

# Strategic Planning Board Updates

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**Date:** Wednesday, 12th September, 2012  
**Time:** 10.30 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

**Planning Updates** (Pages 1 - 24)

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Please contact Sarah Baxter on 01270 686462  
E-Mail: [sarah.baxter@cheshireeast.gov.uk](mailto: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: 12/2685C

Location: LAND OFF WARMINGHAM LANE, MIDDLEWICH

Proposal: Outline application with some matters reserved for proposed residential development of up to 194 dwellings, site access, highway works, landscaping, open space and associated works

Applicant: Gladman Developments Ltd

Expiry Date: 12-Oct-2012

### **UPDATE 12<sup>th</sup> September 2012**

#### **Highways**

The outstanding issues relate to the highway improvement works. It has been agreed that the junctions of Kinderton Street/Leadsmithy Street and Kinderton Street/King Street require upgrading and a scheme for improvements has been agreed.

However, the applicant disputed the figures contained within the highways consultation response as being excessive. The applicant has now commissioned a costing of the agreed highways works but, due to time constraints, the results of this will not be known before the committee meeting.

As a result, the applicant has suggested that the committee resolution is altered to state that:

- The application is delegated to the Head of Development Management and Building Control and the Chair of Strategic Planning Board to APPROVE the application, subject to the submission of a costing for the junction works (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street) which shall be submitted to the LPA for approval in writing. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.

The same issue has arisen for the traffic calming measures but, in this case the scheme of improvements is at an early stage and requires improvements. It is accepted that a scheme can be achieved but the developer is disputing the figures quoted within the highways response.

Therefore, the applicant has suggested that an alteration to the committee resolution along the similar to that above.

This is considered to be a reasonable approach as Members would be sure that the exact level of contributions to carry out the works would be agreed and will be paid in full (split between the two developments). The two developments would then be fully funded by the two developments.

The applicant has agreed the contribution for bus passes and for the replacement of a bus stop. The bus pass contribution would be secured via a S106 contribution and the bus stop improvements would be secured via a S278 Agreement.

### **RECOMMENDATION**

**The application is delegated to the Head of Development Management and Building Control and the Chair of Strategic Planning Board to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-**

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £124,517 towards secondary school education**
- 4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.**

**5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.**

**6. A commuted payment towards highway improvements £25,350 for bus use**

**And the following conditions**

**1. Standard Outline**

**2. Submission of Reserved Matters**

**3. Time limit for submission of reserved matters**

**4. Prior to the submission of any reserved matter application a detailed masterplan and design code shall be submitted to the LPA for approval in writing**

**5. The framework plan is not approved as the spatial parameters of the scheme other than establishing the overall coverage**

**6. Approved Plans**

**7. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.**

**8. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**

**9. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**

**10. No development shall commence until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.**

**11. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.**

**12. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**

**13. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.**

**14. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of**

surface water has been submitted to and approved in writing by the local planning authority.

15.No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.

16.No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

17.The reserved matters application shall include detailed designs of the proposed ponds, details of the habitat creation areas

18.Retention and enhancement of the marsh area

19.Provision of bat and bird boxes

20.Updated protected species survey

21.Works should commence outside the bird breeding season

22.Compensation/mitigation measures for GCN

23.Provide a pedestrian/cycle link to the boundary of the proposed Bellway development in the SW corner of the site to the satisfaction of the SHM prior to first occupation.

24.The provision of a replacement bus stop

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 Development Management and Building Control 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.

Application No: 12/2584C

Location: LAND OFF WARMINGHAM LANE, MIDDLEWICH

Proposal: Full Planning Application for Erection of 149 Dwellings with Associated Access and Landscaping Arrangements alongside a Newt Relocation Strategy

Applicant: Bellway Homes

Expiry Date: 10-Oct-2012

**UPDATE 12<sup>th</sup> September 2012**

**Additional Information**

The applicant has now submitted a Water Vole and Pond Survey (produced by Ascerta Consulting Ltd and dated September 2012)

**Officer Comments**

**Ecology**

Water Vole

No evidence of Water Vole was recorded during the survey. The Councils Ecologist is satisfied that this species does not present a constraint on the proposed development.

