

Strategic Planning Board

Agenda

Date: Wednesday, 17th August, 2011
Time: 2.00 pm
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1DX

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 - 10)

To approve the minutes as a correct record.

4. Public Speaking

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter
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E-Mail: sarah.baxter@cheshireeast.gov.uk

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

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, 170&172 Middlewich Road, Sandbach for Fox Strategic Land & Property** (Pages 11 - 24)

To consider the above application.

6. **11/1682C-Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works, Former Fisons Site, London Road, Holmes Chapel, CW4 8BE for Mr S Isherwood, Monde Developments Ltd** (Pages 25 - 50)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 27th July, 2011 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor (none)

Councillors J Hammond, D Hough, J Jackson, J Macrae, B Murphy,
G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Lawyer), Mr A Fisher (Head of Planning and Housing), Mr J Gomulski (Principal Environmental Planning Officer), Mr S Irvine (Planning and Development Manager), Mr P Moore (Principal Planning Officer) and Mrs E Tutton (Principal Planning Officer)

23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, Mrs Rachel Bailey, H Davenport and R E West.

24 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that all Members of the Board had received correspondence from the agent for the applicant in respect of application 11/0736C-Redevelopment of Land for up to 200 Dwellings, Community Facilities & Associated Infrastructure, Loachbrook Farm, Sandbach Road, Congleton for Mr & Mrs Dale.

25 MINUTES OF THE PREVIOUS MEETING

RESOLVED

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

26 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

27 11/0736C-REDEVELOPMENT OF LAND FOR UP TO 200 DWELLINGS, COMMUNITY FACILITIES & ASSOCIATED INFRASTRUCTURE,

LOACHBROOK FARM, SANDBACH ROAD, CONGLETON FOR MR & MRS DALE

Consideration was given to the above application.

(Councillor Mrs Rhoda Bailey, the neighbouring Ward Councillor, Parish Councillor Lancake, the Chairman of Somerford Parish Council, Donald Muir, a representative from Sandy Lane Action Group and Daniel Connolly, the agent for the applicant attended the meeting and spoke in respect of the application. In addition Councillor Mrs Rhoda Bailey declared a personal interest by virtue of the fact that she was a member of the Group Campaign to Protect Rural England (CPRE) and in accordance with the Code of Conduct she remained in the meeting during consideration of the application).

RESOLVED

That the application be refused for the following reasons:

1. The proposed residential development, which is located within the Open Countryside, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the local landscape character. In addition, the proposed development is poorly related to existing built form. The proposed development would therefore be contrary to Policies GR5, GR3 and PS8 of the Congleton Borough Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.
2. It is considered that the proposed development would result in an unsustainable form of development. The site is at the westernmost periphery of Congleton at a distance of 2km from the town centre and there are more suitable deliverable sites which offer a more sustainable location. The proposed development would also result in the loss of the best and most versatile agricultural land. There is also insufficient foul drainage infrastructure to accommodate the proposed development. The proposed development is therefore not suitable for housing development. The proposed scheme would be contrary to Policy GR20 (Public Utilities) and GR23 (Provision of Services and Utilities) of the Congleton Borough Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.

28 11/1629M-RESERVED MATTERS APPROVAL FOR THE ERECTION OF 35 DWELLINGS WITH ASSOCIATED PARKING, OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION (10/3486M) RE-SUBMISSION OF APPLICATION 10/4697M, HAVANNAH MILL, HAVANNAH LANE, EATON, CONGLETON, CHESHIRE FOR ROWLAND HOMES LTD

Consideration was given to the above application.

(Helen Leggett, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. To comply with outline permission
2. Time limit following approval of reserved matters
3. Development in accord with approved plans
4. Details of materials to be submitted
5. Landscaping (implementation)
6. Removal of permitted development rights
7. Submission of an updated Remediation Statement, prior to the commencement of development
8. External Lighting- submission of details
9. A01LS - Submission of revised landscaping scheme (including evergreen trees in the boundary treatment opposite New Street cottages)
10. A04LS - Implementation of landscaping scheme

29 09/1018C-FULL PLANNING APPLICATION FOR THE ERECTION OF AN EXTENSION TO THE BRIDESTONES CENTRE COMPRISING A FOOD STORE, SPECIALITY A1 RETAIL UNITS, REPLACEMENT MARKET, A3 UNITS, A HOTEL, CAR PARKING AND SERVICING FACILITIES AND CREATION OF A TOWN SQUARE, BRIDESTONES SHOPPING CENTRE, VICTORIA STREET, CONGLETON, CHESHIRE

Consideration was given the above amended application.

RESOLVED

That the application be approved subject to the completion of a Section 106 Agreement comprising the following Heads of Terms:-

Off-site Highway Works

(a) Mill Street Enhancements

That prior to the commencement of development, the agreement shall secure the submission, delivery timeframe and detailed material specification for a scheme for public realm enhancements to Mill Street. The scheme shall be based around the provisions of SAB Plan 11 - DWG no N60749/11 Rev D with alterations to more accurately reflect the alternative design which emerges from the

Town Centre Public Realm Study. The approved scheme shall then be implemented in accordance with an approved timescale

(b) Stonehouse Green

That prior to the commencement of development, a detailed scheme for enhancements to the Stonehouse Green pedestrian route is submitted, approved and implemented in accordance with a detailed timetable to be agreed. That the provision of funding for these works can be alternatively invested into the proposed works to Mill Street as identified at 1(a)

(c) A54/A34 Rood Hill Junction Improvement

Secure a financial contribution prior to the commencement of development of no more than £45,000 towards the upgrade of the junction through replacement of the existing signal controller.

(d) Treatment of Victoria Street

Continuation of the agreed public realm treatment for the proposed Town Square along the length of Victoria Street connecting to Bridge Street in accordance with precise details and timeframe to be agreed.

(e) Provision of new surface level pedestrian crossing island to Market Street in accordance precise design and timeframe to be agreed with the Council.

2. Market Provision

Provision to cover the following: -

a) That prior to the first occupation of the hereby-approved food store, or an alternative timescale as may be agreed in writing by the Local Planning Authority, the applicants purchase and make available for use 36 new pop-up market stalls in accordance with a detailed specification to be agreed in writing by the Council.

b) The applicant to purchase anchor points for any new stalls which are to be laid out in the new public square in a location and arrangement to be agreed in writing with the Council within an agreed timeframe.

c) The applicant to install pop-up sockets (or alternative power point specification) within the new public square in a location and arrangement to be agreed in writing with the Council within a timeframe to be agreed in writing by the Council.

3. New Public Square

Provisions to ensure the following: -

a) That no less than 12 events per annum, where they are agreed with the Town Council and Cheshire East Borough Council, can be held within the proposed public square.

b) To secure installation of facilities for lighting and power for public events within the new square in accordance with details to be agreed within the Council prior to the commencement of development and implemented prior to the first occupation of the food store or other such time as may be agreed in writing by the Local Planning Authority.

c) Ensure public access to the square at all times unless otherwise agreed in writing with the Local Planning Authority (LPA).

d) That prior to the commencement of development, the detailed design, material specification and landscape plan for the proposed public square is agreed in writing with the LPA and fully implemented in accordance with the approved plans prior to the first occupation of the development

4. Restrictions

a) Prevent the erection of shelving and display of advertisements within windows overlooking public realm within the proposed public square and Pedestrian walk way connecting to Mill Street and that a minimum of 75% of the ground floor windows overlooking Mill Street remain un-observed of shelving, any form of advertisements or other structures.

b) That a café use by incorporated the food store floorspace overlooking the public square in accordance with precise details to be agreed in writing with the Council prior to first occupation of the development.

5. Framework Travel Plan

a) To secure submission and implementation of a detailed Travel Plan based around the submitted Framework Travel Plan, to be agreed in writing by the Council with specific provisions and trigger mechanisms for the occupiers of the food store and hotel elements.

b) Secure a financial contribution of £5000 toward monitoring of the Travel Plan, returnable after 5-years should the Council not utilise the funds for monitoring of the agreement.

6. Secure Two Hours Free Parking

7. Public Realm

A contribution of £10,000 or 50% (whichever is the lower) to the cost of a Public Realm Design Strategy commissioned by Congleton Town Council. Any cost savings which arise between (i) the implementation of the specification contained in the Strategy or of off-site highway works (if completed beforehand) and (ii) the applicant's indicative costings for those works, shall be used to further enhance the public realm.

And subject to the following conditions:-

1. 3 Year Time Limit.
2. Development in accordance with the approved plans.
3. All external facing materials to be submitted and approved prior to the commencement of development and implemented in accordance with the approved details.

