



**Strategic Planning Committee
Tuesday, 16 December 2014**

Additional Papers

PART A – Open to the public

4 Late Information Report

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CHESHIRE WEST AND CHESTER COUNCIL

STRATEGIC PLANNING COMMITTEE – 16 DECEMBER 2014

LATE INFORMATION REPORT

The information below has been received since the Planning Committee Agenda was compiled.

AGENDA ITEM NO 5

APPLICATION NUMBER: 13/03615/OUT

DESCRIPTION OF DEVELOPMENT: Proposed residential development (up to 142 homes) with access to be determined at the outline application stage (re-submission of previous application reference 12/04229/OUT).

SITE ADDRESS: Playing Field Clifton Drive Chester Cheshire

DETAILS OF LATE INFORMATION

Applicant's additional comments on Sequential Test and Exception Test regarding Flood Risk

The Applicant has responded to a number of points made in the Officer report in relation to the Sequential Test. In summary:

1. The Applicant does not consider it reasonable or practical in terms of assessing sites capable of delivering a similar quantum of development to include sites that are 10-12.5% of the capacity of the development proposed. This would include sites as small as 19 units and would take 8 of such sites to deliver the same as the proposed development. Feedback on the methodology should have been provided at an earlier stage.
2. The Applicant considers that none of the four examples of sites with capacity between 34 and 62 units taken from the SHLAA (para. 6.76 of the report) fail to provide appropriate alternatives; due to the sites not being expected to deliver housing within 5 years (and one of the sites being too small unsuited to family housing); whereas the Clifton Drive site is available in the short term.
3. In relation to the Wrexham Road site (6.78 of the report) the Applicant refers to the lack of evidence that the site will come forward, and the potential difficulties of delivery, noting that the Green Belt status is only removed on adoption of the Local Plan.
4. Similarly in relation to the Countess of Chester site, the Applicant details doubts about the delivery of housing; noting that current marketing is only for part of the site and that the site is not in the hands of the developer and that there is no planning application expected or ready to be submitted.

In terms of the Exception Test, the Applicant has noted the development's contribution towards various objectives in the Council's Sustainability Appraisal

- SA Objective 1 - Address the need to mitigate and adapt to climate change.
- SA Objective 3 - To protect and enhance the borough's biodiversity and wildlife habitats.
- SA Objective 7 - To reduce the consumption of natural resources.
- SA Objective 13 - Improve health and social inclusion, whilst reducing inequality, and valuing diversity
- SA Objective 14 - To provide sufficient housing to meet identified needs including Housing affordable housing, and specialist groups.
- SA Objective 15 - To create a safe environment to live in and reduce the fear of crime.
- SA Objective 16 - To support sustainable economic growth and competitiveness, and provide opportunities for ongoing private sector investment.
- SA Objective 18 - To promote regeneration of deprived areas and deliver urban/rural renaissance and improve image.

The Applicant notes that there is no objection from the Environment Agency or Welsh Water and that the development would be sustainable.

The Applicant's agent's letter (Gerald Eve) can be viewed on line:

[Link to Application Documents 13/03615/OUT](#)

It is noted that the Applicant is expected to make further representation in relation to the first reason for refusal too, but at the time of writing this is awaited, and therefore any further submission will need to be reported verbally.

Planning Officer Comment

The essential point is that even if the Applicant's submissions on the Sequential Test were accepted, the scheme would need to satisfy the Exceptions Test too. The Applicant's additional submission in relation to the sustainability objectives are noted. Several of the objectives were already considered in relation to the appeal decision on the original application, and even with the other factors listed too, it is not considered that these alter the balance sufficiently to conclude that the benefits outweigh the harm, so the Exception Test is still not met.

With regard to the Sequential Test, there would need to be a closer examination of the individual sites, and whilst some of the Applicant's points might be accepted on more detailed examination, this work would need to be presented as part of a sequential assessment. The fact that sites have not been identified in the SHLAA as delivering dwellings in the first five years, does not of itself mean that the sites are not deliverable within five years. The Countess of Chester site (UPT/0005/S) is a case in point, in that the Applicant refers to current marketing, and whilst there is no permission at present, and the SHLAA does not include provision within five years, it is quite possible that development will proceed.

There is no change to the recommendation.

APPLICATION NO. 14/04539/FUL

DESCRIPTION OF DEVELOPMENT: Bus Interchange, including enclosed terminus, canopy ancillary retail space and café, amended vehicle accesses from St Oswalds Way and Gorse Stacks, formation of bus concourse, redesign of carriageways and public realm, and infilling of the Hoole Way roundabout underpass and demolition of former public house.

