

Southern Planning Committee

Updates

Date: Wednesday, 10th June, 2015
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

8. **14/0143N Former Bowling Green, Waterlode, Nantwich: Erection of 7 dwellings with integral garages and associated car parking for Black & White Cheshire Ltd (Pages 1 - 2)**

11. **15/0971N Land to the rear of 11 Eastern Road, Willaston, CW5 7HT: Reserved Matters for erection of 40 two storey dwellings, parking, landscaping and associated works (re-submission of 13/4462N) for Dilwyn Lloyd, Anwyl Homes (Pages 3 - 4)**

12. **15/1203N The Horseshoe Inn, Newcastle Road, Blakelow, Willaston CW5 7EP: Demolition of existing buildings and redevelopment of the site for 4no. dwellings for Beluga Homes Ltd and Frederick Robinson (Pages 5 - 6)**

13. **15/0876N 447, Newcastle Road, Shavington CW2 5JU: Demolition of 449 Newcastle Road including outbuildings and sheds and construction of 28 residential properties with associated access including the widening of the existing ditch works adjacent to the sites northern boundary for Johnson Mulk, Prospect GB LTD (Pages 7 - 10)**

Please contact Julie Zientek on 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

18. **15/2080C The Hollies, 16 Smithfield Lane, Sandbach, Cheshire CW11 4JA: Construction of Dormer Bungalow with Integral Garage (re-submission of refused application 14/4769C) for Andy Mines, Smithfield Court Ltd**
(Pages 11 - 12)

20. **14/0775N Coole Acres, Coole Lane, Newhall CW5 8AY: Variation of Condition 18 (retention of dwelling and business for further 3 years) on approval 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking for The Reilly & Seipp Partnership**
(Pages 13 - 16)

25. **14/3962N Land North of Pool Lane, Winterley, Cheshire: Outline planning permission for the construction of up to 79no. dwellings for Footprint Land and Development** (Pages 17 - 20)

SOUTHERN PLANNING COMMITTEE – 10 June 2015

UPDATE TO AGENDA

APPLICATION NO:

14/0143N

LOCATION

FORMER BOWLING GREEN, WATERLODE, NANTWICH

UPDATE PREPARED

8 June 2015

CONSULTEES

CEC Flood Risk Officer - The site is located in Flood Zone 2 and parts of the site are at high risk of flooding from surface water. Appropriate measures will therefore need to be implemented to mitigate this risk.

The FRO recommends the following conditions are attached to any planning permission for the site:

Condition – The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (ref: 880715-R1(01)-FRA) dated April 2015. The development will limit the surface water run-off so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason – To reduce the risk of flooding to the proposed development and future occupants

Condition - No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge) have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.

Reason - In the interests of managing surface water flood risk impacts both on and off site, potentially resulting from the development proposals

**RECOMMENDATION: Approve subject to completion of Section 106 Legal Agreement to secure the provision of Commuted Sum Payment of £62550 to comply with RT.1
And the following conditions:**

- 1. Standard Time Limit**
- 2. Plan References**

- 3. Materials**
- 4. Surfacing Materials**
- 5. Archaeology**
- 6. Pile Driving**
- 7. Window/Door Details**
- 8. Details of Boundary Wall**
- 9. Reveal Details**
- 10. Visibility Splays**
- 11. Car Parking**
- 12. Access Details**
- 13. Footpath Details**
- 14. Rainwater Goods**
- 15. Noise mitigation scheme**
- 16. Piling**
- 17. Lighting**
- 18. Travel Plan**
- 19. Dust Control**
- 20. Contamination**
- 21. The development shall comply with the submitted Flood Risk Assessment**
- 22. Scheme for the disposal of surface water**

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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Southern Planning Committee – 10th June 2015

UPDATE TO AGENDA

APPLICATION No.