Pond invertebrates

All species identified during the pond invertebrate survey are common and a relatively small number of species were recorded. The survey was undertaken solely in the field with no microscopic analysis of specimens being undertaken, however on balance it appears unlikely that the pond supports any significantly uncommon species. The pond should however be considered as having nature conservation value in the local context. The Councils Ecologist advises that the proposed off-site pond creation is adequate to compensate for the loss of the pond if it is removed as part of the proposed development.

Reptiles

No evidence of reptiles was recorded during the survey. The survey undertaken was relatively rudimentary, but in accordance with his earlier comments the Councils Ecologist advises that the site is unlikely to be significantly important for reptiles. The submitted mitigation proposed for Great Crested Newts is also likely to be appropriate for safeguarding reptiles and the latest survey report confirms

that any reptiles encountered will be removed from the development footprint prior to the commencement of development.

## **Highways**

The outstanding issues relate to the highway improvement works. It has been agreed that the junctions of Kinderton Street/Leadsmithy Street and Kinderton Street/King Street require upgrading and a scheme for improvements has been agreed.

However, the applicant disputed the figures contained within the highways consultation response as being excessive. The applicant has now commissioned a costing of the agreed highways works but, due to time constraints, the results of this will not be known before the committee meeting.

As a result, the applicant has suggested that the committee resolution is altered to state that:

- The application is delegated to the Head of Development Management and Building Control and the Chair of Strategic Planning Board to APPROVE the application, subject to the submission of a costing for the junction works (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street) which shall be submitted to the LPA for approval in writing. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.

The same issue has arisen for the traffic calming measures but in this case the scheme of improvements is at an early stage and requires improvements. It is accepted that a scheme can be achieved but the developer is disputing the figures quoted within the highways response.

Therefore the applicant has suggested that an alteration to the committee resolution along the similar to that above.

This is considered to be a reasonable approach as Members would be sure that the exact level of contributions to carry out the works would be agreed and will be paid in full (split between the two developments). The two developments would then be fully funded by the two developments.

The applicant has agreed the contribution for bus passes and for the replacement of a bus stop. The bus pass contribution would be secured via a S106 contribution and the bus stop improvements would be secured via a S278 Agreement.



## **Education**

The applicant has now confirmed that they are willing to pay the education contribution.

## **RECOMMENDATION**

The application is delegated to the Head of Development Management and Building Control and the Chair of Strategic Planning Board to **APPROVE** the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-

1. 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.
2. The provision of a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £295,728 towards secondary school education
4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
6. A commuted payment towards highway improvements £25,350 for bus use

And the following conditions

1. Standard time limit 3 years
2. Approved Plans
3. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays

6. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority
7. The mitigation recommended in the noise report shall be implemented prior to the use of the development / first occupation.
8. No development shall take place until a scheme to minimise dust emissions arising from 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 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 construction phase.
9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
12. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
13. Provision of bat and bird boxes
14. Works should commence outside the bird breeding season
15. Compensation measures for GCN including the provision of 2 ponds to be provided in accordance with the approved details
16. 10 year management plan for the GCN ponds
17. Details of concrete raft foundations to be submitted and approved
18. Materials to be submitted and approved
19. Landscaping to be submitted and approved
20. Landscaping scheme to be implemented
21. Remove Permitted Development Rights for certain plots
22. Boundary Treatment details
23. Tree and hedgerow retention
24. Tree Protection to be submitted and approved
25. The parking spaces to be provided on the approved plan should be provided
26. Provide a pedestrian/cycle link to the boundary of the proposed Gladman development in the SW corner of the site to the satisfaction of the LPA prior to first occupation.

