

# Southern Planning Committee

## Updates

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**Date:** Wednesday, 6th June, 2012  
**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.

19. **Updates** (Pages 1 - 16)

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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**

**6<sup>th</sup> June 2012**

**APPLICATION NO.12/1073N**

**LOCATION: Top End Farm, Barthomley**

**PROPOSAL: Retention of Extensions to Agricultural Buildings**

**REPRESENTATIONS**

**Strategic Highways Manager** - extensions are unlikely to lead to any significant traffic increase or impact if used for the agricultural storage purposes for which they are intended.

However, given sensitivities surrounding the site additional information relating to existing lawful and proposed employee and vehicular numbers were requested.

Following receipt of the additional information further comments received stating that:

- The Applicant has answered that there will be no additional full-time workers. Forecasts for numbers of additionally contracted out workers are required - especially as they are likely to come in tractor/trailer units.
- whether workers will be brought to site in shared transport.
- the existing lawful use is 12 vehicles. Response doesn't indicate how many movements that are per day but the inference seems to be that instead of having a Feb-Sept operation they will have an all year round operation at the same level of daily activity - but clearly over the whole year rather than seasonally.

**Environmental Health** – Further clarification received from Environmental Health with regard to issues on site. Monitoring is being undertaken with regard to an alleged dust nuisance from the site/access. This monitoring is still being undertaken and they have no further comments to add. Should a statutory nuisance be identified then this could be enforced against under EPA legislation.

**Civitas Planning** – Additional clarification on employment/vehicular movements:

1. Three full time employees who all drive to work, plus the applicant.
2. There will be no increase in employees as work, as at present is to be contracted out. Contractors drive their own tractors and trailers.
3. At the moment the maximum number of commercial/farm type vehicles associated with the lawful business is at a maximum of around twelve (not including the 3 full time worker's cars). This, at present, is seasonal, from February – September. If the activity generated by the

potato and cattle activities is successful it would be achieved within these existing vehicle numbers and again be seasonal and take place between September and February. These figures, by their nature, are not absolute because of seasonality and the nature of farming activities in general which I'm sure you will appreciate.

**KEY ISSUES**

It is considered that the above comments provide additional clarification on the issues raised within the main report.

**RECOMMENDATION**

**No change to recommendation.**

**APPLICATION NO: 11/4002C**

**LOCATION: Land Off, Jersey Way, Middlewich**

**PROPOSAL: Construction of 77no. Private Residential Dwellings  
Together with Associated Works**

### **REPRESENTATIONS**

One additional letter of representation has been received from the occupier of 12 Jersey Way, Middlewich. The salient points raised by the objector are:

- The access to the development is via, a yet to be constructed extension to Jersey Way which is a small cul-de-sac. The through road to be constructed to access the new development is at a very narrow point in the road which will make passing difficult, especially for the traffic the development will bring and in particular for emergency vehicles. Should a car be parked on the road, it would be impossible for emergency vehicles to get through. Access via an alternative route will give a better solution.
- The estate that Jersey way is on, is already a large and busy estate, to accommodate the ongoing traffic that 77 dwellings will bring and construction traffic, puts a significant burden and impact on current residents. Already it can be hazardous driving round Dexter Way, leading onto Jersey Way due to cars parked on the road forcing oncoming vehicles to approach on the “wrong side” of the road. Again access via an alternative route will be a safer solution.
- The Cul-de-sac location and the required safety aspects that this brings for my young family heavily governed my purchase of 12 Jersey Way. The access via Jersey Way will directly impact my family way of life, and valuation of my property. Again access via an alternative route will give a better solution.
- Generally there has been a lot of new housing development in the area, with very little provision for play areas that are safe and equipped for children. As yet another significant proposal is now being considered under this application, I appeal for better facilities rather than just “public open space
- In addition to point 3, I believe the Council needs to consider, in supporting such an application, the associated local services, of which more are required in order to keep pace with and support the expansion of the towns housing population. Middlewich is lacking the facilities that go with the ever increasing population.

### **OFFICER COMMENTS:**

Whilst the concerns of the objector are noted, all the matters which have been raised are fully addressed in the Committee Report.

