

# **Southern Planning Committee**

## **Updates**

---

**Date:** Wednesday, 1st September, 2010  
**Time:** 2.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

---

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

**Planning Updates** (Pages 1 - 14)

---

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

---

This page is intentionally left blank

**SOUTHERN PLANNING COMMITTEE – 1 SEPTEMBER 2010**

**UPDATES**

**10/2222N     First floor extension 5 Petersfield Way, Weston**

Letter of objection received from the occupiers of 3 Peterfield Way, 15 Pastures Drive relating to:

-amenity: loss of light, overdomination  
-design: impact upon character of the area, overdevelopment of the site, unwanted precedent

**Parish Council:** objects on the following grounds:

The application is for a first floor extension over an existing garage to create a new master bedroom with sizeable en suite facilities and create en suite facilities to one of the existing bedrooms.

The Parish Council's concerns with the application are twofold:

1. Amenity: it will completely overshadow No 15 Pastures Drive and will result in a total loss of amenity in so far as this dwelling is concerned. No 15 Pastures Drive has two habitable rooms (a dining room and a study) which look directly on to the side of 5 Petersfield Way - the windows of these rooms are only between 6 and 7 ft from the boundary of 5 Petersfield Way. The effect of the extension will be to put both these rooms in total shadow and make them extremely dark. The extension will also throw a shadow across the outside of the front of 15 Pastures Drive certainly during the mornings and visually give this dwelling a very "hemmed in" appearance. Three first floor windows resulting from the extension will look straight down on to the side of 15 Pastures Drive resulting in further loss of amenity. The proposal will also have an effect on the amenities of No 3 Petersfield Way, albeit to a much lesser extent.
2. Extension will result in No 5 Petersfield Way being too big for its plot: the visual impression of this first floor extension will give the appearance of 5 Petersfield Way occupying almost the whole of its plot creating the effect of over development, which could set a dangerous precedent for future proposals on Wychwood Village. Given this fact, the Parish Council can't see that there is any room for a compromise in this instance.

The Parish Council would therefore recommend a straightforward refusal of this planning application.

**OFFICER COMMENT**

All of the above issues have been duly considered within the officer's report.

**10/2281N     New Dwelling 10 Cheyne Walk, Nantwich**

Letters of objection from the occupiers of 8 & 11 Cheyne Walk, Nantwich on the following grounds:

- Highway Safety: Access, Parking
- Protected Species: Great Crested Newts
- Design: Out Of Keeping With The Character Of The Area
- Amenity: Overdomination, Loss Of Light
- Ownership Issues
- Does Not Accord With New Guidance On Garden Grabbing
- Drainage
- Health And Safety
- Nature Conservation: Loss Of Trees
- Disruption During Construction Works

Letter of support from agent in response to objections:

1. Outlining planning permission exists for the proposal.
2. The proposal includes an extension to the area of the drive and extended parking.
3. The ridge of the proposed dwelling has been reduced following your earlier comments and now is in line with the adjoining properties.
4. I have commented on this under item 2 above.
5. As referred to earlier, outline planning permission exists for the proposal. In any case, this is not backland development but is a form of "infill".
6. The construction of the dwelling would not be problematical as there is a good access to the site without any need to enter adjoining properties.
7. There would be no prejudice to existing drainage arrangements.
8. The proposed driveway will actually be wider at the point of discharge onto the public highway which will enable safer manoeuvring of vehicles.

**Town Council:**

The Town Council oppose development on gardens, such as this with limited space. This is over development which will change the character of the area and detract from the amenity of neighbours.

**OFFICER COMMENT**

All of the above issues have been duly considered within the officer's report.

## **Protected Species**

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or nesting places, - in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

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

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

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

Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

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

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

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

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

Notwithstanding the neighbours' and their advisors' comments, the document Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements March 2009 produced in association with Natural England and the Association of Local Government ecologists states that the impact of development on Great Crested Newts is highly variable and site specific. The distances stated in the document are for guidance only. An impact assessment in the absence of a full survey may be appropriate in some circumstances.