**27.No occupation of the development until the roundabout site access has been constructed to the complete satisfaction of the LPA.**

**28.The provision of a replacement bus stop**

**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 Development Management and Building Control 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.**

**STRATEGIC PLANNING BOARD – 12 SEPTEMBER 2012**

**UPDATE REPORT**

**Application No. 12/2082M**

**Location: MOORSIDE HOTEL, MUDHURST LANE, DISLEY, SK12 2AP**

**Proposal: CHANGE OF USE FROM USE CLASS C1 (HOTEL) TO USE CLASS C2 (RESIDENTIAL INSTITUTION).**

**Prepared: 10 September 2012**

**APPLICANT'S ADDITIONAL SUPPORTING INFORMATION**

Savills have confirmed the following:

1. The re-use of the building in the green belt is appropriate
2. The proposal accords with the Macclesfield Local Plan policies
3. On sustainability, the proposed use is no less sustainable than the hotel use
4. No specific harm has been identified and there are no objections from highways

In such circumstances, the thrust of planning policies in the NPPF is to grant planning permission. As set out at paragraph 14 of the NPPF, where the development plan is absent, silent or relevant policies are out-of-date, decision takers should be granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. There is no evidence of significant and demonstrable harm in this case.

The proposal also accords with *emerging* Government policy in the '**New opportunities for sustainable development and growth through the reuse of existing buildings**' consultation. The consultation outlines the action the Government is proposing to provide C1 (hotels, boarding and guest houses) permitted development rights to convert to C3 (dwelling houses) without the need for planning permission.

Paragraph 42 of the consultation document observes:

*'Furthermore it has been suggested that there are premises in the C1 use class that no longer provide viable holiday accommodation. This may be for a range of reasons from changing trends in holidays to the desire for accommodation which has a more contemporary offer for its guests.'*

Whilst the policy framework is supportive of the proposal to keep the building in productive use; further queries have been raised in relation to viability. Savills have said on several occasions that there is no development plan or national policy requirement to demonstrate that one particular use is not viable in order for alternative uses for a site to be considered. Viability is only relevant in this case because of the clear risk of adverse consequences should planning permission not be granted, (i.e. that the hotel will close anyway if an alternative solution is not found). In this regard, the evidence provided shows:

1. Room rates have fallen by 32% over the last five years
2. Operating costs are increasing year on year
3. The last published accounts show a loss of £158,000
4. The latest draft accounts show a higher loss still

This is why the planning application has been made.

### **Care Homes**

Members commented at the committee meeting that a care home would increase pressure on local services. In fact, the opposite is true, as private doctors and medical practitioners are generally brought to the site itself. Therefore, future residents would not increase the burden on local services.

### **Employment**

In relation to employment, the latest staff list from Chardon shows 95 employees of which 39 have contracted hours (the remainder are casual staff used as and when required). Their calculation is that the contracted staff equate to 34.5 full time equivalents (fte) and they would expect the casual staff to amount to 5 or 6 further fte's. The calculation is fluid since if the hotel is busy the fte numbers for casual staff increases. In essence, the fte number is lower than when we put the application in. This is because Chardon have been under pressure to reduce payroll at the hotel to try and stem the losses.

Similar (industry standard) calculations are used for the healthcare and education sectors, (i.e. the fte figures we have supplied will contain full time, part time and casual staff). These industries tend to offer more flexible working options since they are not driven by evening functions to the same extent as hospitality. Many roles would be similar – e.g. food and beverage related, cleaning and maintenance.

A care village developer we have spoken to who are at the low end of the employee numbers spectrum have said they would expect to have around 55 fte's. Operators who included a care home within the care village would be significantly higher.

Starwood Capital Group have advised that Starwood are experienced hotel investors who operate various international hotels and five 'Holiday Inn' branded hotels in the UK. Moorside is owned within a portfolio of five other UK provincial hotels (Holiday Inn branded), originally acquired in 2005.

The Moorside has been banded as a 'Best Western'. This membership agreement will terminate later this year, as the hotel has failed its recent brand standard inspections and significant capital input is required to overcome the deficiencies. The hotel will not meet the brand standards of other worthwhile hotel franchises.

### Trading Trends

Year	Rooms Revenue	Average Room Rate
August 2010	£295,834	£39.94
August 2012	£218,597	£32.93

Year	Number of Weddings
2007/2008/2009	Average of 70 per year
2011	45
2012	44 (All booked in 2011)
2013	Bookings taken at August 2012 =13

The difficult decision Starwood face is whether to close the hotel now, to minimise further costs whilst marketing and the planning process continues. That decision could be taken out of their hands, as the business is in breach of banking covenants, and the loan could be called in at any point.

