

# **Strategic Planning Board**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 6th July, 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Assembly Room - Town Hall, Macclesfield SK10 1DX</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

**Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.**

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

**3. Minutes of the Previous Meeting (Pages 1 - 6)**

To approve the minutes of 15<sup>th</sup> June 2011 as a correct record.

**4. Public Speaking**

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not members of the Strategic Planning Board.

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For any apologies or requests for further information, or to arrange to speak at the meeting  
**Contact:** Sarah Baxter, Democratic Services  
**Tel:** 01270 686462  
**E-Mail:** [Sarah.Baxter@cheshireeast.gov.uk](mailto:Sarah.Baxter@cheshireeast.gov.uk)

A total period of 3 minutes is allocated for the planning application for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/0440C - Demolition of 170 and 172 Middlewich Road, Sandbach and Formation of New Access to Serve Residential Development** (Pages 7 - 18)

To consider the above application.

6. **11/0899C - Land South of Pochin Way and Cledford Lane, East of Booth Lane (A533), Middlewich - Extension to Time Limit - 07/0323/OUT (Midpoint 18 Phase 3: Proposed development for B1, B2 and B8, appropriate leisure and tourism (including hotel) uses, the completion of the Southern section of the Middlewich Eastern bypass & associated landscaping mitigation and enhancement works.)** (Pages 19 - 32)

To consider the above application.

7. **Planning for Growth & the Presumption in Favour of Sustainable Development** (Pages 33 - 38)

To update the Board on recent ministerial announcements with regard to growth and sustainable development.

**(There are no Part 2 items)**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 15th June, 2011 at The Assembly Room - Town Hall,  
Macclesfield SK10 1DX

**PRESENT**

Councillor H Davenport (Chairman)  
Councillor C G Thorley (Vice-Chairman)

Councillors J Hammond, Rachel Bailey, P Edwards, D Hough, J Macrae,  
B Murphy, G M Walton, R West, S Wilkinson and J Wray

**OFFICERS PRESENT**

Mrs P Cockroft (Principal Planning Officer), Mr D Corden (Planning Officer),  
Miss M Cotton (Enforcement Officer, Minerals and Waste), Ms S Dillon (Senior  
Solicitor), Mr S Irvine (Planning and Development Manager), Ms R Kidd  
(Spatial Planning Manager), Mr S Molloy (Project Leader) and Miss E Williams  
(Principal Planning Officer)

**7 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brown and Mrs J Jackson.

**8 DECLARATIONS OF INTEREST/PRE DETERMINATION**

Councillor G M Walton declared a personal interest in application 10/3078W-Application to Extend the Time of Operations, Dingle Bank Quarry near Chelford - Application to Vary Conditions 7 and 8 of Planning Permission 5/05/0751 to Increase the Period of Time by just under Six Years for Completion of Operations (Including Restoration), Dingle Bank Quarry, Holmes Chapel Road, Lower Withington for Mr D Walton, Sibelco UK Ltd and application 10/3080W-Application to Extend the Time of Operations, Dingle Bank Quarry near Chelford - Application to Vary Conditions 3 and 4 Planning Consent 05/06/2558 to Increase the Period of Time by Six Years and 2 Months for Completion of Operations (Including Restoration) Dingle Bank Quarry, Holmes Chapel Road, Lower Withington for Mr D Walton, Sibelco UK Ltd by virtue of the fact that he was a member of Dingle Bank Quarry Liaison Group, however he had not made any comments in relation to the application and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

**9 MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

**10 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**11 10/3078W-APPLICATION TO EXTEND THE TIME OF OPERATIONS, DINGLE BANK QUARRY NEAR CHELFORD - APPLICATION TO VARY CONDITIONS 7 AND 8 OF PLANNING PERMISSION 5/05/0751 TO INCREASE THE PERIOD OF TIME BY JUST UNDER SIX YEARS FOR COMPLETION OF OPERATIONS (INCLUDING RESTORATION), DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON FOR MR D WALTON, SIBELCO UK LTD**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to a prior appropriate Deed of Variation or new planning agreement under s106 TCPA which secures implementation of nature conservation management plan referred to in the Agreement of 8 January 2007 relating to the site and subject to the following conditions:-

1. Mineral extraction to cease by 31<sup>st</sup> December 2016.
2. Extraction areas to be restored by 31<sup>st</sup> December 2018 or within two years of cessation of extraction whichever is the earlier.

The replication where relevant of the existing 57 conditions attached to the current permission for the quarry that deal with:

Matters requiring approval

Hours of working

Traffic movements and protection of local highway network

Soil handling

Methods of working

Plant, machinery and buildings

Noise

Dust

Surface water drainage, pollution control

Lighting

Site maintenance

Ecology

Restoration  
Aftercare

- 12 **10/3080W-APPLICATION TO EXTEND THE TIME OF OPERATIONS, DINGLE BANK QUARRY NEAR CHELFORD - APPLICATION TO VARY CONDITIONS 3 AND 4 PLANNING CONSENT 05/06/2558 TO INCREASE THE PERIOD OF TIME BY SIX YEARS AND 2 MONTHS FOR COMPLETION OF OPERATIONS (INCLUDING RESTORATION) DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON FOR MR D WALTON, SIBELCO UK LTD**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to a prior appropriate Deed of Variation or new planning agreement under s106 TCPA which secures implementation of the management plan referred to in the Agreement of 19 September 1994 and of the woodland management plan and hydrological monitoring referred to in the planning agreement of 12 September 1994 in respect of this site and subject to the following conditions:-

3. Mineral extraction to cease by 31<sup>st</sup> December 2016.
4. Extraction areas to be restored by 31<sup>st</sup> December 2018 or within two years of cessation of extraction whichever is the earlier.

The replication where relevant of the existing 84 conditions attached to the current permission for the quarry that deal with:

Hours of working  
Traffic movements and protection of local highway network  
Protection of public footpaths  
Soil stripping  
Methods of working  
Tailings disposal  
Plant, machinery and buildings  
Noise  
Dust  
Surface water drainage, pollution control  
Archaeology  
Site maintenance  
Restoration  
Aftercare

**13 10/4485N-APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION: 7/09/CCC/0001, WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE FOR MR RUSHTON**

(During consideration of the application, Councillor Mrs R Bailey arrived at the meeting. However, in accordance with the Code of Conduct she did not take part in the debate nor vote on the application.)

Consideration was given to the above application.

(Mr Frodsham, an objector, and Mr Erskine, the agent for the applicant, attended the meeting and spoke in respect of the application.)

**RESOLVED**

That the application be refused as the proposed development is contrary to Policy 28 of the Cheshire Replacement Waste Local Plan. In particular, the proposal would have an unacceptable environmental impact on the safe movement of traffic on local roads and villages in the area and the arrival and departure of vehicles and people at local schools.

(This was a change in Officer recommendation from one of approval to one of refusal.)