### **Public Open Space contribution**

The applicant has drawn to the case officer's attention that planning application 07/1452/FUL which was for 82no. dwellings, public open space and means of access which was approved on the 24<sup>th</sup> February 2009. There was a provision for £91,500 as a financial contribution towards children's and young person's provision and £13,850 as a financial contribution towards the offsite amenity, which equates to £105,350. The current application is for 83no. dwellings (as per the amended plans) and the Greenspace Officer is requesting a total of £148,862.32. This figure is considered to be unreasonable as the Greenspace Officer is requesting a significantly higher contribution for only one additional dwelling. The applicant has confirmed that they willing to £106,635 which is based on the pro-rate increase of 1 unit. The case officer considers that the amended contribution of £106,635 is reasonable.

### **Noise**

The applicant has submitted an updated noise assessment report. The report concludes that planning permission has already been granted for residential development. It goes on to state that the railway line adjacent to the western site boundary is rarely used and thus there is no significant impact from railway noise. At the northernmost part of the site there is some modest intermittent noise from a small compressor housing at the rear of the eastern building. In order to minimise the noise associated with the compressor housing an acoustic barrier is recommended.

The development site extends to the boundary of with Holmes Chapel Road, although there is only one new house proposed to the rear of the road. Road traffic noise have been assessed and found to be high in this area. Therefore, sound insulation measures have been recommended for this property. Noise mitigation measures have also been recommended for some dwellings that are proposed further back from the road.

### **OFFICER COMMENTS:**

Colleagues in Environmental Health have been consulted and they state that noise breaking calculations show that the attenuation measures proposed in plots 24 and 19 to 22 will be adequate to reduce the noise levels to those detailed in BS 8233 'Sound Insulation and Noise Reduction for Buildings'. The consultant also needs to provide the expected attenuation of the acoustic fencing proposed for the rear gardens of plots 19 to 22 and plot 26.

### **ADDITIONAL CONDITIONS:**

The development to be constructed in accordance with Hepworth Acoustics Noise and Vibration Consultants report received by the Local Planning Authority on 13<sup>th</sup> March 2012.

Prior to the commencement of development details of the Acoustic Fencing to plots 19 to 22 and plot 26 shall be submitted to and approved in writing by the LPA.

**RECOMMENDATION:** The recommendation for approval subject to conditions still stands and the signing of a legal agreement.

**Application No: 12/0864C**

**Location: LAND ADJ BARLEY ORCHARD, 42, BLACK FIRS LANE, SOMERFORD, CONGLETON, CW12 4QQ**

**Proposal: Proposed Detached House and Garage (Outline)**

**Applicant: Plus Dane Group**

**OFFICER COMMENTS**

The Strategic Highways Manager has offered no objection to the application given that the proposal is for a single dwelling and will use the existing field gate access. Adequate visibility is achievable in both directions on Black Firs Lane.

**RECOMMENDATION**

The recommendation for approval still stands.

**APPLICATION NO: 12/1454N**

**PROPOSAL: Proposed Telecommunications Base Station comprising 15m High Slim Column, Associated Antennas, 2no 300mm Diameter Dish Antennas, 1no. Equipment Cabinet and Associated Landscaping and ancillary development**

**ADDRESS: Land off Stoneley Road, Crewe**

**APPLICANT: Vodafone Ltd**

### **REPRESENTATIONS**

A further letter of objection has been received from No.33 Stoneley Road, Crewe. The main issues raised are;

- Very close proximity to No.33, the proposed mast will be 35m away from rear wall of the house, but only 5m from rear garden fence. Will overshadow home and garden.
- The tree within No.33 garden is clearly going to be used to screen the mast. Future plans are to remove this tree as it overpowers the garden.
- Future health risks to residents at No.33 Stoneley Road and future occupiers of Coppenhall East site (Article submitted re: research carried out in Scotland and concerns about proximitys to schools),
- Limited public consultation carried out by applicant,
- Devaluation of house.

A letter of objection has also been received from Edward Timpson MP on behalf of the occupiers of No.33 Stoneley Road. The main issues raised are,

- A number of constituents are unhappy with the proposed development,
- All views should be represented and taken account of during the planning committee,
- Objections include, health risks, and reduction in property prices including the Remer Street (Coppenhall East) housing application.

