

# **Strategic Planning Board**

## **Agenda**

---

<b>Date:</b>	<b>Wednesday 2nd May 2012</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

---

**Members of the public are requested to check the Council's website the week the Strategic 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.**

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.

### **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**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda

**3. Minutes of the Previous Meeting**

To approve the minutes of the meeting held on 11 April 2012 as a correct record (to be circulated to follow)

---

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

<b>Contact:</b>	Gaynor Hawthornthwaite
<b>Tel:</b>	01270 686467
<b>E-Mail:</b>	<a href="mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk">gaynor.hawthornthwaite@cheshireeast.gov.uk</a>

4. **Public Speaking**

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

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

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

5. **11/3089N - Land on Nantwich Road, Calveley: Erection of Three Buildings. Use of One Building for Retail Purposes (Class A1) and the Other Two for Commercial / Industrial Purposes (Class B1/B2/B8) plus Associated Landscaping, Car parking and Servicing for Union Pension Trustees Ltd (Pages 1 - 20)**

To consider the above planning application

6. **12/0311C - Former Fisons Site, London Road, Holmes Chapel, Cheshire, CW4 8DE: Removal of Condition 40 of Approved Application 11/1682C - Relating to Details of Mini Roundabout for Mr S Artiss, Bellway Homes Limited NW (Pages 21 - 30)**

To consider the above planning application

7. **Proposal Alterations to the Section 106 Agreement to Allow A Different Type of Immediate Housing to that Referred to in the Official Minute for Application 11/3956C (Pages 31 - 34)**

To consider proposed amendments to the resolution passed by the Strategic Planning Board in respect of application 11/3956C

8. **Notice of Motion - Community Infrastructure Levy (Pages 35 - 40)**

To consider the Notice of Motion referred from Council on 23 February 2012

<b>Planning Reference No:</b>	11/3089N
<b>Application Address:</b>	Land on Nantwich Road, Calveley
<b>Proposal:</b>	Erection of Three Buildings. Use of One Building for Retail Purposes (Class A1) and the Other Two for Commercial / Industrial Purposes (Class B1/B2/B8) plus Associated Landscaping, Car parking and Servicing.
<b>Applicant:</b>	Union Pension Trustees Ltd
<b>Application Type:</b>	Outline planning permission
<b>Ward:</b>	Bunbury
<b>Consultation Expiry Date:</b>	19 <sup>th</sup> October 2011

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

**REFERRAL**

This application is to be determined by the Strategic Planning Board as the cumulative floor area of the proposed buildings exceeds 1000msq and the application due to its size and location is of strategic importance.

**1. SITE DESCRIPTION AND DETAILS OF PROPOSAL**

The application site is located on the north side of the A51 Nantwich Road, Wardle and is located directly opposite North West Farmers.

The site itself is relatively flat and is broadly rectangular in shape. The boundaries to the site are shared with surrounding fields apart from the south facing boundary, which fronts directly onto the A51.

The perimeter of the application site comprises a number of mature / immature trees many of which are self seeded. The Shropshire Union canal is located to the south of the application site and runs parallel to Nantwich Road. The site is located wholly within the open countryside.

This is an outline application with all matters reserved apart from access, appearance, layout and scale. The only matter which is reserved for future consideration is landscaping. The proposal is for the erection of three standalone commercial buildings. One of the proposed units will be used for retail uses (restricted), whilst the other two units will be used for commercial/industrial uses. In addition, there will be areas of landscaping, car parking and associated servicing areas and drainage.

**2. PREVIOUS RELEVANT DECISIONS**

1<sup>st</sup> March 2001

P00/1013 – Approved - Proposed Restaurant and Associated Parking

6<sup>th</sup> October 2000

P00/0681 – Withdrawn - Proposed Restaurant (Amended) and Associated Vehicle Parking.

21<sup>st</sup> March 1997

P96/0583 – Withdrawn – Mixed Development of 400 berth marina including ancillary buildings, clubhouse, pub/restaurant, heritage centre, hotel, holiday flats, caravan park and factory warehouse.

6<sup>th</sup> December 1989

7/17846 – Approved - Restaurant and Travelodge including parking and sewage treatment plant.

### **3. PLANNING POLICIES**

#### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

NE.2	(Open Countryside)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
NE.17	(Pollution Control)
NE.20	(Flood Prevention)
BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
BE.5	(Infrastructure)
BE.6	(Development on Potentially Contaminated Land)
E.4	(Development on Existing Employment Areas)
E.6	(Employment Development within Open Countryside)
TRAN.1	(Public Transport)
TRAN.3	(Pedestrians)
TRAN.5	(Provision for Cyclists)
TRAN.6	(Cycle Routes)
TRAN.9	(Car Parking Standards)

#### **Other Material Considerations**

National Planning Policy Framework (NPPF)

### **4. OBSERVATIONS OF CONSULTEES**

#### **British Waterways**

No objection to the proposed development, subject to a condition relating to foul and surface water drainage. In addition, an informative should be added to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways standards.

### **Regeneration**

No objection – At this time they have no sites available, that would meet the applicant's specific needs in the Wardle, Crewe or Nantwich.

### **Environment Agency**

No objection, subject to conditions relating to a scheme for the provision and implementation of surface water regulation system and a scheme for the management of overland flow. In addition an informative will be attached relating to use of waste for construction purposes.

### **Highways**

No objection, subject to the following comments:

- This site is for a mixed use development and has an existing right turn lane in situ. Turning movements have been provided and approved by the H/A.
- The highways authority has no objections to this proposal providing that a commuted sum of £10000 is provided via a section 106 agreement for the future maintenance of the right turn lane.

### **Sustrans**

No objection, subject to the following comments:

- It will create additional traffic on the A51 corridor.
- The provision of a footway on the NE side of the A51 is welcome, connecting to the traffic lights at NWF to allow pedestrians to cross the road and use the 84 bus service.
- The Singleton Clamp study summary claims the site is accessible to cycling, in section 5.5. This is clearly not the case for a trunk route such as the A51 carrying significant volume of HGVs. It would only become 'accessible' to cyclists if safer conditions were provided in the vicinity of this employment area. An example is making the proposed footway a shared footway/cycle track and extending it to connect to the minor road network such as Calveley Hall Lane, and then potentially onto the Shropshire Union Canal towpath leading to Barbridge and Stoke Hall Lane.

### **Network Rail**

No objection, subject to the following comments:

- Whilst there is some distance between the proposal and Network Rail land and the operational railway we are still concerned over any water discharge, pumping stations situated in the vicinity of the railway. Therefore, we would request that the plans for the pumping station and consent process also includes the Network Rail Asset Protection Engineer and that any plans are subject to his approval.

### **Environmental Health**

No objection, subject to conditions relating to hours of use, noise, external lighting and an informative relating to the hours of construction.

### **Contaminated Land**

No objection, subject to a contaminated land condition.

## **5. VIEWS OF THE PARISH / TOWN COUNCIL**

Have the following comments to make:

### Land Use

- It is not clear from the plans or the Design and Access Statement who will be occupying Unit 1;
- Is the site likely to gain any further expansion approval;

### Highways

- It is considered that the report by Singleton Clamp (Highway Consultants) is not clear and underestimates the expected traffic increase associated with the proposal;
- The trunk road has been de-trunked in 2001 or 2002 and is NOT a trunk road;
- The road is at capacity and there is no mention of possible increase to vehicular flow on the road from NWF / Bougheys site;
- What is the measured effect of the traffic light control of access onto that site? These lights seem to hold the A51 stationary for a considerable time;
- The transport statement drafted in August 2011, has apparently omitted all 2011 data, including accidents;
- There is a major assumption made by the Transport Statement by Singleton Clamp, that the extant planning permission for a Little Chef and Travelodge is already generating some volume of traffic using the site. However, the site was never finished and these uses are not currently being generated;
- The figures of vehicle movements which the site will generate is not considered to be reasonable and it is possible that the site will generate a lot more traffic;
- The traffic data for unit no. 1 is apparently missing. Therefore, it is impossible to come to a proper and validated judgement about total impacts of traffic;
- The footpath to the bus stop does not extend north passed the petrol station and onto Calveley village. Nor is there any provision to increase the safety for cyclists on or around the A51. As there is substantial provision for cycle racks on site it would seem appropriate to improve public safety by adding a designated cycle way between Calveley and Wardle. This stretch of the A51 is particularly dangerous for the individual cyclist.

