

Strategic Planning Board

Updates

Date: Wednesday, 14th December, 2016
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the Board agenda.

11. **Planning Updates** (Pages 3 - 18)

Please contact Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies, requests for further
information or to arrange to speak at the meeting

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APPLICATION NO: 16/4601N

LOCATION: Kingsley Fields, land to the north of Waterlode, Nantwich

PROPOSAL: Reserved Matters for residential development of 1000 dwellings and infrastructure

CONSULTATIONS

Environmental Health – No objections subject to provision of electric vehicle charging infrastructure

Public Rights of Way - Confirm concerns relating to the proposed alignments of the Public Footpaths on the site have been addressed. Request a revised PROW layout plan is provided with the revised alignments shown. Further clarification still required on which of the surface and width specifications is to be applied to which section of Footpath. The proposed path along the western side of the site within the red line boundary, as shown on the outline plans, would offer additional circular route options for new and existing residents.

Housing Strategy & Needs Manager - The affordable housing scheme does not include a breakdown of the bedrooms and sizes of the units for each developer. Appears to be too many 2-bed apartments, which makes it an unacceptable proposal for Registered Providers.

APPLICANTS SUBMISSION

Further details have been provided by the applicant in order to address the matters outstanding in the original report.

KEY ISSUES

Character and appearance

The applicants have noted that the provision of bin stores is the subject of condition 8 of the outline permission (outline decision notice for 13/2471N attached at the end of this update report), which it is. However, no mention is made anywhere relating to other required outdoor storage (cycles, etc). In addition, the DPD specifically states that it takes account of Building for Life 12, and includes an assessment against this standard, but also includes an incorrect reference to outdoor storage, which needs to be corrected before the document can be approved and used for future reserved matters applications.

Landscape

Additional landscape plans have been submitted and at the time of writing are still being considered the landscape officer and further details will be reported as a verbal update. However, it is evident that landscape conditions will be required, at the very least, for the Redrow parcels of land as this information has not been provided. Appropriate conditions are therefore recommended.

Trees

An amended Arboricultural Impact Assessment has been submitted, and comments from the Arboricultural Officer are awaited and will be reported as a verbal update, along with any relevant conditions.

Highways

Confirmation from the Strategic Infrastructure Manager is awaited on whether the proposed materials for the spine road are acceptable to them. The applicants have clarified that a bus stop is to be provided within the Reaseheath Cross District Centre (as stated within the DPD Addendum Report for the District Centre). They are seeking to confirm the precise location of the bus stop at a later date.

Public Rights of Way

The additional information which has been submitted has addressed the majority of the issues raised by rights of way officers in the original report. However, it is still considered that the proposed footpath along the western bank of the river does not provide the whole route indicated at the outline stage and does not satisfy the aspirations for a riverside walk in the emerging local plan.

Affordable Housing

As noted in the comments from Housing, the affordable housing scheme still does not include a breakdown of the bedrooms and sizes of the units for each developer, which is required to be submitted no later than the reserved matters application. In addition, no information has been provided to explain how the proposed design of the affordable housing units will be materially indistinguishable from the open market units of similar size. Feedback from Registered Providers indicates that there appears to be too many 2-bed apartments, which is preventing them making any offers on the proposed affordable units.

Public Open Space

Comments from ANSA on the additional information are awaited and will be reported as a verbal update. Notwithstanding the comments from ANSA, it is still unclear what the construction programme for the Public Open Space is and what the proposals are for the adult outdoor gym, and other linear green routes, play areas and general informal recreational areas.

CONCLUSIONS

As in the original report, and in light of the additional information that has been received, a number of these matters are still ongoing and it is hoped that a final positive resolution will be achieved prior to the Committee meeting. Consequently, the application is still recommended for approval subject to the above matters being brought to a satisfactory conclusion and the following additional conditions:

1. Submission of landscape scheme
2. Implementation of landscape scheme

HEADS OF TERMS FOR S106 ATTACHED TO OUTLINE PERMISSION

- Education contributions of £2,277,721 for primary provision and £1,078,618 for secondary provision
- 20% affordable housing provision
- 25% of the affordable rented dwellings to be built to meet Lifetime Homes standards.
- 2 of the rented affordable dwellings to be specifically for key workers
- Financial contribution of £4,168,145 for highways improvements (including improvements to Burford roundabout, Alvaston roundabout, Peacock roundabout, Windmill junction, and Acton Village.
- Provision of open space and management arrangements
- Financial contribution of £20,000 for air quality mitigation (Hospital Street)
- Financial contribution of £700,000 for infrastructure / public realm improvements