15/0971N – Reserved Matters for 40 new dwellings

LOCATION

Land to the rear of 11 Eastern Road, Willaston, CW5 7HT

UPDATE PREPARED

8th June 2015

CONSULTATIONS (External to Planning)

United Utilities – No objections, subject to a condition that the applicant submits a surface water and a foul water drainage plan prior to commencement of development

OFFICER REPORT

Environmental Role

Ecology

The Council's Nature Conservation Officer has advised that the proposed development will result in the loss of sections of hedgerow from the sites interior and no proposals for replacement planting to compensate for this loss have been submitted in support of the application.

As such, it was recommended that the submitted layout plan be amended to show suitable native species hedgerow planting around the site boundaries to compensate for that lost.

In response, the applicant has now submitted an updated plan which details the proposed species mix to the satisfaction of the Conservation Officer.

Flood Risk and Drainage

United Utilities were consulted as part of the outline planning application and advised that they had no objections in principle subject to a condition and informatics. The condition was for the prior submission of a surface water drainage scheme. As such, this was included on the outline approval.

As part of this application, United Utilities have advised that they would also seek the prior submission of a foul drainage plan.

As such, it is recommended that this condition now be added to the recommendation.

Social Role

Amenity

Since the committee report, the Planning Officer has been made aware that it is not necessary for all of the first-floor side windows of the proposed dwellings to be obscurely glazed by a blanket condition (original condition 7) to protect the amenities of the future occupiers of the proposed dwellings. As such, this condition has been amended to detail only the specific plots and elevations that this condition should apply to.

Also as part of this amendment, the floor plans for the dwelling proposed on plot 4 have been amended, turning a bedroom within the property, into a study.

RECOMMENDATION

APPROVE subject to the following conditions:

1. In accordance with Outline
2. Development in accordance with approved plans
3. Prior submission of a tree retention plan
4. Prior submission of a Method Statement/Construction Specification (turning head and footpath adjacent to Plot 15)
5. Landscaping (details)
6. Landscaping (Implementation)
7. Obscure glazing (Plot 1 – First-floor rear, Plot 4 – First-floor western side elevation, Plot 22 – First-floor southern side elevation, Plot 27 – First-floor southern side elevation, Plot 30 – First-floor southern side elevation, Plot 39 – First-floor southern side elevation)
8. Prior submission of bin storage details
9. Prior submission of a travel plan
10. Prior submission of a risk assessment and method statement (RAMS)
11. The prior submission of acoustic fence details
12. The prior submission of scaffolding details
13. The prior submission of a method and risk assessment for any vibro-impact works on the site
14. The prior submission of ground levels, earthworks and excavations.
15. Prior submission of a foul drainage plan

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 (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision

SOUTHERN PLANNING COMMITTEE – 10th JUNE 2015

APPLICATION NO: 15/1203N

PROPOSAL: Demolition of existing buildings and redevelopment of the site for 4no. dwellings

ADDRESS: The Horseshoe Inn, Newcastle Road, Blakelow, Willaston, CW5 7EP

APPLICANT: Beluga Homes Ltd and Frederick Robinson Ltd

CONSULTATIONS

CE Flood Risk Manager: No objection subject to conditions to secure a surface water disposal scheme and an assessment for the disposal of surface water by means of a sustainable drainage scheme.

RECOMMENDATION

APPROVE subject to the following conditions:-

1. Standard time 3 years
2. Plans
3. Materials
4. Landscaping scheme including native hedgerow species and replacement tree planting
5. Implementation of Landscaping Scheme
6. Breeding birds
7. Submission / Approval and Implementation of Piling Method Statement
8. Contaminated Land
9. Noise Mitigation Scheme
10. Management Scheme of the Paddock area to the rear of the site
11. Submission of revised Arboricultural Method Statement
12. Surface water disposal scheme
13. Surface water disposal scheme via sustainable drainage measures

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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SOUTHERN PLANNING COMMITTEE – 10th June 2015

APPLICATION NO: 15/0876N

PROPOSAL: Demolition of 449 Newcastle Road including outbuildings and sheds and construction of 28 residential properties with associated access including the widening of the existing ditch works adjacent to the sites northern boundary

