

# Southern Planning Committee

## Updates

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**Date:** Wednesday, 16th November, 2011  
**Time:** 2.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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

**Updates** (Pages 1 - 12)

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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

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**SOUTHERN PLANNING COMMITTEE UPDATES**

**16<sup>th</sup> NOVEMBER 2011**

**APPLICATION NO:** 11/2886N

**PROPOSAL:** Residential Development Comprising 21 Dwellings with Associated Access, Parking, Garages, Landscaping and Open Space

**ADDRESS:** Land off Hastings Road, Nantwich, Cheshire

**REPRESENTATIONS**

Since completion of the Committee Report a Drainage Strategy Report has been produced. The report states that there is no history of flooding at this site and confirms that the development is within Flood Zone 1 (Area of least risk) as identified on the Environment Agency Flood Map and no Flood Risk Assessment is required.

The report also identifies that, due to constraints with regard to ground conditions, the use of Sustainable Drainage Systems is considered to be inappropriate.

Any surface water drainage is proposed to be directed to an unnamed watercourse on the western edge of the site. While foul drainage would be discharged into the existing infrastructure at Hastings Road.

The report appends an e-mail from the Environment Agency's development and Flood Risk Engineer, dated 3<sup>rd</sup> November 2011, which states that discharge of surface water drainage into the unnamed watercourse for a development of this scale would not require any attenuation provided that the velocity of discharge is controlled.

**Environment Agency – No response received**

**United Utilities – No response received**

**Environmental Health –** The impact of the development on annual mean nitrogen dioxide concentrations on the AQMA has been predicted as negligible with a predicted maximum change within the AQMA of less than 1%.

In terms of the site preparation and construction phases, it is recommended that the proposed mitigation measures are followed to minimise any impact on air quality, in addition to ensuring dust related complaints are kept to a minimum.

**Network Rail – Remove objection.**

## **Other Representations**

Objection raised from 41 Newhaven and 64a London Road, the salient points being:

- Loss of privacy
- Overlooking
- TPO's on site and trees should remain
- Traffic and Parking issues
- Poor drainage and flooding
- Loss of wildlife in shrubs

## **KEY ISSUES**

### Drainage/Flooding Issues

The Environment Agency's definitive flood map identifies that the whole of the site is within Flood Zone 1 with no part of the site being in an area at risk of flooding. The nearest area at risk of flooding is located immediately adjacent to the River Weaver. No Flood Risk Assessment is required to support the application. A verbal update of any comments received from EA or UU will be given at Committee.

### Air Quality Assessment

The submitted report relating to Air Quality identifies that the predicted maximum change to nitrogen dioxide concentrations within the nearby Hospital Street Air Quality Management Area would be less than 1% which is imperceptible. Therefore it is considered that there would be no detrimental harm caused to Air Quality within this designated area as a result of the proposed development. No mitigation measures are therefore considered necessary with this respect.

The Air Quality Management Assessment does however identify that there is the potential to cause nuisance on neighbouring properties through dust. The report suggests a number of best practice and mitigation measures could be carried out during the construction phase to reduce any impact. This could be conditioned.

### Other matters

The issues relating to trees, amenity, parking/highways issues, and ecology/wildlife have been assessed in the Committee Report.

## **RECOMMENDATION**

**No change to recommendation subject to additional condition relating to the development being carried out in compliance with the dust mitigation measures identified within Section 6 of the Air Quality Assessment prepared by SLR dated October 2011.**

**APPLICATION NO** 11/2196N

**PROPOSAL:** Extension and New Store

**ADDRESS:** KMD Hire, London Road, Nantwich

### **REPRESENTATIONS**

Three further e-mails of objection received, 2 from Adams Antiques and 1 from The Lodge. The salient planning points being:

- Extension is close to The Lodge and will block light, over shadow and be over bearing
- Will create a narrow dark tunnel on Churches Mansion driveway and could create dark, icy and slippery in winter months conditions and will affect osteopathic clinic and retirement community
- Report does not reflect Conservation Officer's comments which is being ignored
- Brook is prone to flash flooding on London Road
- LPG storage is in breach of health and safety regulations

### **KEY ISSUES**

Issues relating to amenity, design, impact on Listed Building, and drainage have been considered in the Committee report. However as requested by the objector the comments of the Conservation Officer are as follows:

*"The intensification of the operations needs to be addressed as a planning issue.*

*The height and volume of the proposed replacement building to the road frontage will have an adverse impact on the setting of the listed building and its recent extension unless amendments are made to its appearance to overcome this issue.*

*In this respect the design of the proposed replacement building needs to be **amended from one to two or three gables**, in order to reduce its bulk and height in relation to Churches Mansions and reflect more the scale of the smaller gables of that building.*