Design Related Matters

4. Development to be constructed with Green Roof, the details of which shall be submitted and approved prior to the commencement.
5. Precise design and materials specification of the feature tower to be submitted and approved prior to the commencement of development.
6. Minimum 100mm window reveal depths to the Mill Street Façade unless otherwise agreed in writing by the Local Planning Authority.
7. Site levels in accordance with approved drawings Environmental Health
8. Environment Agency contaminated land condition.
9. Further gas monitoring to be undertaken and scheme for gas protection measures submitted and approved prior to commencement of development.
10. Scheme for noise mitigation to achieve a BS8233: 1999 "Good Standard" to hotel bedrooms to northern and western facades to be submitted and approved prior to the commencement of development.
11. Scheme for noise mitigation to plant and equipment within the development for each phase of development in accordance with BS4142.
12. Submission of a Construction Environmental Management Plan to cover the following areas: -

- a) Restriction on hours of demolition, construction and deliveries in accordance with those specified by Environmental Health
- b) Submission of detailed scheme for measures to mitigate dust
- c) Details of road sweeper provision during demolition and construction
- d) Identification of storage and delivery areas within the site
- e) To prevent materials being burnt on site

13. Scheme for ventilation and extraction equipment for the café and restaurant uses, extending to also include kitchen and bakery areas within the proposed hotel and or food store, to be submitted and approved for each phase of development and implemented thereafter.

Retail Conditions

14. Ensure total net retail floorspace with the food store is restricted to 3583m² with a maximum 2480m² net convenience floorspace and a maximum 1103m² net comparison floorspace. In addition a percentage based approach is adopted to allow flexibility with a 70% convenience and 30% comparison goods split.

15. Restriction within the food store to prevent the inclusion of an instore pharmacy and post-office.

16. Mezzanine level for ancillary accommodation only as specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Highways and Drainage

17. Restriction on food store opening hours Highway and Drainage Conditions

18. All car parking spaces proposed within the development to be fully available prior to the first use of the hereby-approved development.

19. Submission of surface water regulation and drainage strategy prior to the commencement of development and implementation of thereafter.

20. Prior to first occupation, precise details of cycle parking facilities to be submitted and approved.

21. Site to be drained on a separate system with only foul drainage connected into the existing foul public sewer which crosses the site. Surface water to be discharged into the Howty Brook.

Specific Conditions

22. Relocation of War plaque to a location to be agreed in writing prior to the commencement of development and fully implemented thereafter.

23. No development to commence until the temporary market facilities to the Fairground Site have been fully implemented in accordance with approved details unless otherwise agreed in writing with the Local Planning Authority.

24. Scheme for detailed archaeological investigation to be submitted and agreed prior to the commencement of development with a mechanism to ensure a mitigation strategy is agreed with the Local Planning Authority where necessary and fully implemented thereafter.

25. Prior to commencement of development a scheme for CCTV to be submitted and approved by the Local Planning Authority and fully implemented thereafter.

26. Prior to commencement of development a scheme for external lighting for the development site shall be submitted and approved by the Local Planning Authority and fully implemented thereafter. This is to also include town direction signage.

27. Prior to commencement of development detailed scheme for lighting and physical security measures for the Princess Street underpass to be submitted and approved by the Local Planning Authority and fully implemented thereafter.

28. Prior to commencement of development detailed scheme for security measures to all retail (excluding the food store) and internal market units to be submitted and approved by the by the Local Planning Authority to include details of internal roller shutters, panic and intruder Alarms and CCTV and fully implemented thereafter.

29. Prior to commencement of development, precise details of toilets which are available for public use to be submitted and approved in writing by the Local Planning Authority and fully implemented thereafter.

30. Detailed Landscape Plan to be submitted

31. 5-year landscape management condition

Ecology

32. Detailed scheme for implementation of Bat habitat creation/mitigation in accordance with recommendations within the

applicants report to be submitted and approved in writing by the Local Planning Authority and fully implemented thereafter

33. Standard breeding bird condition

34. Submission of a Site Waste Management Plan prior to the commencement of development and fully implemented thereafter

35. Restriction to use classes - Restaurant & Café Uses. Excluding café within food store element which is included within the S106 Agreement

36. Phasing mechanism to ensure:-

a) That a construction timetable and overall build approach is agreed with the Council prior to the commencement of development and is fully implemented in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

b) Requiring that no part of the development be occupied until such time as the development has been fully constructed (externally) and completed in accordance with the approved plans.

37. Precise design of gable wall adjoining 19 Mill Street to be submitted and agreed in writing and fully implemented thereafter.

38. 10% renewable energy condition, precise details of power voltage optimisation system to be submitted, agreed in writing and fully implemented thereafter.

39. Precise details of Shop Mobility and time frame for implementation to be submitted and be agreed.

40. Precise design of the brick panel to elevation L-L to be submitted and agreed in writing prior to the commencement of development

41. Precise details for means of enclosure of the parapet wall adjacent as shown on elevation N-N shall be submitted and approved in writing and be fully implemented prior to first occupation of the hereby-approved food store.

30 PLANNING APPEALS: LAND AT MARRIOT ROAD / ANVILL CLOSE / FORGE FIELDS AND SOUTH OF HIND HEATH ROAD, SANDBACH

Consideration was given to the above report.

RESOLVED

That the report be noted.

31 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

32 LAND SOUTH WEST OF THE GREEN, MIDDLEWICH

Consideration was given to the above report.

At the meeting held on 26 July 2010 the Strategic Planning Board considered an outline application for up to 68 dwellings with associated public open space and highway works with details of access and siting.

The Strategic Planning Board refused the application for three reasons relating to open countryside policy and spatial vision, inadequate Public Open Space and a lack of low cost housing.

The Applicant has appealed this decision and a Public Local Inquiry will take place later in the year. Since the refusal, the Applicant has submitted further information in support of their case and, having taken Legal advice regarding the merits of the appeal the following resolution was agreed:-

RESOLVED

That the third reason for refusal in respect of low cost market housing be withdrawn and that the Head of Planning and Housing in consultation with the Chairman or Vice Chairman be instructed to amend or remove any other reason for refusal if necessary.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor C G Thorley (Chairman)

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

This application was deferred from the meeting of 6th July 2011 for further information on the impact of the proposal on the local highway network.

The application was originally referred to Strategic Planning Board at the request of Cllr Moran for the following reason:

'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. This application is 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 17th November 2010 and was refused for 6 reasons. An appeal has now been lodged and a Public Inquiry was held in April 2011. The result is expected in September 2011.

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 – Result Awaited.

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

17611/1 – Residential Development – Refused 10th 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 in relation to the junction design plus an analysis of the capacity issues which were created by the original proposal.

Having reviewed these changes, 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.

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 28th 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 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 as 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.

The proposed access would be approximately 70 metres to the west of the junction of Park Lane and Middlewich Road. There has been much concern raised over the proximity of this proposed access to the existing junction. As part of the assessment of this application the proposed access has been subject to a Stage 1 Road Safety Audit. The Road Safety Audit does not raise any concerns in relation to the proximity of the proposed access to Park Lane.

The Road Safety Audit did raise the following issues:

- The existing bus stop opposite the proposed access – This issue has been addressed through moving the bus stop to the east, opposite the existing lay-by, on the opposite side of the road.
- Existing puffin crossing (20m to the east of the junction with Rowan Close) – This crossing will now be upgraded to form a Toucan crossing
- Existing bus lay-by – The plans show that the lay-by would remain as recommended by the Road Safety Audit
- Hazard for cyclists - The Road Safety Audit recommends that the access on and off the shared route for cyclists should be included at the detailed design stage.

Concern has been raised over the provision of a ghost island and that it will be used by school children to dart in and out of traffic.

In response to this issue, the existing controlled puffin crossing would be upgraded to a Toucan crossing which will enable the crossing to be used by both cyclists and pedestrians. Furthermore, an additional pedestrian refuge would be installed to the east of the proposed access. As a result, pedestrian / cyclist crossing in the vicinity of the proposed access would be improved.

As stated above, there is an existing puffin crossing located to the east of the junction with Rowan Close which will be upgraded. It is proposed to introduce a new cycle way along Abbey Road and Middlewich Road and the new toucan crossing would link the cycle link with the areas to the north of Middlewich Road. Both the upgraded crossing and the cycle link have passed the Road Safety Audit.

The existing bus stop opposite the proposed access would be re-positioned approximately 50 metres to the east of the proposed access opposite the existing lay-by. Both bus stops would be upgraded to quality bus standards with lighting, seating and low floor access and, given that the bus stops have passed the Road Safety Audit, it is considered that the proposal is acceptable.

In terms of highway / pedestrian / cyclist safety, the junction has passed a Road Safety Audit. 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.

