

Strategic Planning Board

Updates

Date: Wednesday 28th August 2019
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

- 9. **19/1392M - Land North of Northwich Road, Knutsford** (Pages 3 - 14)
- 10. **19/2539C - Land South Of, Old Mill Road, Sandbach** (Pages 15 - 16)

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APPLICATION No: 19/1392M

PROPOSAL: Reserved Matters in relation to scale, appearance, landscape and layout for the erection of 190 dwellings including allotments, community orchard, playing pitch, landscaping, open space, car and cycle parking, drainage and associated works pursuant to outline application 17/3853M

LOCATION: Land North of Northwich Road, Knutsford

CONSULTATIONS (External to Planning)

ANSA Greenspace – No objections

APPRAISAL

Landscaping (including forestry)

Landscape

The proposals have retained the landscape buffers around the perimeter of the site and have also retained a street hierarchy, with avenues and tree lined streets. The Council's Landscape Officer originally advised that whilst he considered the landscape proposals to be positive, he had concerns about the location of the allotment parking. He considered that this could be easily inverted so that there is any area of mitigation/screening to the rear of the existing residential dwellings, rather than a car park area. The applicant has subsequently updated the plans to address this concern.

Updated boundary treatment details and landscape plans (hard and soft) have been received during the application process to reflect the changes made in response to design and open space concerns. In response, the Council's Landscape Officer has advised that he is satisfied with both elements, subject to their implementation.

Forestry

A revised Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plans (TPPs) have been received since the drafting of the committee report in response to concerns raised by the Council's Forestry Officer in relation to possible conflicts with existing trees and the proposed allotment car park and swale.

In response, the updated information proposes a reduced pruning specification for tree 30T (the impacted tree), an amended shape for the proposed Swale to reduce the impact on the RPA of tree 30T and proposed Cellweb construction for the access to the allotments.

The Council's Forestry Officer advises whilst this will not entirely alleviate the impact of the development upon this tree (30T), it does represent in a reduction in the level of

possible impact. The constraints of the site do not permit all development to be removed from the RPA entirely. The Council's Forestry Officer advises that in the event of approval, a condition to ensure the implementation of the AIA, AMS and tree protection measures should be included.

It is considered that the benefits of the wider development, in conjunction with the updated plans to reduce the possible impact of the development upon this particular tree are sufficient to outweigh the harm in this instance.

Open Space

The application proposes; a sports pitch, a play area, an orchard and an allotment. The applicant, since the drafting of the committee report, has provided an updated play area plan which now includes a LAP (as well as a LEAP). In addition, an updated Allotment plan has also been received, slightly re-siting it in order to ensure the protection of an existing tree.

The acceptability of the different elements amended are considered below;

Play Area

The requirement is for 40sqm of Public Open Space, 20sqm of which should be for children's play [formal and informal]. Originally, just a LEAP was proposed where there should also be a requirement for a LAP. The applicant has provided updated plans in order to provide this requirement. The siting of the LEAP and LAP are together in an area of Public Open Space towards the centre of the site. This is deemed to be a good location so all future occupiers of the scheme and wider members of the community can access the facility. The Council's ANSA Open Space Officer raises no objections to the proposed updated plan.

Allotment

The Council's Open Space Officer is supportive of the position of the allotments and the associated proposed car park because it will assist in accessibility. In consideration of the associated boundary treatment, a higher treatment was agreed during the application process to give more security whilst still in keeping with the site. In addition, the allotment car park surfacing has been amended to be tarmac for maintenance purposes at the request of the Council's Open Space Officer.

The revised plans received during the application process in order to show the correct curvature in the swale design only. The Council's ANSA Officer has raised no objections to this slight change.

The Council's Officer has also recommended that in addition to the implementation of the Football Pitch installation and maintenance plan, a final inspection report by a sports turf agronomist should also be submitted to and approved in writing by the LPA prior to its use. It is recommended that the proposed condition be updated to reflect this suggestion.

Ecology

Revised lighting details have been submitted during the application process in response to the changes to the layout and in order to adhere with condition 21 of the outline application. In response, the Council's Nature Conservation Officer has reviewed the revised proposals and advised that the revised details are acceptable.

Condition 22 (Ecology enhancement strategy): A strategy has been received in accordance with the requirements of the outline application. The Council's Nature Conservation Officer advises that this includes acceptable proposals, a new wildlife pond, native species planting and sufficient bird and bat boxes.

