of other contractors on site. This request is made in order to protect residents living close to the construction site.

## **Congleton Town Council:**

Support the comments made by Hulme Walfield and Somerford Booths P.C.

### **OTHER REPRESENTATIONS**

One local resident writes:

“Within the Construction and Environmental Management Plan the site start times are 7.30 am please can this be modified to 8.00 am as there are residents within a close proximity to the construction site and the sounds of vehicles and there reversing, plus loading and unloading creates noise pollution. The start time will also include any deliveries or other contactors on site.”

### **OFFICER APPRAISAL**

#### **Principal of Development**

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

“The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare);
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park;
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction;
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;
7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
8. Contributions to health and education infrastructure; and
9. The provision of land required in connection with the Congleton Link Road as set out \*(Reference is made to Figure 15.32 within the CELPS in the above criteria)

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation. Some of the requirements, for example the contribution to the Congleton Link road, are set out in the Section 106 agreement.

#### **Highway Implications**

The enabling works proposed includes the removal of 13,000 cubic metres of soil over a six week period. It is indicated that the daily number of daily HGV movements is 100 two-way and all movements will be from the north via the CLR.

It is not the preference for the two construction access points to be provided opposite one another on Viking Way due to the potential conflict in turning movements. However, this is a temporary situation with the number of turning movements using the accesses being low, in these circumstances the design can be accepted. Swept paths have been provided to indicate that construction vehicles can enter and exit the site using the proposed access design.

There are no highways objections to the application.

## **Landscape**

Commenting on the original submission, landscape cannot at this stage support the application as there is insufficient information to assess the landscape and visual impacts of the proposed development. As such, it does not currently comply with the following policies:

- CELPS Policy SE 4 – The Landscape
- CELPS Policy SE 5 – Trees, Hedgerows and Woodland.

To assess the application adequately, the following information is therefore required:

- Updated arboricultural information
- Landscape Scheme
- Updated Habitat Creation and Management Plan.

The site comprises agricultural land situated to the east and west of Viking Way and to the north of the Congleton settlement area. It is not covered by any national landscape designations. Locally, the land does not form part of the published landscape character data from the Cheshire East Landscape Character Assessment (LUC, 2018) or a Local Landscape Designation Area. The River Dane runs along the western boundary of the site.

As per the comments from CEC Forestry, the submitted Tree Survey and Retention & Removal Advice – Enabling Works contains several inconsistencies that require revision prior to determination. The application proposes the removal of alternative vegetation (ID nos. 60, 68, TG6 and TG7) to the outline planning application, which are deemed to be of comparable arboricultural value. This additional loss is unlikely to result in significant changes to the landscape (when considered in its entirety), although additional loss and disruption to existing surveyed features has not been accounted for. This includes the partial loss of two hedgerows (ID nos. H4 and H8) and two trees (ID nos. 59 and 73) listed as being retained. Furthermore, details on the mitigation measures for the retained vegetation, including the accompanying Tree Protection Plan, do not appear to have been submitted. Without this information, it is not possible to adequately determine the full landscape and visual impacts of the proposals.

As noted above, mitigation for the additional loss does not appear to have been accounted for within the application and it is unclear how this would be achieved. Given that this is a full planning application for a major development, a landscape scheme should be submitted as part of this application to adequately determine the full effects of the enabling works. This should be based on the final layout for this phase of works and include any required mitigation or reinstatement for any additional losses identified as part of the updates to the arboricultural information.

The Habitat Creation and Management Plan includes a landscape scheme, although this appears to be based on an older version of the scheme layout. This document should be updated to account for the

revised arboricultural information and the latest scheme for the proposed enabling works. Further recommendations for this document are listed below.

### Further recommendations

In addition to the above, a series of recommended comments/actions should also be considered prior to the submission of the final planning application in relation to the:

- Proposed Enabling Works Level and Sections
  - Construction and Environmental Management Plan
  - Habitat Creation and Management Plan
- 1.

These matters have been discussed with the applicant, and revised/additional plans have now been received, which it is anticipated will address the main concerns of the Landscape Officer. Members will be updated accordingly.

### Trees

This element of the wider application site which has Outline approval (19/5596C) does not presently benefit from any statutory protection. The application has been supported by a Tree Survey and Retention and Removal Advice – Enabling works.

The survey has identified a total of 5 individual and 2 groups of high quality A Category trees which include 2 veteran trees, 6 individual and 2 Woodlands of moderate quality B Category trees and 1 individual and 5 groups of low-quality C Category trees. The assessment has indicated that 1 individual moderate quality tree and 1 individual and 2 groups of low-quality trees would be removed to accommodate the proposal. The application contains levels details and the finished floor levels for the commercial floor space in addition to the route of a path around the periphery of the site.