It is also 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.

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 terms of the other approved developments in the area, the junction impact assessment includes the provision of an additional 1060 dwellings in the area which are taken from the following sites Canal Fields, Chapel Street, Fodens Test Track,, Fodens Factory, Land at Old Mill Road and Albion Chemical Works.

In relation to any future development to the south of the application site, this would be subject to a separate application which would include the consideration

of highway safety and traffic generation issues. As stated above, the Transport Assessment indicates that this junction design is intended to serve a ceiling of 280 dwellings.

The applicant's changes 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.

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 and legislation is implicit in stating that conditions can only be added to decision letters for planning reasons and should not deal with other legislative areas.

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 size of the proposed development. Therefore, 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.

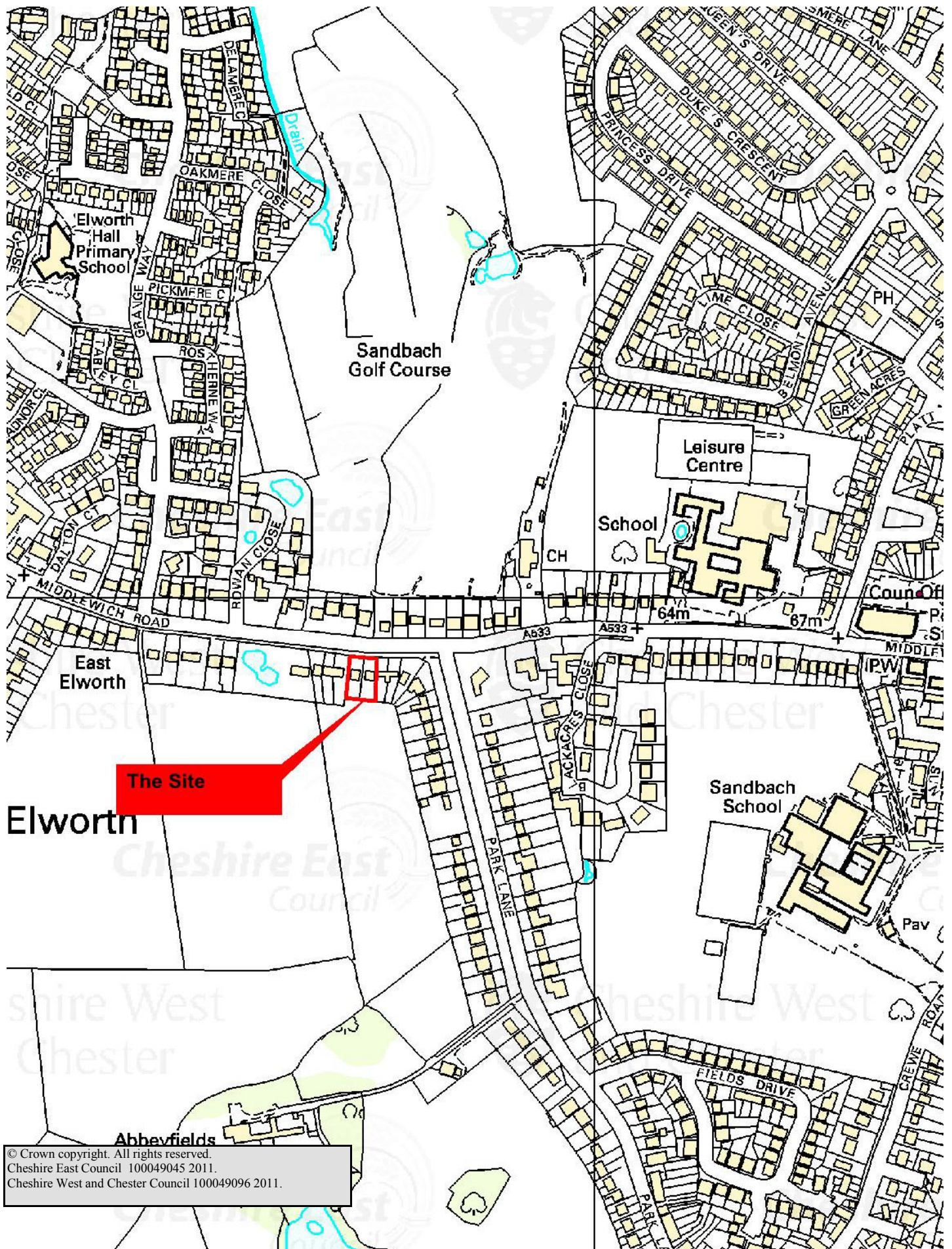
9. CONCLUSIONS

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, has no 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 inaccordance with the recommendations of the Bat Survey Report dated 28th 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.**



Application No: 11/1682C

Location: FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL

Proposal: Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works

Applicant: Mr S Isherwood, Monde Developments Ltd

Expiry Date: 08-Aug-2011

SUMMARY RECOMMENDATION

APPROVE subject to conditions and signing of a S106 legal agreement

MAIN ISSUES

**Principle of Development
Design Considerations
Highway Safety and Traffic Generation
Landscape and Tree Matters
Provision of Open Space
Impact on Protected Species
Impact on Residential Amenity
Contaminated Land
Flooding and Drainage
Impact on Education Capacity
Impact on Setting of Adjacent Listed Building
Listing Status of Fisons Building (also referred to as 'Benger House')**

REFERRAL

The application has been referred to Strategic Planning Board because it is a large-scale major development.

1. SITE DESCRIPTION

This application relates to the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off London Road. The site was previously

occupied by Sanofi Aventis, a company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by London Road and the Manchester to Crewe railway line, recreational facilities to the north, Marsh Lane to the north east, and open countryside to the south east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and occupies an area of approximately 12ha. The topography is generally flat. However, the site rises towards the north-eastern boundary, sloping gently towards the southwest. The majority of the site is previously developed. However, many of the buildings towards the western portion of the site have now been removed. Along the frontage of London Road, there is an attractive Art Deco building which remains in situ.

2. DETAILS OF PROPOSAL

Outline planning permission with details of access is sought for the comprehensive redevelopment of the site for a mix of uses including up to 231 residential units; local needs retail foodstore (A1), commercial development comprising B1(a) offices, B1(c) light industrial, medical facility (D1), care home (C2) and children's day care facility (D1), part retention of the former Fisons building (frontage), demolition of rear wings and change of use to public house (A4), restaurant (A3), care home (C2) and hotel (C1) in addition to provision of public open space, landscaping and other ancillary works.

3. RELEVANT PLANNING HISTORY

The applications site's lawful use as a pharmaceutical manufacturing plant pre-dates the advent of the Town and Country Planning Act in 1947. Accordingly there are no planning records associated with the original development of the site. Planning applications for the site post 1947 are associated with the plant's incremental growth and do not have any relevance to the current application.

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development

PPS: Planning and Climate Change – Supplement to Planning Policy Statement 1

PPS 3 Housing

PPS 5 Planning for the Historic Environment

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPS 23 Planning and Pollution Control

PPS 25 Development and Flood risk.

Local Plan Policy

PS3 Settlement Hierarchy
PS5 Villages Inset in The Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 and GR7 Amenity and Health
GR9 and GR10 Accessibility, servicing and provision of parking
GR13 Public Transport Measures
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention
GR22 Open Space Provision
GR23 Provision of Services and Facilities
BH4 Listed Buildings Effect of Proposals
NR1 Trees and Woodland
NR2 Statutory Sites
NR3 Habitats
NR5 Habitats
H1 Provision of New Housing Development
H2 Provision of New Housing Development
H5 Residential Development in Villages
H13 Affordable Housing and Low-cost Housing
S2 Shopping and Commercial Development outside Town Centres
S7 Shopping Commercial Development in Villages
RC1 Recreation and Community Facilities – General
RC13 Day Nurseries

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Health

- Recommend condition for additional contaminated land investigations
- As this is an outline planning application, further consideration should be made to the layout, including designing greater separation distance between the railway noise source and the noise sensitive dwellings proposed and considering the care home and dwellings close to the railway line.
- Further consideration should be made to increasing the separation distance between properties as this location and the predominant noise source: railway noise road traffic noise on Marsh Lane. Alternatively, further noise mitigation measures should be formulated in order to protect the outdoor living space of properties adjacent to the railway line and to protect the outdoor living space of properties along Marsh Road.
- Dwellings can be designed to mitigate noise generated by existing and proposed industrial uses and this could be dealt with by condition.
- Further noise assessment required
- Require a condition for hours of construction and pile driving
- Validation test of the sound attenuation works shall to be carried out

Highways

No objection - Concludes that the proposals are acceptable subject to local improvements to further traffic management. The Strategic Highways Manager recommends that the following conditions and financial contributions are imposed:

Conditions:

1. Detailed design and specification plans for the MOVA upgrades to the A54/A50 traffic signal junction.
2. Provide and install the agreed upgrade to the A54/A50 traffic signal junction.
3. Detailed design and construction drawings for the two proposed access junctions, related carriageway widening and footway provision
4. Provide and construct all works related to the provision of the new site access junctions.
5. Provide detailed design and specification drawings for the PUFFIN crossing installation on the A54 Station Road.
6. Provide and construct all works related to the provision of the new PUFFIN crossing on the A54 Station Road.
7. Provide a system of street lighting on the A54 Marsh Lane along the site frontage.
8. Submit a schedule for, and provide all required adjustments and necessary changes to, the highway signing and lighting related to the off-site highway works.
9. Developer will agree a revised Travel Plan Framework with agreed targets in each of the first five years post development. The TPF will relate specifically to the employment and business dedicated uses within the proposal.