SITE ADDRESS: Car Park, Gorse Stacks, Chester, Cheshire

DETAILS OF LATE INFORMATION:

CCTV

1. At present one of the CCTV cameras linked to the Police/ Co-location CCTV Management facility is located on the application site. This would need to be relocated in order to facilitate the development of the Bus Interchange. As such, a condition would be necessary on any planning permission to require the submission of a scheme for the provision of CCTV on the site. Therefore, such a condition is included in the updated list of recommended conditions set out below.

Waterways Strategy for Chester

2. Chester Renaissance has written in support of the proposed Bus Interchange and highlighted the significance of the proposed development in delivering the Waterways Strategy for Chester. Chester's Waterways Strategy identifies 'City Gateway' as a Character Area, which encompasses the area around Cow Lane Bridge on the Shropshire Union Canal. There are a number of opportunities in this area to create a new gateway for the City and to maximise the positive impact of the water within the City.

3. Projects within the Waterways Strategy that would link to the Bus Interchange have been identified as: improved public realm; and pocket parks around the canal corridor, which would open vistas between the water and the city walls. The planned King Charles Tower Green Park would complement the bus interchange development by opening vistas of the Roman Walls and architecturally lighting King Charles Tower. This would be visible for bus interchange users.

4. The George Street Park, as part of the Waterways Strategy, would also provide Bus Interchange users with an improved link up to the Northgate development and that area of the city centre, maximising the potential of the canal setting and revealing the striking features of the sandstone cutting and largest stretch of Roman wall. Increased footfall from the Bus Interchange would assist to populate this area and offer more sight lines over the canal cutting, which in turn would help address perceived problems with isolated towpath usage.

5. It is the view of Chester Renaissance that the development of the Bus Interchange would deliver the new 'City Gateway' and would maximise the impact of the waterways for Chester, helping to reconnect the canal with the city, which is the key ambition of the Waterways Strategy.

6. The Waterways Strategy dovetails with Chester's Transport Strategy and Cycling Strategy. It is considered that the development of the 'City Gateway' character area as a

welcome point for the City would be significant due to the direct green-infrastructure links along the towpath to the new Central Business Quarter, which is presently under construction. The canal would provide a direct link between the new Bus Interchange and the Central Business Quarter.

Consultee Responses and Further Representations

7. **Welsh Water** has now provided comments on the proposed development in respect of drainage matters. They have no objection to the proposal but have recommended that a number of conditions be imposed on any planning permission. Such conditions are listed below.

8. **The Canals and Rivers Trust** has submitted comments on the proposals in respect of the links to and potential impact on the Shropshire Union Canal. They have no objection to the proposed development. However, they would seek improved access to the canal towpath as part of the development together with a contribution from the developer towards the maintenance of the canal towpath.

9. The existing access to the canal towpath is across third party land so it would not be reasonable to expect the developer to provide an improvement to this on land that is not within their ownership. The Council is considering a wider public realm improvement scheme, within which it may be possible to achieve such improved access. This could not be secured by way of the current planning application.

10. The canal towpath is owned by the Canal and River Trust rather than the developer. Any potential increase in usage of the towpath by pedestrians or cyclists that could result from the development of the Bus Interchange would not justify such a payment to the Canal and River Trust and could not reasonably be required by way of the current planning application.

11. **The Chester Conservation Area Advisory Panel** has considered the development proposals and made a number of comments. They regret that the location of the proposed Bus Interchange and have some concerns about the future pedestrian experience of the building. They have made comment about the relationship of the building to St Oswalds Way and would prefer to see the retention of a public footway around this edge of the site.

12. **The Chester Archaeological Society** has written further representations in respect of the development proposal. They are concerned that the Committee Report lacks any mention of the recently prepared Chester Archaeological Plan and the supporting Archaeological Character Zones document among the policies cited in the report, despite the fact that they were adopted by the Council in January 2014 as part of the Evidence Base for the emerging Local Plan. The Gorse Stacks site falls within Character Zone 33, one of the 'Primary Zones' of the Chester Archaeological Plan. Therefore, the Chester Archaeological Society are of the view that the perceived archaeological significance of the site has been considerably upgraded as a consequence of the preparation of the Chester Archaeological Plan, and their desirable outcome of the present application is that there should be as much preservation *in situ* as possible.

13. The **Council's Archaeologist** has responded to the comments made by the Chester Archaeological Society. It appears that the Chester Archaeological Society had not had the benefit of reviewing the comments made by the Council's Archaeologist on these matters. The Council's Archaeologist is of the view that there are a number of crucial

issues to be considered. The first issue is that the previous development approved on this site would have had a much more damaging effect on the archaeological remains on the site but it was carefully determined that those remains should not be preserved in situ. Secondly, it should be noted that Archaeological Character Zone 33 of the Chester Archaeological Plan does not seek preservation in situ in all cases of development. Lastly, but by no means least, the former long-standing City Archaeologist (Mike Morris) made it very clear in archived records that preservation by record was the appropriate approach to take in this area.