## **6. OTHER REPRESENTATIONS:**

One letter of representation has been received from the occupiers of Bluestones.

The salient points are as follows:

- The proposed development is too large and in particular units 1 and 3 will have a significant impact on the character and appearance of the area;
- There is little space for and landscaping to screen the proposal;
- The proposal will appear out of place;
- The increase in vehicular movements will cause congestion and obstruct the highway as they enter/leave the site; and
- The materials used to construct the proposal will appear alien and are not sympathetic to the locality.

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

- Drainage Report
- Design and Access Statement
- Transport Statement
- Arboriculture Assessment
- Protected Species Survey
- Sequential Test Assessment
- Various emails/letters from the applicant/agent

## **8. OFFICER APPRAISAL**

### **Key Issues**

The main consideration is whether the proposals are appropriately designed and of a scale to not have a detrimental impact on the open countryside, of amenity nearby residents, highways safety, protected species, trees or in any other material consideration.

### **Policy Position**

The proposal is located within the Open Countryside and will be assessed against Policy NE.2 (Open Countryside) which restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area.

Policy E.6 (Employment Development within Open Countryside) allows for 'small scale' employment development in rural areas in order to diversify the rural economy. However, due to the cumulative floor area of the proposed buildings measuring approximately 2518.5sqm (including the external display area), the proposal falls within the major application category and therefore cannot be described as small scale. As such, the proposal is clearly contrary to Policy E.6 (Employment Development within the Open Countryside) and therefore constitutes a departure from the development plan.

Consequently, there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined:

*"in accordance with the plan unless material considerations indicate otherwise".*

Therefore, the application turns on whether there are any other material considerations, of sufficient magnitude, to outweigh the Development Plan presumption against the development.

#### **Local Plan Policy/Government Guidance**

As previously stated, the application site is located outside of the settlement boundary, as defined on the Crewe and Nantwich Replacement Local Plan Proposals Map, and is therefore situated in Open Countryside.

Policy NE.2 (Open Countryside) of the Crewe and Nantwich Replacement Local Plan restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area. Whilst Policy E.6 of the Local Plan (Employment Development within the Open Countryside) restricts employment development to 'small scale' employment development in rural areas in order to diversify the rural economy. Small scale development should be adjacent to existing buildings or other existing employment areas. All new development should also meet the requirements of policies BE.1 – BE.5 as contained within the Local Plan.

According to the NPPF:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system' (para 19).*

The guidance goes on to state that:

*'To help achieve economic growth, local planning should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century'.*

In relation to supporting a prosperous rural economy:

*'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'.*

The NPPF still sets its face against the development of new greenfield industrial developments in rural areas, and brownfield sites should be utilised in the first instance. The National Planning Policy Framework is more up to date than the Local Plan which does not have policies with regards to large scale developments of this type and size within the Open Countryside.



The National Planning Policy Framework also promotes sustainable modes of transport. Transport policies have an important role to play in facilitating sustainable development, but also in contributing to wider sustainability and health objectives. The NPPF goes on to state that smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

In practical terms, this means that new industrial development should be located where the number of vehicle journeys generated is minimised. This means that an employment site should be accessible by a realistic choice of transport, walking and cycling. However, the NPPF recognises that this aim may not be wholly achievable in rural areas. It specifically states:

*‘The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas’.*

### **Site History**

The site has an extant permission for the erection of a Restaurant and Travelodge (application ref 7/17846). Therefore, this is another significant material consideration as the applicant could construct the hotel and restaurant.

Before this, the site was formerly used by Calveley Nurseries and is therefore considered to be a previously developed site.

At the time of the site visit the site was covered in hardcore and overgrown. The road junction which will serve as the access point for the proposed units is in situ.

### **Sequential Test**

Policy S.10 of the Crewe and Nantwich Replacement Local Plan 2011 relates to major shopping proposals outside the centres of Crewe and Nantwich. The National Planning Policy Framework requires:

*‘Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale’ (para 24).*

According to paragraph 26 of the National Planning Policy Framework, when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sqm).

According to policy S.10 (Major Shopping Proposals) proposals with a gross floorspace of over 2500sqm will require a sequential test. Consequently, the applicant has submitted a sequential test assessment to accompany the application.

### *The Proposal*

The retail element (Unit no. 1) of the proposed mixed use development involves the construction of a single Class A1 (Restricted) Countryside Store with a gross internal floor area 873sqm, comprising a retail sales area of 715sqm (including ancillary office and staff accommodation) and a warehouse of 158sqm. In addition, an external sales and display area for bulkier goods, extending to 176sqm is proposed. The applicant goes on to state that the proposed retail unit will be occupied by Countrywide Farmers Plc, who have confirmed their intention to sign a long lease on the property. Countrywide Stores currently operate from an existing unit on the North West Farmers Employment Site. The applicant stresses that the current unit has significant operational difficulties and their lease will not be renewed by NWF. NWF has confirmed this via a letter.

The applicant states that the range of goods which may be sold to the public at the proposed Countrywide store (Class A1) will be restricted by planning condition and will consist primarily of:

- agricultural / garden machinery and equipment,
- animal feed,
- fertilisers,
- equestrian products,
- outdoor sports,
- pet products,
- safety and outdoor clothing and footwear,
- garden and leisure goods,
- LPG and associated items.

### *The Sequential Test*

The area of search for the sequential assessment was defined by the three towns of Tarporley, Winsford and Nantwich, which is accepted generally define the catchment of the existing Countryside Store.

A preliminary review was undertaken of sequentially preferable in-centre, edge of centre and out of centre sites in each of the three perimeter towns, based upon an operator requirement for approximately 900sqm gross internal floorspace, together with up to 200sqm of external display space and associated parking and delivery areas.

According to the applicant's sequential test, there were no sequentially preferable sites at either Tarporley or Winsford.

In Nantwich there were no sequentially preferable sites in either the town centre or in an edge of centre location. At the out of centre Nantwich Retail Park, all of the retail units were occupied, with the exception of the former focus unit on Beam Heath Way. The applicant states that, although the former Focus unit is vacant, it

is not currently being advertised either for sale or to let and therefore cannot be considered available.

In addition, the applicant goes on to state the former Focus unit at Beam Heath Way extends to approximately 2100sqm, which is double the Countrywide Store requirement. The building is therefore unsuitable in its present form. In the event that the unit was available, there is no indication that it would be suitable for subdivision or that subdivision would be viable.

The applicant concludes that there are no sequentially preferable sites occupying in-centre, edge of centre or out of centre locations in Tarporley, Winsford or Nantwich that are available, suitable and viable for the proposed Countrywide Store. In addition, the proposal would not have a significant adverse impact upon existing centres, either in isolation or cumulatively, since it involves the relocation of an existing retail use to alternative premises in the same general location with no material impact on current expenditure or shopping patterns.

The applicant states in their sequential test that the former Focus unit is unsuitable in its present form and there is no indication that the unit could be subdivided. However, it should be noted that planning application 11/1010N - approved in October 2011 - related to the subdivision of the Focus unit. This proposal was to subdivide the existing unit to create two separate units.