There are no objections to the tree removals as proposed although the application appears to suggest that additional hedgerows will be lost in excess of what was originally anticipated at Outline. The submitted arboricultural information does not appraise or quantify the extent of hedgerow losses or adequately demonstrate that the losses will be mitigated for elsewhere. New hedgerow losses should be confirmed on plans with confirmation provided regards the additional loss of hedgerows arising from the changes in levels required to implement this enabling works proposal to ensure that this can be factored into future mitigation and landscaping of the site.

A Tree Protection Plan needs to be provided for evaluation prior to determination of this application. The plans indicate that the extended Natural England Buffer Zone is respected with regard to the 2 veteran trees T74 Ash and T58 Alder. Notwithstanding this the plans indicate that not insignificant levels changes occur to the periphery of the RPA's and provision to clearly define this as the construction exclusion zone throughout any construction period needs to be made. The plans submitted with regard to trees shows an area of blue cross hatching to the east of T74 and its unclear what this denotes and how the change in levels will be retained. Confirmation should be provided as to whether this will comprise of a gabion wall and how the graded swales will be maintained, installed to prevent slippage of spoil into the RPA (Root Protection Area) given that levels will be raised in height by up to 5 metres to the east of the tree.



It's noted that a footpath winds across the northern boundary of the site within the RPA's of A Category trees T72 and T73 and that lowering of levels is proposed of up to 300mm within the RPA of T73. The Report states that no material risks to retained trees have been identified. It's considered that the installation of any section of new hard standing within the RPA's should feature in a detailed method statement with areas where any special measures will be required clearly indicated on the Tree Protection Plan. In addition, provision to mitigate for the tree losses proposed should also feature on a supporting plan with this application.

The applicant has submitted revised information seeking to address these comments and Members will be updated on the Tree Officer's comments.

## **Design**

The Design Officer, again commenting on the original scheme, whilst appreciating this is a full application, strong regard must be had to the outline approval and design code approved as part of that. There is concern that this independent application for enabling works could undermine the objectives of the code, as discussed below.

Levels were a very sensitive matter during the outline application, because of landscape and design concern regarding the degree of change to topography and consequent landscape but also because of how the development would sit appropriately in the wider landscape. This led to production of a number of cross sections to reassure about prospective levels changes and to help define specific max height parameters for buildings (p 81) with associated description in the design code.

### Proposed levels and associated ground works on the eastern edge of the site

There are considerable levels changes on the eastern edge of the site between the eastern commercial parcel and the central landscape spine. The drawings indicate a sheet pile retaining wall in the SE corner with a maximum height on the eastern edge at 3.5 metres and substantive levels changes to the embankment to the east of the eastern commercial zone, diminishing slightly further north. Whilst levels changes were anticipated, this doesn't seem like a very sympathetic approach given the entire premise was to work as much as possible with the site's natural characteristics and build upon those. This area is going to feel very engineered and is reliant on the land to the east to act as a buffer and backdrop. How will the retaining wall and embankments affect future landscaping and delivery of the Carrs landscape envisioned for this part of the site by the Masterplan and design code at outline.

The scheme also proposes realignment of a ditch in the NE corner, but again it is difficult to gauge how this affects the landscaping and footpath on the adjacent housing site. Are the proposals being properly co-ordinated so there is a seamless approach?

### Levels change to Viking Way frontage

The site is being raised by between 2 and 2.5 metres on the frontage with Viking Way. This will potentially add a significant amount to the perceived height of buildings from Viking Way. This could be the difference between a building either integrating with or being damaging to the wider landscape. Additionally, what does this mean in terms of securing SuDS ponds/swales to the frontage of the eastern commercial/local centre part of the site? The required SuDS are not shown on the cross sections and the levels changes seem to preclude them, therefore this part of the landscape strategy could be completely altered by this independent application. These features are not optional: they are an integral

part of the place making for the wider development and characterisation of the Viking Way corridor to help to create a green entrance along Viking Way and into the town. This approach to characterising through blue infrastructure is being employed on the other parts of the wider Local Plan allocation and therefore the integrity of this approach is at risk by this proposal.