**14 10/3872W-RETENTION OF DEPOSITED CONSTRUCTION WASTE ON SITE, HILLMOOR FARM, MACCLESFIELD ROAD, EATON FOR MR P MOSS**

Consideration was given to the above application.

(Councillor Mrs L Smetham, the Ward Councillor, attended the meeting and spoke in respect of the application.)

**RESOLVED**

That the application be approved subject to the following conditions:-

1. Submission of a detailed landscaping scheme within 2 months of the date of permission.
2. Implementation of landscaping scheme.

(Prior to consideration of the following application, Councillor C Thorley left the meeting and did not return.)

**15 PRESTBURY SUPPLEMENTARY PLANNING DOCUMENT AND OVER PEOVER SUPPLEMENTARY PLANNING DOCUMENT**

Consideration was given to a report on the content of the draft Prestbury and Over Peover Supplementary Planning Documents.

It was commented that some of the information in the documents was too detailed and unnecessary. In addition, it was noted that in relation to page 72 of the report reference had been made to Parkgate and not Parkgate Inn, which was the correct wording.

RESOLVED

That the Strategic Planning Board recommends that the Portfolio Holder for Performance and Capacity adopt the Prestbury and Over Peover Supplementary Planning Documents.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor H Davenport (Chairman)

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Application No: 11/0440C

Location: 170 & 172, MIDDLEWICH ROAD, SANDBACH

Proposal: Demolition of 170 and 172 Middlewich Road, Sandbach and Formation of New Access to Serve Residential Development

Applicant: Fox Strategic Land & Property

Expiry Date: 29-Mar-2011

**SUMMARY RECOMMENDATION**

**Approve with conditions, subject to the competition of a legal agreement to state that the development would not be implemented unless application 10/3471C is allowed at appeal.**

**MAIN ISSUES**

**Principal of development  
Loss of the two dwellings  
Highways  
Protected Species (Great Crested Newts & Bats)  
Amenity  
Trees**

**REFERRAL**

The application has been referred to Strategic Planning Board by the Head of Planning & Housing because of the linkages with the significant housing proposal on the adjoining land, now the subject of an appeal. Cllr Barry Moran had previously called in the application to Committee for the following reasons:

*'I am concerned about the design, amenity and highways safety/traffic generation of this application, with particular reference to the impact on the local community with the proposed formation of a new access onto Middlewich Road. The highways access appraisal and junction modelling technical documents, as submitted by the applicant, along with the CEC Case Officer's appraisal, are key considerations, here.*

*So, in my view, the application needs to be tested, in public, inter alia, against policy numbers GR2, GR6 and GR18.*

*Additionally, residents need to fully understand the relevance and fit of this application to the 280 housing planning application that was refused on 17 November 2010, on the Sandbach, Abbeyfields site'*

## **1. SITE DESCRIPTION**

The application relates to 170 & 172 Middlewich Road, situated on the southern side of Middlewich Road, within the Sandbach Settlement Boundary. The site is bordered by residential properties to the north, and its western and eastern boundaries, with open fields to the south.

The site is occupied by 170 & 172 Middlewich Road, which are a pair of detached dwellings of a similar appearance. The properties have a red brick finish with a red, tiled, hipped roof with a projecting gable and two-storey bay windows to the front elevation. No 170 has been extended in the past with the addition of a two-storey side extension.

Along the front boundary of No 170 Middlewich Road is a large Silver Lime Tree which is protected by T1 of the Middlewich Road, Sandbach Tree Preservation Order 1984. To the front of the site is a wide grass verge onto Middlewich Road with bus stops located opposite the site and 27 metres to the east.

## **2. DETAILS OF PROPOSAL**

This application is linked to outline application 10/3471C for up to 280 homes together with associated public open space, and highway improvements. This application was discussed by the Strategic Planning Board at its meeting on 17<sup>th</sup> November 2010 and was refused for 6 reasons. An appeal has now been lodged and a Public Inquiry was held in April.

All matters were reserved as part of application 10/3471C and this application seeks to secure an access to the site. The proposed access would result in the demolition of 170 & 172 Middlewich Road and the loss of a TPO tree.

## **2. RELEVANT PLANNING HISTORY**

10/3471C – Proposed residential development for up to 280 homes together with associated public open space, and highway improvements – Refused – Appeal Lodged

22739/1 – 18 hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2<sup>nd</sup> January 1991

17611/1 – Residential Development – Refused 10<sup>th</sup> June 1986

## **3. PLANNING POLICIES**

### **National Policy**

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

## **Local Plan Policy**

PS8 Open Countryside  
NR4 Non-statutory sites  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR11 Development Involving New Roads and Other Transportation Projects  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
NR1 Trees and Woodland  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and low cost housing

## **4. OBSERVATIONS OF CONSULTEES**

**Environmental Health:** Have requested the following condition:

Prior to the demolition of the properties, an Environmental Management Plan shall be submitted and agreed by the planning authority. 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:

a) 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;

b) Dust generation caused by construction activities and proposed mitigation methodology.

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

**Highways:** The Strategic Highways Manager originally recommended refusal of this application due to lack of information. The developer's highway consultant then produced further information for the junction design and analysis of the capacity issues which were created by the original design proposal. The Strategic Highways Manager now has no objection to the application subject to the imposition of the following conditions;

1. Prior to the commencement of development, the developer will provide a detailed suite of design and construction specification plans for the proposed junction to the

satisfaction of the Local Planning Authority. These plans will form part of the Section 278 Agreement under the Highways Act 1980.

2. Prior to the commencement of the development, the developer will enter into and sign a Section 278 Agreement under the Highways Act 1980, with Cheshire East Council Highway Authority.

**Natural England:** Based on the information provided in the FPCR Environmental and Design Ltd Bat Survey Report, Natural England consider adequate survey effort has been employed to determine if the buildings have the potential to support bats. Natural England support the mitigation proposed for the demolition of these buildings and should the Authority be minded to grant approval, Natural England would encourage a suitably robust condition referring to the mitigation element of the report.

It is noted that there has been assessment of the trees in respect of potential for roosting bats. Should any trees be felled, we would encourage the Authority to ensure that sufficient information and mitigation is submitted as to the bat roosting potential all trees to be affected.

It is noted that there are great-crested newts present in the area and as part of the residential development application (10/3471C), a survey is being undertaken. It is the advice of Natural England that this application is not determined until such times as the information from the surveys is available.

Having reviewed the arboriculture report, Natural England would be concerned about the loss of any trees and specifically mature trees that offer landscape value to a built up area. It is acknowledged that landscaping will form part of the overall plan for this area (i.e. residential development). However, the landscaping proposed is highly unlikely to mitigate for the loss of this mature specimen. The authority should be asking for an alternative approach/ location for access arrangements to the development site.

Natural England is concerned about the potential for this application to be approved prior to the decision from the appeal of 10/3471C. Natural England would not wish to see the loss of any buildings (that could still offer roosting opportunities for bats), impacts on GCN in the area or trees felled, should the appeal be dismissed and thus the proposed residential development refused.