In a letter dated 22<sup>nd</sup> December 2011, the applicant's agent accepts that an application was submitted and approved for the aforementioned development at the former Focus store, Nantwich. However, the applicant contends that unit one extends to approximately 1680sqm (gross internal floorspace), together with an outdoor garden centre sales (1120sqm) located to the rear of the property, whilst unit two extends to 464.5sqm (gross internal floorspace) with no outdoor sales area.

The applicant acknowledges that, whilst unit one provides both an internal sales area and external display area, the internal sales area is double Countrywide's requirement and the external display area is seven times the requirement. Moreover, unit two is slightly smaller than Countrywide's existing retail sales area and does not include any provision for warehousing or external display. Furthermore, the applicant has contacted the agent acting on behalf of the former Focus unit and there has been no commitment to implement this consent. Therefore, the applicant insists that the conclusions of the submitted sequential assessment remain valid.

Notwithstanding the above, the case officer was concerned whether the new unit which will be occupied by Countrywide is similar in footprint terms to the existing unit at North West Farmers. The applicant states that the existing Countrywide Store extends to approximately 750sqm, plus an external display area. The existing store is cramped with narrow aisles and the goods displayed in a confined manner. The existing office space is restricted. Furthermore, the limited size of the existing warehouse adversely affects stock control.

The proposed new unit will provide an internal retail floor space extending to 715msq, (including improved office and staff welfare facilities), a warehouse of 158msq and an external display area. Therefore, the proposed development will

result in an increase in internal retail floorspace of approximately 200msq. Consequently, the application is not a direct like for like replacement.

The agent contends that the proposed development will allow on site storage to be increased, which will allow improvements to stock control and management and there will be increase in the width of aisles and how the products will be displayed. The agent states that there will not be any significant increase in the range of products sold, which will be controlled by condition.

Colleagues in spatial planning have been consulted and they consider that the submitted sequential test and accompanying letters are satisfactory and the proposal is in accordance with the provisions of National Planning Policy Framework.

Furthermore, colleagues in Regeneration have also been consulted. They state that at this time they have no sites available which would meet your specific needs in the Wardle, Crewe or Nantwich areas.

It is a concern that if Countrywide ceased to operate from this store, it may leave an open ended A1 use within the countryside. Therefore, conditions restricting the sale of goods and a personal condition to Countrywide will be attached to any decision, in the event, that planning permission is approved.

### **Design**

The application site is located directly opposite North West Farmers. North West Farmers is a large industrial/commercial enterprise and this site comprises a number of large buildings. Therefore, the proposed development will be seen in this context and will not be viewed as an isolated or divorced site, within the open countryside.

The proposed development will comprise of three stand alone units of varying sizes. The existing access point into the site roughly divides the site into 1 and 2 thirds. The agent has located the larger unit to the north east of the application site and the other two B class units to the south east. The proposed buildings are separated by parking and servicing areas which are connected by a single unadopted spine road running along the northern boundary. Located at each end of the central spine road is an area for larger vehicles to manoeuvre so that they can access/egress the site in a forward gear. Amended plans have been received moving the built form away from the boundary with the A51 by approximately 1m, which will provide additional space for improved landscaping.

The applicant states that the pavement has been maintained alongside the A51 and extended it to reach the nearby bus stop to the south. It is envisaged that the majority of the surfacing materials will comprise a mixture of tarmac and paving sets, details of which will be secured by condition.

Located to the south east of the application site, the applicant has left a large parcel of land measuring approximately 28m wide by 40m deep undeveloped. According to the submitted ecological report a pond will be excavated and the area landscaped to provide a suitable habitat for local wildlife. No information has been submitted regarding this landscaped area. As such, it will be subject to a condition.

Furthermore, located in the north west corner of this land, is an underground sewage treatment plant. The applicant has not submitted any details in relation to the treatment plant and a condition requesting further information will therefore be attached to any permission.

The design and scale of the buildings are typical of modern industrial units with shallow pitched roofs and simple portal frame construction. The footprint of the proposed units are rectilinear in form.

Unit 1 measures approximately 26.5m deep 39m wide and is 6m high to the eaves and 8m high to the ridge. Located to the north of the unit is an external display area which measures 5.5m wide by 32m deep. The perimeter to the display area is enclosed by 3m security fence.

Unit 2 measures 15m deep by 17m wide and is 6m high to the lowest point of the roof increasing to 7m.

Unit 3 measures 34m deep by 32m wide and is 6m high to the eaves and 8.5m high to the ridge. Roof definition has been incorporated through the use of over sailing eaves.

The office block incorporates a butterfly roof form which distinguishes this building from the other two proposed units. This unit is located immediately adjacent to the access point and, due to its unusual roof form, acts as a focal point. It is noted that all of the buildings incorporate a high eaves height. The applicant states that this required so that they may be able to accommodate future mezzanine floors.

The general scale of these buildings has been broken down through the use of contrasting façade materials. The facades have been composed using horizontal order broken vertically with contrasting materials such as rain water pipes, which will be controlled by the imposition of a condition. Glazing elements have been restricted to areas such as entrances and shop fronts on Units 1 and 3. However, Unit 2 due to the nature of the building, incorporates much larger amounts of fenestration, including wrap around windows, which help to break up the elevations.

It is considered that units 1 and 3 are uniform and utilitarian in form and are designed for functionality rather than form. The buildings are similar in design and size to other units within the area and across the Borough and it is considered that they will not appear as alien or incongruous features within the streetscene. As such, the proposal complies with policy BE.2 (Design Standards). Furthermore, it is noted that Unit 2 with its butterfly roof arrangement will act as a focal point and will not have adverse impact on the character and appearance of the area.

### **Amenity**

Policy BE.1 (Amenity) states that development will be permitted provided that the development:

- is compatible with surrounding land uses,
- does not prejudice the amenity of future or neighbouring occupiers,
- does not prejudice the safe movement of traffic
- does not cause an increase in air, noise, water pollution

which might have an adverse impact on the use of land for other purposes.

It is considered that the redevelopment of the site for industrial/retail/commercial is considered to be compatible with the surrounding land uses. The proposals are unlikely to result in noise, air or water pollution. However, a principle consideration in determining this application is its effect upon the amenity of adjacent occupants and in this respect Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The nearest residential properties are located in excess of 100m to the north west of the application site. Given the separation distances, intervening vegetation / buildings and boundary treatments, it is considered that any negative externalities caused by the proposed development will be minimised. Furthermore, colleagues in Environmental Health have not objected to the proposals but have suggested a number of conditions to help reduce noise and disturbance impact that could be caused by this development. These include:

- hours of operation,
- details of noise reduction measures,
- hours of construction
- details of any external lighting.

### **Sustainability**

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the delivery of sustainable development. With regard to the rural economy, the Framework identifies that the support should be given to the sustainable growth of rural businesses.

It is noted that the application site is located in a remote rural location far away from any established settlements. However, the site is located adjacent to the A51 and there is a bus stop in close proximity to the application site with a regular and frequent bus service. Provision has been made on site for secured covered cycle parking and this will be required by condition. Furthermore, it is considered that, in order to encourage some sustainable forms of transport, a condition relating to a travel plan should be attached to any permission. The NPPF advocates the use of Travel Plans stating:

*‘All developments which generate significant amounts of movement should be required to provide a Travel Plan’ (para. 36).*

The main customer base for the Countrywide Store reside within the rural community and it is considered that the location of the store will serve its clientele.

The applicant advises that the majority of the customers turn up to the store with trailers and stock up and on produce and there are very few linked trips, as they then go home to unhook the trailer.

It is accepted that Countrywide Store generally sells agricultural and equestrian products. The majority of the products are sold to small holders, hobby farmers

and equestrian users who tend to reside in rural locations. If the unit was to be located within a town, this could mean people have to travel further into the town.