### Levels change to the south western corner of the site

This part of the site is considered very sensitive given the relationship to the River Dane and so, albeit levels changes here are no more pronounced (circa 2 metres at the western edge), then that degree of change could be problematic given the maximum height parameter for buildings approved at outline on this part of the site. The platform also seems to be extending further west than the extent indicated in parameter and regulating plans for the outline, resulting in a contrived semi-circular embankment to avoid the RPA of the feature tree in the proposed Dane buffer area and presumably the potential for a building to encroach closer to the river than was envisaged? Cross section A-A also refers to potential SuDs in the developable zone of this part of the site, which was never really envisaged at outline.

As set out in the Landscape Section above, following discussions, revised plans have now been received which are considered to largely address the concerns, but Members will be updated on the Design Officers revised comments.

### **Ecology**

Whilst there is an outline consent at this site (19/5596C), this application for enabling works is not a reserved matters application. Therefore, it must be ensured that this application does not prejudice compliance with the conditions attached to the outline consent.

The outline consent included the delivery of habitat creation and landscape works within the River Dane Corridor. Condition 3 (below) requires the submission of a phasing plan including the delivery of works in the river corridor. The delivery of the habitat creation works as detailed in condition 3 is an essential element of the outline scheme.

A number of conditions were attached to the outline consent relating to nature conservation matters. The submitted application has made some attempts to comply with these conditions.

### Condition 3

*The 1st reserved matters application submitted pursuant to this outline consent shall be supported by Phasing Plan showing the phasing of the entire development. The Phasing Plan shall secure the delivery of habitat creation/ecological mitigation throughout the River Dane corridor which shall be provided in accordance with a timetable, first agreed in writing by the Local Planning Authority. The use of the term 'phase' in these conditions refers to the phases of development shown on the approved phasing plan. Thereafter, development shall be carried out in accordance with the approved phasing plan.*

As previously mentioned, this application is not a reserved matters application therefore this condition does not strictly apply to this application.

As this application is not the 1<sup>st</sup> reserved matters application and so subject to condition 3, there is a risk that the enabling works could commence on site without the habitat creation works in the River Dane Corridor being triggered.

A number of applications are currently under consideration by the Council. Application 22/0670c (Bloor Homes), did not include any proposals for the delivery of the River Dane Corridor Works, but instead stated that these would be delivered at the same time as the retail and commercial phases. Application 22/2350C (Clowes Development – reserved matters) does refer to the delivery of the River Dane corridor but states these would be delivered under Phase 3.

It is therefore not clear which application would be considered to be the 1<sup>st</sup> reserved matters application for the purpose of condition 3. Importantly, it is uncertain as to which application is required to provide the required phasing plan and importantly to deliver the habitat creation works in the River Dane corridor.

The Habitat Creation and Management Plan submitted with this application does include a phasing plan. Also the submitted ecological supporting letter states that the delivery of the River Dane Corridor habitat creation works would be in tandem with site clearance works.

There is an option for the delivery of the River Dane works to be secured as part of this enabling works application by means of a condition.

This issue must however be resolved prior to the grant of any further application at this site. And a common approach must be detailed with each application.

A number of bunds are proposed within the River Dane corridor. It is suggested that a view from Landscape on the acceptability of these is sought.

#### Condition 7 and 13

*Reserved matters to be supported by habitat creation method statement and 30 year management plan and ecological monitoring.*

Whilst this application is not a reserved matters application, a scheme as required by this condition has been submitted. The submitted Habitat Creation method statement and Management plan includes a detailed landscape plan provided as an appendix.

The detailed landscape plans show areas of ‘species rich grassland’ and ‘Proposed Wildflower Meadow’ it is unclear what the distinction between these two landscape treatments is. Confirmation of this point is required, or the landscape plans should be amended to show a single landscape treatment for enhanced grassland habitats.

The outline scheme is dependent upon habitat enhancements being delivered within the additional blue line land to achieve biodiversity net gain. No details have been provided for this additional area. It is advised that detailed landscape proposals, reflecting the BNG calculations, must be provided for this area. These must be submitted with whichever application delivers the River Dane corridor works.

#### Condition 8

*Any Reserved Matters Application involving the installation of the surface water outfall into the River Dane shall be supported by an updated Otter and Water Vole Survey. The survey shall be carried out by a suitably qualified person. Development shall be carried out in accordance with the approved detail.*

An updated water vole and otter survey has been submitted as required by this condition. The submitted survey report refers to the delivery of an outfall as part of the enabling works application, but no details of the proposed outfall appear to have been submitted.

Confirmation of the location of the outfall and an assessment of its hydro-morphological impacts on the River Dane are specific requirements of condition 12 of the outline consent. Confirmation of this point is therefore required.