### **OFFICER COMMENTS**

The majority of these points raised above have been covered in the original planning report with the additional comments below:

Although the MP notes several constituents are unhappy with the proposal only two letters of objections have been received and these are both from the occupiers of No.33 Stoneley Road. The comments raised within the letter have been noted within the main report and this updated report.

It is acknowledged that to the rear of the proposal site is a large area of land which has recently been approved by Strategic Planning Board for Outline

planning permission for 650 dwellings - reference 11/1643N (legal agreement still outstanding). This includes the demolition of the Cross Keys Public House which currently sites a Vodafone mast. The approved outline application includes only an indicative layout of the proposed housing site. The mast will be visible from the newly created access to the site through the current Cross Keys Public House. However, should the developer wish to screen the mast from views, additional landscaping to the access could easily be implemented. It is considered that the proposal would not have a detrimental impact on the streetscene at this point, provided the mast is coloured green or brown as proposed in the conditions.

It is noted that the proposed mast will be sited some 35m away from the rear elevation of No.33 Stoneley Road, but only some 5m away from the rear garden fence. This will undoubtedly have some impact on the visual amenity of the neighbours sited at No.33 Stoneley Road. However, given the generally slender nature of such monopole masts (similar to lamp posts), and the existing tree coverage to the rear of No.33, it is considered that the proposal would not have a significantly detrimental impact on neighbouring amenity by means of overshadowing, or overbearing impact.

As noted within the main officer's report, the most recent guidance from the Government regarding mobile phone technology and health issues is outlined in the NPPF that '*Local planning authorities must determine applications on planning grounds.*' The paragraph then goes on to say, '*(LPA's) should not.... determine (applications on) health safeguards if the proposal meets International Commission guidelines for public exposure*' (para.46). It remains central government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. The applicant has submitted an ICNIRP certificate and the development therefore clearly complies with the ICNIRP guidelines for public exposure. It is considered that a reason for refusal on the grounds of perceived health risk alone would be extremely difficult to sustain at an appeal.

The occupiers of No. 33 Stoneley Road note that the tree shown on the elevation plans is within in their land, and intend to remove it in the near future. Whilst the mast would potentially be screened from the rear of No.33 Stoneley Road, and other properties backing onto the site, the tree will have a limited impact from screening the mast from most other directions. Therefore whilst it will create some mitigation in the views from the rear properties on Stoneley Road the removal of the tree would not be so significant as to make the proposed mast unacceptable.

**The recommendation of APPROVAL therefore remains**

**APPLICATION NO: 11/4548N**

**PROPOSAL: Outline Application for Development of Fourteen 3 & 4 Bed Semi-Detached Affordable Houses**

**ADDRESS: Land south of Newcastle Road, Hough**

**APPLICANT: Mr T. Bartlam**

**This application has now been WITHDRAWN.**

**Application No: 12/0763C**

**Location: Ivanhoe, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP**

**Proposal: Demolition of Existing Buildings and Development of 11No. Residential Dwellings (Inc 3No. Affordable Units) along with the Creation of a New Access.**

**Applicant: Bloor Homes (North West) Ltd**

### **AMENDED PLANS**

As stated in the main report, the proposed dwellings are predominantly 2 stories in height which reflects the surrounding developments to either side, although the proposed Rangemore house type on plot 4 includes accommodation within the roof space. This has resulted in an overall ridge height of 10m, which is over 1m taller than other proposed dwellings within the development and significantly higher than other properties on adjoining developments. This aspect was not considered to be acceptable in street scene terms and an amended plan showing a reduction in the ridge height of this dwelling was requested from the developer.

This has now been submitted and the overall height of this dwelling has now been reduced to 9.3m. A street scene elevation has also been submitted showing that then proposed house type will not appear out of keeping with the other neighboring properties. It is therefore considered that this issue has been adequately resolved.

Concerns were also expressed in the main report that distances of 21.3m would not be achieved between the front of Plot 8 and Plots 4 & 3. The same problem occurs between the bedroom windows over the garage on Plot 7 and the front of Plot 5. These concerns have been raised with the developer and an amended plan was requested.

