

Southern Planning Committee

Updates

Date: Wednesday, 25th February, 2015
Time: 1.00 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.

5. **13/2710N Ridley Bank Farm, Wrexham Road, Ridley CW6 9RZ: Installation of wind turbine 32.5m to hub and associated ancillary works for Mr R Latham (Pages 1 - 4)**

6. **14/0143N Former Bowling Green, Waterlode, Nantwich: Erection of 7 dwellings with integral garages and associated car parking for Black & White Cheshire Ltd (Pages 5 - 6)**

7. **14/5260N Land south of Sandfield House, Station Road, Wrenbury CW5 8ER: Residential development of up to 18 dwellings to include means of access for Hollyhead Estates (Wrenbury) Ltd (Pages 7 - 10)**

8. **14/2289C Former Charles Church Offices, Middlewich Road, Sandbach, Cheshire: Erection of Retirement Living housing (category II type accommodation), communal facilities, landscaping and car parking for McCarthy and Stone Retirement Lifestyles (Pages 11 - 12)**

9. **14/5285C Former Magistrates Court, Middlewich Road, Sandbach CW11 1HU: Demolition of existing building and erection of three storey accommodation comprising 15 supported living apartments (Use Class C3) with associated parking and open space for HB Community Solutions Living Ltd (Pages 13 - 14)**

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

14. **14/5837N Land To The North Of Cheerbrook Road, Willaston, Nantwich Cheshire: Variation of Condition 2 (Plans) on Application 13/3762N - Construction of 21 two-storey residential dwellings, new shared access and associated works (Resubmission 13/0641N) for Wainhomes (North West) Ltd (Pages 15 - 18)**

16. **Cheshire East Borough Council (Bunbury - Land West Of Oak Gardens) Tree Preservation Order 2014 (Pages 19 - 20)**

Application No: 13/2710N

Location: Ridley Bank Farm, WREXHAM ROAD, RIDLEY, CW6 9RZ

Proposal: Installation of wind turbine 32.5m to hub and associated ancillary works

Applicant: Mr R Latham

Expiry Date: 26-Aug-2013

UPDATE REPORT 19TH February 2015

Winter Views

The Council' Landscape Officers considered winter views on 31/1/14 and concluded that *from the A49 to the south of the site, between the Cholmondeley Castle entrance and the Ridley Green cross roads, the existing telecoms tower appears more prominent against the sky between the two woodland blocks than it did in the summer. This is probably because the roadside hedges have been trimmed and lowered. The proposed turbine would therefore be more prominent from this section of the main road during the winter.*

Other than that, it is not considered that there is a great difference between summer and winter views – there are no apparent new viewpoints/areas from where the existing telecoms mast is visible.

Chesterton Lodge.

1. This is the closest third party property to the proposed turbine. Views from this property were considered and the following comments were included in the committee report:

Chesterton Lodge, the detached property on the opposite side of Wrexham Road approximately 425 metres from the site has very tall hedges along its frontage which would screen views from principal rooms. Any views from this property would also be oblique due to the orientation of the house (refer to additional viewpoint 1).*

*(*distance corrected)*

2. Additional information:

This detached house is located opposite Chesterton Wood and its front elevation faces the wood. The property also has high hedges along its roadside frontage (refer to the attached photos taken in August 2013). There are 4 windows in the front, north eastern elevation (two ground floor and two first floor) and there are two ground floor windows in the side, north western elevation (one main window and one small subsidiary window). Due to the orientation of the property, if there were views of the wind turbine through or between the roadside hedges from ground floor principal room windows they would be oblique views. Any views from first floor bedroom windows would also be oblique.

In Visual Impact Assessment and Residential Visual Amenity Assessment, views from first floor bedroom windows are generally afforded less weight/importance than views from ground floor principal room windows because bedrooms are not usually occupied during daylight hours.

3. The Council's Landscape Officer considered views from this property when assessing winter views on 31/1/14. A second landscape officer agreed with this assessment.

4. The council sought a second opinion from landscape consultant, Stuart Ryder. Page 27 of his report states:

Impact on Views From Residential Properties

4.17 The landscape officer correctly considers views from residential properties and identifies five individual properties or groups of properties that may experience views to the turbine. These are:

- *Chesterton Lodge*
- *Chesterton Farm*
- *Ridley Green Complex*
- *Ridley Hill Farm*
- *Properties of Badcock Lane & Bathwood Lane*

4.18 Of these listed properties we agree with the assessment given and note that of the five areas it is likely to be the residents of the Ridley Green Farm complex that would experience the largest adverse visual effects out of any of the groups described.