## **5. VIEWS OF SANDBACH TOWN COUNCIL**

Object. Members believe this application should be refused on Highway Safety grounds. The proposals will lead to significant increase of noise and environmental pollution for adjoining residents, contrary to policies GR1, GR5, GR7i and GR9 of the Local Plan. This Council will be recommending that the Ward Councillors call the application in for determination by the appropriate Planning Committee.

## **6. OTHER REPRESENTATIONS**

Letters of objection have been received from 309 local residents (including a representation from the friends of Abbeyfields) which raise the following points:

### Highways

- Highway safety
- Proximity of the access to the junction with Park Lane
- Proximity to bus stops
- Pedestrian safety
- Proximity to schools
- Increased traffic congestion

#### Land use

- Loss of greenfield land
- Brownfield sites available
- Allowing the development will increase the chances of the appeal for the housing development being allowed
- No new houses needed in Sandbach
- Loss of farmland
- The access is not required as planning permission has been refused for the housing development
- The future phases up to 200 additional dwellings have not been included in the a Transport Assessment
- Gardens should not be developed on
- Loss of the gap between Elworth and Sandbach
- The impact upon local infrastructure

#### Amenity

- Increased noise
- Increased pollution
- Impact upon residential amenity
- Loss of privacy
- Impact of demolition/construction works

#### Design

- The loss of 2 mature character properties
- The plans do not indicate the position of street furniture

#### Ecology

- Loss of TPO tree
- Impact upon bat roosts
- Error in the supporting information which states that the Lime tree is not covered by a TPO
- Loss of hedgerow

#### Other

- Contrary to Local Plan Policies
- Lack of neighbour notification
- Subsidence
- Flooding
- Maintenance of boundary hedgerow
- Increased vandalism to boundaries of the adjoining properties
- Error on certificate of ownership
- Impact upon local schools

## **7. APPLICANT'S SUPPORTING INFORMATION:**

### **Bat Survey (Produced by FPCR and dated 28<sup>th</sup> January 2011)**

- No current or previous evidence of a bat roost was identified within these buildings and the buildings were in a good state of repair with only occasional potential bat access points observed. From the completed surveys it has been concluded that the buildings only offer extremely limited potential to be used as a bat roost and the presence of a bat roost can reasonably be discounted. Therefore the presence of a bat roost has not been identified as a statutory constraint to demolition. However to ensure compliance with current wildlife legislation included in the Conservation of Habitats & Species Regulation 2010 and the Wildlife and Countryside Act 1981 (as amended) it is recommended that the roof areas including the soffits should be removed by hand during the proposed demolition. In the unlikely event that bats or evidence of bats, are encountered during works all operations should immediately cease and FPCR contacted for advice.

### **Access Appraisal (Produced by Ashley Helme Associates and dated December 2010)**

- This report accompanies a planning application for a new access road on Middlewich Road, Sandbach. It is anticipated that the access would serve potential residential development on land referred to as Abbey Fields which is subject to a separate planning application and does not form part of this current application.

- The proposed access arrangements comprise the construction of a new junction on Middlewich Road. It is demonstrated that the proposed access arrangements satisfy geometric criteria

- For the purposes of this study, it is assumed that Abbey Fields is developed with a residential scheme comprising 280 dwellings. The traffic generated by this assumed level of residential development is 166 vehicle trips in the AM peak hour, and 166 vehicle trips in the PM peak hour. These are considered robust estimates for assumed development generated traffic

- Modelling of the proposed access/Middlewich Road junction in the 2016 AM & PM peak hour 'with development' situation is undertaken. The results show that the junction is predicted to operate in an acceptable manner in both the 2016 AM & PM peak with development solutions

- It is demonstrated that the proposed access/Middlewich Road junction arrangements presented can accommodate estimated future traffic movements along Middlewich Road and traffic generated by potential residential development (up to 280 dwellings) on the Abbeyfields site. It is concluded that there are no highways/transportation reasons for refusal of the planning application.

### **Arboricultural Appraisal (Produced by FPCR and dated January 2011)**

- This survey assesses the impact of the proposed access upon 3 individual trees and 1 group of trees

- One of the individual trees is considered to be a Category A tree (high quality and value)

- Two of the individual trees and the group of trees are considered to be Category C trees (low quality and value)

- The Category A tree will need to be removed to facilitate the proposed access and the Category C trees may need to be removed.

- As part of the proposals discussions could be entered into with the LPA as to the nature of any compensation planting for the loss of the Category A Lime tree. It is recommended that a suitable replacement tree, the species of which is to be decided, is planted within the highway

verges along Middlewich Road to the agreement of the LPA. The new tree will contribute to the local tree population.

- All vegetation should be removed outside the bird breeding season

## **8. OFFICER APPRAISAL**

### **Principal of the Development**

This application relates to the provision of an access to serve a housing scheme which was heard at a Public Inquiry in April following the refusal of application 10/3471C (the decision for this application is likely to be made in September). Although there is a link between the applications, each application must be determined upon its own merits. In this case the development which is being considered is the demolition of 170 & 172 Middlewich Road and the formation of a new access.

Concerns have been raised with the applicant over the prematurity of this current application given that the housing scheme has been refused and the Secretary of State has not yet issued his decision. In response to this the applicant has indicated that they will submit a Unilateral Undertaking to the Council to state that they will not implement the proposed access unless the appeal for the housing development is allowed. This is considered to be a reasonable approach and would mean that the scenario of the access being constructed if the housing is dismissed at appeal would not arise.

### **Demolition of 170 & 172 Middlewich Road**

Although 170 & 172 Middlewich Road are attractive buildings they are not of an unusual style or of any special architectural or historic interest. Given that the applicant has indicated that they will enter into a Unilateral Undertaking to state that will not demolish the dwellings unless the appeal for the housing is allowed, it is not considered that the potential loss of these dwellings would warrant the refusal of this planning application.

### **Ecology**

The protected species which may be impacted upon as part of the construction of the access are Bats and Great Crested Newts.

#### Bats

As part of this application the applicant has commissioned a bat survey of the two properties which are to be demolished to determine whether they are in use or have been used as some form of bat roost. This survey concludes that *'the buildings only offer extremely limited potential to be used as a bat roost and the presence of a bat roost can reasonably be discounted'*. This survey has been considered by the Councils Ecologist and he is satisfied that the proposed demolition is not reasonable likely to result in an impact on roosting bats.

#### Great Crested Newts

As part of the housing application, a pond to the south of the site was surveyed and no evidence of Great Crested Newts was recorded. A second pond to the west of the current

application site which is located within the curtilage of 180 Middlewich Road did not form part of the original survey and this formed a reason for refusal for the housing development. Prior to the public inquiry a terrestrial survey for Great Crested Newts was carried out and this found no evidence of Great Crested Newts. This reason for refusal was then withdrawn and not defended at the public inquiry.