Conclusion

14. The additional representations received do not lead to any alteration to the conclusions or recommendation in the main report.

RECOMMENDATION

Approve subject to planning conditions.

1. In considering together the planning history of the site, the constraints of the site and the Council's Development Brief for the site, it is considered that the proposal would be in accordance with the policies of the adopted Local Plan and those of the emerging Local Plan and that the development would be of strategic benefit to the local area in a number of ways. It is considered that the principle of the proposed development is, therefore, acceptable. As such, the proposal accords with the provisions of the NPPF and Policies GE1 and ENV1 of the Chester District Local Plan.
2. It is considered that the supporting information submitted with the application demonstrates that the proposed development would not cause unacceptable harm to the local environment in terms of the following identified impact areas:
 - a. Ground conditions, including contamination and ground gas;
 - b. Archaeology;
 - c. Visual Amenity and Design;
 - d. Impact on Conservation Area;
 - e. Landscaping and Trees;
 - f. Air Quality and Odour;
 - g. Noise and Vibration;
 - h. Traffic and transport;
 - i. Drainage.

As such, the proposal accords with the provisions of the NPPF and Policies GE2, GE3, GE4, GE5, GE6, GE7, ENV2, ENV4, ENV5, ENV7, ENV8, ENV9, ENV10, ENV11, ENV12, ENV14, ENV21, ENV22, ENV33, ENV34, ENV37, ENV38, ENV39, ENV40, ENV41, ENV42, ENV43, ENV45, ENV53, ENV57, ENV59, TR1, TR2, TR4, TR6, TR13, TR14, TR19, TR20, EC5, RET7, CU4, URBREN1, URBREN2 and MI1 of the Chester District Local Plan.

3. It is not considered that the proposed development would cause unacceptable harm to the amenities of local residents. As such, the proposal accords with Policy GE3 of the Chester District Local Plan.

Conditions:

1. 3 years to commence development
2. Approved plans;
3. Sample materials to be submitted and approved;
4. Hard and soft landscaping details (including all public realm) and Landscape Management Plan (20 years) to be submitted and approved – to include replacement of failed trees/ shrubs/ sedum roof;
5. Proposed ground levels to be implemented in accordance with approved plans;
6. external lighting scheme to be submitted and approved;
7. Demolition Method Statement and Management Scheme to be submitted and approved;
8. Construction Method Statement and Management Scheme to be submitted and approved;
9. No demolition/ site clearance works during bird nesting season;
10. Land contamination risk assessment to be undertaken;
11. Prior to occupation, verification report of completion of works of remediation strategy to be submitted and approved;
12. If unexpected land contamination discovered, scheme for dealing with it to be submitted and approved;
13. no piling or penetrative foundations on site unless approved by LPA;
14. no infiltration of surface water into the ground unless permitted by LPA;
15. no demolition until full details of programme of building recording and analysis submitted and approved;
16. Programme of Archaeological Works;
17. Archaeological Groundworks Method Statement;
18. Bus Interchange Operational Management scheme to be submitted and approved;
19. Scheme for Air Quality monitoring for 3 years to be submitted and approved;
20. Hours of construction/ demolition;
21. Hours of deliveries;
22. Dust Control scheme to be submitted and approved;
23. Prior to Commencement, details of site compound etc to be submitted and approved;
24. Scheme to control noise from plant/ mechanical extraction to be submitted and approved;
25. Scheme for annual noise monitoring or permanent fixture monitoring to be submitted and approved;
26. Noise mitigation scheme to be submitted and approved;
27. scheme to control kitchen odour to be submitted and approved;
28. scheme for temporary and permanent signage in and around site to be submitted and approved;
29. Traffic Management Plan with full details of the phasing of demolition/ construction traffic routing details and temporary traffic management measures to be submitted and approved;
30. details of all highways, footways and cycleways works associated with the development to be submitted and approved;
31. Prior to occupation of any part of development, proposed cycle parking and residents car parking to be completed and available for use;
32. Welsh Water – foul/ surface water to be drained separately from the site;
33. Welsh Water – no building within “build zones” of public sewers;
34. Welsh Water – scheme for comprehensive and integrated drainage of the site to be submitted and approved;
35. Full details of the proposed shop/ commercial units fronts to be submitted and approved;

36. details of refuse and recycling facilities to be submitted and approved;
37. full details of al fresco area to be submitted and approved;
38. Scheme for CCTV on the site.

Informatives:

1. Developer to enter into agreement with Highway Authority in respect of proposed works that are within existing highway boundaries;
2. Highway to be kept clear of obstructions at all times;
3. Welsh Water contact details;
4. CL:AIRE definition of Waste;
5. Food Safety;
6. Canal and River Trust contact details.