ADDRESS: 447 Newcastle Road, Shavington

APPLICANT: Prospect GB Ltd

REPRESENTATIONS

Three additional letters of representation have been received which raise the following points:

- Residents are shocked that the application is recommended for approval after many other applications on this site have been refused
- A great deal of money and effort has been spent in refusing other applications on this site
- Many valid points of objection have been brushed aside
- Loss of open countryside and Green Belt
- Contrary to the Cheshire East Local Plan
- The access would be opposite the approved development to the opposite side of Newcastle Road which will cause vehicular conflict and was a previous reason for refusal
- The agent for the site opposite has stated that the proposed access will be directly opposite this site
- The required separation distance for the access points should be 40 metres
- The Flood risk team visited the ditch and stated the connection of ditch to sewer was clearly unacceptable
- The developer hasn't asked permission to allow surface water to come across adjacent property into an unlawful connection to the sewer
- The UU reports stated they have three options. These include obtaining the permission of the owners of the watercourse way or constructing a new sewer outlet. The developer has not spoken to us, so they have no permission to use the watercourse way
- The water connection is not adopted by UU and they have stated that the connection is the responsibility of Cheshire East to move surface water and steams
- The watercourse way is not adopted and therefore not maintained by UU. It is privately owned and maintained by the residents and the other land owners. It is not currently in a condition to accept any increased level of water
- It is unreasonable to consider it would be acceptable to connect a new system to an existing, unadapted watercourse, that has never been

assessed or tested by either the developer or UU. The pipe work is in a condition of disrepair. The pipe has holes in it, broken pieces and has old drainage rods stuck under the patio of 22 Crewe Road, UU are fully aware and have a recording of the blockage.

APPRAISAL

Planning History

The recent planning history for this site is identified within the officer report. This identifies that the site has been subject to a number of appeals under a previous national policy (in this case PPG3). This issue is referred to within the landscape section of the report and there are important differences between the previous appeal schemes and this application together with current national planning guidance in the form of the NPPF.

Access

The points raised regarding the position of the access are covered within the main report.

Flood Risk/Drainage

In response to the additional representations further advice has been obtained by the Councils Flood Risk Manager who has responded directly to one of the objectors. However it should be noted that the discussions are currently ongoing.

The watercourse of concern is a non-main (ordinary) watercourse for which Cheshire East as Lead Local Flood Authority have regulatory powers of control under Land Drainage ACT 1991. Section 72(1) of the act defines watercourse as:-

Section 72(1) - "watercourse" - includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Cheshire East has an interest in any proposed activity on such watercourses which may have a flood risk implication. This would include any restrictions or blockages (existing and/or any wilful blockage) which may require formal intervention through notices to resolve flooding problems. Associated enforcement costs would also be recoverable by the Council and any riparian owner should consider very seriously any actions, such as blocking up of a watercourse referred which may require the Councils prior approval and consent. The Councils Flood Risk Manager has stated that such proposals would be unlikely to be granted unless it could be demonstrated that there was no resultant increase in flood risk to third party land.

United Utilities (UU) also have interests in the matter since this system also outfalls to their adopted systems.

The comments regarding the state of the connection from the ditch to the sewer have been noted. However these maintenance obligations rest in the first instance with the riparian owners and not any other third party.

As it stands, the developer will be required to restrict flows from the developed site to existing greenfield flows and provide provision for all excess flood flows up to and including the extreme 1 in 100 year plus climate change event horizon. Additionally, flood compensatory storage measures are required on the watercourse (and wholly within their land ownership) to reflect current at risk areas within the site boundary and as such, the impacts of the development site are managed.

RECOMMENDATION:

There is no change to the recommendation within the main report.

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Southern Planning Committee – 10th June 2015

UPDATE TO AGENDA

APPLICATION No.