### CONSULTATION RESPONSES

#### Visitor Economy Development Manager

Cheshire East is well positioned to access markets from other parts of Cheshire and surrounding areas, with the highest proportion of visitors being day visitors. Whilst day visitors are welcome, overnight visitors spend more per head, putting more money into the local economy. They also create more job opportunities in the area, meaning Cheshire East Council's aim is to get our visitors to stay longer. It means giving reasons for day visitors to dwell longer or stay on into the evening and overnight, and encouraging conference delegates to stay longer or to return to enjoy Cheshire at their leisure.

The Moorside Hotel falls within an area being promoted as 'Cheshire's Peak District' ([www.cheshirepeakdistrict.com](http://www.cheshirepeakdistrict.com)). This promotes an area of Cheshire's peaks and plains, including part of the Peak District National Park, from the moorlands of Biddulph in the South to Lyme Park and Disley in the North. It promotes it as an area with historic houses, fabulous walking routes, gardens, cultural attractions, world-class events and market towns.

Within Cheshire East Council's Visitor Economy Strategy, there is a strong focus on **quality accommodation** through supporting the development of tourism infrastructure, an improved environment and a focus on customer service to ensure a quality visitor experience. Also through encouraging and facilitating business sector development in areas such as accommodation, skills training and visitor welcome. There is a requirement to increase jobs directly related to the visitor economy over the next 5 years. A key priority set out within the Cheshire East Council Visitor Economy Strategy is to '**Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth**'

The Moorside Hotel is well positioned in the middle of Cheshire's Peak District; and is the only hotel accommodation for 6 miles. The hotel benefits from some amazing views, with particular potential to attract couples and walkers. Although it is acknowledged in customer feedback that the hotel has become somewhat outdated, it has still managed to achieve many good comments via Trip Advisor; where over three quarters of all reviews rated the hotel at average or above.

There should remain some potential for a quality establishment with the area benefiting from a rural location; scenic views and close proximity to Macclesfield, Manchester, Buxton, Lyme Park and Cheshire's Peak District. However the lack of public transport does seem to be an obstacle.

Cheshire East Council's Visitor Economy Team cannot comment on what the Moorside Hotel need to do in the future to provide a successful and sustainable business model. It is clear that a quality hotel in that location would be valuable for Cheshire East to reach its visitor economy goals. Figures point to a lack of hotel bed stock in the area and a local lack of quality accommodation. There remains a desire to attract more overnight stays with the employment and related economic benefits that this brings. However, this needs to be in line with a quality visitor experience in a quality hotel.

### **Marketing Cheshire**

Based on 2011 figures, Cheshire East as a whole has an estimated 373 accommodation establishments providing a total of 4242 units/rooms. Half of these establishments are located in the Macclesfield area (188) providing 2040 rooms. So as a proportion of the total rooms available in the Macclesfield area,



Moorside Hotel provides a small percentage (5%) of the total number of rooms (Moorside has 98 rooms).

### **Peak District National Park (PDNP)**

The Northern Planning Manager for the PDNP advises:

*"From a physical planning perspective the proposed change of use would have no impact upon the setting of the National Park and consequently we would have no objections to that aspect of the application. From a tourism/rural economy perspective, there are however concerns about the loss of such a facility on the edge of the Peak District from the tourist accommodation market.*

*We would therefore like to see the hotel use remain. However, we recognise that the hotel sector in and around the Peak District has suffered from increasing competition from the many other types of visitor accommodation available from within the Park and around the larger conurbations ringing the Park. I have discussed this issue with our own Policy Team and High Peak Council's economic development officer, who knows the site and the market. He confirms the considerable pressure such businesses are under from this competition and from the current economic climate which has hit the hotel sector hard and his realistic view is that that unfortunately there seems little likelihood of this hotel surviving in this climate.*

*This Authority's own experience of this problem is demonstrated by the stalled redevelopment of the Marquis of Granby Hotel in the heart of the Park at Bamford where the recession has caused the developer to stop work and effectively mothball his development for a circa 120 bed hotel. The reasons given are the withdrawal of the major international hotel chain from the partnership. I understand from the developer that other hotel operators also turned the project down, all of them citing the recession and the difficulties facing the hotel sector in particular as the main reasons not to invest in the sector at the present time.*

*The above factors, especially the information from the economic development officer backed up with our own observations and feedback from developers and agents working within the Park all support what I have read in your applicant's supporting statement. We therefore can appreciate why this hotel has failed to secure a viable future business plan with a buyer/investor with the confidence to invest the sums needed to bring it up to date.*

*With some reluctance we therefore find we could not object to the principle of its change of use to another use within class C2 which would hopefully bring the benefit of securing jobs and investment to secure enhancement of the site and its landscape setting".*

## CONCLUSION

In conclusion, whilst the loss of the hotel would be regrettable, the current use cannot be sustained, and its closure may be inevitable.