#### Condition 9 Updated badger survey

An updated badger survey has been submitted as required by this condition. No badger setts were identified on site. Badgers are however active on site and the proposed development will result in the loss of suitable badger foraging habitat which would result in a localised adverse impact upon this species. If planning consent is granted, it is recommended that a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

#### Condition 10 A scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The proposed enabling works will result in the loss of a length of hedgerow from the sites interior and also a greater loss from the hedgerow associated with the hedgerow in the south-western corner of the site than was anticipated at the time the outline consent was determined. Hedgerow planting is proposed within the River Dane corridor, but that is not at present secured by this application.

Details of the extent of hedgerow lost to the enabling works and the length of new native species hedgerows proposed must be provided as part of the application.

#### Submitted plans

The submitted plans do not show what if any enabling works are proposed for the south-western corner of the development as the submitted plan appears to 'cut off' this part of the site. Confirmation is required as to what works are proposed in this part of the site.

#### River Dane (Radnor Bridge to Congleton Local Wildlife Site (LWS))

This LWS is located on the western boundary of this site. An acceptable buffer between the development and the LWS was shown on the parameters plan associated with the outline consent.

If planning consent is granted it is recommended that a condition be attached that requires the submission of a method statement for the safeguarding of the LWS, including the fencing off of a no-go area during the construction phase.

#### Bats

A number of trees were identified at the outline stage as offering potential to support roosting bats. Based upon the submitted tree reports it appears likely that one of these trees would be removed. This tree is identified as T59 on the submitted tree survey and T2 by the ecological assessment submitted with the outline application.

It is advised that confirmation is required as to whether any trees with bat roost potential are to be removed as part of the proposed development, and if so detailed bat surveys of the trees will be required prior to determination.

A number of conditions are recommended, including one to ensure that the required enhancement works to the river corridor are carried out at the commencement of this development, as it would not be covered by the outline.

As above, revised information has been submitted which will hopefully address these outstanding matters, and Members will be updated accordingly.

## **Amenity**

There are no residential properties on or immediately adjacent to the site, and the nearest properties are a farm complex of dwellings off the fishing club access, referred to as Home Farm/Sandylane Mews on the plateau above.

In line with comments from the Parish Council, a local resident and Environmental Health the working hours should be restricted by condition.

## **Contaminated Land**

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

- The application is for enabling works, including cut and fill and a watercourse diversion.
- A Phase I Preliminary Risk Assessment (Report Ref: 166-19-087-11, ASL, August 2019) has been submitted for our review.
  - o The Phase I report assesses a larger area than that of this planning application. Areas 5, 6 and 8 within the report are relevant to this application.
  - o The report identified a number of contaminant linkages, but these were for the wider site and the contaminant linkages pertaining to Areas 5, 6 and 8 were not specified.
- A geo-environmental report has been submitted in support of the planning application (Report Ref: PJSG20-27-R01, PJS Geotechnical Engineers Ltd., 4 August 2020).
  - o The submitted report presents a desk based review of available information and a Conceptual Model for the site.
  - o A ground investigation was undertaken to confirm the Conceptual Model.
  - o Made ground was encountered at three exploratory hole locations, however only one sample of made ground was analysed (WS104 at 1m bgl). If this material is planned to be moved within the site or off site as part of the works, further sampling may be required so the material can be characterised appropriately and a suitable destination can be determined.
  - o The current plans show the western area to be predominantly subject to filling works (with the exception of some areas). The impacts of the gassing regime should be considered as a result of the proposals to place material on this area.
  - o Further investigation works are proposed, these should be undertaken and submitted in support of (a) future planning application(s) for the site.
- An intrusive ground investigation report was also submitted for our review (Report Ref: MJH/J2026/D1/1, Construction Design Solutions, June 2022).
  - o The investigation was predominantly undertaken for geotechnical purposes, however some land contamination information was gathered from an area which was inaccessible at the time of the previous investigation.
  - o The samples recovered from this area did not reveal any significant contamination.

- Soils are proposed to be excavated and re-used within the planning application boundary. The Environment Agency should be contacted for further advice with regards to any exemptions required for this work
- Should any adverse ground conditions be encountered during the excavation works, all work in that area should cease and this section be contacted for advice.

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, the contaminated land team recommends a number of conditions, reasons and notes that should be attached should planning permission be granted.