The Council's ecologist has indicated that in this instance, a survey would not be required. The existing pond on the site is a garden pond and these are generally not considered to be optimal Great Crested Newt habitat due to their small size, the presence of fish and the lack of optimal terrestrial habitat provided in gardens. In addition this pond is not linked to suitable terrestrial habitat in the wider countryside.

It is therefore not considered necessary to require the submission of a protected species survey in respect of this pond.

**APPLICATION NO:** 10/1093N

**PROPOSAL:** Change of use of redundant agricultural buildings to residential use

**ADDRESS:** Meremoor Farm, Jack Lane, Weston

**APPLICANT:** The Duchy of Lancaster

**RECOMMENDATION**

Clarification in relation to condition 19.

The condition should refer to the withdrawal of permitted development rights for outbuildings as well as those items listed in the condition at the end of the committee report. This is confirmed in the second paragraph on page 27 of the agenda.

**APPLICATION NO:** 10/2091N

**PROPOSAL:** Proposal for One Small 11Kw Gaia Wind Turbine where The Wind Turbine is Located at 27m AGL Mounted on a Free Standing Tower on a Concrete Base. The Proposed Dual-Blade Rotor has a Diameter of 13m

**ADDRESS:** Blakelow Business Park, Newcastle Road, Blakelow, CW5 7ET

**APPLICANT:** G V & E Pickering

### **Additional Consultee/Representations**

A letter of representation has been received from Edward Timpson MP which makes the following points;

- There is overwhelming local opposition to the plans which must be taken into account which includes a petition.
- Objections include but are not limited to;
  - Noise pollution
  - The lack of sufficient distance to residential properties
  - Visual impact
  - Health concerns
  - The development is not in keeping with the local area
  - The effect on wildlife (including Barn Owls)

Additional letters of objection received from the occupants of 73 Crewe Road, 3, 37A & 68 Main Road, 7 Galway Close, 13 Wessex Close, 6 Huntersfield, Shavington Post Office, Old Pusey Dale, Main Road, 299, 243 and 347 Newcastle Road, 2 Blakelow Crescent, 6 & 82 Greenfields Avenue, 1A & 75A Dig Lane, 5 Stock Lane and 3 unknown addresses. These letters do not raise any additional points of objection to those which have been listed within the main Committee Report.

Two petitions have been received which have been signed by a total of 437 local residents objecting to the scheme.

A letter of objection which has been produced by RJE Associates on behalf of 2 local residents raising the following points;

- No pre-application discussions have been carried out with local residents
- PPS22 advises that of all renewable technologies that wind turbines are likely to have the greatest visual impact
- The development will not protect the character and amenity of the area because of its scale, height and design
- The proposal will adversely affect the visual character of the landscape which is contrary to NE.4 (Green Gaps) because it will be visible from numerous locations within the Green Gap
- The proposal will dominate the landscape



- There are no other similar structures which intrude into the skyline
- The consultation response states that there should be a 50m stand off distance between the blades and the nearest feature, a buffer to safeguard protected species. Further consideration should be given to the proposed location and the potential impact upon bats
- There are 12 properties within 150 metres of the site. The proposal will certainly will be visible and too dominant and overwhelm several properties along Newcastle Road and Main Road. The existing trees and vegetation will not screen the development
- The revoking of the RSS means that the applicant's assertion that renewable energy renewable energy regional targets need to be met is clearly disputed
- Visual Intrusion of the development
- The impact upon the landscape
- The applicant has not carried out consultation with the RSPB. The proposal could have potentially damaging impact upon foraging bats, birds and Barn Owls which nest at Puseydale Farm
- No information is provided on the current energy demands of the business and how much is required and how much will be available to the National Grid
- Once the energy demands of the business are known then an investigation of alternative potentially less environmentally intrusive forms of renewable energy could be considered
- The Noise Assessment submitted is drawn from an example in Melton Mowbray where the turbine is 18m in height. The credibility of these results is questioned as the proposal is over 27m in height
- The British Noise Association recommends that minimum distance for a turbine from a dwelling should be 1 mile
- Insufficient information in relation to Shadow flicker and the impact upon Puseydale Farm
- A Bill is currently passing through Parliament which if it became law would restrict the location of wind turbines where they are sited in the vicinity of residential development
- Puseydale Farm is a Locally Listed Building and the impact of the development upon this property has not been considered. The development will affect the setting of this building and would be contrary to Policy NE.13
- Response to the Officers Report
  - The harm to the Green Gap has not been analysed
  - The report does not recognise that the site is within the Open Countryside
  - The vertical tower will impact upon the flat landscape
  - The lack of a cumulative impact is not a reason to approve one unacceptable turbine
  - The condition regarding noise monitoring is unenforceable and the Council should request more information in relation to noise
  - Further information is required in relation to the impact of shadow flicker on neighbouring properties
  - PPS22 does not provide any guidance in respect of how near a wind turbine should be to a residential property without affecting residential and visual amenity so no reliance should be placed on 100m in respect of these issues