The Friends of the Heath submitted a suggested strategy for the provision of additional offsite habitat creation measures, designed to maximise connectivity between Knutsford Heath Local Wildlife Site and other habitats within the wider landscape. CELPS Policy SE 3 requires development proposals to aim to positively contribute to biodiversity and the NPPF requires development proposals to deliver a measurable net gain for biodiversity. The Council's Nature Conservation Officer therefore advised that in order to maximise the contribution made by this scheme under this condition in accordance with local Plan policy, the applicant should integrate the Friends of Groups suggestions into their condition 22 submission. This has now been secured and is deemed acceptable. This strategy has subsequently been updated to reflect the change in the layout of the development (introducing the new house types). The Council's Nature Conservation Officer confirms that this too is now acceptable, subject to a condition to ensure its implementation.

Other matters

A Levels condition is now no longer proposed as the applicant has subsequently provided full proposed ground spot level and slab level plans.

CONCLUSIONS AND RECOMMENDATION

The original conclusions and recommendations were made to Approve, subject to comments from outstanding consultees and conditions. All outstanding consultee comments have now been received, specifically in relation to; landscape, trees, open space and ecology, and no new issues are raised, subject to conditions where deemed necessary. As such, the revised recommendation is to;

APPROVE subject to the following conditions

- 1. In accordance with outline permission**
- 2. In accordance with approved plans**
- 3. Materials – As per application**
- 4. AIA and Arboricultural Method Statement – Implementation**
- 5. Tree protection – Implementation**
- 6. Landscape – Implementation**
- 7. Noise Impact Assessment – Implementation**

8. Submission/approval of an updated badger survey prior to the commencement of any drainage related works within 30 metres of the disused badger sett
9. No lighting should be used during construction of the drainage works on Sulow Lane
10. Hedgerow planting - Implementation
11. Habitat Landscape Management Plan – Implementation
12. Ecology enhancement strategy/plan – Implementation
13. No surface water shall discharge to the existing public sewerage system either directly or indirectly in accordance with the submitted information
14. Football Pitch Installation and Maintenance Strategy – Implementation & submission/approval of a final inspection by sports turf agronomist prior to first use
15. Levels – Implementation

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management 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.

FOR INFORMATION – PREVIOUS OUTLINE APPROVAL NOTICE

Miss Stacey Green
Barton Wilmore
9th Floor,
Bank House,
8 Cherry Street,
Birmingham,
B2 5AL

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: **17/3853M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Outline planning application with means of access to be determined (all other matters reserved for subsequent approval) for the erection of up to 190 dwellings (Class C3); the provision of serviced land for allotments; a community orchard, a playing pitch, landscaping and open space; new internal highways, car and cycle parking; sustainable drainage measures including surface water retention ponds, provision of utilities infrastructure; earthworks and all ancillary enabling works

Location

LAND NORTH OF, NORTHWICH ROAD, KNUTSFORD

for **Mr Steve Melligan, The Crown Estate**

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. The development hereby approved shall commence before whichever is the later of the following dates:

- (a) within three years of the date of this permission, or
- (b) within two years of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of any part of the development hereby approved, approval shall be obtained from the Local Planning Authority with

respect to the reserved matters; namely, appearance, landscaping, layout, and scale.

REASON: The application is for outline permission only and therefore gives insufficient details of the proposed development. These details will be required as reserved matters, in accordance with Part 3, Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. As part of any subsequent reserved matters application a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the agreed details.

Reason: To ensure the site is developed in a comprehensive manner and to ensure timely delivery of the associated facilities with the scheme.

4. The development hereby approved shall be carried out in accordance with the details shown on plan references 3654-SK-010 Revision C received by the Local Planning Authority on 27 July 2017 and RG-M-01 revision N received by the Local Planning Authority on 10 December 2018.

REASON: For the avoidance of doubt.

5. The development hereby permitted shall not commence until a full detailed drainage strategy detailing on and off site drainage works has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a detailed maintenance regime of the proposed system. The strategy shall then be implemented in full accordance with the approved details before completion of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained.

6. The site shall be drained on separate foul and surface water drainage systems.

Reason: To ensure the site is adequately drained.

7. Any future reserved matters application shall be supported by an Arboricultural Impact Assessment and Tree Protection Plan in accordance with paragraph 5.4 and 5.5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction Recommendations. The details shall be agreed in writing by the Local Planning Authority and the development shall be carried out in full accordance with these details.