Given the findings of these surveys, it is concluded that the proposed development would not have a detrimental impact upon Great Crested Newts.

### **Trees**

There are trees on the boundaries of the application site including a Silver Lime which is subject to Middlewich Road, Sandbach TPO 1984.

Three trees and one group of trees which are located on or adjacent to the site have been surveyed as part of the submitted arboricultural report. This rates the TPO Lime tree at Category A and the two other trees and the group of trees as Category C. The TPO Lime tree would need to be removed to facilitate the access whilst the Category C trees may also need to be removed.

There is no objection to the removal of the Category C trees as these trees are of limited quality and value. However, there is concern from local residents and the Councils Landscape Architect over the loss of the TPO Lime tree. Whilst this concern is noted substantial benefits in terms of tree planting could be secured along Middlewich Road and within the proposed community park as part of the proposed housing scheme. It is considered that these benefits would outweigh the loss of one TPO tree and this issue would not warrant the refusal of this planning application.

### **Highway Safety and Traffic Generation**

The proposed junction design provides a simple priority junction with a ghost island right turn lane with pedestrian refuges within the splitter islands. The design caters for appropriate re-positioning of the bus stops in the vicinity of the site to bring them into positions which integrate with the new junction layout. Walking times to the bus stops are not materially affected.

The junction itself will have 3 lanes, one access and two egress, which allows improved capacity and turning movements.

It was necessary to ensure that the additional evidence submitted by the developer's highway consultant demonstrated that the proposed junction had sufficient traffic capacity for the suggested levels of development not only at the time of opening, but also in the future.

In addition, the junction needed to pass a Stage 1 safety audit which would ensure that the existing bus stops were appropriately catered for, along with pedestrian issues and general junction design in accordance with the guidance contained in the Design Manual for Roads and Bridges.



The Strategic Highways Manager has completed his assessment of the above information and found that the issues in relation to the junction design are now satisfactorily resolved and that it meets Highway Authority requirements.

The Transport Assessment states that the junction design is intended to serve up to 280 residential dwellings and the junction capacity is commensurate to this level of traffic generation. Highways agree that this junction is designed to serve a ceiling of 280 residential dwellings and that any increase in this number would require the junction design to be re-visited in order to produce a design with improved capacity, or an alternate access.

In addition, a Stage 1 Safety Audit has been completed and the junction design adjusted to make it acceptable.

The changes that have brought about a position where Highways agree that the details of the junction are acceptable, subject to the relevant highway legal agreements, and recommended conditions regarding the junction design which will be attached to any permission which may be granted for this proposal.

Given this assessment it is not considered that the access would cause such significant highway/pedestrian safety, traffic generation issues as to warrant the refusal of this application.

It should be noted that the suggested conditions require the applicant to enter into highways agreements and provide a suite of plans in relation to the construction of the access. It is considered that these would be more appropriate as informatives attached to the decision notice rather than planning conditions as these are dealt with under highways rather than planning legislation.

### **Amenity**

The main properties affected by the development would be 168 and 174 Middlewich Road which are located to either side of the proposed access.

The proposed access would include pavements to either side and wide grass verges or planting areas. In terms of noise and disturbance this is not considered to be an issue given the scale of the development which would involve the demolition of two dwellings. It is considered that the condition requested by Environmental Health in relation to an Environmental Management Plan is excessive for the proposed development and it is recommended that this is not attached to any approval.

In terms of privacy, there is adequate room to provide screen fencing or planting to protect the amenity of the adjacent dwellings and, as the access would be the only route to serve up to 280 dwellings, it is not considered that the access would be a magnet to anti-social behaviour.

### **Other issues**

Numerous points of objections which have been raised as part of the consultation process relate to the development of the Abbeyfields site for housing and not specifically to this access application. These points of objection were considered as part of the housing

application and these issues would not warrant the refusal of this application for an access to the site.