AGENDA ITEM NO.7

APPLICATION NUMBER: 14/04154/FUL

DESCRIPTION OF DEVELOPMENT: Construction of flood walls, a flood embankment and minor ground raising, flood gates, demountable defences, structural flood proofing of properties and floating marginal vegetation

SITE ADDRESS: Banks of the River Dane and River Weaver Northwich

DETAILS OF LATE INFORMATION:

The applicant submitted revised details with respect to Reach 2 and Reach 7. These details have been included within the Committee Report, section 2.1. Further to this the following supplementary consultation responses have been received;

Statutory Consultees:

English Heritage: No further comments to make.

Environment Agency: No further comments to make.

External Consultees:

River Weaver Navigation Society: Object – Note that the amendments are limited to changes to Reach 2 and 7 and reiterate that previous comments with respect to Reach 3: Weaver Way should be considered.

Canal and River Trust: No objection in principal to the proposed development – A) The revised plans do not appear to address previous issues. B) Full details are requested with respect to Reach 9 (Northwich Marina) and Reach 8 (Kwik-Fit). C) Further consideration should be given to glazed panels set out in paragraph 8.13 of the Committee Report D) Clarification of the maintenance and upkeep of the flood defence wall, gates, floating marginal habitat is requested. E) Informative to be attached to any decision of planning permission is granted.

Representations:

Two further representations have been received. The following issues have been raised;

1. The amendments do not take into account the points raised by the Canal and River Trust.
2. The re-consultation period is not a realistic timescale.
3. The increased glass panels, by the riverside at Dane Bridge on the Bull Ring and by Parris Bank Building (Reach 2), are an improvement but this could be further improved so that there is a constant glass wall around the Bull Ring.
4. The floating nature reserve at Reach 2 does not make sense; it will not support fishermen or people wanting to moor their boats and could block the sluices further down river if not anchored correctly.
5. There is no provision for mooring rings or other form of securing boats to the wall at Reach 2.
6. There is no access to the River Dane at the Bull Ring.
7. The Environment Agency should have a public record of water level information and action undertaken.

Issues

The above issues are addressed below;

- A) The points raised by the Canal and River Trust have been addressed within the Committee Report.
- B) Full details of the proposal including materials, and landscaping schemes would be conditioned should planning permission be granted.
- C) Consideration has been given to the use of glass panels within Reach 9 which is set out in paragraph 8.13 of the committee report. It is noted that the Landscape Officer, the Conservation and Design Officer and English Heritage have all raised no objection to the scheme.
- D) The proposed flood defence is an asset to the Environment Agency and as such it would be in the Environment Agency's own interest to maintain such an asset.
- E) Should planning permission be granted the informative would be attached to the decision notice.
 1. The points raised by the Canal and River Trust have been addressed within the Committee Report along with the points raised by the River Weaver Navigation Society, which refer specifically to Reach 3, Weaver Way.
 2. Comments on the revised details can be received up until the Strategic Planning Committee, which gives a 14 day re-consultation period.
 3. The use of the glass panels along Reach 3 have been designed with consideration to the key views from Dane Street Bridge looking downstream and from across the

Weaver Navigation looking towards the Bull Ring area. The design also considers the views from the Bull Ring and the glass has been positioned in the gaps between the buildings and in front of windows where defences are above window sill level. The alternating pattern of the glass and sandstone enables views of the historic buildings to the Bull Ring. It is also considered that the composite view is more balanced with the use of glass and sandstone against the existing backdrop of the Bull Ring. The Environment Agency has stated that the design has also been developed in consultation with the business in the Bull Ring. No objections have been raised from the Authority's Landscape and Conservation and Design Officers as well as English Heritage.

4. The floating edge habitat is being provided to (a) mitigate for the loss of existing bankside habitats around the Bull Ring; (b) soften the appearance of the Bull Ring defences; and (c) provide a local environmental enhancement to the watercourse. The floating rafts that are proposed are a robust, engineered system which has been used by the Canal & River Trust on the River Brent in Hanwell where it was installed in 2012. A landscaping condition would be imposed which would include maintenance of the landscaping for a 5 year period.
5. There is no provision for mooring around the Bull Ring. This is not a change from the current situation as there are no formal moorings on this section of the Weaver Navigation. Any boats that moor at the Bull Ring do so unofficially. The Environment Agency has stated that there were no comments from Canal & River Trust or the River Weaver Navigation Society, in any previous pre-application discussions, requesting official moorings or access to the river in this location. This is confirmed within the Canal & River Trusts consultation response and the River Weaver Navigation Society's consultation response to the planning application.
6. This is addressed within Section 8.66 of the Committee Report.
7. This is not a planning matter.

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