OUTLINE PERMISSION DECISION NOTICE

Tim Partridge,
RPS Planning & Development
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Quinton Business Park
Birmingham
B32 1AF

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

email: planning@cheshireeast.gov.uk

DECISION NOTICE
Subject to s106 agreement

Application No: **13/2471N**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Outline application for residential development of up to 1,100 dwellings, up to 1.82ha of Class B1 Business Use, a potential Primary School, community facilities and local centre (Use Classes A1, A2, A3, B1 and D1), allotments, recreational open space and associated landscaping, highways, access roads, cycleways, footways and drainage infrastructure

Location

Land at Kingsley Fields, North West of Nantwich, Henhull, Cheshire

for **North West Nantwich Consortium**

In pursuance of its powers under the above Act, the Council hereby GRANTS outline planning permission for the above development referred to in the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. Details of the access (other than principal means of access approved by this permission), appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved by in writing by the Local Planning Authority for each phase before any development is commenced on that phase and the development shall be carried out in accordance with the approved details in respect of that phase.

Reason: This is an outline planning permission with these matters reserved for subsequent consideration.

2. Application(s) for approval of reserved matters for Phase 1 of the development shall be made within three years of the date of this permission and for the remainder of the development hereby permitted within 10 years of the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall be carried out:

- a) In general accordance with the following parameter plans and details:
- Concept masterplan, numbered 500_003 Rev.O,
 - Access and movement parameter plan, numbered 500_010 Rev.A
 - Building heights parameter plan, numbered 500_009
 - Density plan, numbered 500_008
 - Land use parameter plan, numbered 500_007
 - Design and Access Statement (ref: JBR2151 500-doc01 Final,)

All received by the local planning authority on 18 June 2013.

- b) In complete accordance with the following drawings:

- Northern site access roundabout A51, numbered JNY7835-007
- A534 Waterlode Southern Access, numbered JNY7835-006 Rev.A

Both received by the local planning authority on 18 June 2013, and

- Location plan, numbered 500-014 Rev 3 received by the local planning authority on 17 November 2015.

Reason: This is an outline planning permission and compliance with the parameters is required to provide certainty and ensure the impact of the development on planning interests is acceptable, and for the avoidance of doubt and to specify the plans to which the permission / consent.

5. The hours of construction (and associated deliveries to the site) of the development hereby approved shall be restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1400 hours on Saturday. Any Sunday / Public Holiday work will need to be first agreed in writing with the Local Planning Authority, together with details of neighbour notification carried out advising of this work. There shall be no work at any other time except in emergency or with the prior written approval of the local planning authority.

Reason: To protect the amenities of nearby residents and occupiers.

6. Prior to the commencement of development details of the phasing of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety to minimise disruption to vehicular traffic/pedestrian routes, to protect the residential amenity of local residents, and to ensure the provision of a mixed use, sustainable development.

7. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted as part of the applications for the approval of reserved matters for each phase.

Reason: To ensure that any change in ground level is acceptable given the nature of the site and adjoining uses

8. Prior to the commencement of development on any phase of the development hereby permitted, details of the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the refuse facilities shall be provided prior to the first occupation of the properties to which they relate, and shall be permanently retained thereafter.

Reason: To ensure appropriate refuse provision in the interests of amenity and the character of the area.

9. Prior to the commencement of development on any phase of the development an Environmental Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. For each phase, the plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of:

- Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- Waste Management: There shall be no burning of materials on site during demolition / construction
- Dust generation caused by construction activities and proposed mitigation methodology.

The approved Environmental Management Plan shall be implemented and in force during the construction phase of the development.

Reason: To reduce the impacts of dust and disturbance from the site on the

local environment.