This has also now been provided. Plot 5 has been moved back slightly on its plot, whilst maintaining the required 13.7m separation to the existing dwellings to the rear. This has increased the separation from Plot 7, at the front, to 19m. Whilst this remains below the recommended 21.3m, it is not considered to be sufficiently deficient to warrant a refusal on amenity grounds. Plot 4 has also been moved back slightly although, as with Plot 5, the separation to the dwellings at the rear has been maintained. Consequently the separation between the principal windows in the front elevations of Plots 3 / 4 and Plot 8 is between 14m and 18m. Whilst this remains significantly below the recommended 21.3m, Plot 8 has also been turned slightly to face south east and as a result, the windows in question are not directly opposing. It is therefore considered that the reduced separation distances are acceptable in this instance and that a refusal on amenity grounds could not be sustained.

**RECOMMENDATION**

**APPROVE** subject to signing of a Section 106 agreement making provision for:

- **Affordable Housing comprising 2 social rented units and 1 shared ownership unit.**
- **financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath**
- **financial contribution (£14822.66) towards the off-site enhancement and maintenance of community space at School Lane, Brereton Green**

**And the following conditions:**

- 1. Standard**
- 2. Plans**
- 3. Materials to be submitted and approved**
- 4. Obscured glazing to first floor windows in flank elevations of Plot 1 and Plot 7**
- 5. Submission of contaminated land investigation**
- 6. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
- 7. Details of the method, timing and duration of any pile driving operations to be submitted and approved**
- 8. Landscaping to be submitted and approved (including provision for the gapping up with native species of the hedge on the southern boundary)**
- 9. Implementation of landscaping**
- 10. Implementation of boundary treatment**
- 11. Provision of car parking**
- 12. Construction of access**
- 13. Scheme of tree / hedge protection**
- 14. No works within protected area**
- 15. Updated protected species survey to be undertaken prior to the commencement of development**
- 16. Protection of breeding birds.**
- 17. Provision of features for use by nesting birds**

**APPLICATION NO: 12/1488N**

**PROPOSAL: Reserved matters application for 13 No. Detached dwellings, parking and amenity (re-submission of 12/0222N)**

**LOCATION: Land off Marsh Lane, Nantwich**

## **REPRESENTATIONS**

Since completion of the Committee Report, the consultation period on this application has expired. The following new comments have been received from consultees external to planning;

**British Waterways** – No objections

**Nantwich Town Council** – No objections

The following comments have been received from internal consultees;

**Nature Conservation** – No objections subject to conditions. Conditions recommended in respect of protection of nesting birds, and inclusion of a hedgerow management plan.

Update to representations from local residents:

**No.40 Marsh Lane** – Raise concerns regarding flooding / drainage.

**No.71a Marsh Lane** – Object to the proposal on the following grounds; highway safety, flooding / drainage and question the reason why a protected area of amenity space can be built upon.

## **OFFICER COMMENTS**

### **Ecology**

As part of the approved outline permission, an extended phase 1 habitat and tree survey was submitted. Condition 12 of P05/0121 advises that the development shall be carried out in full accordance with the recommendations of this survey in order to safeguard any protected species that may be present on the site and in order to mitigate for any loss of valuable natural habitats. As part of this submission an updated survey has been submitted. Furthermore, a breeding bird's survey has been completed.

Updated comments from the Council's Ecologist have resulted in a change to the conditions recommended in the committee report. In order to manage the impact upon the strip of woodland/hedgerow in the middle of the site and ensure this habitat is retained appropriately in the future, the submission of a management plan is now recommended, along with conditions requiring a

survey for nesting birds. Once conditioned, it is considered that the development would accord with Policy NE.9 of the Local Plan.

In terms of the issues raised by neighbours, these have been addressed in the main report.