## **Flood Risk/Drainage**

The LLFA, commenting on the submitted Flood Risk Assessment and Drainage Strategy have a number of matters they think the applicant needs to clarify:

- 1) There is additional land drainage/ordinary watercourse in proximity to the proposed development and surface water drainage infrastructure which has not been accounted for within the FRA or drainage strategy submitted. It is important that this ordinary watercourse is surveyed to establish its exact route and capacity prior to approval as this may impact the proposed development layout forming this current application (22/3338C).
- 2) Has any long-term groundwater monitoring been undertaken to determine the appropriate depth of swale/basins and whether any proposed dewatering would have an impact on Westlow Mere? If not, then this will require a groundwater monitoring condition to be attached to this current application.
- 3) A formal land drainage consent application to the LLFA for the proposed ordinary watercourse diversion works described within the proposals is required.
- 4) If the swales are to be designed as permanently wet drainage features, then the permanent water level must be factored into the storm water design calculations to ensure there is adequate capacity and freeboard allowance.
- 5) Some elements of the drainage layout are missing.
- 6) Cross sections of the proposed attenuation tank are required, as no construction details have been submitted. Additionally, given the varying water table levels across site, flotation forces need to be considered within the structural design.

They note that no surface water discharge on this phase should commence until the required downstream hydrobrake has been constructed, and the developer will need to apply for a land drainage consent application under Land Drainage Act 1991 prior to any connection.

- 7) A SUDs maintenance plan should to be submitted for the proposed surface water drainage strategy.

If this information cannot be provided as part of this application, then the LLFA would advise that conditions relating to groundwater monitoring scheme and dewatering operations, and an overall detailed strategy / design limiting the surface water runoff generated by the proposed development, associated

management / maintenance plan and managing overland flow routes for the site, are attached to the decision notice please.

### **Implementation of Ecology and Landscape mitigation**

As discussed above, there was a concern that should this application be approved, and implemented, but the subsequent Reserved Matters application(s) are not, then the required mitigation may not take place. This is particularly important for the River Dane corridor works. The applicant however has now submitted this information in connection with this application so it can be conditioned accordingly.

### **CONCLUSIONS**

This application proposes creating a development platform for development following outline approval for the site. Reserved matters for part of this site (the commercial element west of Viking Way) has been submitted and is also on this agenda, a standalone application for a large commercial unit east of Viking Way has been submitted, and the application for the retail element is anticipated shortly.

Although this is a full planning application that needs to be considered on its merits – as it is not tied to the outline approval, it has still been submitted so that it does accord with the parameters approved at outline, although the sequencing, especially that of the ecology and greenway works need to be closely examined.

Highways have no objections, and although no comments have been received from the PROW Team, the line of the greenway to the River Dane is unaffected by the proposals.

The Council's Ecologist has raised a number of issues, most significantly how this application impacts on the provision of the River Dane corridor improvements which would not be secured by this application as it does not form reserved matters under the outline approval, unless another mechanism is secured. This has been discussed with the applicant and Members will be updated on the agreed approach.

Landscape, Design and Tree comments have influenced a number of changes to the scheme and revised plans have been received that seek to address matters raised. Members will be updated on final comments on these issues but from discussions held, and initial plans received, it is considered that most matters have now been addressed.

The Council's Flood Risk team have raised a number of issues, which the applicant is seeking to address, however these matters could be conditioned if necessary.

Finally issues of amenity, and contaminated land can be addressed through conditions.

Whilst at the time of writing this report there a number of issues to resolve, from discussions it is hoped all significant issues can be resolved by Committee.

## **RECOMMENDATION**

**Approve subject to the following conditions;**

- 1. Standard 3 year consent**
- 1. Approved plans**
- 2. Tree retention**
- 3. Tree Protection**
- 4. Arboricultural method statement**
- 5. Levels survey – Trees**
- 6. Safeguarding nesting birds**
- 7. Updated badger survey prior to commencement of development.**
- 8. Updated otter and water vole survey to be undertaken prior to installation of outfall onto River Dane.**
- 9. Detailed designs of the ponds.**
- 10. Condition to secure implementation of the habitat creation method statement and habitat management plan. Including a time-table and trigger for commencement and completion of works within the River Dane Corridor.**
- 11. Submission of method statement for the safeguarding of the River Dane LWS during the construction phase.**
- 12. Contaminated Land – unexpected findings**
- 13. Construction & Environmental Management Plan to include hours of working**
- 14. Drainage - groundwater monitoring scheme and dewatering operations**
- 15. Submission of an overall detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing overland flow routes for the site.**
- 16. Implementation/maintenance of Landscaping**

**Informatives;**

- Water Course & Bylaw 10**
- EP Standard informs**

**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 Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.**