Policy EM18 of North West England Plan Regional Spatial Strategy (RSS) which outlines that, in advance of the setting of local targets for decentralised / renewable / low-carbon source energy supply, at least 10% of predicted energy requirements should be from such sources unless it is demonstrated not to be viable.

As the proposed development is for major industrial development in a relatively unsustainable location, it is considered that an element of renewable energy should be incorporated into the scheme to offset any harm. Consequently, it is recommended that conditions be added to any approval to ensure compliance with RSS Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM 17 (Renewable Energy), and EM18 (Decentralised Energy Supply).

### **Contaminated Land**

Although an industrial use is not a sensitive end use, there is potential for contamination on the land given the historic use of the site. It is suggested that a Phase I Contaminated Land survey be carried out in line with the advice contained in NPPF. This can be secured by condition.

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

### **Flood Risk**

According to the Environment Agency flood map, the application site is located in flood zone 1, which is considered to have a low annual probability of flooding from rivers. The flood maps do not show the risk of flooding from canals (i.e. The Shropshire Union Canal)

The application area is approximately 0.99 hectares in scale. Development proposals that are greater than 1 hectare in scale should be supported and informed by the results of a site specific Flood Risk Assessment.

In this case the applicant has submitted a drainage report which addresses the feasibility of draining the site. It acknowledges that the proposal has the potential

to increase flood risk in the area if not effectively managed. Therefore, colleagues in the Environment Agency have suggested that a number of conditions be attached to any permission, which include details of disposing of surface water and a scheme for the management of overland flow and a surface water drainage system. It is considered that the proposal is acceptable and complies with policies NE.20 (Flood Prevention) and BE.4 (Drainage, Utilities, Resources) of the Local Plan.

### **Highways**

As previously stated, the site has an extant planning permission (ref 7/17849) for a restaurant and hotel. In relation to this existing permission, a right turning lane has been proposed at the new access onto the A51. This section of Nantwich Road is single carriageway in width and is subject to the national speed limit.

The applicant has submitted a transport statement as part of their application. A speed survey was carried out on the 10<sup>th</sup> June 2011. It shows that the measured 85<sup>th</sup> percentile dry/wet weather journey speed of vehicles in free flow approaching the access in either direction was

Northbound:	46.3mph (Dry Weather) and 43.8mph (Wet Weather) (AM)
	46.0mph (Dry Weather) and 43.5mph (Wet Weather) (PM)
Southbound:	49.4mph (Dry Weather) and 46.9mph (Wet Weather) (AM)
	47.7mph (Dry Weather) and 45.2mph (Wet Weather) (PM)

It is considered that the existing junction arrangement and the realignment of the hedges and verges, will secure visibility splays of 160m to the left and right from a 2.4m set-back point from the edge of the carriageway. The agent states that there is considered a safe level of visibility available at the site access.

The edge of the site is located around 300m from the bus stop located adjacent to the Northwest Farmers employment site. These bus stops are served by the no. 84 bus route. Currently, there is a verge and the applicant is proposing that it is replaced by a new footway provision along the north side of the A51 from the site access to the bus stop to the south east. This will be secured by condition if planning permission is to be approved. It is considered that this new footpath will improve accessibility to the site by bus. This has the potential of reducing the reliance on the private car to access the site.

The author of the report states that there would be a total provision of 135 parking space for the entire site including 8 disabled spaces. 64 spaces are allocated to the Class A1 use to the north west of the site and 71 for the Class B1/B2/B8 uses. Secure parking for a total of 20 cycles would be provided, which are shown on the submitted plans.

The applicant goes on to state that it is not envisaged that the scheme will attract large articulated HGV's, due to the size of the units. However, it has been demonstrated by swept path analysis that large HGV's up to 16.5m in length can enter and leave the site within a forward gear.

The traffic generated by a development of the scale proposed would have no material impact upon the operation of the adjacent highway network and there will be no access capacity issues. It is considered, given the limited amount of



vehicular movements associated with the proposal, that it will not significantly increase congestion in the locality.

In light of the factors cited above and given that Highways have not objected to the proposed development, there is insufficient justification to warrant a refusal on highway safety grounds and sustain it at any future appeal. It is therefore considered that the proposal is in accord with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) and advice advocated within the National Planning Policy Framework.

### **Ecology**

The application is supported by an ecological assessment.

According to the assessment, a single Great Crested Newt was recorded on site in 2009. The surveys undertaken in connection with the proposed development have identified a number of ponds and confirmed the possible presence of breeding Great Crested Newts. However, each of these ponds is a considerable distance from the proposed development. Moreover, further surveys of the application site undertaken this year have not recorded any further activity on the site.

The Councils Ecologist advises that the proposed development does pose the risk of disturbing or killing Great Crested Newts and that there is likely to be some loss of habitat for the species. However, the impacts of development are likely to be low. The ecologist concludes that, to mitigate the adverse impacts of the development, the submitted ecological assessment recommends the implementation of Reasonable Avoidance Measures to mitigate the risk of killing / injuring newts and also recommends the provision of a new pond and small wildlife area in the south western corner of the site, which will be conditioned accordingly. Furthermore, it is considered prudent that, if the application is to be approved, a condition stipulating building works should take place outside of the bird breeding season is imposed. The Councils ecologist raises no objection and as such the proposal complies with policy NE.9 (Protected Species) and the National Planning Policy Framework.

### **Landscaping**

This matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

### **Other Matters**

The Highways Officer has requested that a commuted sum payment of £10000 is provided for the future maintenance of the right hand turn lane. However, the case officer noted that the right hand turn lane was already in situ and maintenance of the Highway network is already the responsibility of the local authority as the highway agency. Therefore, it is considered unreasonable to request this commuted payment.

The Parish Council are concerned that, if the application is approved, it could lead to much expansion. Whilst the concerns of the Parish Council are noted, the current application must be determined on its own individual merits. The possible expansion of the site would require a further planning application and the refusal of

the planning application on a hypothetical situation would be difficult to justify and sustain at any future appeal.

## **9. CONCLUSION**

It is accepted that the application site is located in a remote location and in an unsustainable location. However, the proposal serves a specific local need and will generate further employment.

It is considered that the design, scale and form of the buildings would sit comfortably with those in the locality. The development can be accommodated on the site without causing significant harm to the character and appearance of the open countryside or the amenities of nearby residential properties.

The proposed development can be satisfactorily accessed without significant harm to highway safety.

There are no significant concerns relating to protected species or loss of trees.

The proposal is therefore in compliance with Policies NE.2 (Open Countryside), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), E.6 (Employment Development within the Open Countryside), TRAN.9 (Car Parking Standards) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within the National Planning Policy Framework.

## **10. RECOMMENDATION**

### **a) Approve subject to conditions:**

- 1. Commencement of Development**
- 2. Reserved Matters**
- 3. Plans**
- 4. Details of the boundary treatment around the periphery of the site and the external display area to be submitted and approved in writing**
- 5. Surfacing Materials**
- 6. Materials**
- 7. Details of any external lighting to be submitted and approved**
- 8. Landscaping submitted**
- 9. Landscaping implemented**
- 10. Drainage scheme to be submitted and approved in writing**
- 11. Details of secured covered cycle parking to be submitted and agreed in writing**
- 12. Details of bin storage areas to be submitted and agreed in writing**
- 13. Details of the underground sewage treatment plant to be submitted and agreed in writing**
- 14. Details of the wildlife area to be excavated and landscaped to be submitted and agreed in writing**
- 15. Incorporation of sustainable features to be submitted and approved**
- 16. All noisy works to be inside with doors and windows closed**