Reason: To ensure adequate protection of the trees on site.

8. The 1st reserved matters application shall provide a strategy for the distribution of all housing across the site. Thereafter the reserved matters for each phase shall incorporate a housing mix (i.e. the number of bedrooms within each residential unit) using the following thresholds:

1 bed and 2 bed dwellings between 5% and 35% of the number of dwellings

3 bed dwellings between 20% and 50% of the number of dwellings

4 bed plus dwellings between 25% and 65% of the number of dwellings

Reason: To ensure a mix of housing is provided within the development

9. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced, and shall be maintained for the duration of the construction works.

REASON: Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area generally

10. As part of any subsequent reserved matters application a noise impact report shall be submitted demonstrating that the residential properties can achieve BS8233:2014 Internal ambient noise levels for dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the agreed details which shall be maintained at all times thereafter.

Reason: To ensure the future residents and protected from local noise sources.

11. The hours of noise generative construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday 07:00 to 18:00 hrs

Saturday 07:00 to 14:00 hrs

Sundays and Public Holidays Nil

Reason: To protect the amenity of neighbouring residential properties.

12. No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.

Reason: To prevent unacceptable dust emissions from the construction phase of the development affecting air quality or residential amenity.

13. Prior to first occupation of each property with allocated off road parking, the developer shall provide a single Mode 2 compliant Electric Vehicle Charging Point. The charging point shall be independently wired to a 30A spur to enable minimum 7kW charging.

The infrastructure shall be maintained and operational in perpetuity.

Reason: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable.

14. Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning

Authority. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation before occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.
Reason: To promote public transport walking and cycling in order to improve air quality and promote sustainable transport.

15. Development shall not commence until:
- (a) A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the LPA AND if :
 - (b) Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the LPA.

Prior to the occupation of each dwelling:

- (c) The remedial scheme in the approved Remediation Strategy shall be carried out.
- (d) A Validation Report prepared in accordance with the approved Remediation Strategy, shall be submitted to, and approved in writing by, the LPA, prior to the occupation of each dwelling.

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.

16. (a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site.
- (b) Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.
- 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.

17. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.
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.

18. Unless otherwise agreed in writing, none of the dwellings hereby permitted shall be first occupied until access to broadband services has been provided in

accordance with an action plan that has previously been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the approved properties have adequate internet access.

19. Any future reserved matters application to be supported by a strategy for the creation of habitat suitable for ground nesting priority bird species. These proposals to be supported by a 10 year management plan. Proposals to include the following unless otherwise agreed in writing by the Local Planning Authority;

- Habitat creation to be located on either arable land or temporary grassland in winter cereal fields with open aspects.

- A habitat creation plot of a minimum of 1ha and a maximum of 5ha in size, in a field which must be a minimum of 5ha (or 10ha if woodland forms at least a quarter of the field boundary)

- Creation of the cultivated plots to be completed by 20 March each year

- Plots must be at least 100m away from woods, in-field and hedgerow trees, buildings, overhead power-lines, main roads and public rights of way, and at least 200m away from wind turbines.

- Where natural regeneration covers more than 70% of the plot by 30 April, restoration of suitable bare-ground nesting habitats to be undertaken.

- Habitat creation areas retained until 31 July each year. The agreed strategy to be implemented in full.

Reason: To ensure bird habitat is adequately provided for in mitigation to that lost as a result of the proposal

20. As part of any subsequent reserved matters application updated badger surveys shall be submitted to and approved in writing by the Local Planning Authority. The agreed mitigation, if required, shall be implemented in full accordance with an agreed timetable and maintained at all times thereafter.

Reason: To ensure adequate protection of these species is in place.

21. Any subsequent reserved matters application shall be accompanied a by detailed specification for any additional lighting throughout the development. The lighting to be designed so as to minimise impacts on wildlife and following approval in writing by the Local Planning Authority shall be implemented in full accordance with the agreed details and maintained at all times thereafter.

Reason: To ensure lighting scheme does not have a detrimental impact on local ecology.

22. As part of any subsequent reserved matters application an Ecological Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include proposals for the provision of features for nesting birds, roosting bats, native species planting and detailed designs for new wildlife ponds. The agreed details shall be implemented in full accordance with an agreed timetable and maintained at all times thereafter.

Reason: To ensure adequate provision for local ecology on site.