5. The potential views from Chesterton Lodge were discussed with members during the committee site visit on Friday 14th November whilst considering additional viewpoint 1 which is a view from public footpath (Ridley FP8) on the opposite side of Wrexham Road. The roadside stile to this footpath is located approximately 55 metres northwest of Chesterton Lodge.

National Planning Casework Unit

The National Planning Casework Unit have requested that should the committee be minded to approve the application, it be passed to the Secretary of State for his consideration before any decision notice is issued.

AMENDED RECOMMENDATION

APPROVE subject to referral to the Secretary of State and the following conditions:

- 1. Standard**
- 2. Approved drawings**
- 3. Removal when no-longer required for electricity generation purposes.**
- 4. The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.**
- 5. Prior Approval of External Lighting**

6. No development shall take place until details of a scheme for the investigation of complaints that the wind turbine hereby permitted is interfering with TV or mobile communications reception and for any remedial measures should interference be proven have been submitted to and approved in writing by the local planning authority.

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SOUTHERN PLANNING COMMITTEE – 25th FEBRUARY 2015

UPDATE TO AGENDA

APPLICATION NO.

14/0143N

LOCATION

Former Bowling Green, Waterlode, Nantwich

KEY ISSUE

The site is in Flood Zone 2 thus further information has been requested from the applicants.

CONCLUSION

The recommendation is **APPROVE: subject to receipt of satisfactory information in respect of flooding. (Committee is requested to delegate responsibility of issuing the decision to officers once the information has been received and no changes to the design are confirmed.)**

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SOUTHERN PLANNING COMMITTEE – 25TH FEBRUARY 2015

UPDATE TO AGENDA

APPLICATION NO.

14/5260N

LOCATION

Land South of Sandfield House, Station Road, Wrenbury.

UPDATE PREPARED

23rd February 2015

Site Description

The report on the agenda did not contain a site description, therefore this is included below.

The site is a relatively flat, rectangular parcel of land to the south of Sandfield House and other residential properties on Oakfield Avenue. There is currently a field access onto Station Road and to the rear of the site (not within it) there is what may be a historical burial or windmill mound.

The site is designated as being within Open Countryside in the adopted local man.

Agricultural Land

The applicant has put forward the following comments having regard to agricultural land quality:

“The landowner is unaware of whether the land is Grade 3A or 3B however, giving consideration to the DEFRA guidance on which any assessment would be based, and in relation to the soil survey maps which denotes the application site, and in fact the whole of Wrenbury as having ‘Gleysol’ soil. When translated literally, Gleysol is clay and the DEFRA guidance confirms that this soil type (page 16) “...can only be cultivated satisfactorily under a relatively narrow range of soil moisture conditions“.

Page 9 of the same guidance advises that for land to be determined as Grade 3a it should be “...capable of producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops”. As such, with the land being of clay soil type with drainage difficulties which would restrict arable crops, we believe that the land would be classified as Grade 3b.”

Ecology

The submitted Biodiversity offsetting calculation has identified as very small residual loss of biodiversity. The impacts of the proposed scheme are reduced because the assessment has identified the provision of 0.08ha of semi-improved acidic grassland, which would be off 'medium-high' distinctiveness and 'Good' condition. It is noted that there is a small area of open space included on the indicative master plan, but it is not clear that a habitat of such high value could be created and maintained within such a small area within a housing development.

The applicant has been asked to either provide further information to demonstrate how the creation of semi-improved acidic grassland would be feasible or the assessment should be amended to reflect the on-site provision of an area of a less distinctive habitat.

Trees

The Arboricultural Report does identify the three individual protected Pine trees on the northern boundary as A2 category trees (BS5837:2012) and therefore deemed to be of high quality and visually important landscape features.

The illustrative layout plan shows the trees within open space and the access arrangements well outside the Root Protection Area of protected trees. The small number of trees on the rear boundary of the site are of little significance in terms of amenity and landscape value, although two are shown for retention in rear garden plots.

If consent is granted any reserved matters application should be supported by an Arboricultural Impact Assessment and Arboricultural Method Statement to demonstrate operations can take place with minimal disturbance to retained trees. This should be controlled by condition.

Recommendation

Approve subject to the completion of a Section 106 Agreement..