Our Visitor and Economic Development Manager advises that to reach our visitor economy goals, there is a need to attract more overnight stays with the employment and related economic benefits that this brings. However, this needs to be in line with a quality visitor experience in a quality hotel. Whilst the hotel is considered to be in the perfect location, it is somewhat out dated and needs investment.

The Peak District National Park has experienced similar proposals. They can appreciate why the hotel has failed to secure a viable future business plan, with a buyer/investor with the confidence to invest the sums needed to bring it up to date. They consider the hotel industry to be under considerable pressure during the current economic climate, and the likelihood of the hotel surviving in this climate to be limited. They recognise that a change of use would secure jobs, and investment may enhance the site and the landscape setting, so with some reluctance, no objection is raised.

Paragraph 14 of The Framework advises that any adverse impacts must be **significant** and **demonstrable** to warrant the refusal of an application. As no evidence has been advanced to substantiate any harm, the recommendation of approval remains, subject to conditions.

**STRATEGIC PLANNING BOARD – 12<sup>th</sup> September 2012**

**UPDATE TO AGENDA**

**APPLICATION NUMBER:** 12/1445N

**LOCATION:** Whittakers Green Farm, Pewit Lane, Huntersson

**Further response from Local Ward Member following representation from agent dated 9<sup>th</sup> July 2012**

Letter dated 28.08.2012.

Dear Ms Williams

Thank you for your email outlining the concerns of Mr Thorley of Civitas Planning Limited dated 6<sup>th</sup> August 2012. I am surprised that Mr Thorley has raised these concerns but I would like to reassure him, his client and yourself of the following points:-

1. I was asked, in my role as Ward Councillor, to respond to the application by Doddington & District Parish Council and Hatherton Parish Council by the required May 2012 deadline. This is a legitimate function of my role as Ward Councillor.
2. I was asked by residents living at Whittaker's Green (not Bridgemere Lane) to include their material concerns as part of this report – this I have done and again would reiterate that this is a legitimate function of my role as Ward Councillor.
3. I did contact the Director of Public Health prior to submitting the response in May as planning applications related to Waste Sites may often be referred to the DPH via planning or the environment agency. At that point no referral had been made and I felt it was important that this was noted in the report (even if in the consequent period it was determined that this was not required in this case).

The Director of Public Health raised no concerns at this time but simply confirmed that she had not yet been contacted (and I did make this very clear in the report on page 5).

My understanding at this time (28.08.2012) is that a public health referral has not been required / requested.

4. Mr Thorley has suggested that I have 'abused my position as portfolio holder for Health and Adult Social Care' by including material that is not in the public domain. I would like to reassure Mr Thorley and his client that all comments and material referred to in my report is very definitely in the public domain and can be accessed either via the Cheshire East website or any internet search engine. In addition I have referenced material that was accessed in the report so that readers may read this material for themselves if they so wish.
5. Clearly my response had to be submitted by the end of May before all planning reports and requests for information were obtained. In particular the second Environmental Health report had not been submitted at that stage. I would like to make it clear that I do not take issue with Ms Edge's report.
6. Nonetheless there are other aspects to loss of amenity and noise nuisance mentioned in the Appeal Inspector's report that are still highly relevant and must not be ignored. These are clearly described in my response and are an essential part of any discussion related to changes in conditions – hence their inclusion.

I hope this clarifies the context in which my response was written and has allayed the concerns raised.