Contributions:

10. £25,000 for the provision of two bus stops on the A54 Marsh Lane.
11. £15,000 for revisions to local traffic management orders.
12. £10,000 for use by Cheshire East Council in producing additional traffic assessments related to local traffic issues and for the production and

provision of local improvements to traffic management within the village highway infrastructure.

13. £5,000 to fund monitoring of the Travel Plan in the first five years after the date of its commencement.

Adult Services

Although the current capacity of residential/nursing homes in Holmes Chapel is currently low a new 50 bed care home development due to open in 9 months time will increase the capacity 3 fold and will have an impact on any proposed new development. The need for the service within Cheshire East has to be demonstrated and it is likely that any future need in the area will be at rates currently paid by Cheshire East Council. The developer needs to provide market testing information in respect of this site.

Education

There are sufficient places within the local primary and secondary schools to accommodate the pupils generated by this development.

Sustrans:

- Will generate a significant amount of traffic in Holmes Chapel
- Site is separated from Holmes Chapel centre by the A-road network. The immediate environment for walking/cycling is not therefore attractive.
- Support the proposal for a pedestrian crossing point of Station Road/Marsh Lane
- Contributions should be made towards improving the local walking/cycling network to the centre of Holmes Chapel along London Road, and toward the secondary school off Chester Road
- Estate roads should have speed limit of 20mph
- Travel planning programme set up for the site with monitoring and targets

Environment Agency:

No objection, subject to the following conditions:

- Submit a scheme to limit the discharge of surface water from the proposed development such that it does not exceed the run-off from the existing site.
- Submit a scheme to manage the risk of flooding from overland flow of surface water.
- A scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include; plans showing the extent and layout of the buffer zone around the River Croco and ditch; details of the planting scheme (for example, native species); details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term; details of any footpaths, fencing, lighting etc.
- The investigation of the site has revealed significant impact to the shallow groundwater by metals and organic contaminants including (but not limited to)

arsenic, cadmium, dichloromethane, chloroform, and some light fraction petroleum hydrocarbons and BTEX. The basis of the groundwater screening criteria has not been provided and is believed to be a now obsolete detailed risk assessment which has not been provided to us. For this reason, it is possible that the more recent reports may not have highlighted all contaminants of concern, due to the outdated mode of screening. We note that future risk assessment is recommended and would fully support this recommendation along with an up to date screen of the data to identify all likely contaminants of concern at the site.

The identified groundwater contamination has the potential to impact on nearby surface water features such as the drainage ditches and unnamed stream along the site boundary which drain into the River Croco. To date, no surface water monitoring to assess the level of impact on these surface water features has been undertaken. We consider this an essential part of the assessment of the site and recommend that a surface water monitoring programme be implemented.

- At the moment no detailed risk assessment or remedial options appraisal has been presented. The contamination identified at the site may pose a significant risk to nearby surface water courses and require remedial action.
- Further contaminated land investigations and remediation strategy.

United Utilities

No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a soakaway/watercourse/surface water sewer. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate.

Greenspaces

- There would be a deficiency in the quantity of provision of green amenity space accessible to the development
- The amount of green amenity space required would equate to 3530m².
- Taking into account the amount of public open space proposed within the area of development, the quantity of the areas of POS would seem adequate, although more detail on landscaping proposals should be sought
- There are existing hedgerows on the eastern and southern boundary including mature trees and woodland. These areas, including any additional buffer planting, should be considered in light of future maintenance implications, planting distances in relation to buildings and tree species. For maintenance implications Greenspaces would look to a management company to carry this out.
- Adjacent to the community orchard area, an informal play area should be provided for kickabout purposes.
- There is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.
- The plan indicates the inclusion of two Local Equipped Areas for Play (LEAP), one located adjacent to the community orchard and the other to the NW side of

the development site: Green spaces can confirm that one NEAP (Neighbourhood Equipped Area for Play) standard play area would be preferred located adjacent to the community orchard. This should cater for all age ranges and include 8 items of equipment. The final layout should be agreed with CEC and should be constructed to CEC specification. and should be submitted and approved prior to the commencement of development. A 30m buffer from residential properties would be required.

- Providing the NEAP is provided on site, a commuted sum for a 25 year maintenance period would be required. The financial contributions sought from the developer would be £194,920.

English Heritage

There has been a recent listing request for the former Fisons building (referred to as 'Benger House'). Until a decision has been reached, it would be premature to determine the application. Nonetheless, the application should be determined in accordance with national and local policy and the Council's specialist conservation advice.

6. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL

- There is general support for the development of this site and for the grant of outline planning application. However, there are a number of items which need further investigation and which should be picked up by way of planning conditions, reserved matters or a S106 agreement
- There is support for the reduced number of houses – 231 being much less than earlier numbers proposed by the developer
- The Council supports a maximum of 55% of affordable housing on this and other large sites to fit in with the infrastructure of Holmes Chapel
- The Council objects to the access roads proposed on Station Road and supported the original proposal for an access opposite to Manor Lane with roundabout control.
- Also there is need for an additional exit route for the housing land as previous developments in Holmes Chapel have shown. Residents have to live with the consequences of the outcome of planning applications and local experience is that the theoretical reports have not provided the correct answer. Regard should be had for the position on Portree Drive Holmes Chapel
- The existing access on London Road for the commercial part of the site only is supported, but with roundabout control and a design to prevent a rat run between Station Road and London Road
- It is accepted that the provision of a large amount of office accommodation on the commercial part of the development is not required but there needs to be a careful review of the type of commercial / employment uses to make sure that the provision is right for the needs of Holmes Chapel and the Borough as a whole
- Conditions should be imposed for screening, landscaping, the protection of boundaries, obscuring the view of adjoining commercial uses, contamination on site and flood risks
- There is need for a substantial contribution to the village infrastructure based on:

1. The need to review the amount of open space provision on site and consider how it can be maintained. The present layout shows an increased amount of open space but this is amenity space and not suited for play or recreation, which is an acknowledged requirement in the village. Because of the present economic climate it would be better to improve existing play areas in the village rather than create large new ones so there should be a substantial contribution to cover this aspect. Furthermore there must be provision to maintain the large amount of open space
 2. providing funding for the improvement of existing facilities in the village
 3. providing land for a long stay car park near to the Station
- Again, it must be emphasised that local people have to live with the consequences of this development which will have a considerable impact on the village population and infrastructure. The point in time when planning permission is granted is the time to deal with local requirements, not afterwards when it is too late to have an input from the developer
 - The development generally must adhere to the concept of being sustainable in the local community.

7. OTHER REPRESENTATIONS

One letter has been received objecting to this application on the following grounds:

- Overdevelopment of the site
- Development is out of scale with the village of Holmes Chapel
- Could be detrimental to the amenity of residents of Holmes Chapel and surrounding towns/villages
- This proposal will overload local roads particularly the narrow roads within the village and the two main A roads to the North of Holmes Chapel - A50 & A535 which are both extremely 'high risk' roads
- It could easily contribute to more deaths on the A50
- Re-use by business, industry and enterprise should be encouraged rather than housing.
- Would affect the infrastructure of Holmes Chapel (Doctors, Fire, Police, Schools, Shops)

8. OFFICER APPRAISAL

Principle of Development

The application site is shown as being within the Settlement Zone Line for Holmes where Policy PS5, states that there is a general presumption in favour of new development, provided that it does not conflict with other policies of the local plan. Members should also note that on the 23 March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On the 15 June 2011 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.

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 a protective stance and towards a 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”.

The proposed scheme is in outline form with only details of access submitted for consideration at this stage. With respect to the proposed land uses, the application seeks to establish the principle of up to 231 dwellings on the site, a local needs foodstore, commercial development comprising offices and light industry, medical, care home and children's day care facility as well as a public house, restaurant and hotel.