15/2080C – Full planning permission for 1 dwelling

LOCATION

The Hollies, 16, Smithfield Lane, Sandbach, Cheshire, CW11 4JA

UPDATE PREPARED

8th June 2015

CONSULTATIONS

Sandbach Town Council – No objections

REPRESENTATIONS

Since the completion of the committee report, neighbouring objections have been received from 10 neighbouring properties. The main areas of concern raised include;

- Principle of the development / loss of green space
- Little has changed, from previous refused application
- Design – Overdevelopment of site, impact upon character of the area, too large (scale),
- Amenity – Visual intrusion, loss of privacy,
- Highway safety

OFFICER REPORT

All the matters raised by neighbouring objectors have been addressed in the committee report.

RECOMMENDATION

No change

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SOUTHERN PLANNING COMMITTEE – 10th June 2015

APPLICATION NO: 14/0775N

PROPOSAL: Variation of Condition 18 (retention of dwelling and business for further 3 years) on approval 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking

ADDRESS: Coole Acres, Coole Lane, Newhall

APPLICANT: The Reilly & Seipp Partnership

ADDITIONAL INFORMATION

An e-mail has been received from the agent for this application which is summarised below:

- The report makes no reference to the supporting information submitted with the application which explains the investment made at Coole Acres and why the development of the business has been delayed compared to the original forecasts. These are important material planning considerations which, if ignored, provide no basis for a fair and balanced assessment.
- The report states that the applicant told the case officer that the business facility is no longer in use. This is incorrect and is denied by the applicant. At the site inspection the applicant invited the Case Officer to discuss any issues that were of concern but that you declined the invitation. The business facility was not even discussed.
- The revised plans should be considered as part of this application, but there is no reference to them in the report.

The e-mail also included a document titled 'Fishery Timeline and Income' which is summarised as follows:

- 25/09/2007 Purchase of land at auction in Nantwich
- 25/10/2007 Completion of Transfer of Title
- 03/04/2009 Application submitted to Cheshire East Council
- 17/02/2010 Cheshire East Planning Meeting Committee Date
- 11/03/2010 Date of Decision Notice
- 01/07/2010 Construction commences (64 weeks scheduled)
- 03/08/2011 Fish moved from Shropshire to Coole Acres
- 20/10/2011 Temporary Agricultural Dwelling on site and commissioned
- 16/06/2012 Coole Acres Fishery opening day
- 01/08/2012 Anglers Lodge (Business Premises) finally commissioned
- 25/07/2013 – Coole Acres hosted for the 1st time the Nantwich Police Youth Fishing Event. The presentation of attendance/medals/winner cups was made by Mr. John Lewis, the Mayor of Nantwich. *This is a*

pro bono activity on the applicants part and they make no charges whatsoever for the facilities or the costs are incurred in the process

- 07/08/2014 - The site hosted for the 2nd time the Nantwich Police Youth Fishing Event. The presentation of attendance/medals/winner cups were made by Mr. John Dwyer - Cheshire Police and Crime Commissioner, and Mr. Andrew Martin, The Deputy Mayor of Nantwich. *This is a pro bono activity.*
- Winter 2014 - Working closely in tandem with the UK Centre for Environment Fisheries and Aquaculture Science (CEFAS) + UK Environment Agency + UK Catfish Conservation Group the site was granted an ILFA permit, and made the first (long awaited) stocking of the Wells Catfish (*Silurus glanis*)
- 27/08/2015 - For the third year in a row, the site will be hosting the Nantwich Police Youth Fishing Event. Presentation parties are (hopefully) going to be Ms. Christine Farrall, Mayor of Nantwich + Mr. John Dwyer, Cheshire Police & Crime Commissioner + Mr. Edward Timpson, Crewe & Nantwich Conservative MP. *This is a pro bono activity*
- Summer 2015 - Over 3 months of consecutive Fridays ending on 25th September, the site will hosting visits by 6 young anglers accompanied by 3 Youth Workers from Cheshire East Council. *This is a pro bono activity*
- The document also includes a 'Fiscal Overview' but as the financial information is treated as confidential. It will not be re-produced within this update report.