Yours sincerely

Cllr Janet Clowes: Wybunbury Ward

**Further response received from Environmental Protection Officer dated 30<sup>th</sup> August 2012 addressing points raised in local representations regarding scope of noise assessment.**

I have had chance to look at the letters of objection received relating to the application to export material from the above site. Before I comment on each of the points raised it is vital that everyone understands that the application just relates to the export of material from the site and does not involve any intensification of the site or extra vehicle movements, as set out in Sarah's response.

Response to points raised (concerns raised are in bold)

- **There are no readings taken when there is no activity at the site, to give a base level of noise** – As stated above, the application and the acoustic report are only for exporting material off site. As such, the readings would only look at vehicle movements leaving the site, hence any background would include the noise from the site and any other noises in the surrounding area happening at the time lorries are exporting material from the site. As the site will be operating at this time it is correct that this should be included as part of the background readings. If the application was for an intensification of the use of the site then, depending on the circumstances, it would be correct to exclude the site noise from the background noise readings.
- **There are no readings with just the site machinery operating** – Appendix 1 of the report does include a number of readings with only the machines operating on the site. This is specifically referenced in the Table - Measurement 2 for the period 9:32 – 9:37, along with a number of other such readings included in the results table for the 22/2/2012.
- **Readings when everything is operational are also omitted** – The answer given to the point above does address this as there were readings taken with machinery operating on the site and the aim of this is to replicate the normal noise level coming from the site at the time when material is being exported. In addition, it should be noted that the report is aimed at the noise from material being exported from the site, not the noise from the site itself.
- **The report cannot replicate the full effect of export as this is not yet in place** – This is technically correct but, to try and estimate the noise level of full vehicles, section 3.3 of the assessment explains that vehicles arriving at the site full were used as a reference for the noise level emitted when lorries are full, especially as the material being brought to the site is similar to that being exported.
- **The readings monitor a single vehicle rather than two or three arriving, being loaded and departing at the same time** – There are a couple of points to note. The first is that were a number of vehicles are leaving and arriving at the same time, this will mean that there will be less individual vehicles movements through the day. For example if 3 vehicles arrived at once, then this would mean 3 of the permitted 20 but as they were all together, there would only be one noise emission hence reducing the overall noise level which will have a beneficial effect on the noise. The second point to note is that, when multiple noise sources are added you have to remember it is on a logarithmic scale so simply add 50dB to 50dB does not make 100dB. It would in fact result in a marginal increase in the noise level of 3dB, giving an overall level of 53dB, which is only just perceptible by the ear. Therefore, this would not result in a material impact on the noise level in the area.
- The letter then goes on to make a number of points relating to factors which will affect noise nuisance, which are all correct, and where relevant to this situation they have been referred to in the report.

- They also make reference to the noise from the site being at a level similar to a busy country pub which is why the report recommends that suitable acoustic fencing/barriers are installed to reduce the noise level.

In relation to other points raised by local residents

- A. The report has to try and replicate the condition present at the site. As such, this report does make reference to noise levels from a range of lorries with 2, 3, 5 and 6 axles and, for the purposes of the noise calculation, the worst case was taken as set out in section 3.3 of the report.
- B. The reason why the monitoring was limited to a single location has been explained in the report in section 3.2. It is an accepted method to then use tried and tested acoustic calculations to predict the noise levels at a number of locations. In this case the reason for taking the noise level from a single location was to get a reference noise level which, as set out in the report, was at the point where the noise levels would have been at their highest (hence using the worst case scenario).
- C. The issue of the speed of the lorries is a factor which needs to be taken into account but, in this situation it is limited to the type and length of the track. In my opinion, this means that they would not be able to achieve high speeds and hence there will be no affect on the current noise levels from the site.

Overall, it is my assessment that, by allowing the lorries to leave the site full, the proposal will actually reduce the noise levels in the area. The reason for this is because when a vehicle is empty you will get the trailer and the side panels rattling as the lorry travels over the road. When the vehicle is full the weight of the material in the lorry will prevent this from happening. As it will be soft material (i.e. compost), it will not cause extra noise from banging and rattling in the lorry.

### **Further representations from local residents**

A further 2 letters of objection have been received from local residents, in addition to those as detailed in the committee report. Aside from the issues already listed, the following additional matters are raised.

- Potential for Importation of Green Waste.

Concern is raised that there could be potential for the import of the following quantities of green waste (based on using the maximum vehicle numbers permitted at the site).