17. Details of the footpath to the site frontage to be submitted and agreed in writing
18. Unit 3 restricted to B1 or B2 uses only
19. Unit 2 restricted to B2 office use only
20. Notwithstanding the plans hereby approved no permission is granted for the subdivision of Unit 1
21. Hours of use of the units to be submitted and agreed in writing
22. Details of the noise levels generated by the private wastewater treatment plant to be submitted and approved in writing
23. Details of the noise reduction measures for all of the units shall be submitted and approved in writing
24. Contaminated land report
25. The A1 unit hereby permitted shall be used for non food retail only and for no other purpose, including any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Furthermore, unless otherwise authorised in writing by the LPA, the unit shall not be used for retailing other than those genuinely associated with a country store, and shall not be used for the retailing of any of the following goods:
  - Fashion clothing and footwear (other than country, equestrian and leisure clothing and footwear normally retailed within a country store);
  - Fashion accessories, including jewellery, cosmetics, toiletries and pharmaceutical products; books, newspapers and magazines (other than specialist publications or animal health products normally retailed within a country store);
  - Electrical goods (other than those which would normally be retailed within a country store);
  - Kitchenware or goods associated with cookery.
26. Unit 1 shall be occupied by Countrywide Stores
27. No outside storage for unit no. 3
28. Travel Plan
29. Car parking and turning areas to be made available prior to the first occupation of the buildings

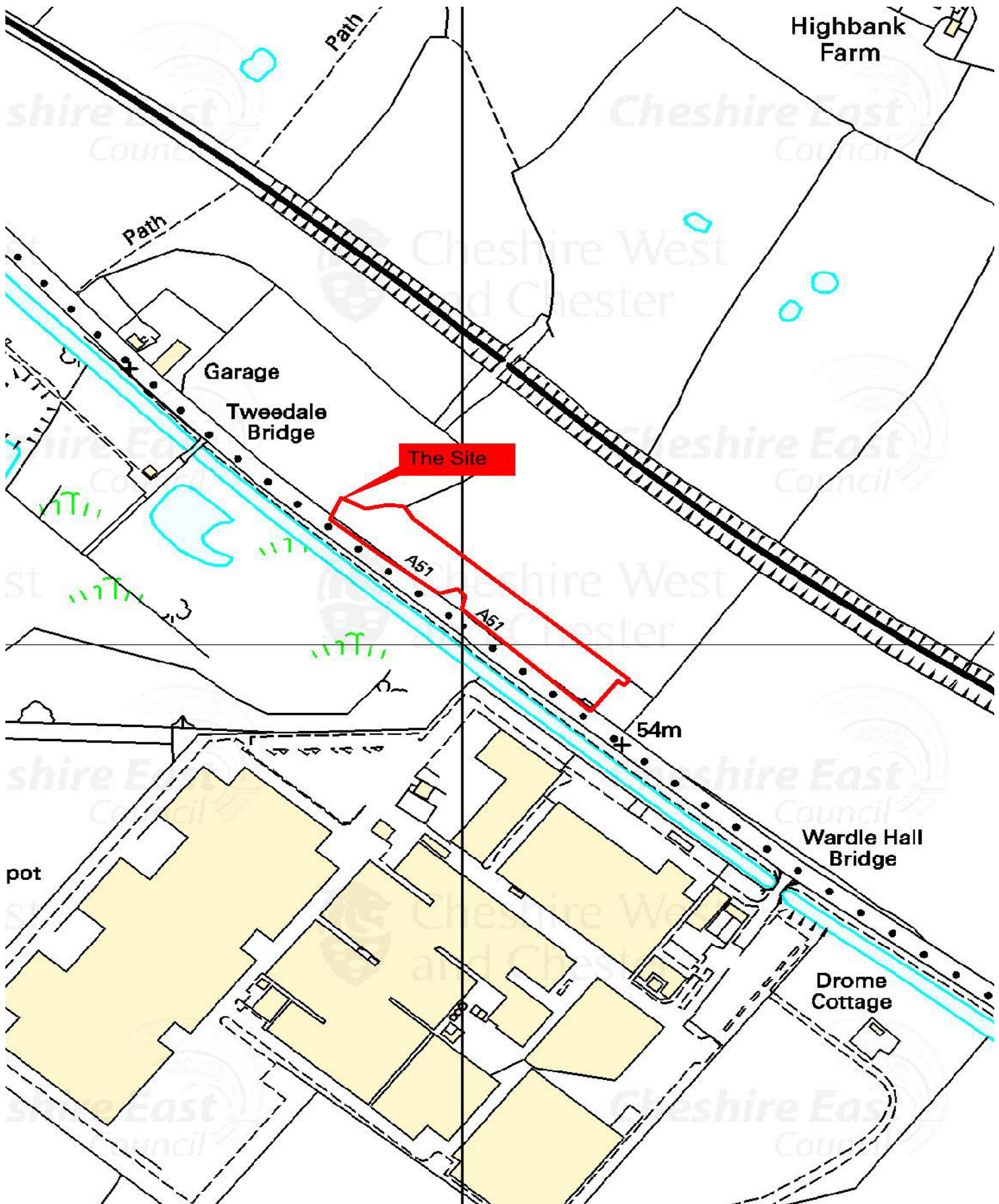
b) In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

**INFORMATIVES:**

**The applicant/developer is advised to contact British Waterways' Third Party Works Team (01606 723800) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".**

**Hours of Construction**

<b>Monday to Friday</b>	<b>0800 hours to 1800 hours</b>
<b>Saturday</b>	<b>0900 hours to 1400 hours</b>
<b>With no Sunday or Bank Holiday working</b>	



This page is intentionally left blank

**Application No:** 12/0311C

**Location:** FORMER FISONS SITE, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE

**Proposal:** Removal of Condition 40 of Approved Application 11/1682C - Relating to Details of Mini Roudabout

**Applicant:** Mr S Artiss, Bellway Homes Limited NW

**Expiry Date:** 17-Apr-2012

#### **SUMMARY RECOMMENDATION**

##### **APPROVE**

##### **MAIN ISSUES**

The key issues for Members to consider, is whether or not the requirement to provide a mini roundabout at the junction of Manor Lane with Station Road/Marsh Lane (condition number 40 of approval 11/1682C), is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## **1. REFERRAL**

The application has been referred to Strategic Planning Board, because it seeks to remove a condition that was imposed by the Board.

## **2. 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. They 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.

The part of the site which this application relates to specifically is the highway junction of Manor Lane with Station Road / Marsh Lane which is to the northeast of the site.

### **3. DETAILS OF PROPOSAL**

At the Strategic Planning Board meeting of 17<sup>th</sup> August 2011, Members resolved to grant outline planning permission (ref; 11/1682C) with details of access 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.'*

This application seeks to remove condition number 40 of the permission, which requires a mini roundabout to be provided at the junction where Station Road/Marsh Lane meets with Manor Lane.

### **3. RELEVANT PLANNING HISTORY**

9<sup>th</sup> December 2011

#### **APPROVED**

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.

### **4. PLANNING POLICIES**

#### **National Policy**

National Planning Policy Framework

#### **Local Plan Policy**

PS5 Villages Inset in the Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR9 and GR10 Accessibility, servicing and provision of parking



## **5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Highways**

No Objection

### **Sustran**

Do not feel able to comment as they do not have the information as to why the condition was imposed. However, Holmes Chapel suffers some traffic congestion and that travel planning / slowing traffic down / making walking and cycling more attractive have to be given consideration in planning and land use decisions.