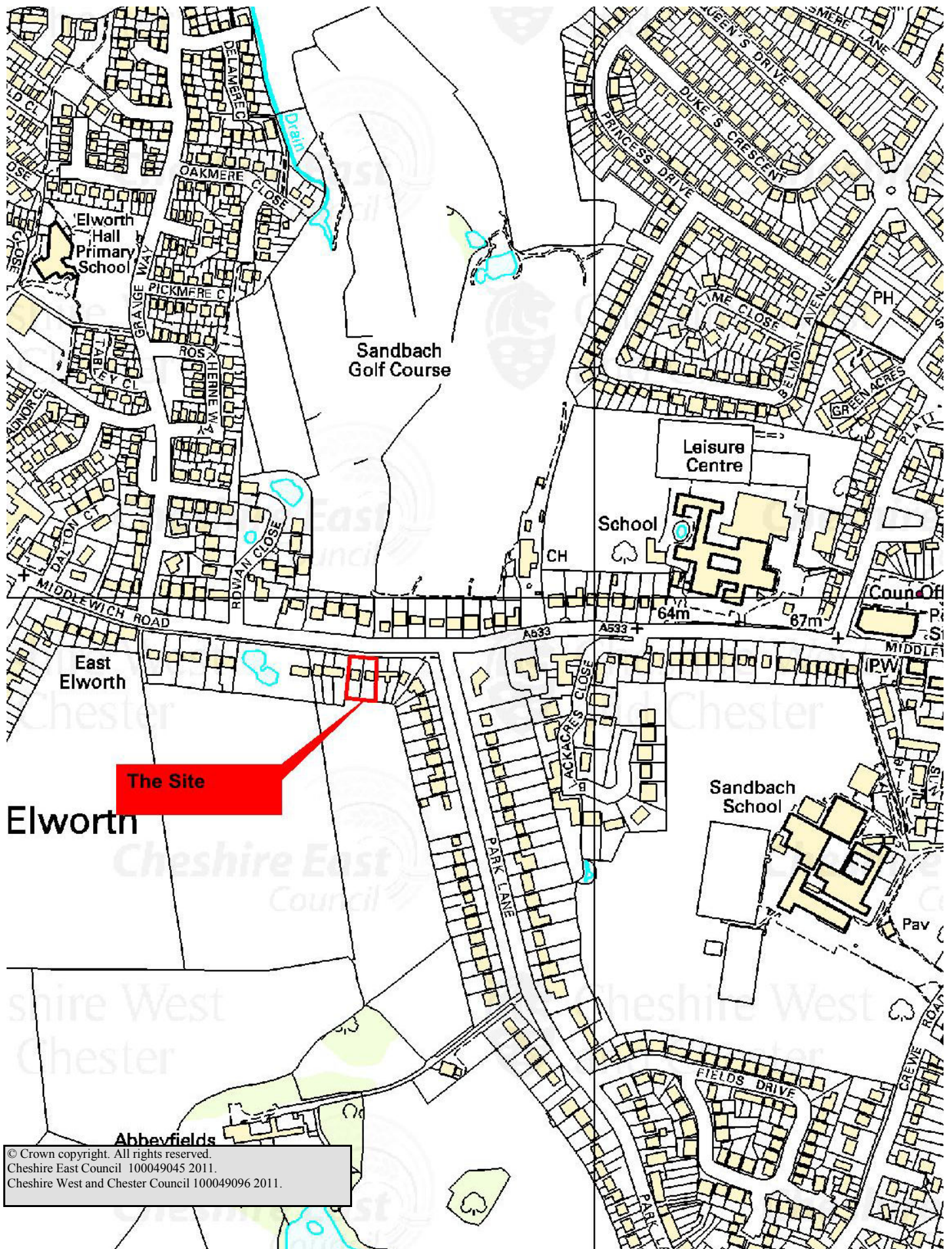
## **9. CONCLUSIONS**

In summary, the applicant has indicated that they will submit a Unilateral Undertaking to the Council to state that they will not implement the proposed access unless the appeal for the housing development is allowed. The proposed access is adequate in terms of its highway/pedestrian implications and it would not have a detrimental impact upon residential amenity. The proposed access would not have a detrimental impact upon the Great Crested Newts or Bats. Subject to a scheme of mitigation the loss of the TPO tree is accepted in this instance.

## **10. RECOMMENDATION**

**Approve subject to the following conditions;**

- 1. Standard time limit – 3 years**
- 2. The demolition of the dwellings to proceed in accordance with the recommendations of the Bat Survey Report dated 28<sup>th</sup> January 2011**
- 3. Submission of an Environmental Management Plan which shall be implemented and in force during the construction phase of the development.**
- 4. No development shall commence, until a scheme of tree planting to replace any trees felled outside the perimeter of the site as a result of the construction of any access has been submitted to and approved in writing by the Local Planning Authority. The tree planting scheme shall include details of schedules of trees noting species, plant sizes, container size, staking and protection, pit size, soil amelioration, the proposed numbers, location of planting (which shall be located on land adjacent to the highway) and an implementation program and a method of establishment.**



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Application No: 11/0899C

Location: LAND SOUTH OF POCHIN WAY AND CLEDFORD LANE, EAST OF BOOTH LANE (A533), MIDDLEWICH

Proposal: Extension to Time Limit - 07/0323/OUT (Midpoint 18 Phase 3: Proposed development for B1, B2 and B8, appropriate leisure and tourism (including hotel) uses, the completion of the Southern section of the Middlewich Eastern bypass & associated landscaping mitigation and enhancement works.)

Applicant: Pochin Developments Ltd

Expiry Date: 06-Jun-2011

Date Report Prepared: 22<sup>nd</sup> June 2011

**SUMMARY RECOMMENDATION:** Approve with conditions

**MAIN ISSUES:**

- Scope of the Application
- Material Changes in Policy/Circumstances Since Previous Application
- Ecology
- Time Limit for Commencement of Development
- Landscaping

**REASON FOR REFERRAL**

This application is only before Strategic Planning Board as it is for an extension of time to an approval that was for a significant major employment site.

**DESCRIPTION AND SITE CONTEXT**

The site is situated immediately east of Middlewich and two miles west of Junction 18 of the M6. Phase 3 occupies a site south of Pochin Way and Cledford Lane and to the east of Booth Lane (A533). It is entirely within land allocated for employment, leisure and tourism use, as defined in the adopted Congleton Borough Local Plan First Review 2005.

The site, with an area of 91.7 hectares is used for grazing of livestock (grade 3 farmland). The northern boundary of the site is defined by the existing Midpoint 18 development and by Cledford Lane, to the east by Sandersons Brook and to the west by the Sandbach – Middlewich – Northwich railway line and the existing development to the south of the site.

**DETAILS OF PROPOSAL**

This application is for an extension of time to planning permission reference 07/0323/OUT, which relates to a significant major employment site. The details of the original approval are laid out below.



### **Phase A (Unit 101 and the Bypass)**

Unit 101 would be located to the west of the bypass, between it and the railway line. The gross internal area of this unit would be 59,260sqm.

The bypass would link the A533 to Pochin Way (existing section of the bypass) and would follow the line identified in the local plan by Policy DP10(M1) and that shown in Appendix A 'Context Plan' of Supplementary Planning Document 15: Development Brief for Midpoint 18 Phase 3 Development. The bypass would be elevated above the railway to the south of unit 101 by a bridge. The detail of the bridge, along with its methodology for construction would be controlled by condition. Indicative routes are shown off the bypass to Phases B and C.

### **Phases B and C**

The size of the proposed buildings would generally range from small units of approximately 454sqm grouped in terraces, to large units of approximately 2,880sqm to 59,260sqm. A hotel (121 beds approximately) is also proposed. The overall gross floorspace (including allowance for first floor in B1(c), B2 and B8 units other than unit 101 where the upper floors are already defined) would be approximately 143,000sqm within the overall site area of 91.7ha.

### **RELEVANT HISTORY**

07/0323/OUT	2005	Outline approval for Midpoint 18 Phase 3 extension
08/0557/REM	2009	Reserved matters approval for landscaping

### **POLICIES**

#### **National Guidance**

PPS	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPS9	Biological & Geological Conservation
PPG13	Transport
PPS5	Planning for the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

#### **Regional Spatial Strategy**

DP1	Spatial Principles
DP2	Promote Sustainable Communities
DP3	Promote Sustainable Economic Development
DP4	Making the Best Use of Existing Resources and Infrastructure
DP5	Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7	Promote Environmental Quality
DP9	Reduce Emissions and Adapt to Climate Change
RDF1	Spatial Priorities
RT2	Managing Travel Demand
RT9	Walking and Cycling

## EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

### **Congleton Local Plan 2005**

DP1	Employment Sites
DP3	Mixed Use Sites
DP5	Recreation, Leisure and Community Use Sites
DP7	Development Requirements
DP10	New Road Schemes
PS4	Towns
PS8	Open Countryside
PS12	Major Employment Development
PS13	Strategic Transport Corridors
GR1	General Criteria for Development
GR2	Design
GR4 & GR5	Landscaping
GR6	Amenity
GR7 & GR8	Pollution
GR9	Accessibility, Servicing and Parking Provision
GR11	New Roads
GR13, GR14 & GR 15	Sustainable Transport Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
NR1	Trees and Woodlands
NR2, NR3, NR4 & NR5	Nature Conservation
E12	Distribution & Storage Facilities

### **Supplementary Planning Guidance/Documents**

SPD15 Midpoint 18 Phase 3 Development Brief

### **CONSIDERATIONS**

#### **Highways Agency:**

No objection to the application subject to a condition relating to travel planning. There will be no significant impact upon the operation or safety of the strategic road network.

#### **Environment Agency**

No objection.

#### **Environmental Protection:**

Comments reiterate those given for the previous application, namely conditions requested relating to land contamination, noise hours of working, external lighting and air quality.

#### **Natural England:**

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in

the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

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

No objection.

#### **OTHER REPRESENTATIONS**

None received at the time of report writing.