March/October: 118/week x 25 tonnes = 2950 tonnes x 35 weeks = 103,250 tonnes

November/February: 80/week x 25 tonnes = 2000 tonnes x 17 weeks = 34,000 tonnes

The representation notes that both the LPA and the Inspector accepted there was scope to increase the size of vehicles from those presently accessing the site. Concern is raised that if this condition was removed, irrespective of the compost being taken away in back loads or by vehicles not used to deliver green waste, there is a huge opportunity to increase the scale of development which in effect would create an industry in the open countryside that may not even be linked to agriculture. This expansion could take place within the permitted number of vehicles.

Representation also queries whether the compost could be bagged up and removed on flat bed lorries should export be permitted, or whether it could be sold to the public.

### **Response to representation**

As detailed in the committee report, the impact of a potential increase in the production of compost should export be permitted was considered by the Inspector at the previous appeal. He did not consider that potential changes to on-site activity would present unacceptable impacts on residential amenity.

It is also noted that the vehicle movements quoted in the representation do not reflect the planning condition on the current consent. Condition 8 of the consent restricts vehicle movements to:

Between 1 April and 31 October:

- 198 green waste vehicle movements (99 in, 99 out) over a 5.5 day week; of which no more than:
  - 40 (20 in, 20 out) on any one day Monday – Friday;
  - 18 (9 in, 9 out) on Saturday mornings; and
  - 10 (5 in, 5 out) on Bank/Public Holidays with no movements on Sundays.

Between 1 November and 31 March:

- 140 green waste vehicle movements (70 in, 70 out) over a 5 day week of which no more than:
  - 32 (16 in, 16 out) on any one day Monday to Friday;
  - 10 (5 in, 5 out) on Bank/Public Holidays;
  - No movements on Saturdays or Sundays.

In order to assist in alleviating the concerns of local residents and prevent further on-site activity, and provide further control over the development planning

conditions are recommended to restrict sales of compost directly from the site and bagging activities on site. A revised recommendation is proposed as follows:

**RECOMMENDATION**

**That the application be approved and the amendments made as follows:**

***Removal of condition 11 of planning permission 7/P04/0124;  
Removal of conditions 7 of planning permissions 7/2006/CCC/11,  
7/2007/CCC/7 and 7/2009/CCC/1.***

**This is subject to the following:**

- **Imposition of all other conditions as stipulated on consents 7/P04/0124; 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1**
- **Imposition of planning condition requiring construction of an acoustic fence as per the recommendations of the noise survey, details of which to be agreed in writing with the Local Planning Authority;**
- **Imposition of condition requiring sheeting of all vehicles exporting compost from the site;**
- **Imposition of condition restricting the sale of compost direct from the site;**
- **Imposition of condition restricting the bagging of compost at the site.**



**STRATEGIC PLANNING BOARD – 12 SEPTEMBER 2012**

**UPDATE TO AGENDA -REVIEW OF THE PLANNING PROTOCOL AND THE PUBLIC SPEAKING PROTOCOL**

**UPDATE PREPARED**

10 September 2012

In terms of paragraph 2.1 of the covering report, the recommendation needs amending to state that it will be the Constitution Committee and not the Audit and Governance Committee that will recommend the adoption of the Protocols to full Council.

A further bullet point needs to be included into paragraph 11.4 of the report:-

**‘Visiting members may speak for 3 minutes and may be asked questions through the chair’.**

Secondly please see the below comments received from Councillor Mrs Gaddum for your information. Members of Northern Planning were asked to submit any comments in advance as the next meeting of the Northern Planning Committee is after the Constitution Committee meeting:-

- I note the comment that we have the right to call an item in; however I am concerned that on occasions this right seems to be being over-ridden. Can there be clarification on what grounds it can be refused or indeed a member not be informed for a long period of time please?
- Please can we be given the dates for the mandatory training a long way in advance, and can it be clearly specified which are the mandatory dates for those with busy diaries?
- Page 16 call in: requests the same information for the report, but unfortunately the Call-in form does not have a duplicate or any mechanism to save it. Once it has gone, that is it. Can a better way be found for this please, or can it have an acknowledgement with the original attached?

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