

**Application No:** 10/0346M

**Location:** WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER,  
KNUTSFORD, WA16 8TN

**Proposal:** ERECTION OF 15 NO. AFFORDABLE HOUSES

**For** DEAN JOHNSON FARMS LTD/ DANE HOUSING

**Registered** 02-Mar-2010

**Policy Item** No

**Grid Reference** 378108 373981

**Date Report Prepared:** 26 November 2010

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions &  
the prior completion of a S106  
legal agreement**

#### **MAIN ISSUES**

- Whether the consultation on the amended plans raises any new issues that need to be considered
- The impact of the proposal on protected species

#### **REASON FOR REPORT**

On 15 September 2010, the Board delegated power to the Head of Policy & Planning to determine the above planning application after reconsultation regarding amended plans submitted at/just before the meeting. The amendments repositioned 6 houses 2m further from a boundary with neighbouring properties. There was an underlying understanding that the delegated decision would be based on the report recommendation plus consultation responses commenting on the repositioning. However, during the reconsultation period a new issue has arisen regarding Great Crested Newts. In these circumstances the Head of Planning and Housing is exercising his discretion to refer the application back to the Board for decision.

The background to the application is set out in the attached committee report and update report prepared for 15 September 2010.

#### **DESCRIPTION OF SITE AND CONTEXT**

See original report.

#### **DETAILS OF PROPOSAL**

See original report.

#### **RELEVANT HISTORY**

See original report.

## **POLICIES**

See original report.

## **CONSULTATIONS (External to Planning)**

The following consultations have been received in relation to the reconsultation on the amended plans.

**Environment Agency** – no objection subject to the imposition of a condition regarding potential contamination.

**CEC Landscape** – as previously, no objections to the proposal subject to conditions.

**Housing** – no comments.

**Manchester University (Jodrell Bank)** – would like to see the incorporation of materials to reduce electromagnetic interference.

## **OTHER REPRESENTATIONS**

NO additional representations were received in relation to the amended plans.

## **APPLICANT'S SUPPORTING INFORMATION**

See original report.

## **OFFICER APPRAISAL**

It is not considered that the additional comments received from the landscape officer, the housing department or Manchester University raise any new issues that were not previously considered by Committee or were not covered by the conditions attached to the original recommendation.

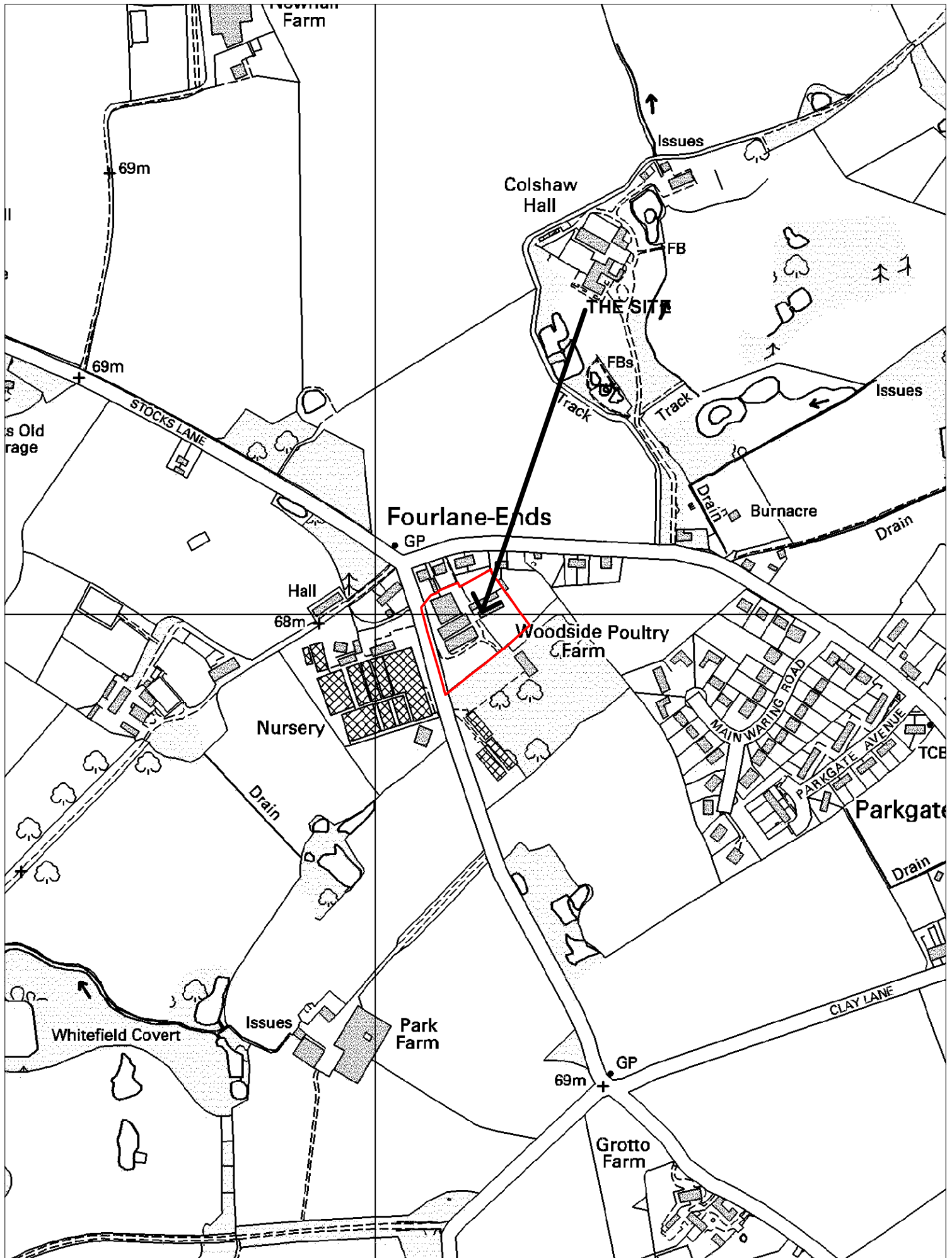
With regard to the comments received from the Environment Agency, these replicate those previously received in relation to the original scheme. Whilst the condition suggested by the Environment Agency was not attached to the original recommendation, a condition proposed by the Council's contaminated land officer was. This requires the submission of a Phase II Contamination report and would cover the requirements of the Environment Agency.

Another issue that has become apparent since the proposal was considered at committee is that whilst there were a number of conditions listed regarding nature conservation issues (provision of a bat loft, bat nesting boxes, protection and provision for breeding birds), no conditions were suggested regarding great crested newts which were recorded in garden ponds adjacent to the proposed development. In order to mitigate the risk of killing, injuring or disturbing any animals present on site, the applicant's ecologist has recommended the removal and exclusion of newts from the development site by means of amphibian fencing and pitfall trapping in association with Natural England guidelines. This is standard practice and is acceptable to the Council's Nature Conservation Officer. However, in order for this to be ensured, this would need to be covered by a condition which requires the development to be carried out in accordance with the submitted ecological reports. This additional condition has therefore been added to the list attached to the original report.

## **Heads of Terms**

Should the Council be minded to approve the application, then a S106 legal agreement would be required to include the following matters:

- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Over Peover and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be Bucklow Ward, then former MBC, then wider CEC though the final details of this is to be agreed in consultation with Plus Dane Housing and the Parish Council)
- provision of off site ecological works and habitat management plan
- commuted sum of £45,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Over Peover



# WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KN1

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## Application for **Full Planning**

**RECOMMENDATION : Approve subejct to a Section 106 Agreement and the following conditions**

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A12EX - Fenestration to be set behind reveals
6. A20EX - Submission of details of windows/doors including materials and finish
7. A01GR - Removal of permitted development rights
8. A07GR - No windows to be inserted
9. A22GR - Protection from noise during construction (hours of construction)
- 10.A12HA - Closure of access
- 11.A07HA - No gates - new access
- 12.A01HP - Provision of car parking
- 13.A30HA - Protection of highway from mud and debris
- 14.A01LS - Landscaping - submission of details
- 15.A04LS - Landscaping (implementation)
- 16.A12LS - Landscaping to include details of boundary treatment
- 17.A04MC - Electromagnetic protection (Jodrell Bank)
- 18.A08MC - Lighting details to be approved
- 19.A17MC - Decontamination of land (Phase II Report required)
- 20.A19MC - Refuse storage facilities to be approved
- 21.A06NC - Protection for breeding birds
- 22.A01TR - Tree retention
- 23.A02TR - Tree protection
- 24.A05TR - Arboricultural method statement
- 25.A02NC - Implementation of ecological report
- 26.Construction of new junction prior to construction of any other part of the development
- 27.Construction of highways (manual for streets layout)
- 28.Provision of Bat Loft
- 29.Provision of Barn Owl Nesting Boxes
- 30.Provision of facilities for breeding birds
- 31.Prior to the occupation of the dwellings, in the absence of a scheme for redevelopment having been implemented, Building A shall be demolished