### **Additional Supporting Information**

Shadow Flicker Assessment (Produced by Vanessa Mason MSC who is a qualified wind engineer)

- The assessment addresses the potential shadow flicker effects of the proposed wind turbine using Wind Farm software computer modeling
- Although there is no official guidance on shadow flicker limits currently available, it is generally accepted that limits of 30 hours per week or 30 days per year whichever is greatest are acceptable. In this case computer modeling based on the worst case scenario shows that there is a theoretical chance of shadow flicker at two properties for a maximum of 18.6 days per year, split over 44 days of the year, for no more than 54 minutes on each of those 44 days
- It is important to note that the calculation is produced assuming everyday is clear and sunny and on every day the wind is blowing, in reality the expected impact would be negligible because the correct meteorological condition required for shadow flicker to occur may not be present at the exact time of day or year when the potential impact could occur. On this basis it is reasonable to assume that shadow flicker impacts are negligible.

### **Officer comments**

The majority of the points raised in the objection from RJE Associates have been addressed in the original report. Those which have not been addressed will be discussed below.

### **Additional Policy to be considered**

BE.13 – Buildings of Local Interest

### **Principle of Development**

It is accepted in the Committee Report that there would be harm caused to the Green Gap. This would be due small encroachment of the footprint of the wind turbine (a 6m x 6m concrete base to the turbine) outside the existing complex. This encroachment on the ground is relatively minor and it is not considered that it would cause such significant erosion in the physical gaps between the built up areas.

The main conflict with Policy NE.4 would be in relation to the harm caused to the physical character of the landscape. The impact of the development upon the character of the landscape is considered further within the Design and Visual Impact Section of the main Committee Report.

The site is also identified as being within the Open Countryside. Policy NE.2 states that '*other uses appropriate to a rural area will be permitted*', it is considered that wind turbine development is appropriate within rural areas and as a result the development would not conflict with Policy NE.2.

## **Amenity**

In relation to shadow flicker the computer modelling which has been provided by the applicant shows that shadow flicker would affect two properties (Puseydale Farm and the barn which has planning permission for conversion to residential use at Puseydale Farm) for a maximum of 18.6 days per year, split over 44 days of the year, for no more than 54 minutes on each of those 44 days. These results show the worst case scenario which assume that all days are clear and sunny with the wind blowing on these days. Furthermore they do not take into account intervening features such as buildings or vegetation. As a result it is considered that on this basis the shadow flicker impacts would not be such an issue as to warrant the refusal of this application given that it is generally accepted that limits of 30 hours per week or 30 days per year whichever is greater are acceptable.

Concern has been raised over the proximity of the development to residential properties and reference has been made to a Bill which is passing through Parliament in relation to this issue. In consideration of this point it should be noted that this can be given little weight and there is no current guidance contained on the issue. It is therefore considered that the proposed separation distance of 100m which would not raise safety concerns, noise implications and would not have such an overbearing visual impact is acceptable.

The letter of objection refers to the accuracy of the noise assessment given that it relates to an 18m high turbine and the current proposal would be 27m in height to its hub. This issue has been referred to the Councils Environmental Health Officer who has confirmed that this height difference would not affect the conclusions of her consultation response. The taller height would increase the distance between the turbine and the residential properties which would decrease the impact of noise.

The letter of objection states that the British Noise Association recommends that minimum distance for a turbine from a dwelling should be 1 mile. However in this case the development has been assessed against the WHO Guidelines and determined to be acceptable.