10. Prior to the commencement of work on any phase a method statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park.
Reason: In the interests of highway safety, to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents.
11. The reserved matters application(s) shall include details of the location, height, design, and luminance of any external lighting for each phase. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting in respect of a phase shall thereafter be installed and operated in accordance with the approved details for that phase.
Reason: Having regard to the character of the area and the impact upon nearby properties.
12. Each reserved matters application for the phases of the development containing A1, A2, A3, B1 and D1 uses shall be accompanied by a Noise Impact Assessment for the non-residential development to which it relates.
Reason: To ensure that future occupants of the development / occupants of nearby sensitive properties do not suffer a substantial loss of amenity due to noise.
13. Prior to the commencement of development of any phase of the development:
 - (a) An updated contaminated land Phase I report to assess the actual/potential contamination risks in respect of that phase of the development at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
 - (b) Should the updated Phase I report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.
 - (c) Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted to, and approved in writing, by the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in respect of that phase of the development .
 - (d) Should remediation be required, 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 that phase of the development hereby

approved.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy BE.6 of the Crewe & Nantwich Borough Council Local Plan.

14. Noise mitigation details shall be submitted as part of the reserved matters for each phase. The mitigation details (including glazing and ventilation systems) shall accord with the Environmental Statement (ref: JBB7357.C1444) and shall be detailed at the reserved matters stage for each phase of the development.

Reason: To ensure that occupants of properties in proximity of noise sources are not adversely affected.

15. Prior to the first occupation of any building in a phase of the development hereby permitted, a Travel Plan (business and / or residential) for that phase together with monitoring and review arrangements shall be submitted to and approved in writing by the Local Planning Authority. Each travel plan shall be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of that phase of the development is occupied.

Reason: To safeguard future air quality and to encourage the use of alternatives to the private car.

16. The site must be drained on a total separate system with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and/or watercourse (consent from Local Authority may be required). No surface water shall be allowed to discharge into the public sewerage system.

Reason: To ensure adequate drainage of the site.

17. Any phase of the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), from RPS ref AAC5016 Issue 2 dated 03/06/2013, and the following mitigation measures detailed within the FRA insofar as they relate to that phase :

- a. Limiting the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- b. Provision of compensatory flood storage where the A51 diversion affects floodplain.
- c. Finished floor levels are set no lower than; the relevant 1 :100 years fluvial flood level climate change 600mm freeboard.
- d. Overland flow of surface water is to be contained within the site, such that new or existing buildings are not affected.

The mitigation measures in respect of that phase shall be fully implemented prior to occupation of that phase and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To minimise the risks from flooding.

18. No development (other than Preliminary Works) shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside the River Weaver and the non-main watercourses on site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: In the interests of nature conservation.

19. a) The 150th dwelling shall not be occupied until a detailed specification, including as a minimum, the design and materials for the provision of a bridge crossing over the River Weaver to facilitate pedestrian and cycle access, and details of the ongoing maintenance and safety check regime for the bridge, has been submitted to and approved in writing by the Local Planning Authority.

b) The 300th dwelling hereby permitted shall not be occupied until the bridge has been constructed in accordance with the approved scheme and is available for use.

The bridge shall be thereafter retained.

c) Details of all other watercourse crossings shall be submitted to and approved in writing by the Local Planning Authority prior to their construction, and the development carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of sustainable development and to improve / encourage accessibility to / from the site by modes other than the private car, and in the interests of nature conservation.

20. Prior to the occupation of the 350th dwelling details of the timing of works relating to the construction of the A51 diversion, including the design, location and timing of provision for any required temporary junction on the existing A51, and the timing of all proposed road closures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to minimise disruption on the highway network.