Heads of Terms:

- **£32,685.38 to secondary education**
- **A contribution to off site ecological enhancements (amount to be provided in an update)**
- **provision of 30% affordable housing**

and the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. Submission of a Phase I Contaminated Land Survey**

5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
7. Reserved matters to include details of any external lighting.
8. Access to the site shall be completed prior to the commencement of any other form of development
9. Reserved matters to include a detailed suite of design construction plans for the adoptable highways
10. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
11. Tree and hedgerow protection measures
12. Breeding bird survey for works in the nesting season
13. Reserved matters to include updated protected species surveys
14. Reserved matters to include details of boundary treatments
15. Reserved matters to include details of existing and proposed levels
16. Reserved matters to include details of bin/cycle storage
17. Reserved matters to include a single electric vehicle charging point for each dwelling
18. Reserved matters to include Arboricultural Impact Assessment and Arboricultural Method Statement to demonstrate operations can take place with minimal disturbance to retained trees
19. Submission of a written detailed method statement for all new groundworks having regard to archaeological potential

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.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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SOUTHERN PLANNING COMMITTEE – 25th February 2015

UPDATE TO AGENDA

APPLICATION No.

14/2289C – Erection of Retirement Living housing (category II type accommodation), communal facilities, landscaping and car parking

LOCATION

Former Charles Church offices, Middlewich Road, Sandbach, Cheshire

UPDATE PREPARED

23rd February 2015

OTHER REPRESENTATIONS:

1 letter of objection has been received since the completion of the committee report. The main areas of concern raised include;

- Amenity – Loss of privacy

OFFICER REPORT

Environmental role

Trees and Landscaping

The Council's Officer has advised that the revised layout increasing the separation distance between the frontage of the proposed building and the highway is welcomed.

In the event of approval, it is recommended that landscaping and boundary treatment conditions be included.

These conditions were already included in the recommendation.

Social Role

Amenity

The concerns raised in relation to loss of privacy have already been considered in the committee report and it has been recommended that some of the windows closest to this neighbouring property (No.46 Middlewich Road) be obscurely glazed.

CONCLUSION

The additional letter of objection and the updated consultation response from the Council's Landscape Officer received do not raise any new issues that were not considered within the committee report.

As such, no change to the overall recommendation is proposed.

RECOMMENDATIONS

No change to recommendation

SOUTHERN PLANNING COMMITTEE – 25TH FEBRUARY 2015

UPDATE TO AGENDA

APPLICATION NO.

14/5285C

LOCATION

Former Magistrates Court, Middlewich Road, Sandbach, CW11 1HU.

UPDATE PREPARED

23rd February 2015

On page 92 of the report, Development Plan Section the site is incorrectly referred to as being within the Settlement Zone Line of Alsager. This should refer to Sandbach.

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SOUTHERN PLANNING COMMITTEE – 25th February 2015

APPLICATION NO: 14/5837N

PROPOSAL: Variation of Condition 2 (Plans) on Application 13/3762N
- Construction of 21 two-storey residential dwellings, new shared access and associated works (Resubmission 13/0641N)

ADDRESS: Land to the North of Cheerbrook Road, Willaston, Nantwich, Cheshire

APPLICANT: Wainhomes (North West Ltd)

REPRESENTATIONS

A further 9 local households have made representations raising the following points:

- Increased traffic
- Overlooking
- The site should be returned to agricultural use
- The dwellings will be closer to residential properties
- Impact upon the drain which crosses the site
- The visibility splays at the access point are not accurate
- A decision should not be made on this application until the application for 120 dwellings to the rear of the site has been determined
- Impact upon local primary schools
- Impact upon medical infrastructure
- Encroachment into the Green Gap
- Increased noise, light and air pollution
- Cheerbrook Road is a rat run
- The footpath along Cheerbrook Road is too narrow
- Speeding problems along Cheerbrook Road
- Increased flooding
- Loss of wildlife habitat
- Impact upon protected species
- The changes would assist the application for 120 dwellings to the rear of the site
- The changes in house types would provide 6 additional bedrooms
- Parking problems with Willaston
- Impact upon drainage infrastructure
- This is a Trojan horse for the bigger development at the rear
- Approving this development will allow access to the rear of the site
- The 2.5 storey dwelling type should not be allowed
- The dwellings are now closer to the existing dwellings which front Cheerbrook Road
- Plot 2 is not positioned at a 45 degree angle and will cause overlooking

An e-mail has been received from Cllr Silvester to state that he agrees with the objections made by a local resident Mr Royle. The points raised are:

- The changes to the layout will have a greater impact upon residential amenity
- The dwelling on plot 21 is closer to the dwellings at 26 and 26a Cheerbrook Road
- Why should residents accept minimum separation standards?
- Plot 2 would overlook the rear garden of 26 and 26a Cheerbrook Road

APPRAISAL

The majority of the points of objection raised above relate to the principle of the development which has already been accepted. It should be noted that this application relates to changes to the approved house types only.