## **6. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL**

Object for the following reasons:

1. The provision of a mini roundabout at the junction of Manor Lane and Marsh Lane would ensure that traffic can flow freely in all directions. It is particularly important that traffic can flow freely out of Manor Lane and turn right and a roundabout would improve the situation.
2. Holmes Chapel has a problem of HGV traffic flowing through the village centre along Macclesfield Road. The alternative route along Manor Lane and then Station Road is a potential route to improve safety and avoid narrow passing points in the village centre.
3. The removal of the proposed roundabout would increase the difficulty of turning right from Manor Lane into Marsh Lane as the proposed filter lane will give cars going along Station Road a clear run. This is likely to create a greater accident risk due to poorer visibility for vehicles turning right out of Manor Lane.
4. The supporting statement from Croft Transport Solutions purports to show why a roundabout is not feasible. However this depends on where the centre of the 18.5m required circle is positioned. Moving the centre towards the development site would remove the constraint of requiring third party land.
5. As stated by SUSTRANS, Holmes Chapel has a traffic congestion problem and the proposal to eliminate the proposed roundabout will only make matters worse.
6. Any work on the road network in and around Holmes Chapel should be considered for its overall impact on the village. The provision of a roundabout would provide an improvement. The alternative solution of a filter lane along Marsh Lane would make matters worse and is considered unacceptable.
7. In summary, this junction presents problems already. Additional houses and a new road junction off Marsh Lane will make traffic conditions worse. If there are good grounds for not providing a roundabout, then some alternative suitable provision should be made and incorporated as a planning condition

## **VIEWS OF THE BRERETON PARISH COUNCIL**

Object – the condition should be retained on grounds of highways safety

## 7. OTHER REPRESENTATIONS

Letters from 2 neighbouring properties, Marsh Hall and Bayley House, have been received objecting to this application on following grounds:

- The current access location is inappropriate in relation to adjacent listed Marsh Hall
- This proposal represents a logical alternative that would have the following benefits:
  - Controlling traffic from Manor Lane, London & Marsh Lane
  - Eliminate traffic build up & tail-back of traffic turning left out of Manor Lane
  - Would serve to slow traffic in all directions
  - Avoid the removal of bank screening near to Marsh Hall and retention of more planting
  - Would reduce impact on setting of grade II listed Marsh Hall
- High volumes of homes in relation to Marsh Hall

## 8. OFFICER APPRAISAL

### Assessment

The principle of the development has already been accepted and it is not the purpose of this report to revisit the merits of the proposal. The key issues for members to consider, is whether or not condition number 40, is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects in accordance with para 206 of the National Planning Policy Framework (NPPF).

Condition number 40, states that:

*“Prior to the first occupation of the residential development hereby permitted on plots A and B, details of a proposed mini roundabout to be located at the junction where Marsh Lane meets with Manor Lane has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the first phase of residential development.”*

Previously, the new site access onto the A54 Marsh Lane was to serve the proposed development comprising of 231 residential units (plots A and B). Originally, it was proposed that this new junction would be a simple priority junction, supplemented by a ghost island, right turn lane system, extending to provide for the junction of Manor Lane with Station Road / Marsh Lane.

This right turn lane system was designed to assist with vehicle turning movements and ensure that right turning vehicles into either junction are removed from the through-flow of traffic on the major carriageway. This configuration was considered to be acceptable in the previous Transport Assessment and the Strategic Highways Manager concluded that this access would operate well within capacity and would not give rise to or exacerbate traffic or highway safety problems.

Nonetheless, Members were concerned about this proposed access and the junction of Manor Lane with Station Road/Marsh Lane. Members felt that the proposal would be better served by a mini roundabout and therefore condition number 40 was imposed.

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where safe provision is made for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The Strategic Highways Manager (SHM) has confirmed that there is no technical reason why the access junction strategy for this development proposal should be changed from that previously proposed. The developer has demonstrated that the original access proposals would serve the development appropriately.

Furthermore, the SHM has stated that the relevant guidance 'TD54/07' (Design Manual for Roads and Bridges – DfT document), does not allow the use of a mini-roundabout to serve new development and therefore the imposition of the condition does not meet with current advice.

Despite this, the developer's highway consultant has submitted a technical assessment demonstrating that the original junction proposal is satisfactory and that a roundabout of sufficient size would not be necessary or achievable.

In order to provide a suitably designed mini-roundabout capable of serving the traffic generated by the development, whilst managing all other categories of traffic (including HGVs), the roundabout would need to be of a size which requires two separate parcels of third party land beyond the control of the applicant. The applicant's Highways Consultant therefore states that the roundabout would not be able to be implemented and in any event, the originally proposed design would better serve technical requirements.

The Strategic Highways Manager has considered this evidence and concurs that the offered junction is satisfactory to serve the site and that a roundabout of sufficient scale to manage all types of traffic would not be necessary and would require third party land. This means that the provision of a mini-roundabout would be untenable and therefore it is not considered that the condition imposed is reasonable in all other respects.

On this basis, and given that the proposed junction offers a viable solution to serve the proposed development for plots A and B, the Strategic Highways Manager offers no objection to the removal of Condition 40. Consequently, the originally proposed access, junction design and highways considerations would accord with local plan policy GR9 and therefore the provision of a mini-roundabout would not be necessary or reasonable in all other respects.

## **10. REASONS FOR APPROVAL**

The principle of the development has already been accepted.

The original proposal to serve plots A and B of the development (the residential elements) by a new site access onto the A54 Marsh Lane, with improvements to the junction of Manor

Lane with Station Road/Marsh Lane is acceptable in design terms and complies with relevant guidance and current local plan policy.

The provision of a min roundabout would not meet with current advice, and would require be required, achievable or deliverable as it would require 2 separate parcels of land which are outside the control of the applicant. As such, the imposition of condition number 40, is not necessary or reasonable in all other respects and does not therefore accord with the tests outlined in para 206 of the NPPF.

Condition number 40 should therefore be removed and this is supported by the Strategic Highways Manager.

### **Other Issues**

Objectors have made reference to the impact that the previously agreed access would have on the setting of the adjacent grade II listed Marsh Hall. The access would be located in the same position, where as per the previous report, it is considered that the impact on the setting would not be significant and would not warrant a refusal. 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.

## **11. RECOMMENDATION**

That Members resolve to remove condition number 40 of planning approval 11/1682C, subject to the conditions and the terms of the S106 legal agreement (formal deed of variation) previously agreed which are set out below:

**a) APPROVE subject to completion of a 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.

**b) APPROVE subject to the following conditions**

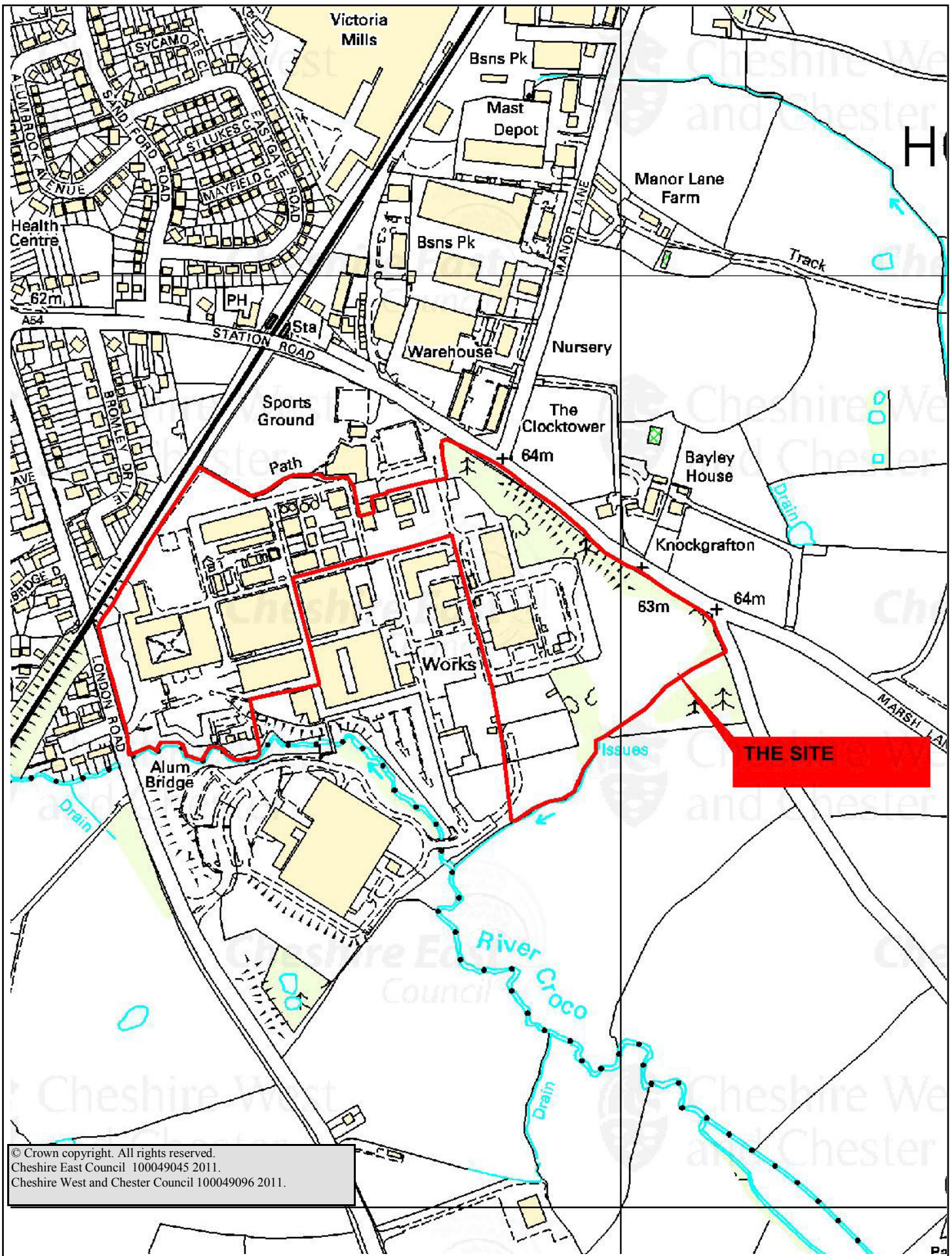
1. Standard outline
2. Submission of reserved matters
3. Approved Plans – location and zoning including retention of front part of former Fisons building
4. Submission / approval / implementation of a scheme for phasing and timescales for development works
5. Before any phase of development hereby permitted 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 5560m<sup>2</sup>
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 and provision will be made for improvements to the cycle network linking London Road for the benefit of the whole development.
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

c) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.







## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

---

**Date of meeting:** 2 May 2012  
**Report of:** Development Management and Building Control Manager  
**Title:** Proposal Alterations to the Section 106 Agreement to Allow A Different Type of Immediate Housing to that Referred to in the Official Minute for Application 11/3956C

---

#### **1.0 Purpose of Report**

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application 11/3956C.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board on 8<sup>th</sup> February 2012.

#### **2.0 Decision Required**

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

#### **3.0 Background**

- 3.1 The application relates to 9ha of land, situated to the west side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary.
- 3.2 The site is bound by Moss Lane to the north, west and south.
- 3.3 To the north-west of the site is an existing office building which is within the ownership of the applicant. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road. These properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within relatively large plots. To the south of the site is the former test track. This site is within the ownership of the applicant but does not form part of this application.

- 3.4 The site is relatively open and the former factory buildings which stood on the site have now been demolished. The site has 2 vehicular access points, one to the south and one to the north. There is sporadic tree planting to the boundaries of the site but this is of mixed quality.

#### **4 Previous Planning Permission**

- 4.1 Members may recall that on 8<sup>th</sup> February 2012, the Strategic Planning Board resolved to grant planning permission for a residential development of the former Foden Truck Factory site. The development would comprise 269 dwellings at a density of 30 dwellings per hectare.
- 4.2 The resolution to approve was subject to completion of a Section 106 Agreement making a number of provisions, including:

*'Affordable housing – the number and tenure split of the affordable housing will be no less than 19.7% (53 units in total) comprising at least 65% (34 units) affordable rent and 35% shared ownership (19 units)'*

- 4.3 The developer is seeking to amend this wording to make provision for properties for “shared equity” within the scheme as an alternative to “shared ownership”.
- 4.4 A clause at the end of the Committee report to allow this amendment to be delegated to the Head of Planning and Housing in consultation with the Chair of the Strategic Planning Board was unfortunately not included within the approved minutes. This states that:

*'In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision'*

#### **5 Officer Comment**

- 5.1 Shared ownership and shared equity are both forms of intermediate housing.
- 5.2 The glossary at Annex 2 to the NPPF defines intermediate housing as follows;

*'Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans),*

*other low cost homes for sale and intermediate rent, but not affordable rented housing'*

- 5.3 Shared equity housing is where more than one party has an interest in the value of the home (e.g. an equity loan arrangement or a shared ownership lease). There may be a charge on the loan, and restrictions on price, access and resale.
- 5.4 Shared ownership is a form of shared equity under which the purchaser buys an initial share in a home from a housing provider, who retains the remainder and may charge a rent. The purchaser may buy additional shares (stair-casing), and this payment should be 'recycled' for more affordable housing.
- 5.5 The Housing Officer has no objection with this change which would be a very minor change within the definition of intermediate housing as contained within the NPPF. Moreover, both housing products are forms of intermediate housing and consequently the change is non-material in planning terms. Therefore, it is recommended that the previous resolution is amended from 'shared ownership' to 'intermediate housing' as this would tie in with the broad brush approach to defining affordable housing, as contained within the NPPF.

## **6 Conclusion**

- 6.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

## **7 Recommendation**

- 7.1 That the Board resolve to amend the previous resolution in respect of application 11/3956C relating to the affordable housing heads of terms to;

*'Affordable housing – the number and tenure split of the affordable housing will be no less than 19.7% (53 units in total) comprising at least 65% (34 units) affordable rent and 35% intermediate housing (19 units)'*

- 7.2 Also that the Board resolve:

*In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.*

**8 Financial Implications**

8.1 There are no financial implications.

**9 Legal Implications**

9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

**10 Risk Assessment**

10.1 There are no risks associated with this decision.

**11 Reasons for Recommendation**

11.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

***For further information:***

Officer: Daniel Evans – Principal Planning Officer  
Tel No: 01270 537013  
Email: daniel.evans@cheshireeast.gov.uk

***Background Documents:***

- *Application 11/3956C.*

## **CHESHIRE EAST COUNCIL**

### **Strategic Planning Board**

---

**Date of Meeting:** 2 May 2012  
**Report of:** Strategic Planning & Housing Manager  
**Subject/Title:** Notice of Motion – Community Infrastructure Levy

---

#### **1.0 Report Summary**

- 1.1 This report responds to a Notice of Motion put to the Full Council on 23 February regarding the operation of the Community Infrastructure Levy.

#### **2.0 Recommendation(s)**

- 2.1 That the Board notes that the operation of the Community Infrastructure Levy will be considered alongside the preparation of the Local Plan.
- 2.2 That the Board notes that the Infrastructure Plan, Charging Schedule and other matters related to the operation of the Levy will be subject to full consultation and Independent Examination, as prescribed by the Community Infrastructure Regulations.
- 2.3 That the Board notes that the CIL Charging schedule must be approved by a full meeting of the Council
- 2.4 That any decision on the operation of the Levy in Cheshire East is premature at the present time and therefore no further action is necessary at this juncture.

#### **3.0 Reasons for Recommendation(s)**

- 3.1 The Community Infrastructure Levy (CIL) is prepared according to a process governed by regulation. It is also directly linked to the preparation of the Local Plan. It would not be appropriate to pre-judge this process in advance

#### **4.0 Wards Affected**

- 4.1 All wards will be affected by the operation of CIL

#### **5.0 Local Ward Members**

- 5.1 All members

## **6.0 Policy Implications**

- 6.1 The report clarifies how the Council's policy on CIL will be developed alongside the Local Plan.