Housing

According to Policy H5, the proposed residential use is acceptable, provided that it does not utilise a site which is allocated for any other purpose, conflict with other policies of the local plan or result in housing land supply totals at variance with the provisions of Policies H1 and H2. Policy H5 also states that in considering applications for residential development regard will also be given to:

- the availability of previously developed sites
- their location and accessibility to jobs shops and services
- the capacity of infrastructure
- the ability to build communities and sustain infrastructure
- physical and environmental constraints of the site (such as flood risk or contamination)

Dealing with housing land supply first, Policy H1 has not been “saved” and as a result no longer forms part of the Local Plan. However, national policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. The Cheshire East SHLAA November 2010 identifies that at 31st March 2010 the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals the level of housing supply has been identified at a lower level ranging between 2.75 and 3.25 years. PPS3 states that, if a Local Authority does not have a five year supply, it should consider favourably suitable planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69. The advice is that LPAs should have regard to achieving high quality housing providing a mix that reflects local need, the suitability of the site for housing (including its environmental sustainability) and using land effectively and efficiently.

Employment

The site is previously developed and unallocated, in the local plan. However, in the light of the previous employment use of the site, it is considered that policy E10 is

relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed.

The site has stood vacant for a while and a number of buildings that once stood on the site have now been removed with the exception of an attractive art deco building situated towards the west of the site fronting London Road. It is proposed that the front two-storey part of this building will be retained and some less attractive single storey wings to the rear will be removed as part of the overall redevelopment. The rear wings of this building are of an age and condition that would not lend themselves well to modern industrial practices and therefore industrial re-use. Nonetheless, it is indicated that the front building would be used as hotel and restaurant which would generate employment.

In addition, the application is supported by an Employment Land Market Assessment carried out by DTZ Planning Consultants. From the market analysis, it concludes that there is no clear evidence to support the development of employment floorspace (office and industrial) on anything but the smallest scale. Holmes Chapel does not play a very strong role in terms of employment floorspace, with the vast majority of East Cheshire demand directed at the key nodes of business activity in the larger settlements of Crewe, Winsford, Congleton and Knutsford. The locational disadvantages of the subject site, and the lack of profile of Holmes Chapel as an employment location, are such that any new development in the town will serve a predominantly local market. This view is supported by the slow take up on new developments. The majority of local demand in Holmes Chapel is for smaller office and industrial units. The building and surrounding land has been extensively marketed for employment uses for approximately 3 years with very limited interest having been received. Existing space is currently adequately serving the local market, and there is already a significant supply. As such, it is considered that the proposal would comply with first limb of Policy E10.

Taking on board the findings of the employment land assessment, the proposal would provide for a mix of a wider range of employment generating uses towards the western portion of the site, including non 'B' class employment uses, which still constitute economic development (in line with guidance expressed in PPS4). This will ensure that the development complements the local area and helps to off-set the loss of employment space elsewhere on the site and to create a wider range of uses. Furthermore, the proposal would allow for the retention of the art deco building at the front of the site, as well providing scope to remediate the site having regard to the previous hazardous uses. Cumulatively, these are considered to offer planning benefits. As such, the scheme is deemed to comply with local plan policy E10.

Retail

With respect to the proposed retail on the site, the scheme includes provision of a local needs food store which is shown positioned near to the Marsh Lane frontage. This would be located mid way into the site with residential to the west and east. Policy S2 and S7 states that any new shopping and commercial development outside of the town centres of Congleton, Sandbach, Alsager and Middlewich, will

only be permitted where it is of an appropriate scale intended to serve the needs of a locally resident population.

The Cheshire Retail Study states that the main focus for retailing in Holmes Chapel is within the village centre. However, the report identifies an undersupply of convenience goods floorspace and considers that there is a need for additional floorspace within Holmes Chapel of between 360-870 sq m. The proposed retail element would offer only 450 sq m floorspace and as such would not be considered 'significant' (i.e. more than 500 sq m) and would fit in with the identified need. Consequently, the proposed retail is considered commensurate with the existing needs and would principally serve the needs of local residents especially the proposed residential units.

Hotel

The proposed development includes provision for a hotel where Policy E16 and E17 are relevant. Policy E16 states that the provision of tourist and visitor facilities and attractions will be permitted for development within those settlements defined in PS4 and PS5, providing a number of criteria are met – including ensuring that the proposal is for a facility appropriate to the area. The site is well connected to the local road network, including junction 18 of the M6 and the proposal would help to boost the visitor economy to both the village of Holmes Chapel and the wider area. It is anticipated that the proposal would offer a minimum of 40 rooms which would generate local employment of at least 13 jobs. As such, as well as benefiting local employment, it is considered that the proposal would also benefit local shops and amenities within the village centre which would be within close walking distance. The site is within the settlement zone line and having regard to the above, is considered to be appropriate to the area.

Day Nursery

Turning to the proposed children's day care facility, Policy RC13 states that proposals for the development of new day nurseries will be permitted provided that:

- the facility is of a scale appropriate to the locality
- measures are taken to minimise noise nuisance arising from the development
- parking and dropping off facilities can be provided.

The proposed day nursery is shown as being located within the commercial portion of the site and as such would not give rise to noise nuisance. In respect of layout and the precise area for outdoor play, this would be something which would be secured at the reserved matters stage. It is considered that the proposal would serve the needs of the locally resident population and would be appropriate to the locality.

Office, Industrial and Care Home Uses

Being within the settlement zone line, and having regard to the existing lawful industrial uses on the site and their potential scale, the proposed office and industrial floor space would be less significant and a smaller scale. Having regard to this and the site's sustainable location and position within the settlement zone line, it is considered that these uses are acceptable subject to them being restricted to the floor space proposed.

With respect to the proposed care home facility, initially the Council's adult services section raised concern about the need for additional accommodation in Holmes Chapel and sought clarification on whether any market testing had been carried out. In response, the applicant has confirmed that there is still a strong need for such accommodation owing to the demographics of the local population taking into account new expected provision on the form of a new 50 bed care home on Chester Road. Consequently, the proposed care home use is considered appropriate and will add to the mix of uses on the site whilst contributing to the local area by satisfying need.

Sustainability of Site

The application site is located on the south-easterly edge of the village. The village centre is only 600m to the north of the London Road frontage and the proposed access off Marsh Lane. The proposal seeks to improve connectivity with the centre by providing a Puffin pedestrian crossing near to the proposed Marsh Lane access and this will ensure that the site is easily accessible on foot. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the nearby Holmes Chapel Railway Station. Taking this into account and the issues covered above, the site is considered to be in a sustainable location and the uses proposed are deemed to be acceptable. The principle of the development is acceptable in these terms.

Design Considerations

Whilst this is an outline application with details of appearance and layout reserved, a significant level of detail has been submitted to support the proposals.

An indicative masterplan and Design and Access Statement have been submitted to support the design rationale behind the proposed design which are acknowledged and generally accepted. In general terms, the residential development would occupy the eastern portion of the site and would where practicable be positioned around a central core of open space. The proposed commercial/industrial uses would occupy the western portion of the site. The proposed density of the residential elements of the scheme would be 30 dwellings per hectare and would comprise a mixture of two to three storey buildings. This density would decrease towards the eastern perimeter of the site to ease the transition with the open countryside to the southeast and to maximise opportunities for planting and open space.

With respect to the boundaries with the existing Sanofi Aventis site to the south, an easement has been provided to try to increase separation with the site and to promote the amenity afforded to the residential uses. With respect to the commercial uses, these would occupy the eastern portion of the site and would tie in with the existing industrial commercial land uses. It is considered that a scheme of acceptable design and appearance could be secured at the reserved matters stage based on the indicative master plan provided.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes two points of access for the site; one via an upgraded existing junction onto the A50 London Road at the far western end of the site, and a new access onto the A54 Marsh Lane. The A50 London Road access would serve the mixed-use and employment uses whilst the A54 Marsh Lane access would serve the proposed residential units as well as the local foodstore. There will be no permanent vehicular link between these two defined site areas. There will be a pedestrian/cycle link between the two separate halves of the development and the design of this link would also allow it to serve as an emergency link between the two halves of the site should the need arise.

The applicants have employed a Highway Consultant to produce a Transport Assessment (TA). The Strategic Highways Manager confirms that the TA reflects current guidance in it's: structure, content and assessments. The TA assesses traffic generation numbers and from this considers the traffic impact on the existing highway network. It is also noted that the Transport Assessment does not allow for any potential reductions to traffic impact based on the potential for existing traffic flows from the site. The Strategic Highways Manager recognises that this is a robust assessment and is acceptable.