***Once elevation drawings are submitted** for such an approach it should be possible to **ascertain whether** it should either be **totally in brick**, to reflect the materials used in adjacent buildings on London Road but without their render and quoins, to avoid over emphasizing its and their modern presence, **or**, whether it should be totally in **render with black window details**, to reflect the material used at Churches Mansions and its recent extension. Its **roofing materials** should also **reflect** those used in the **adjacent buildings in each of these scenarios**.*

*The proposed new building to the rear should result in the removal of the existing mix of temporary buildings which at present are largely hidden from site and not of any particular value.*

*It is not clear if a **curtilage wall** is proposed or what **surfacing materials** are proposed, but both aspects will **need to be submitted/conditioned.**"*

**RECOMMENDATION**

**No change to recommendation**

**APPLICATION NO:** 11/2999C

**PROPOSAL:** Variation of conditions 2, 3, 5, 10, 10 and 11 of Planning Permission 08/0712/FUL

**ADDRESS:** Land South of Portland Drive, Scholar Green, Stoke-On-Trent

### **Officer Comments**

#### **Issues Raised by Representation**

##### Protected Species

Attention has been drawn to the potential presence of a pair of Barn Owls nesting in an Ash tree at the site. The permission is already extant and therefore this application does not offer the opportunity to revisit the principle of the development. Nonetheless, condition number 8 on the original decision notice states that should protected species be encountered at any stage of development, work should stop and Natural England should be contacted. The applicant has been reminded of this requirement.

##### Other Issues

The committee report makes reference to a letter received from the applicant in response to concerns expressed during the consultation period. A local resident has asked for clarification on the content of this letter.

The letter wishes to clarify that the applicant is seeking a variation to the existing legal agreement and is not seeking to extinguish it. Additionally, the PCT and the medical practice at Scholar Green are fully aware of the application.

**APPLICATION NO:** 11/3076N

**PROPOSAL:** Change of use of agricultural building to joinery workshop

**ADDRESS:** Long Lane Farm, Long Lane, Brindley CW5 8NE

## **CONSULTATIONS**

### **Public Rights of Way Unit**

The development is likely to affect Public Footpath No. 9, in the Parish of Burland, as recorded on the Definitive Map of Public Rights of Way and shown on the map below.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, advisory notes should be added to the planning consent as follows:

*"No change to the surface of the right of way can be approved without consultation with the PROW Unit. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:*

- *there is no diminution in the width of the right of way available for use by members of the public*
- *no building materials are stored on the right of way*
- *no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way*
- *vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way*
- *no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature*
- *no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way*
- *the safety of members of the public using the right of way is ensured at all times"*

Any variation to the above will require the prior consent of the PROW Unit. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application, this might be advisable in this case as the definitive line is also potentially obstructed by a building to the south west of the proposed outbuilding

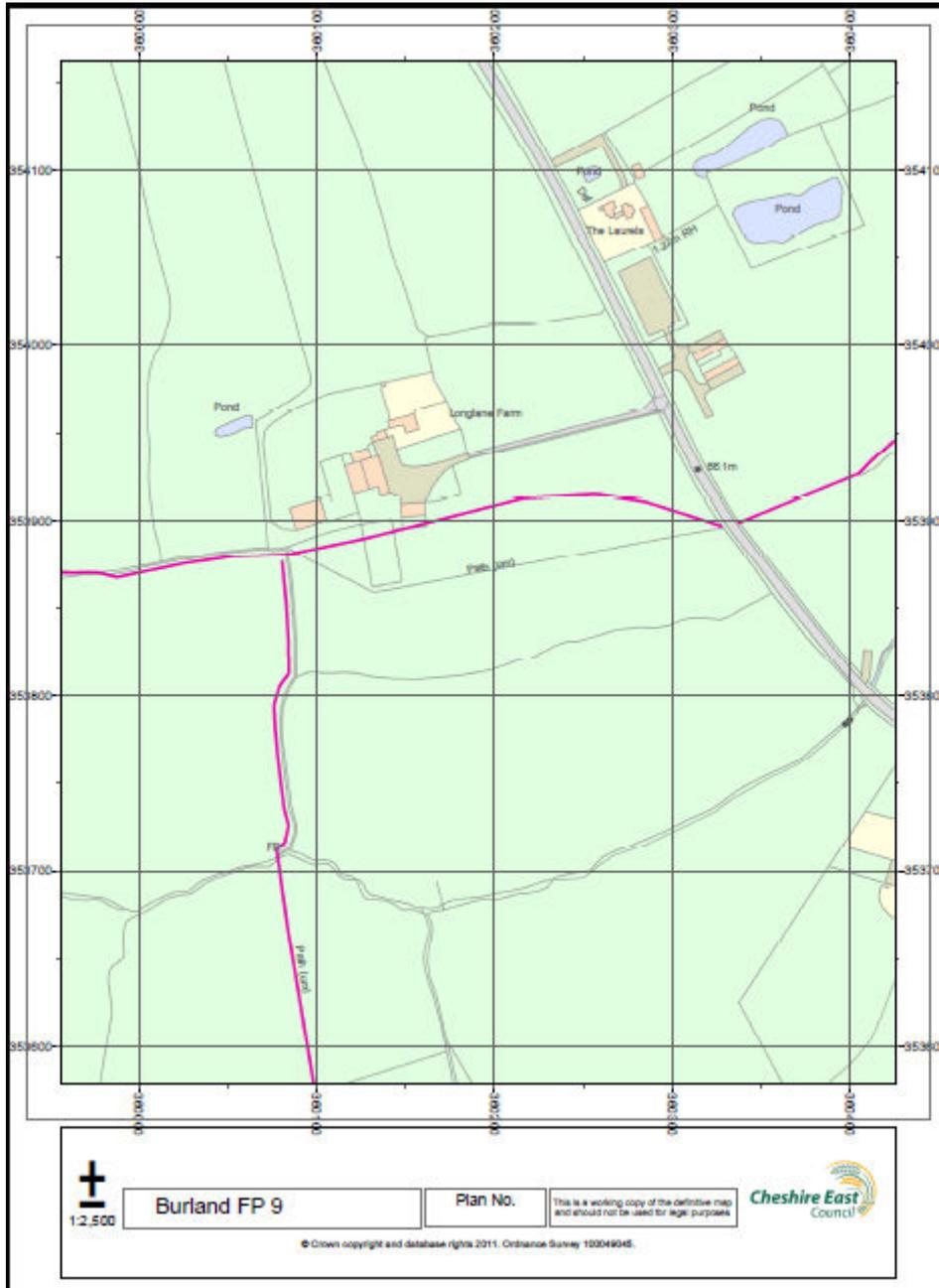
to be converted. It would appear that a different line is walked on the ground and this may have led to confusion about the true definitive alignment.