## **7.0 Financial Implications**

- 7.1 None directly from this report. However CIL will be an important mechanism for ensuring that all new development pays its fair share in meeting the costs of necessary new infrastructure.

## **8.0 Legal Implications**

- 8.1 The Community Infrastructure Levy was brought in by Part 11 of the Planning Act 2008. The Community Infrastructure Levy Regulations 2010, which govern the charge, came into force on 6th May 2010 (now amended by the CIL Amendment Regulations 2011). Further changes and clarifications are proposed in the CIL Amendment Regulations 2012. The CIL regulations serve to limit the scope of current Planning Obligations (s.106 agreements) and will severely restrict their use after April 2014.

## **9.0 Risk Management Implications**

- 9.1 The Council needs to ensure that the impacts of new development are properly reflected within the Infrastructure Plan and Charging schedule. Details of the operation of CIL need to be considered systematically as part of the statutory process – and not in isolation

## **10.0 The Community Infrastructure Levy**

- 10.1 The Community Infrastructure Levy (CIL) is a system of planning charges that the Council will be able to levy on developers undertaking most new building projects in the Borough. The money raised can be used to fund a wide range of infrastructure that is needed to support new development in the area. 'Infrastructure' has a broad definition in the Planning Act and can apply to many projects including new road schemes, schools, community services, sports and leisure facilities and green infrastructure necessary to support development.
- 10.2 The Levy differs from S.106 agreements in that it is applied more widely and consistently; most forms of development will attract the charge which is levied by floor area. Currently it is estimated that across the country only about 6% of new developments contribute to S.106 agreements. In Contrast CIL will be applied universally (with a few notable exceptions) with the potential for different rates to apply in different areas and to different types of development.
- 10.3 The Levy and the types of development liable to pay will be set out in an adopted Charging Schedule. The Charging Schedule must specify the Charging Authority (Cheshire East); the Levy rate (pounds per square metre); an Ordnance Survey map for differential rates (if they differ geographically) and an overall explanation of the proposed Levy.

- 10.4 Before adoption of the Charging Schedule, the Council must consult on a Preliminary Draft Charging Schedule. All comments from interested parties will then be taken into account before a Draft Charging Schedule is produced for a final round of consultation and independent examination.
- 10.5 In setting a Levy for the Borough, the Council must aim to strike what appears to be an appropriate balance between funding the total cost of infrastructure required to support development of its area, and the potential effects (taken as a whole) of the imposition of the Levy on the economic viability of development: Two key pieces of evidence are required to inform the production of this Charging Schedule.
- **Viability Assessment:** This document will assess the viability of the local development industry and market in Cheshire East and is required to ensure that the introduction of a levy charge does not put at risk the overall development of the Borough. It will provide information about differences in economic viability across different geographical areas and different uses of development in the Borough. It will provide advice on the rates that could be set and the potential for 'differential rates' as a result of differences in economic viability.
  - **Infrastructure Development Plan:** This document sits alongside the new Local Plan and will support its implementation. It will identify the new infrastructure items or general types of infrastructure required to support new development during the plan period. This will include a sum total cost of necessary infrastructure and will assist in setting the Levy amount, having regard to other sources of available funding. The Infrastructure Development Plan can be amended over time as new projects arise and more is known about the likely location of future development. This document does not prioritise infrastructure projects but instead provides evidence of the overall cost.
- 10.6 The Council must appoint an independent examiner to assess the Draft Charging Schedule. The Council must demonstrate that the Draft Charging Schedule complies with the Planning Act and CIL Regulations; the proposed Levy rate(s) are informed by and consistent with appropriate available evidence; and an appropriate balance has been struck in the funding of infrastructure without putting at risk the overall development of the area. The examiner can approve, modify or reject the Draft Charging Schedule. Whilst the examiner's recommendations are no longer binding, the Council will need strong and cogent reasons not to adopt them.
- 10.7 Local authorities are required to spend the levy's funds on the infrastructure needed to support the development of their area and it is our role to decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development. The levy can be used to increase the capacity of existing

infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

- 10.8 Using new powers introduced in the Localism Act the Government will require charging authorities to allocate a “meaningful proportion” of levy revenues raised in each neighbourhood back to that local area. This is intended to ensure that where a neighbourhood bears the brunt of a new development, it receives sufficient money to help it manage those impacts. More detail will be set out in Regulations.
- 10.9 The Levy is imposed at the time planning permission is granted and is paid on commencement of development, or by instalments (at the Council’s discretion). The Levy will be index linked to account for inflation over time. Liability to pay the Levy is the responsibility of the landowner at the time of the planning permission. If the land is sold after planning permission is granted, the liability is transferred to the new owner(s). Other parties can voluntarily assume liability – such as developers or agents
- 10.10 After April 2014 CIL will replace s.106 agreements as a means of paying for strategic infrastructure, especially from more than one development. Section 106 Obligations may still be used to deliver necessary on-site infrastructure needs and mitigation measures. Section 278 agreements will continue to be used to secure necessary highway improvements to make developments acceptable in planning terms. In addition, for the present time, affordable housing will continue to be delivered via s.106 agreements
- 10.11 To ensure that the levy is open and transparent Councils are obliged to report on the use of CIL funding over time. Charging Authorities must prepare short reports on the levy for the previous financial year which must be placed on their websites by 31 December each year. They may prepare a bespoke report or utilise an existing reporting mechanism, such as the annual monitoring report which reports on their development plan. The Council must report on how much monies they received from the levy in the last financial year and on how much was unspent at the end of the financial year. The Council must also report total expenditure from the levy in the preceding financial year, with summary details of what infrastructure the levy funded, how much of the levy was ‘spent’ on each item of infrastructure and how much on administrative expenses.

#### **11.0 The Notice of Motion.**

- 11.1 At its meeting on 23 February the Council received the following notice of Motion submitted by Councillor D Brickhill:
  1. *“At least 80% of all money raised by community levy payments by Developers must be spent in the same town or parish council area as the actual development.*



2. *The remaining 20%, if any, must be spent in the same district as the actual development, where 'district' means the appropriate area of one of the three previous district councils that made up Cheshire East.*
3. *The planning department shall consult the parish or town council on how the money should be spent and, if necessary, fully explain at a planning Committee meeting why the parish's recommendations cannot be implemented.*
4. *The planning department shall provide to the parish or town council full accounts on how the money was spent."*

11.2 This motion anticipates much that will be central to the preparation and operation of CIL when it is applied in Cheshire East. It addresses key questions such as the distribution of infrastructure, how much will be spent locally, the process of consultation and public accountability.

11.3 These matters are covered in large degree by both statute and the CIL regulations. As set out in section 10 above, the new Levy in Cheshire East will have to be prepared in accordance with a prescribed process. This needs to be informed by both the Local Plan (and the Infrastructure needs arising from it) and other evidence (notably on viability). There will follow a formal process of consultation and examination. Once adopted the Council is obliged to report on the use of CIL funding.

11.4 Consequently whilst the notion is prescient and properly looks ahead to the process of CIL preparation, it would not be appropriate to prescribe or constrain the scope of this in advance. The matters referred to need to be addressed, but at the proper time and when the full evidence is before the Council. Ultimately the way CIL works in Cheshire East will be influenced by independent examination and decided upon by full Council. Consequently it is recommended that no further action be taken at the present time, but that a Cheshire East CIL continues to be developed as part of the Local Plan process.

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Adrian Fisher

Designation: Strategic Planning & Housing Manager

Tel No: 01270 686641

Email: [adrian.fisher@cheshireeast.gov.uk](mailto:adrian.fisher@cheshireeast.gov.uk)

This page is intentionally left blank