Traffic generation from the site is calculated from vehicle trip rates derived from the TRICS database agreed with the Strategic Highways Manager. These figures form the basis of the junction analysis provided within the Transport Assessment. The TA has assessed all of the necessary junctions on the strategic highway network which included an assessment of junction 18 on the M6. The capacity of both the proposed junctions and the existing junctions has been assessed with the future development traffic added and shows there is generally sufficient capacity within existing junctions to deal with the additional flows for most of the junctions. These capacity calculations are provided for both the projected year of opening and the future year 2020.

The traffic signal junction at the A50/A54 crossroads is shown as needing some treatment to absorb traffic generated by the development and negotiations with the developer's highway consultant have resulted in the proposal to provide a new signal management system for this junction which will mitigate development impact and provide a general improvement in overall traffic capacity. The new system is able to better manage the traffic flows and respond to flow peaks by changing green times and allowing a freer flow of traffic through the junction. The inclusion of pedestrian phases in such a junction does interrupt the system, but once pedestrians have been accommodated, the new system will more efficiently reduce any traffic build up. This proposal has been ratified by the Authority's traffic signal engineers who have confirmed that the proposed improvement will provide the betterment required.

This installation will also allow for the consideration of an additional pedestrian crossing phase in the signal junction to supplement the existing one, and the Strategic Highways Manager will judge this provision against overall junction capacity before confirming or otherwise that this option is viable. The Strategic Highways Manager has confirmed that this final aspect of the signal improvement could be negotiated via the S278 agreement under the Highways Act 1980, should a planning permission be granted. In any event, the new signal management system will provide betterment at this junction.

The existing site access onto the A50 London Road will be upgraded to serve the employment and business uses proposed for this development. This junction will be a simple priority junction and will be supplemented by a ghost island right turn lane system. Traffic signals for this junction were considered. However, owing to the presence of the small Alum Court cul-de-sac opposite, the assessment under the LINSIG traffic signal software showed that this wasn't necessary and the right turn lane facility will appropriately manage the traffic.

The new site access onto the A54 Marsh Lane will serve the residential element of the proposed development and serve some 231 units. This new junction will also be a simple priority junction and will be supplemented by a ghost island right turn lane system which will also be extended to provide for the junction of Manor Lane with Station Road/Marsh Lane. This right turn lane system is designed to assist with vehicle turning movements and ensure that right turning vehicles into either junction are removed from the through-flow on the major carriageway. This junction provision requires some widening of the A54 using part of the site frontage. This widening work will include both carriageway widening and the provision of a frontage footpath to carry pedestrians towards the railway station and village centre via a new proposed PUFFIN crossing located some 55 metres to the northwest. The Transport Assessment analysis of these two access junctions shows that both junctions will operate well within capacity and will not therefore give rise to traffic or highway safety problems.

With respect to accessibility, the TA has assessed the accessibility of the site for: pedestrian, cycle, bus and rail options. Pedestrian accessibility has been designed for permeability within the internal housing layout and conscious of the need for pedestrians to cross the A54 Marsh Lane to access the railway station and the village centre. The off-site proposals include for a new Puffin crossing on the A54 which will cater for these pedestrian needs, as well as, local foot traffic to and from the proposed retail facility. This Puffin crossing location will enable pedestrians to cross to the village side of the A54 and this means that there will be no requirement for them to cross at the traffic signals at the A50/A54 crossroads.

Cycle access will use existing infrastructure and clearly the village centre plus other existing local facilities such as Brereton Heath are all within appropriate cycling distance via existing and good network routes.

Bus facilities are to be improved locally and this will involve the provision of two new quality partnership bus stops on Marsh Lane.

Rail access is good with the local railway station in the immediate vicinity of the site on the A54. The provision of site frontage footpaths and the Puffin crossing will allow easy access to the railway station which is served by the main north/south Crewe line. The Strategic Highways Manager, whilst recognising that Holmes Chapel is a rural village, acknowledges that with the local nature of village amenities and the improvements on offer for pedestrian accessibility, this site should be considered sustainable as it is reasonably served by existing facilities.

In addition to the proposed crossings, junction improvements and traffic management systems, the developer has agreed to give financial support to the production of further local traffic analysis regarding local traffic management issues and their solution. The application proposal offers a Travel Plan Framework for the site which outlines the principles by which travel management would be managed by a Travel Plan Coordinator and a Travel Plan Action Group. There are proposals for each element of the employment uses to have a Travel Plan which would fall under an umbrella management system for the whole site and this is appropriate.

Landscape and Tree Matters

Landscape

Although landscaping is reserved for future consideration, the application is supported by a Landscape and Visual Assessment. The assessment concludes that the landscape character of the site will change as a result of the proposed development and that the effect will be minor adverse.

In relation to visual effects, the most significant effect on public views resulting from the development is anticipated to be minor adverse for receptors using Marsh Lane, Manor Lane and Mill Lane where there would be views towards new development. Views would diminish as the landscape framework matured. Minor adverse residual effects on private views are anticipated to be experienced by properties close to the site: Marsh Hall, Bayley House and Knockgraston, Parkmill Farm and properties on London Road south of Allum Bridge.

It is inevitable that there will be change to its landscape character. In the long term, it appears that with the Landscape Framework as indicated, the form of development proposed could potentially be accommodated without significant detrimental impact on external visual receptors. In the short term, however the loss of the tree screening on Marsh Lane in particular will have a significant visual impact, allowing clear views both of the new development and of the retained offices on the site. Nevertheless, notwithstanding the suggestion in the submission that views from within the site to the retained employment site would be mitigated by a strong landscaped buffer proposed using the 5m easement on the site boundary, it is considered that the mitigating benefits of such planting would be limited. However, they would not be so significant as to warrant a refusal.

The Senior Landscape and Tree Officer has recommended recommend conditions to cover tree and hedgerow protection, works to retained trees, submission of arboricultural method statements, submission of landscape and boundary treatment details. In addition a mechanism for securing the management of the proposed areas of POS and all the buffer areas, including retained plantation woodland

together with a mechanism to ensure that a framework of advanced boundary planting was established at an early stage rather than be provided piecemeal as the site is developed.

Trees

To public view the most visually significant of the tree population are those located on the periphery of the site. These include:

- trees close to Allum Brook visible from London Road
- mature trees and the plantations located adjacent to Marsh Lane
- planting on the corner of Marsh Lane and Mill Lane.

The planting close to Marsh Lane is on mounding and includes Sycamore, Ash, Beech, Scots Pine, Norway Maple and Poplar species. A further plantation is located on the south east boundary and extends some distance north into the site. This planting was originally intended to provide screening of the previous industrial buildings on the site and to degree offers some screening of the buildings that remain.

Although the layout is indicative and only access is included in the application, the Arboricultural Implications Assessment indicates that the development as illustrated would result in the loss of 7 individual trees and 10 groups of trees with additional impact on a further 3 groups. These comprise trees throughout the site, including significant sections of the linear plantations adjoining Marsh Lane, most of a large mid site plantation extending into the site from the south east, a small number of trees close to the access with London Road, several Lombardy Poplars to the south west of the site and part of a group of trees to the south of the sports ground. The Implications Assessment states that the most numerous and significant tree losses will be incurred in the loss of the plantation trees, to the detriment of the screening, landscape delineation, wildlife and habitat values currently provided.

The Assessment summary advises that, given the complexity of the site, multiple arboricultural method statements will be required, addressing the various development zones and that minor remedial works and thinning operations will be required to retained trees. It is considered that it will be possible to mitigate for the significant tree losses and for there to be a net gain in arboricultural value. However, the provision must be for planting to include a significant proportion of trees with a large mature size and for planting to be implemented to a sufficiently high standard to ensure that the ultimate size and longevity of trees will not be compromised. From the information provided, it appears that the proposed development should not directly impact on the trees near Allum Brook.

The level of screening to the industrial works currently afforded by trees on the eastern boundary is considerable and their removal would open up views into the site when viewed from Marsh Lane and the junction of Manor Road. Unless sufficient screen planting could be provided in mitigation, together with a comprehensive framework of landscape works across the site, this would be a major concern. It is however, important to take into account that the plantations were planted to screen an industrial use and given their character and form may not be appropriate for retention in the context of a new mixed use development

which needs to be integrated into Holmes Chapel. The Landscape Framework indicated on would allow for tree planting in mitigation for the anticipated losses and provided an appropriate landscape framework can be achieved, in the light of a new use for the site, on balance the losses are deemed to be acceptable.