In relation to the objection from Mr Royle (26 Cheerbrook Road) and referred to by Cllr Silvester it is accepted that the dwelling at plot 21 would be closer to the boundary than the approved scheme. However the separation distance would be 33m to the rear elevation of 26a Cheerbrook Road and 36 metres to the rear elevation of 26 Cheerbrook Road. This exceeds the required separation distance between a principle and non-principle elevation as set out within the Councils SPD on Extensions and Householder Development which requires a separation distance of 13.5 metres. An additional condition will be included within the recommendation to ensure that the en-suite bathroom windows to the side elevation are fitted with obscure glazing.

In terms of the proposed dwelling on plot 2 this has been orientated from the original approved application. The dwelling on plot 2 would have a separation distance of 17 metres to the nearest point of the rear garden 26a Cheerbrook Road with a garage sited in this part of the rear garden of 26a Cheerbrook Road. This separation distance is considered to be acceptable and is greater than the rear garden depths for the proposed dwellings on plots 15-19 which back onto Cheerbrook Road.

RECOMMENDATION

That the application be approved subject to completion of Section 106 Deed of Variation securing the same obligations as 13/3762N:

- 1. A commuted payment of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich**
- 2. A commuted payment of £40,999 towards secondary school education**
- 3. A commuted payment of £20,000 towards cycleways, footways, street lighting and bus shelters**
- 4. A commuted payment of £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston**
- 5. 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units).**

Approve subject to the following conditions;

- 1. Standard time limit 3 years from the date of the original permission**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. Piling Method Statement**
- 6. External lighting as per plan reference SL/0214/09/001/-**
- 7. Development shall take place in accordance with the approved scheme to minimise dust emissions arising from construction activities on the site**
- 8. Works should commence outside the bird breeding season**
- 9. Materials to be in accordance with the submitted details**
- 10. Landscaping scheme to be implemented**
- 11. Remove Permitted Development Rights for certain plots**
- 12. Boundary Treatment details to be implemented**
- 13. Tree and hedgerow retention**
- 14. Tree Protection to be implemented**
- 15. The parking spaces to be provided on the approved plan should be provided**
- 16. Visibility splays of 2.4 metres by 60 metres to be provided before development commences and thereafter be retained.**
- 17. Windows to the south-east facing elevation of plot 1 to be obscure glazed. Remove PD for additional windows to the side elevation of Plot 1.**
- 18. No development within 3 metres either side of the centre line of the sewer which crosses the site**
- 19. 10 metre easement strip for the 24" Concrete Trunk Water Main**
- 20. Windows to the south facing elevation of plot 21 to be obscure glazed. Remove PD for additional windows to the side elevation of Plot 21.**

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 Area Planning Committee 25th February 2015

Written update to Committee Report Agenda Item

**Cheshire East Borough Council (Bunbury – Land West of Oak Gardens)
Tree Preservation Order 2014**

The Council has received further communication from Susan Reid formally of 8 Wakes Meadow, Bunbury in support of the Order. Ms Reid states that Footpath 14 (Bunbury FP14) is not the nearest public footpath to the protected Ash tree and that in 2006 Bunbury Parish Council's footpath officer put in a Definitive Map Modification Order to have a diagonal path across the field recognised. This path has been used in living memory and is still used as the direct route by foot to the village from Spurstow, via the footbridge. For some reason it was missed off the Definitive Map and that is why an application to have it added was made. Due to a backlog of cases this case has not yet been heard. The path runs close to the Ash tree, but not close enough to pose a danger to walkers. On the contrary it is a land mark for them.

It is this proposed footpath modification to which the objector refers in their submitted objection.

The Principal Forestry and Arboricultural Officer has contacted the Council's Public Rights of Way Team who have confirmed that an application for a Definitive Map Modification Order (DMMO) for the addition of a public footpath between Footpath 14 (Bunbury FP14) and Footpath 15 (Bunbury FP15) was made on behalf of Bunbury Parish Council in August 2006. The Order is one of a large number of footpath modification applications that are currently being considered by the Public Rights of Way Team and as yet no resolution has been made on this specific application.

The position of the proposed additional footpath is closer to the protected Ash tree, however the Principal Forestry and Arboricultural Officer is satisfied that any risk that may result can be satisfactorily addressed by appropriate pruning and Veteran tree management recognised by Natural England.

Since the publication of the Committee report, the Council has received a further nine e-mails in support of the TPO from local residents. The writers stated i the need to save the Veteran Ash tree as an important contribution to the local amenity and landscape character of the area and as a habitat for bats.

20/2/2015

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