APPRAISAL

The contents of the supporting information which has been submitted as part of this application has been considered as part of this application. For the information of Member this is summarized as follows:

- Extreme weather conditions have caused delays especially in the ground works – 2012 (wettest year on record) and 2013 (one of the coldest winters on record)
- The fiscal projections submitted in support of the original application envisaged full profitability only in year 6 when fish reared in the early years of the project would reach maturity and attract good numbers of anglers to the site on a regular basis. The slow progress at the start of the project has put this back by about a year
- In the early years of the project income would be achieved primarily through the sale of surplus fish stocks, with only limited income from angling. The recession has adversely impacted upon projected sales together with adverse weather
- The project is online to reach full profitability by 2017 (1 year later than envisaged). However it is no longer realistic to rely upon the level of fish sales originally envisaged to justify a permanent dwelling and business after 3 years. This must now await full profitability when stocks have reached maturity and the venture is at its most attractive to anglers.

The comments above regarding the Case Officers site visit are incorrect and the Case Officer was on site for a considerable amount of time discussing the site with the applicant. The case officer did state that the business facility had failed and was no longer in use.

Amended plans have also been received to rectify the following issues which have been picked up from the Case Officers site visit and which were not approved as part of the original approval:

- Minor changes in the layout of the internal access road and design of the car-parking area
- Increased areas of hardstanding around the mobile home which is located on the site (it should be noted that the temporary permission for the mobile home has now expired)
- Minor changes to the shape of the approved lakes including links between the two most southerly lakes
- Minor changes in the design and size of the ponds around the mobile home

These changes are acceptable and do not raise any amenity, design, highway or ecology issues.

Finally the submitted Fiscal Overview does not address the concerns and reason for refusal contained within the main report. Full accounts will be required.

RECOMMENDATION:

There is no change to the recommendation within the main report.

SOUTHERN PLANNING COMMITTEE – 10th June 2015

APPLICATION NO: 14/3962N

PROPOSAL: Outline planning permission for the construction of up to 79no. dwellings

ADDRESS: Land to the North of Pool Lane, Winterley

APPLICANT: Footprint Land and Development

REPRESENTATIONS

An additional letter of representation has been received which raises the following points:

- Members' attention should be drawn to the Inspector's comments in the appeal decision on part of the present site.
- At the appeal inquiry the resident submitted details of a suggested tree belt behind the existing hedge along the Pool Lane boundary, to provide additional screening and assist in maintaining the rural character of the lane. The tree belt proposals were accepted by the Inspector as detailed and cogent submissions, having considerable merit and which he commends to the LPA and the appellant.
- The resident therefore requests that Members note the Inspector's comments as being equally applicable to the whole Pool Lane boundary of the current application site. If Members decide to accept the officer's recommendation of approval, the condition no. 21 should therefore be amended to read....*Reserved Matters application to include the retention of the Pool Lane boundary hedgerow, supplemented by a new tree belt.*

APPRAISAL

The suggested condition wording can be included within the officer's recommendation.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

1. **A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - **The numbers, type, tenure and location on the site of the affordable housing provision**
 - **The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company (this should include the management of the boundary hedgerows)
 3. Secondary School Education Contribution of £163,427
 4. Cycle Parking Contribution of £5,000

And the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Details of existing and proposed land levels to be submitted for approval in writing
6. Surface water run-off to be submitted for approval in writing
7. Surface water disposal to be submitted for approval in writing
8. Foul water drainage to be submitted for approval in writing
9. Contaminated land
10. Environment Management Plan for the construction phase of development
11. Travel Plan
12. Submission of revised Ecological Mitigation Strategy
13. Breeding Birds – timing of works
14. Nesting bird and bat mitigation measures
15. The reserved matters application to include replacement hedgerow planting
16. Tree protection measures
17. The first reserved matters application to include an open space scheme including POS and a LEAP
18. Management plan for the POS
19. Details of the relocation of the bus stop and bus shelter to be submitted to the LPA for approval in writing
20. Site access works to be carried out before first occupation
21. Reserved Matters application to include the retention of the Pool Lane boundary hedgerow supplemented by new tree planting

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee,

to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company (this should include the management of the boundary hedgerows)
3. Secondary School Education Contribution of £163,427
4. Cycle Parking Contribution £5,000

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