## **The impact upon the locally listed building**

Puseydale Farm is a building contained on the List of Buildings of Local Interest. Policy BE.13 states that Locally Listed Buildings will *'be protected from inappropriate development proposals affecting the reason for their inclusion in the list; unless it can be clearly demonstrated that there are reasons for the development which outweigh the need to safeguard the building or structure'*. Given the separation distance to Puseydale Farm and the intervening buildings and vegetation it is not considered that the development would have a detrimental impact upon the setting of this building. Further guidance will be obtained from the Councils Conservation Officer and will be provided verbally to the Committee.

## Ecology

The letter of objection refers to the Natural England response which states that *'our general advice is to maintain a 50m buffer around any feature (trees, hedges) into which no part of the turbine intrudes. This means that where possible, the edge of the rotor-swept area needs to be at least 50m from the nearest part of the habitat feature. Therefore 50m should ideally be the minimum stand-off distance from blade tip to the nearest feature'*. This is general advice only and Natural England have not objected to the application on these grounds but have suggested further consultation with the Councils own Ecologist. The conclusions contained within the original report still apply.

Reference is made to consultation between the applicant and the RSPB within the annex to PPS22. There is no evidence of this within the supporting information; however it is not considered that this issue should form a reason for refusal. It should also be noted that Natural England and the Councils own Ecologist have not raised any objection in relation to the impact upon birds.

**APPLICATION NO:** 10/2699N

**PROPOSAL:** Agricultural Access Track

**ADDRESS:** Land Adjacent Limes Farm, Deans Lane, Barthomley,  
Crewe, Cheshire

**COMMENT** It is considered appropriate to require implementation of the proposed replacement landscaping by a stand alone condition rather than within the schedule of implementation condition.

Highways have confirmed that there have been no recorded accidents along Deans Lane.

**RECOMMENDATION**

Approve

**Additional Condition**

Following further consideration an additional condition is recommended requiring re-instatement of the hedge along the line of the improved visibility line and its protection for a 5 year period

**APPLICATION NO:** 10/2194N

**PROPOSAL:** Two Agricultural Building to extend existing poultry rearing unit.

**ADDRESS:** Little Abbey Farm, Pinsley Green Road, Wrenbury

**APPLICANT:** Mr A. Parker

**Consultation Response**  
**Environmental Health**

Recommend conditions for (1) 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

(2) Details of any pile driving operations (if required) to be submitted approved and implemented.

(3) With regards to the residents concerns of potential odour problems emanating from the site; this is an issue that needs to be raised with the Environment Agency who regulate the site and will have historical knowledge with regards to complaints.

(4) The noise levels specified for the fans in the poultry units are acceptable.

**RECOMMENDATION**

Conditions can be attached to any permission, as requested by the Environmental Health Officer to limit the hours of construction and to require details to be submitted, approved and implemented in relation to any pile driving operations.

In relation to the noise generated by fans, compressors or other external equipment a condition should be attached to specify that the fans should operate in accordance with the approved details. Details of noise generated by any other externally mounted equipment (excluding development which requires the submission of a further planning application) should be submitted to the Local Planning Authority and approved in writing before the equipment is provided.

The Environment Agency was consulted on the application and has not lodged any objections on the grounds of noise or odour.

**APPLICATION NO. 10/2481N**

**LOCATION Meadow Bank, Groby Road, Crewe, CW1 4NA**

**UPDATE PREPARED**

27<sup>th</sup> August 2010

**REPRESENTATIONS**

None

**KEY ISSUES**

Further to comment raised in Committee Report, discussions have been ongoing with the Highways Authority to discuss the potential use of conditions to improve the access arrangements of the site. Conditions have been attached that state that loading and unloading shall be carried out within the application site. The Strategic Highways Manager is concerned that if this condition is attached to the permission and HGV's cannot enter and leave the site in a forward gear due to the siting of the building then this would be unreasonable. The condition for improvements to the access could further restrict the turning areas for vehicles. It is understood that there has been no record of accidents along this stretch of Groby Road and therefore it is considered that the continued Industrial Use of the site without any improvements to the access is acceptable.

**RECOMMENDATION**

**Change to conditions.**

Omit Conditions 17 and 18 relating to loading and unloading, and access improvements.

This page is intentionally left blank