In respect of hedgerows, there are two sections of hedgerow on the site both worthy of retention. On the southeast boundary of the site there is a well establish mixed species hedge with trees. On the boundary of the site with Marsh Lane, running from the junction with Mill Lane there is a Hawthorn hedge. The Landscape Framework shows these hedgerows retained however, it appears the new access arrangement would result in hedgerow loss along Marsh Lane. As an internal footway is indicated, a roadside footpath may not be necessary. This could be explored at the reserved matters stage.

Provision of Open Space

The indicative zoning plan shows the provision of both green amenity space and Public Open Space within the development. The developer has explained that this will be provided in accordance with the Council's Supplementary Planning Guidance and will be maintained by a management company.

Precise details of the location, nature and extent of the open space will be submitted at reserved matters stage. To ensure that this takes place it is recommended that the Section 106 Agreement should state that the reserved matters shall make provision for the Public Open Space within the development site. The Agreement should also require details of grading, drainage, layout, landscape, fencing, seeding and planting of the public open space to be agreed in writing with the Council.

Impact on Protected Species

The application is accompanied by a Phase I habitat survey. This concludes that bats, amphibians (great crested newts) and barn owls are not likely to be present or affected by the proposed development. However, the site does exhibit features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include woodland, hedgerows and breeding birds.

Much of the woodland cover which occurs on this site is plantation woodland which is likely to be of relatively limited ecological value. There is however an area of semi-natural broad leaved woodland located near to the River Coco. This is not shown as being retained on the submitted indicative master plans. The Councils Nature Conservation Officer has recommended that the indicative master plan for the site be amended to show the retention of this area of woodland. Given that this area is not proposed for development, it is considered that this could be secured through condition and retention secured at the reserved matters stage. The same would apply for the hedgerows to the North east and South eastern boundary of the proposed residential areas of the site.

With respect to breeding birds, the submitted ecological assessment concludes that the adverse impact of the development upon local bird species is not likely to be

significant. However, no recent breeding bird surveys appear to have been undertaken to inform this assessment. In light of this, the Nature Conservation Officer has advised that the adverse impact of the proposed development on breeding birds could be at least partially compensated for by the implementation a landscaping scheme for the site which uses appropriate native species and as such conditions could be imposed which require a further survey during the bird breeding season and the incorporation of features into the scheme for use by breeding birds.

A badger sett has been identified as being present on site. The submitted ecological statement concludes that it may be necessary to close the existing sett prior to the commencement of development and provides details of the location of a replacement artificial sett. At the request of the Council's Nature Conservation Officer, the applicant has submitted a detailed badger method statement. The method statement is acceptable and will satisfactorily address the adverse impacts of the proposed development on badgers. However, as the current application is for outline permission it is recommended that a further survey is carried out at the served matters stage. Subject to these being implemented, the requirements of PPS9 and the EC Habitats Directive are satisfied.

Impact on Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise.

The indicative layout demonstrates that the site could be developed, without compromising the amenity of nearby residential properties. It should also be noted that the site would be developed at density of 30 dwellings per hectare and it is considered that this density would allow the development to be brought forward without impacting upon the residential amenity of future occupants in terms of overlooking, privacy, and daylight. As such the proposed density of development would allow distances in excess of those recommended in Supplementary Planning Guidance Note 2 to be achieved which could be dealt with at the reserved matters stage.

With regard to noise, a Noise Assessment has been submitted to support the application. The assessment recommends a series of mitigation measures to be carried out to reduce the impact of noise on the future occupants of the proposed dwellings, primarily from the adjacent Crewe to Manchester Railway Line and adjacent commercial and industrial uses. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing, acoustic ventilation and materials in the development to help minimise any noise impact. This is based on the indicative layout which could be subject to change at the detailed design stage. Notwithstanding this the provision, the extent of mitigation measures could be secured by condition. The Council's Environmental Health Division is satisfied that the noise considerations identified could be dealt with by way of condition and in accordance with policy GR6 and PPG24.

Contaminated Land

Owing to the previous land uses, parts of the site have been subjected to contamination and require remedial works. Detailed site investigation reports have been submitted with the application and these have been divided into 3 plots to reflect the differing ground conditions across the site.

Plot A, which is the residential development occupying the east of the site, is relatively unaffected by contamination and is likely to be developed in the first phase of the development. It is envisaged that Plot B, which is the limb of residential development that adjoins the eastern and western portions of the site (i.e. the centre section) will be remediated whilst Plot A is being built. The remediation of Plot C will follow.

The Council's Environmental Health department has reviewed the site investigation reports and have offered no objection, subject to further investigations.

Flooding and Drainage

Part of the application site is located within Flood Zones 2 as shown on the Environment Agency Flood Map. However, this area represents a small parcel of land situated along the River Croco and no development is proposed on or within the vicinity of this land.

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding.

The site is largely located within Flood Zone 1 indicating that the site is not at risk from fluvial or tidal sources. The proposed development is in outline and as such the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1. Suitable mitigation and the siting of appropriate development can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of PPS 25. Data obtained from the SFRA also places the site at low risk of flooding from other sources.

In accordance with PPS 25 and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan along the River Croco.

Provision of Affordable Housing

The proposed development will provide 69 affordable units (45 social rent and 24 for intermediate tenure) within the proposed 231. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of

which 65% should be social rented (with potential for affordable rent) and 35% should be intermediate tenure.

Impact on Education Capacity

The proposed development is of a scale which has the potential to create greater demand on schools in the local area. The Education department has confirmed that there is sufficient capacity within local primary and secondary schools to accommodate the likely number of pupils generated. As such, no contribution has been requested.

Impact on Setting of Adjacent Listed Building

Marsh Hall, a grade II listed residential property is situated towards the east of the site on the opposite side of Marsh Lane.

The owner of this property raised concerns with particular reference made to the impact that the proposed access off Marsh Lane would have on the setting of Marsh Hall. In response to this, the access has been moved towards the west as far as practicable to help minimise any impact whilst having regard to highway safety requirements. As amended, the position of the access would not be situated directly adjacent to the listed building and would achieve a distance of approximately 17 metres distance from the access. Marsh Hall's boundary along Marsh Lane is well screened and only glimpses of the listed building can be obtained. Consequently, the listed building would not be read in the context of the proposed access or the nearest part of the built development. The proposal would not detrimentally impact on the setting of the listed building. This view was supported by the Council's Conservation Officer during pre-application discussions.

Listing Status of Fisons Building (also referred to as 'Benger House')

As previously stated, the site hosts an attractive art deco building occupying the London Road frontage of the site.

During initial pre-application discussions, there was concern regarding the potential loss of this building and consequently an application was made to English Heritage to list the building which is still under consideration. However, through subsequent discussions and negotiation, the proposed scheme to redevelop the site will involve retention of the front part and facade of the building and subject to an appropriate design and sympathetic conversion, the architectural fabric, detail and historic character of the building would safeguarded and the proposal would bring the building back into viable use. Furthermore, the applicant has since submitted a comprehensive Heritage Assessment report produced by Peter de Figueiredo concluding that the building does not merit listing. In light of this, and given that the proposal seeks to retain and convert the building, it is not considered that granting outline approval would prejudice English Heritage's decision should they choose to list the building.

10. REASONS FOR APPROVAL

The proposal involves the redevelopment of a brownfield site within the settlement boundary, for residential use and commercial uses, which is considered to be acceptable in principle. Although the proposals would result in the loss of an existing employment site, the redevelopment involves a significant element of new employment generating uses on part of the former factory site. The scheme also has a number of other positive planning benefits, including the remediation of the site and the provision of local employment and removal of potentially heavy industrial uses. It will also assist in meeting the Council's 5 year housing land supply requirement and in the delivery of much needed affordable housing.

The indicative masterplan shows that the site could accommodate a scheme of acceptable design and appearance with suitable Public Open Space and within the scale parameters proposed which could be secured at the reserved matters stage. The impact on the local landscape would change as a result of the proposal due to the removal of a former screening bund and some planting, however, the proposed density and scale of development would not be as significant as the former buildings on site that the bund was designed to screen and the impact on the local landscape would not be significant.

With regard to the traffic generation from this site, the adverse impact on the traffic signal junction at the A50/A54 crossroads is to be mitigated by the provision of a new controller system not currently employed at this junction and this has been agreed with the Cheshire East traffic signal team. The development will provide accessibility options which include for: pedestrian, cycle, bus and rail modes of travel including new puffin crossing along Marsh Lane and other highway improvements which will improve connectivity with Holmes Chapel Village Centre.

The proposals are considered to be acceptable in terms of their impact on the adjacent listed Marsh Hall and the development is not anticipated to result in increased risk of off-site or on site flooding. The developer has offered to provide 30% affordable housing based on 65% social rented and 35% intermediate tenure, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. Any impacts on protected species and the residential amenity of future occupants could be adequately mitigated for and the subject to further investigations, the contamination on parts of the site could be remediated appropriately.