#### **APPLICANT'S SUPPORTING INFORMATION**

Supporting Planning Statement

#### **KEY ISSUES**

##### **Scope of This Application**

Extensions to the time limits for implementing existing planning permissions was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle. In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

##### **Material Changes in Policy/Circumstances Since the Previous Application**

The application was determined under the adopted Congleton Borough Local Plan First Review (2005). As such, in determining the original application, regard was had to the current policies in the current development plan. That said, there were protected species identified on site during the assessment of the original application. As such it was considered necessary to update the information submitted in order to ensure that necessary mitigation measures were taken.

##### **Ecology**

The original application was submitted with an Environmental Statement which contained a detailed assessment of the impacts of the proposed development on ecological features identified on the site. The site includes a number of plant and animal species and habitats which vary in their conservation value and interest. A network of ponds on the site was originally identified as a habitat for Lesser Silver Water Beetles which are considered of regional importance. These ponds were also identified as supporting a number of Great Crested Newt Colonies. Other species of county value using the site include Barn Owls and Green Sandpipers.

The pond network and the brooks (Sanderson's and Small Brook) are considered to be of local conservation value. The impact upon these and the impact this has on the valued species on the site will cause the greatest impact. A Strategic Ecological and Landscape Plan was submitted with the original application. This plan put forward measures designed to avoid or mitigate against adverse impacts on protected species and other ecological features present on the site. This plan has been amended to explicitly state that the detailed



ecological mitigation proposals submitted in respect of each subsequent reserved matters application at this site will be informed by detailed updated ecological surveys.

To inform the determination of this extension of time application an ecological 'walk over' survey of the site has been undertaken. No detailed surveys have been undertaken in respect of great crested newts, bats or lesser silver diving beetle all of which are protected species known to be present during the previous ecological survey undertaken at the site. The walk over survey did however assess any changes that have taken place at the site that may have affected the abundance and distribution of these species. Updated detailed surveys were undertaken in respect of otters, water vole and barn owls.

As a result of the updated surveys it can be concluded that the impacts of the proposed development on barn owl and water vole are unchanged since the original consent was granted and no significant impacts on badgers are anticipated. There is potential for the development to have an adverse impact on otter as this species is known to use Sanderson's Brook, However no confirmed evidence of this species was recorded during the most recent survey. Additionally, it is advised that the impact of the development on otters is not likely to be significant in terms of the legal protection of the species and mitigation appropriate for this species was already incorporated into the original scheme.

In respect of great crested newts and bats the updated assessment concludes that as there have been no significant land use changes at the site it is unlikely that the status of these species will have changed significantly since the original consent was granted. The exception to this is lesser silver diving beetle. The dry spring this year and the lack of current grazing of the ponds may have reduced the distribution and abundance of this species. If this species has declined on site the adverse impact of the development will be lower than originally anticipated when the original consent was granted.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Having regard to this proposal there is no satisfactory alternative and its approval would lead to significant economic benefits in the public interest. The mitigation proposals put forward in the Strategic Ecological and Landscape Plan would address issues relating to protected species.

#### **Time Limit for Commencement of Development**

The original consent (07/0323/OUT) required that the development should commence either before the expiration of 3 years from the date of permission or 2 years from the date of approval of the reserved matters, whichever is the later. The developers have been unable to commence development as yet due to the current economic climate. It is considered that in order to ensure that an extant consent is in place to facilitate the development of this important employment allocation, an extended time limit for commencement of development should be included in the conditions attached to the grant of planning permission. This extended time limit should be 5 years.

#### **Economic Benefit**

A change since the consideration of original application is the recent Ministerial Statements around growth and sustainable development to assist with the economic recovery. Statements about 'Planning for Growth' and a 'Presumption in Favour of Sustainable Development' have emphasised the Government's priority to promote sustainable economic growth and jobs. The clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise key sustainable development principles.

The Planning for Growth statement states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing,

economic and other forms for sustainable development and that they should consider the range of likely economic, environmental and social benefits of proposals.

Midpoint 18 is a key employment site within Cheshire East and, from an economic development perspective, the completion of its third phase will play a key role in the economic growth of the borough as a whole and the town of Middlewich in particular.

The town has struggled recently with some of its key employers making redundancies that have had a negative impact on the labour market of Middlewich and the surrounding towns, including Northwich and Winsford in the Cheshire West & Chester Council area.

It is vital that easily accessible, modern and flexible business accommodation is available for new investors and growing businesses to locate, generating opportunities in terms of employment for the local workforce, supply contracts for local businesses, and a wider multiplier benefit for Middlewich's economy.

The completion of the southern section of the Middlewich Eastern Bypass is key to this. Whilst, in the current funding climate there is increased uncertainty over how and when this will be delivered with resulting impact on the timescales for the completion of Midpoint 18 Phase 3, developer Pochin are actively seeking funding to bridge the funding gap, including through the Government's Regional Growth Fund.

The application is therefore fully in compliance with the growth and sustainable development agenda and as such should be supported.

### **Landscaping**

In 2009 reserved matters approval was granted for the landscaping of the site. As these details were considered to be acceptable it is recommended that the conditions attached to this permission refer to this consent and do not require further submission of these details.

### **CONCLUSIONS**

It is considered that there have not been any significant, material changes since application 07/0323/OUT was permitted. The Strategic Ecological and Landscape Plan and subsequent update will provide adequate mitigation against any adverse impacts on ecological features on the site. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to the following conditions.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

#### **Draft Conditions 11/0899C Midpoint 18 Phase 3**

1. The development hereby approved shall be implemented as follows:  
Phase 1: Unit 101 and the whole of the bypass  
Phase 2: The remainder of the development or part thereof
2. The landscaping of the site shall be carried out in complete accordance with the plans approved under application number 08/0557/REM, numbered 3824.2.001 – 0010 Rev F, date stamped received on 8<sup>th</sup> January 2008. The landscaping of the Phase 1

development shall be implemented as follows:

The approved landscaping works within 9 months of the commencement of the Phase 1 development

The remainder of the approved landscaping works within 9 months of the substantial completion of the Phase 1 development.

Any trees or plants within the approved advance landscaping scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

3. Any further matters applications for the approval of reserved matters relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of this permission.
4. The Phase 1 development hereby approved shall be commenced before the expiration of five years from the date of this permission, or before three years from the date of the approval of the last reserved matters to be approved for this phase, whichever is the later.
5. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the phase 2 development (hereinafter called "the Phase 2 reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.
6. Application for approval of the Phase 2 reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
7. The Phase 2 development hereby approved shall be commenced before the expiration of ten years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved for this phase, whichever is the later.
8. None of the buildings hereby approved, shall be occupied until the whole of the Middlewich Eastern bypass has been opened to traffic.
9. Prior to the commencement of the development of each phase of the development hereby approved, a scheme for the protection of those trees proposed to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be implemented prior to construction and retained during the construction work on each phase.
10. An Ecological and Landscape Management Plan shall be prepared for each phase of the development and shall be in accordance with the Strategic Ecological and Landscape Plan (SELP) and the amendment to Paragraph 5.2, hereby approved and dated March 2008 and June 2011.
11. Within the period of 6 months prior to the commencement of the ecological mitigation and enabling works for each phase of the development hereby approved, an

Ecological and Landscape Mitigation, Enhancement and Management Plan (ELMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each ELMP shall be in accordance with the framework established in the approved SELP (as amended in 2011), shall accord with, update and implement the mitigation strategies proposed for protected species in the Environmental Statement submitted with application number 07/0323/OUT, have specific regard to the particular issues related to that phase of development and include details of the habitat creation, enhancement scheme, ecological mitigation and implementation and monitoring programmes required. The ecology and landscape shall be implemented and managed in accordance with the approved Ecological and Landscape Mitigation, Enhancement and Management Plan.