If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

**Officer comments**

As the development would not alter the building footprint it is unlikely to affect the Public Right of Way. It is noted that the line walked on the ground appears to differ to that on the definitive map. If approval is granted the applicant should be made aware of their responsibilities as per the above comments however they do not justify an additional reason to refuse the application or raise any significant planning concerns.

The recommendation remains unchanged.



**APPLICATION NO:** 11/3613C

**PROPOSAL:** Variation of Conditions 2,4,6,8,9,10,25,and 26 to Planning Approval 09/0481C for Relocation of existing floodlit all weather sports facility, demolition of Oaklands Medical Centre and construction of 2 separate buildings comprising a 2 storey dental facility and 3 storey Medical Centre with associated Access and Parking

**ADDRESS:** Oaklands Medical Centre, St Anns Walk, Newtonia, Middlewich, Middlewich,

## **OFFICER COMMENTS**

### **Consultation Responses**

#### Highways

Given that the proposed pharmacy will be built in the first phase of development, the Strategic Highways Manager has commented that it will be necessary for the developer to provide a temporary car park on the proposed site to compensate for the loss of spaces in the existing car park during the course of development. In response to this, the applicant has submitted an amended plan detailing a temporary car park within the site of the main health care centre. This would offer 35 spaces and Highways are satisfied that this would be acceptable subject to it being conditioned. Subject to such condition, there are no highways or parking issues.

### **Issues Raised by Representation**

Middlewich Town Council support this application subject to the construction of the new all weather pitch being completed prior to the commencement of any other works on the application site. Also, the Town Council asks that all reasonable measures be taken to reduce noise and light pollution from the all weather pitch to lessen the impact on the amenity of neighbouring properties.

The football pitch will be delivered in the first phase of the development and ready for use prior to work commencing on the main healthcare centre. With respect to noise and light pollution, these considerations were dealt with and covered by the original planning permission.

**APPLICATION No.** 11/3619C

**PROPOSAL:** Outline Planning Application for Two Detached Dwellings including Access from Boundary Lane

**ADDRESS:** 66 & 68 Leek Road, Congleton

### **REPRESENTATIONS**

Additional objections raised from 2 neighbouring dwellings, the salient points being:

- Loss of light
- Traffic and Parking issues
- Drainage
- Size of proposed dwellings

### **KEY ISSUES**

All of the above matters on which additional comments have been received have already been addressed within the report.

### **RECOMMENDATION**

**No change to recommendation**

**APPLICATION No.** P09/0014

**PROPOSAL:** Section 106 Agreement for Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure at Land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown, Crewe

**UPDATES**

Letter of representation received from the Housing team:

-request that the cascade for this site be simplified to -

1. Crewe
2. Cheshire East

**OFFICER COMMENT**

This proposed change is to reflect administration changes in respect of how affordable homes are allocated to people in housing need. The previous report to committee indicated that the cascade would be the Crewe area followed by the area covered by the former borough of Crewe and Nantwich. The Housing Team have requested that this be altered to Cheshire East to reflect changes in administration. It is not considered that this would have a significant impact on housing supply and affordable housing given that the most up to date housing surveys are for the Cheshire East area rather than the former Crewe & Nantwich Borough Council area.

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