The proposal would provided for the retention of the existing Art Deco building at the front of the site (London Road) and would not undermine English Heritage's listing decision. The proposal complies with the relevant local plan policies and accordingly it is recommended for approval subject to a Section 106 agreement and appropriate conditions.

11. RECOMMENDATION

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

1. **Affordable housing provision of 30% - to be provided on site. The housing is to be provided based on 65% social rented and 35% intermediate tenure, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements.**
2. **The following contributions:-**

£25,000 for the provision of two bus stops on the A54 Marsh Lane.
£15,000 for revisions to local traffic management orders.
£10,000 for use by Cheshire East Council in producing additional traffic assessments related to local traffic issues and for the production and provision of local improvements to traffic management within the village highway infrastructure.
£5,000 to fund monitoring of the Travel Plan in the first five years after the date of its commencement.
3. **Provision for public open space to serve the whole of the development to be agreed with the Council when details of layout are submitted for approval. This must secure the provision and future management of children's play areas and amenity greenspace in accordance with quantitative and qualitative standards contained in the Council's policy documents including the Congleton Borough Local Plan First Review SPG1 and it's Interim Policy Note for the Provision of Public Open Space 2008. Submitted details must include the location, grading, drainage, layout, landscape, fencing, seeding and planting of the proposed public open space, transfer to and future maintenance by a private management company.**

And the following conditions

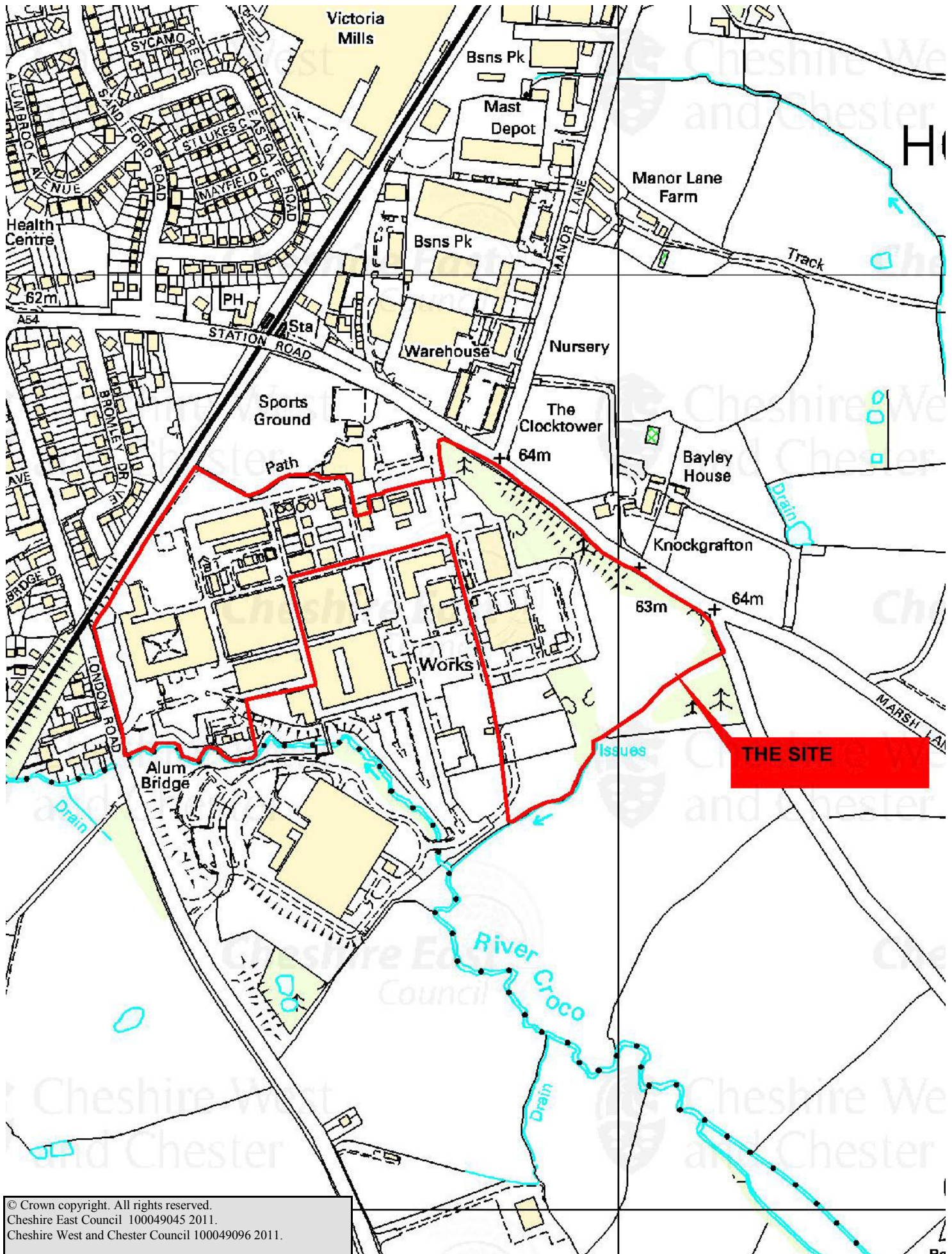
1. **Standard outline**
2. **Submission of reserved matters**
3. **Approved Plans – location and zoning including retention of front part of former Fisons building**
4. **Submission / approval / implementation of a scheme for phasing and timescales for development works**
5. **Before any phase of development hereby permitted is commenced, full details of all reserved matters relating to that phase (layout, scale, external appearance of the buildings and the landscaping of the site) shall be submitted to and approved by the Local Planning Authority.**
6. **The employment units hereby permitted as illustrated on the Illustrative Colour Site Masterplan 10080-PL-110 and labelled 'B1(c) light industrial/ B1(a) offices' shall be constructed for either office (B1a) or light industrial use (B1c) or as a combination of B1(a) offices and B1(c) light industrial, to be**

confirmed through the submission of reserved matters applications. The combined total floorspace for the identified employment units shall not exceed 5560m²

7. Notwithstanding detail shown – indicative masterplan to be amended to show retention/management of area of woodland by River Croco
8. Any reserved matters application to be supported by an up to date badger survey report
9. Any reserved matters application to be supported by an up to date survey for breeding birds
10. Further contaminated land investigations / mitigation pursuant to condition 5.
11. Reserved matters to be in accordance with scale parameters
12. Detailed design and specification plans for the MOVA upgrades to the A54/A50 traffic signal junction.
13. Provide and install the agreed upgrade to the A54/A50 traffic signal junction.
14. Detailed design and construction drawings for the two proposed access junctions, related carriageway widening and footway provision
15. Provide and construct all works related to the provision of the new site access junctions.
16. Provide detailed design and specification drawings for the PUFFIN crossing installation on the A54 Station Road.
17. Provide and construct all works related to the provision of the new PUFFIN crossing on the A54 Station Road.
18. Provide a system of street lighting on the A54 Marsh Lane along the site frontage.
19. Submit a schedule for, and provide all required adjustments and necessary changes to, the highway signing and lighting related to the off-site highway works.
20. Developer will agree a revised Travel Plan Framework with agreed targets in each of the first five years post development. The TPF will relate specifically to the employment and business dedicated uses within the proposal for each of the reserved matters
21. Submission of scheme for protecting the proposed dwellings from railway noise and vibration
22. Submission of a scheme for protecting housing from noise from all the commercial and industrial activities
23. Each reserved matters application for commercial activities to be accompanied by submission and approval of proposed hours of operation
24. Each reserved matters application for commercial activities to be accompanied by a noise impact assessment has been submitted to and approved by the Local Planning Authority. Any recommendations within the report shall be implemented prior to the development being brought into first use.
25. Prior to commencement of development of any commercial building scheme for the acoustic enclosure of any fans,

compressors or other equipment with the potential to create noise, to be submitted

26. Prior to commencement of development of any commercial building details of any external lighting shall be submitted to and approved
27. Prior to commencement of development of any commercial building details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours
28. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays
29. Details of the method, timing and duration of any pile driving operations to be approved
30. Details of the method, timing and duration of any floor floating operations connected with the construction of the development hereby approved to be approved
31. Submission of scheme to limit the discharge of surface water from the proposed development such that it does not exceed the run-off from the existing site
32. A scheme for the management of overland flow
33. A scheme to dispose of foul and surface water
34. scheme for the provision and management of a buffer zone alongside the watercourses
35. Accordance with Landscape framework
36. Retention of trees and hedgerows
37. Submission of Arboricultural Impact Assessment
38. Submission of Arboricultural Method Statement
39. Submission of Comprehensive tree protection measures



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