23. No occupation of any subsequently approved dwelling shall take place until a scheme has been submitted to and approved in writing for the incorporation of gaps within boundary treatment for hedgehogs. The approved scheme shall be implemented thereafter and retained at all times.

Reason to safeguard biodiversity in accordance with the NPPF.

24. Prior to occupation of the first dwelling hereby approved, the site access shall be built in general accordance with drawing number 3654-SK-010 Rev C, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate access is available when the site is occupied.

25. The Reserved Matters application shall include details of a pedestrian / cycle link up to the northern boundary of the site, to be submitted to and agreed in writing by the Local Planning Authority. The approved pedestrian / cycle routes shall be provided and maintained in complete accordance with the approved details and agreed timetable.

Reason: To promote walking and cycling.

26. As part of any subsequent Reserved Matters application, dwellings of no more than two storeys shall immediately front Northwich Road, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the character of the area is protected.

27. Prior to occupation of the 100th dwelling hereby approved, the Canute Place junction improvements shall be carried out in general accordance with drawing number 3654-SK-016 Rev P1, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the highway impact of the development is mitigated against.

INFORMATIVES

1. In order to delivery the required improvements to the roundabout at the Canoute Place junction the applicant will have to enter into a s278 agreement with the local highway authority.
2. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
3. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 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.

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: 18/02/2019



Signed
Authorised Officer for
Cheshire East Borough Council

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APPLICATION NO: 19/2539C

PROPOSAL: Hybrid Planning Application for development comprising: (1) Full application for erection of a discount foodstore (Class A1), petrol filling station (sui generis) and ancillary sales kiosk (class A1), drive-through restaurant (Class A3 / A5), drive-through coffee shop (class A1 / A3), offices (class A2 / B1) and 2 no. retail 'pod' units (class A1 / A3 / A5), along with creation of associated access roads, parking spaces and landscaping. (2) Outline application, including access for erection of a care home (class C2), up to 85 new dwellings (class C3), conversion of existing building to 2 dwellings (class C3) and refurbishment of two existing dwellings, along with creation of associated access roads, public open space and landscaping. (Resubmission of planning application ref. 18/4892C).

ADDRESS: Land South of Old Mill Road, Sandbach

APPLICANT: Muller Property Group

Additional Information

A letter has been received from the applicant in response to the consultation response from the Councils Ecologist. This letter raises the following points;

- An otter ledge can be provided if agreed with the land owner (Cheshire East)
- The request for otter fencing is noted and should be acceptable. Until the final design is completed it will not be known whether the significant level difference between the brook and road will remove the requirement for vegetation. The condition should specify that these details are provided at the detailed design stage.
- Whilst the LPA Ecology concerns are noted the applicant considers that planted woodland could achieve more than a poor condition (suggested by the LPA) over the long-term. There is no reasons why the principles of adaptive management cannot be adopted and secured through a planning condition to deliver the net gain in biodiversity.
- To demonstrate that the proposed development can deliver a net biodiversity gain the applicant proposes;
 - The proposed landscaping specifications are agreed with the LPA to ensure appropriate native and locally sourced species of high biodiversity value
 - A Landscape and Ecological Management Plan (LEMP) is agreed with the LPA for the management of the habitats over the short term (1-5 years), medium term (6-10 years) and long term (10-20 years)
 - The LEMP will include monitoring to ensure that the success of the planting is maximized and how and when remedial measures are triggered

- The LEMP will include monitoring to ensure that the success of the planting is maximized and how and when remedial measures are triggered.
- By taking this approach it removes the subjectivity of the biodiversity calculator for predicting the likely ecological value of future habitats and will achieve 'measurable gain' as required by the NPPF.
- In terms of bats the applicants bat ecologist has stated as follows;
 - The building has a high potential to support bat roosts but there is absolutely no evidence of bat activity during the internal inspection. The presence of lighting along the eastern aspect of the building is also likely to reduce the value of the building for roosting bats
 - Guidance does suggest three bat activity surveys as being adequate. The applicants bat ecologist is of the view that two further surveys during the bat activity season would be a sufficient survey effort for the barn in this situation.
 - The applicants bat ecologist suggests that a single bat activity survey is undertaken later in the season. This would equate to two surveys in total and would be an adequate survey effort for buildings having a moderate Bat Roost Potential.
- A further survey will be undertaken and the results submitted in August 2019.

Officer Response

A verbal update will be provided following consultation with the Councils Ecologist.

RECOMMENDATION:

No change to the recommendation