## **RECOMMENDATION**

**APPROVE** subject to conditions

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials as per application**
- 4. Hours of construction**
- 5. PD Removal (A to D)**
- 6. PD Removal (Garage conversions)**
- 7. Obscure glazing (kitchen windows on plot 4)**
- 8. Landscaping (Implementation)**
- 9. Tree protection implementation**
- 10. Boundary treatment**
- 11. External Lighting**
- 12. Structural stability of canal bank in accordance with survey**
- 13. Site to be drained on a separate system**
- 14. Submission of a tree/hedgerow management plan**
- 15. Nesting birds**

**APPLICATION NO: 12/1201N**

**PROPOSAL: Application for Extension to Time on P07/0463 for Eleven Hotel Bedroom Suites and Car Parking**

**ADDRESS: 26 Welsh Row, Nantwich, Cheshire, CW5 5ED**

**APPLICANT: P Schofield**

### **CONSULTATIONS**

Nantwich Town Council has no comment to make

### **REPRESENTATIONS**

Letters of objection have been received from the occupiers of 23 First Wood Street, 32 Second Wood Street and Wood Street Garage. The main issues raised are;

Loss of parking spaces currently used by staff of the Cheshire Cat causing disruption in the surrounding narrow streets and blocking of access to private garages

Cross Wood Street could potentially be blocked by builder's vehicles and/or materials during construction hindering the flow of traffic and access of emergency vehicles

Blocking of light to 23 First Wood Street

Current disruption caused by the Cheshire Cat will be exacerbated having a detrimental impact upon the business operations of Wood Street Garage

Loss of light to offices of Wood Street Garage, and the surrounding residential properties.

### **OFFICER COMMENTS**

The principle of the development has been accepted with the previous approval, this application is to extend to time limit imposed on the original decision. It is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

It is not considered that there have been any changes in the material circumstances of this application.

**The recommendation of APPROVAL therefore remains**

## **Southern Area Planning Committee 6<sup>th</sup> June 2012**

### **Written update to Committee Report Agenda Item 18**

#### **Cheshire East Borough Council (Manor Lodge, Manor Court ) Tree Preservation Order 2012**

The Council has received further information from Dr Mary Swords via e mail on 22<sup>nd</sup> May 2012 to the Legal Team Leader Julie Openshaw. Four documents were attached:

- A letter dated 22<sup>nd</sup> May 2012 from Dr Mary Swords requesting that the Order be revoked and refuting the Council's amenity assessment of the trees.
- Photographs taken from Manor Way and using Google Earth Street view from Manor Way at its junction with Nantwich Road and Collinbrook Avenue
- A road ownership plan of Manor Court
- TEMPO tree evaluation forms

The letter puts forward the view that the amenity valuation of the trees is almost non existent, with the exception of the Scots Pine the trees barely be seen from public access points as the site is fully surrounded by private property and accessed only by Manor Court described as a Private Road and is not adopted by the Council.

#### Photographs

Some of the photographs taken using Google Street View are relatively poor in quality and do not provide a realistic assessment of the views obtained on site. An appreciation of the views of the trees will be considered on site by the South Area Planning Committee on 1<sup>st</sup> June 2012.

#### Road Ownership

Whilst Manor Court is a privately maintained road and not adopted by the Council the public has no restricted access over it and consequently public views of the trees can easily be obtained from vantage points along this road.

#### TEMPO Tree Evaluation

An assessment of the trees has been carried out using TEMPO (Tree Evaluation Method for Preservation Orders), a method that assesses amenity and expediency, awarding points for various categories including tree condition, life span, public visibility and identified threats. The accumulated points are added and trees placed into categories as to whether the tree merits protection by the TPO.

The TEMPO calculation proposes that none of the trees merit a TPO apart from the mature Pine (T1).

The TEMPO calculations provided by Dr Swords are disputed for the following reasons:

- The Arboricultural Consultant acting for the Owner in the planning application has previously assessed the trees and has identified in his report that trees G1 and G2 of the Order are moderate or High Quality trees that should be retained within any future development of the site.
- The assessment has downgraded certain trees on the basis that they are not visible to the public when in fact they are visible from Collinbrook Avenue and Manor Court, whilst a private road is accessible by the public.
- The assessment has downgraded certain trees on the basis that they are not under threat, however the guidance note for the TEMPO system clearly states that the submission of a planning application would constitute a foreseeable threat.

A revised assessment has been carried out using the TEMPO system based and considered weight given to each factor based upon the above information and the guidance note provided. Revised scores have placed the trees within the category 'TPO defensible' category. In each case for the test of reasonableness, scores within the public amenity and expediency categories were downgraded by 1 point. In every case the trees still met the 'TPO defensible' category.

It is accepted that under the TEMPO assessment the Yew tree within G3 would not merit protection by the TPO and therefore should be excluded.