21. The A51 diversion road shall be in place and operational prior to the occupation of the 750th dwelling.
Reason: In the interests of highway safety.
22. The link road between Waterlode and the A51 shall be in place and operational prior to occupation of 400th dwelling.
Reason: In the interests of highway safety.
23. The reserved matters applications for each phase shall include proposals to facilitate / ensure the permeability of the site, and adjoining sites, for pedestrians and cyclists, and include all existing public right of way routes (subject to appropriate diversion where required / approved), and the proposed underpass beneath the A51 diversion.
Reason: In the interests of sustainable development and to improve / encourage accessibility to / from the site by modes other than the private car.
24. A fully serviced site for the local centre (for the proposed A1,A2, A3, B1 and D1 uses) shall be marketed prior to the occupation of the 400th dwelling.
Reason: To ensure the provision of the local centre and provide a sustainable form of development.
25. The reserved matters applications for each phase shall be accompanied by an Arboricultural Impact Assessment (in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction (Recommendations)), which identifies all existing trees to be retained, and includes tree constraints data cross referenced with Root Protection Areas and respective tree protection details for that phase.
Reason: To safeguard trees of amenity value.
26. The reserved matters applications for each phase shall be supported by an updated badger survey and mitigation strategy.
Reason: In the interests of nature conservation.
27. The reserved matters applications for each phase shall be supported by detailed ecological mitigation and compensation proposals in respect of that phase in accordance with the ecological mitigation and compensation strategy (Document Reference - JER5515) submitted in support of the outline application, and received by the local planning authority on 25 June 2014.
Reason: In the interests of nature conservation.
28. Prior to the commencement of development of any phase (other than Preliminary Works), a programme of archaeological work in respect of that phase shall be secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning

authority. The work shall be carried out strictly in accordance with the approved scheme.

Reason: In order to ensure the protection of any archaeological remains in accordance with the National Planning Policy Framework.

29. The reserved matters applications shall make provision for the retention of those hedgerows that are considered to be “important” under the terms of the Hedgerow Regulations.

Reason: Having regard to the character of the area and to ensure appropriate landscaping of the site.

30. As part of the first reserved matters application submitted pursuant to condition 1, a document setting out the Design Principles (hereafter referred to as ‘Design Principles’) for the entire development hereby approved shall be submitted to the local planning authority for approval in writing. Each and every reserved matters application shall be in accordance with the Approved Design Principles. The Design Principles shall set out how the principles and objectives of the Design and Access Statement (JBR2151 500-doc01 Final, dated 26 June 2013) will be met, and shall accord with the Land Use Parameters Plan numbered 500_007 received by the local planning authority on 18 June 2013 except where other planning conditions specify otherwise. The Design Principles shall include the following matters:

- (i) The principles for determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - (ii) The principles of the hierarchy for roads and public spaces;
 - (iii) The principles for determining colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - (iv) The principles for the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - (v) The principles for the design and layout of street furniture and the level of illumination;
 - (vi) The principles for the laying out of the green infrastructure including the access, location and general arrangements of the multi-use games area, neighbourhood equipped area of play, dual use playing field, and allotments.
- The development shall be carried out in accordance with the approved Design Principles subject to such variations thereto as shall be proposed by the developer and approved in writing by the local planning authority having regard to the said principles and objectives of the Design and Access Statement and according with the said Land Use Parameters Plan. . .

Reason: For the avoidance of doubt and to comply with Policy BE2 (Design Standards) of the Crewe and Nantwich Replacement Local Plan 2011.

INFORMATIVES

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
2. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

Dated: 20 January 2016



Signed

Authorised Officer for
Cheshire East Borough Council

STRATEGIC PLANNING BOARD – 14 December 2016

UPDATE TO AGENDA

APPLICATION NO: 15/4888N

LOCATION: White Moss Quarry, Butterton Lane, Barthomley

PROPOSAL: Outline application for the provision of up to 400 residential units

UPDATE IN POSITION

The applicant has made submissions questioning the validity of the reasons for refusal and has submitted a letter from Persimmon Homes that outlines the commitments they have to the site. They state they are contractually required to submit a reserved matters application on the part of the site currently with outline planning permission and that they also have an option in which to buy the site subject to this planning application. They have also committed to be in a position to complete 85-95 dwellings per year on the site.

The applicant has requested that the application be deferred to the January meeting to enable them to submit additional information in an attempt to overcome some of the remaining reasons for refusal outlined in the report.

OFFICER COMMENT

The site remains at this time a working quarry. Whilst the ability of a developer to build the stated number of dwellings is not doubted, significant works are required to enable the residential development of this site. This combined with the need to submit a reserved matters application and subsequently discharge the necessary conditions before any works can commence mean that it is unlikely the development will make a meaningful contribution to 5 year supply.

The submission questioning the validity some of the reasons for refusal are noted but do not change the recommendation of the application.

RECOMMENDATION

No change to the recommendation of refusal.

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