12. Prior to the commencement of the development hereby approved, details showing where soils and aggregates are to be stored on the site, shall be submitted to and approved in writing by the Local Planning Authority and thereafter soils and aggregates shall be stored in accordance with the approved details.
13. Prior to the commencement of development of the bypass hereby approved the design of the railway bridge and a method statement for its construction, shall be submitted to and approved in writing by the Local Planning Authority. The construction of the bridge shall be carried out in accordance with the approved details unless otherwise agreed in writing.
14. Prior to the commencement of each phase of the development hereby approved an air quality management plan covering the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved air quality management plan.
15. Prior to the commencement of each phase of the development hereby approved a noise management plan covering the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved noise management plan.
16. Prior to the occupation of any building hereby approved a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise shall be submitted to and approved in writing by the Local Planning Authority. The development of the scheme shall be implemented in accordance with the approved details prior to the first occupation and retained thereafter.
17. During the construction of B1, B2, and B8 units and hotel in any phase of the development hereby approved, foundation and other piling should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

During the construction of B1, B2 and B8 units and hotel in any phase of the

development hereby approved, 'floor floating' should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

18. Within 3 months of the commencement of development, samples of the external materials and finishes to be used on the buildings 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.
19. All boundary treatments shall be in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details shall include the position, size, design, colour and implementation for all boundary treatments.
20. No construction shall take place until details of an archaeological watching brief have been submitted to and approved in writing by the Local planning Authority. Construction shall take place in accordance with the approved details.
21. No construction shall take place until an archaeological survey dig has been undertaken on the area identified as Site 9 on the Environmental Statement submitted with application number 07/0323/FUL, the scope and methodology of which shall be approved in writing by the Local Planning Authority. A written report of this survey shall be submitted to the Cheshire Archaeology Planning Advisory Service in A4 format within one year of the completion of the dig unless otherwise agreed in writing with the Local Planning Authority.
22. The occupier of each of the buildings hereby approved shall, within 6 months of occupation, prepare and submit a travel plan for approval in writing by the Local Planning Authority. The travel plan shall be based upon staff travel survey data and include targets and an action plan. Each occupier shall nominate a member of staff to act in the role of travel plan co-ordinator to liaise with the Highway Authority and oversee implementation of the travel plan.
23. Prior to first occupation of any unit a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be implemented in strict accordance with the approved details.
24. Prior to the occupation of Unit 101 hereby approved, the flood attenuation associated with Phase 1 of the development shall be constructed in accordance with the plans approved under application number 07/0323/OUT for the storage lagoon reference numbers CL(50)01 and CL(50)05 and the Midpoint 18 Phase III Flood Risk Assessments Volumes one and two dated April 2007.
25. Where identified in the Environmental Statement submitted with application number 07/0323/OUT, flood attenuation schemes for each other building shall be submitted to

and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.

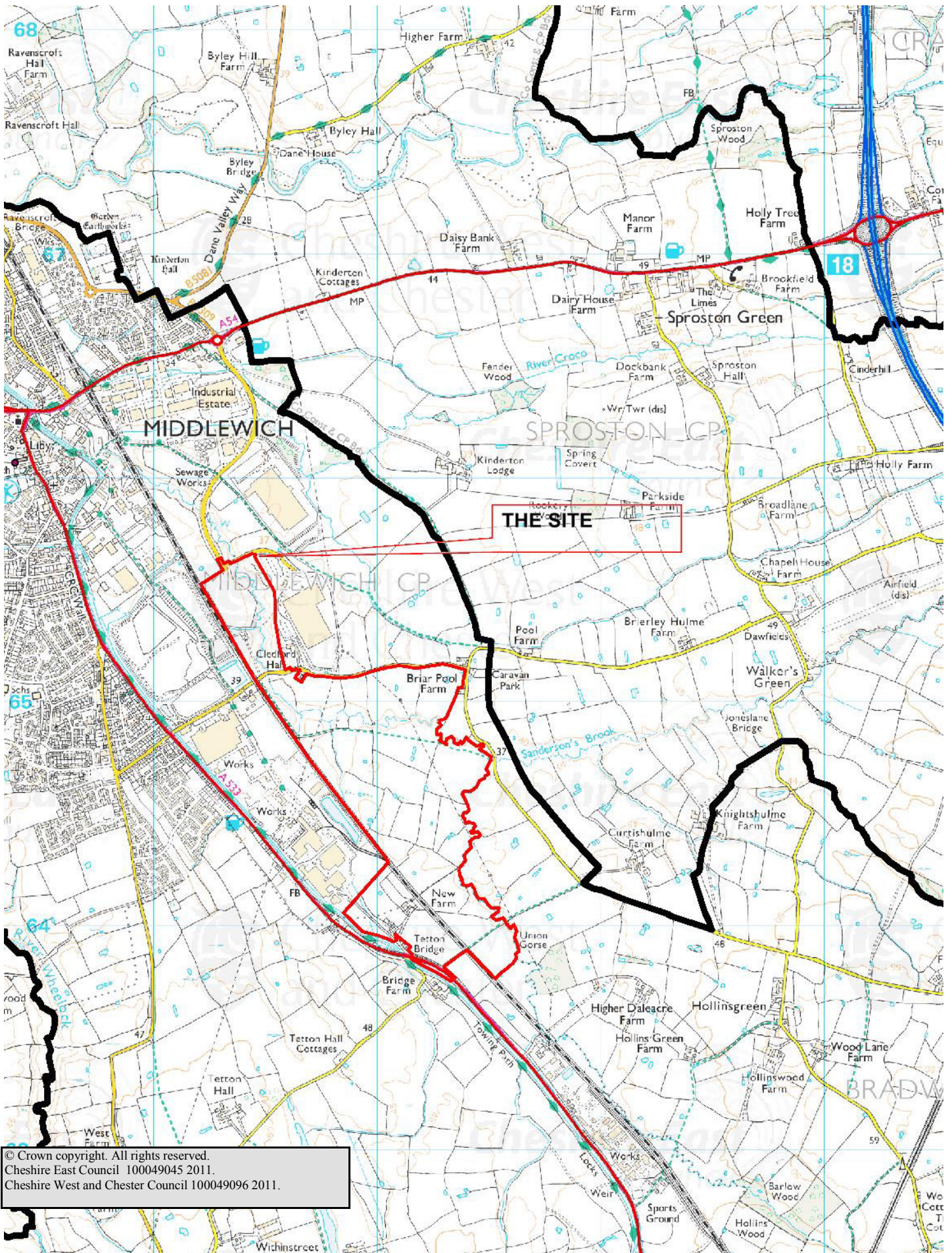
26. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
27. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicle, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
28. No development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals or effluents has been approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and programme.
29. Prior to first occupation of Unit 101 a scheme detailing the sprinkler tanks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
30. Prior to the first occupation of Unit 101 a scheme detailing the electricity sub stations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
31. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not exceed the heights indicated in Section 6.2 of the Design and Access Statement (March 2007), which was submitted with application number 07/0323/OUT.
32. The general site mitigation measures during the construction and operational phases of the development as identified within Paragraphs 6.2 and 6.8 of the Environmental Statement: Technical Annex 1. Geology, Soils and Land Contamination (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
33. The mitigation measures proposed to limit the potential for water contamination during the construction and operational phases of the development as identified within Sections 5.2 – 5.4 of the Environmental Statement: Technical Annex 4. Water Quality (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
34. On or prior to each application for the approval of reserved matters for Phase 2, a statement detailing:

- (a) The design principles and design concepts of those aspects of the development to which the application for the approval of reserved matters relates;
- (b) How such principles and concepts are reflected in the proposals for development set out in the reserved matters application; and
- (c) The relationship of the portion of the development to which the reserved matters application relates, to the development site as a whole and to the wider context

Shall be submitted to and approved in writing by the Local Planning Authority and the approval of reserved matters shall be in accordance with that approved statement.

- 35. Car parking spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for car parking, except as otherwise agreed in writing with the Local Planning Authority.
- 36. Secure cycle spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for cycle storage, except as otherwise agreed in writing by the Local Planning Authority.







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## CHESHIRE EAST COUNCIL

### REPORT TO: STRATEGIC PLANNING BOARD

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**Date of Meeting:** 6 July 2011  
**Report of:** Adrian Fisher Head of Planning & Housing  
**Subject:** Planning for Growth & the Presumption in Favour of Sustainable Development  
**Portfolio Holder:** Cllr Rachel Bailey

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#### **1.0 Report Summary**

- 1.1 The purpose of this report is to update the Board on recent ministerial announcements with regards to growth and sustainable development.

#### **2.0 Decision Requested**

- 2.1 That the report be noted.

#### **3.0 Reasons for Recommendations**

- 3.1 The report is for information only.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Planning for Growth**

- 5.1 On the 23 March the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On the 15 June this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which will be published in the forthcoming National Planning Policy Framework.
- 5.2 Collectively these two statements mark a clear effort by Government to shift the emphasis of the planning system away from what might be viewed as an overly protective stance and towards a much more positive approach to development. As the minister says:

*"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy"*

- 5.3 The statement (reproduced in full as Annex A) indicates that economic considerations should feature prominently in deliberations on new development, especially given the need to boost economic growth after the recession. Also highlighted is the need to maintain housing supply and not to place undue burdens on development.
- 5.4 In the past month this has been supplemented a further statement on a presumption in favour of sustainable development. This reinforces the inter connection between environmental, social and economic factors – with particular emphasis on the latter. The Government's clear expectation is that we move to a system where the default answer to development is 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.5 The proposed policy reads:

*There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.*

*Local planning authorities should:*

- *Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- *Approve development proposals that accord with statutory plans without delay and*
- *Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date*

*All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the National Planning Policy Framework taken as a whole.*

- 5.6 Although the wider National Planning Policy Framework is yet to be published it is evident that the Government expects Councils to have immediate regard to these statements

## **6 Implications**

- 6.1 The concept of sustainable development has long been at the heart of the planning system – and has always been understood to mean an effective balance of economic, social and environmental considerations. Some argue that the environmental considerations have taken too much of a centre stage in

recent years and that insufficient weight has been given to the economy in planning decisions. In making these statements the government is clearly seeking to redress the balance and ensure the planning system facilitates development.

- 6.2 The Council needs to take account of such statements as a material consideration in its decision making. In particular there is a need to take a positive approach to development. Our starting point should be that development is a good and necessary thing - and therefore our approach should generally be a favourable one. That is not to say we should be approving each and every development - but unless there are clear and cogent reasons why development is unacceptable, the assumption should be that it can proceed.
- 6.3 In many respects the planning system has always worked on the basis that development should not be resisted unless it can be shown to be harmful. Equally Economic Development considerations should always be factored into planning decision making. However the recent statements highlight and reinforce more explicitly than has previously been the case.
- 6.4 Also of note in the statement on sustainable development is the encouragement to promptly prepare Local Plans (the Local Development Framework) and to approve development that accords with plans 'without delay'. The Converse is that development should be approved where plans are silent or 'out of date'. As Cheshire East still relies heavily on the plans of its legacy authorities this aspect of the statement may prove to be a fertile area of challenge until the new Local Plan is in place.
- 6.5 A further aspect of the Planning for Growth Statement is an encouragement to revisit planning obligations where these render development schemes unviable in the current depressed market. Councillors will already be familiar with situations where potential developers have sought to re-negotiate agreements made during more favourable times. The message from the Government is that we should not allow overly onerous planning obligations to stymie the progress of beneficial development.
- 6.6 In many ways the Council has already embraced this positive agenda. It has signed up to the sub regional growth plan 'Unleashing the Potential' and actively promoted economic development across the Borough. We have not reduced our housing figures from the Regional Plan totals (as many have done) but rather agreed new figures that keep supply well above current build rates and we have set forward positive proposals for how housing growth will be met in our Interim policy, which closely follows the aspirations of local people in the sustainable Community Strategy.
- 6.7 However the ministerial statements are already featuring in planning appeal decisions and the Council may need to adjust our approach as key appeal decisions come through on housing supply and other developments.

**7. Conclusions**

- 7.1 The ministerial statements on planning for Growth and the Presumption in Favour of Sustainable Development are a material consideration which need to be taken account of in the Council's decision making. Operation and practice with be kept closely under review as appeal decisions and case law develops

**Annexe A Statement on Planning for Growth**

June 2011

**Annex A Written Ministerial Statement: Planning for Growth (23 March 2011)**

**The Minister of State for Decentralisation (Mr. Greg Clark):**

The Chancellor of the Exchequer has today issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. This statement therefore sets out the steps the Government expects local planning authorities to take with immediate effect.

The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.

Local planning authorities should therefore press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices. Authorities should work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as housing market requirements that cover a number of areas, and the strategic infrastructure necessary to support growth.

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable

communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.

The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment, Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport have consequently agreed that to the extent it accords with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible.