

**STRATEGIC PLANNING BOARD – 24 October 2012**

**UPDATE TO AGENDA**

**APPLICATION NO.**

12/1578M

**LOCATION**

Land adjacent to Coppice Way, Handforth

**UPDATE PREPARED**

22 October 2012

**RECOMMENDATION**

Further to the original report, and for clarification purposes, the recommendation for the application is:

Approve subject to a Section 106 Agreement, which secures:

- Occupation by persons over 55 years.
- Operational plan for care village to be submitted and approved.  
Mechanism of implementation to be agreed (different operators).  
Operational plan to remain in operation in perpetuity.
- Provision of individual travel plans for the care home and close care cottages, and associated monitoring fees.
- Provision of (shared ownership) affordable housing at 80% of market value in perpetuity.
- Timing of development to ensure provision of all aspects of care village - care home, cottages and affordable housing.
- Provision of 10 year landscape (including open spaces and communal areas) and habitat (including pond design and provision of all European protected species mitigation) management plan.
- Commuted sum of £76,000 (indexed from 2008) towards public open space to implement Handforth Woodland enhancement project.

And the following conditions:

1. A07OP - Time limit on outline permission
2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters
4. A02EX - Submission of samples of building materials
5. A04NC - Details of drainage
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Pile Driving
8. A14TR - Protection of existing hedges

9. A12LS - Details of boundary treatment to be agreed
10. A06NC - Protection for breeding birds
11. A08MC - Lighting details to be approved
12. A19MC - Refuse storage facilities to be approved
13. A01GR - Removal of permitted development rights
14. A04HP - Provision of cycle parking
15. A01MC - Noise insulation to be approved
16. A01AP – Development in accordance with approved plans
17. Assessment of traffic noise to be submitted
18. Phase II contaminated land report to be submitted
19. Public footpath to be diverted and upgraded
20. Updated badger survey prior to commencement
21. Provision of decentralised / renewable energy to meet 10% predicted energy requirements.
22. Enhancement for breeding birds and roosting bats
23. Development to be carried out in accordance with ecological reports
24. Occupation by Cheshire East residents or those with a local connection to the Borough

**STRATEGIC PLANNING BOARD – 24 OCTOBER 2012**

**UPDATE TO AGENDA**

**APPLICATION NO: 12/1670C**

**LOCATION: LAND AT HASSALL ROAD, ALSAGER**

**UPDATE PREPARED 23 October 2012**

**APPLICATION DETAIL - CORRECTION**

The description of development has been altered during the course of the application. It is confirmed that the proposal includes 9 affordable units , not the 10 no affordable units as referred to in the Committee Report.

The Description should read;

**ERECTION OF 30 DWELLINGS (INCLUDING 9 AFFORDABLE DWELLINGS), VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING.**

This will still equate to 30% affordable housing required by the Councils Affordable Housing IPS.

**CONSULTATIONS**

**Alsager Town Council**

Raise objection to the site access located directly opposite the rear entrance to the school; they do not refer to Crewe Road in their objection as stated in the Report.

The Town Council consider that the Ecological Report submitted in support of the application is insufficiently detailed with respect to the ability of the site to form habitat of the Great Crested Newt.

The Applicants Licensed ecologist has confirmed the site was surveyed on the 9th, 24th, 27th of July and 15th, 22nd, 28th of August and 4th September 2012. Whilst the site inspections were undertaken primarily for reptiles and badgers, artificial refuges were placed on the site which would be attractive to reptiles but they are also suitable for use by amphibians. They found no evidence of Great Crested Newts throughout the period.

The site, whilst being unsuitable for Great Crested Newt breeding, is also very low quality for reptiles which require warm dry ground. The site is therefore considered to be too wet and cold for reptiles, but not wet enough for Great

Crested Newts. The Council's Ecologist, considered this information and raises no issue with regard to the newt.

The suggested mitigation in the form of a financial contribution has been clarified to ensure consistence with the CIL Regulations.

### **Comment**

The Highways Engineers raises no objection subject to the provision of the site access opposite the rear entrance to the school. Very good visibility is provided to a site that is already on a traffic calmed road.

The Councils Ecologist raises no objection to the proposals subject to appropriate mitigation for the loss of habitat and the suggested conditions.

### **United Utilities**

The routes of United Utilities infrastructure has been clarified. A SW sewer runs across the front of the site, parallel to Hassall Road, and is taken account of within the Flood Risk Assessment submitted. The easement area, as required by UU is within the open front garden areas of the proposed dwellings.

A 225mm diameter pumped Foul Water main runs in a north-south direction, immediately to the west of the site shown on the enclosed records. This pumped main and its related easement lies at the north west point of the site and therefore only encroaches slightly near to the proposed pump station.

The gravity fed pumping station will be mainly underground with a small kiosk above ground. All pumping equipment will be below ground.

Overall, it is considered that the layout can be achieved and accordingly UU have not raised an objection to this scheme.

### **Recommendation**

The Recommendation and suggested conditions are unchanged, however, the original Heads Of Terms need to be amended to reflect the application detail with specific regard to the reduction in affordable housing to 30% and clarification of the ecological mitigation

#### **APPROVE subject to a Section 106 Legal Agreement to Secure:**

Provision affordable housing provision on site in the form 4 x 2 bed & 2 x 3 bed as rented affordable units and 2 x 2 bed & 1 x 3 bed

- Provision affordable housing provision on site in the form 4 x 2 bed & 2 x 3 bed as rented affordable units and 2 x 2 bed & 1 x 3 bed as intermediate housing
- Amenity green space contribution in lieu of on site provision:

|  |             |
|--|-------------|
| Recreation Space - Enhanced Provision: | £ 9,523.28  |
| Maintenance:                           | £31,044.00  |
| Open Space -Enhanced Provision:        | £ 5,494.32  |
| - Maintenance:                         | £12, 298.00 |

- Education commuted sum in lieu of primary provision - £54,231
- Commuted sum of £6000 as compensation for loss of reptile habitat which the Council will utilize to fund measures to mitigate/ enhance areas of heathland to protect/ enhance reptile environments in Alsager
- Commuted sum of £4000 for future maintenance of the trees in highway on Hassall Road

## **STRATEGIC PLANNING BOARD - 24<sup>TH</sup> OCTOBER 2012**

### **UPDATE TO AGENDA**

#### **APPLICATION NO.**

12/1998C

#### **LOCATION**

Land off Hassall Rd, Sandbach

#### **UPDATE PREPARED**

23<sup>rd</sup> October 2012

### **Representations**

In addition to their initial objection, **Sandbach Town Council** has submitted a supplemental statement to their objection. This states the following:

- This is a speculative application to build on a green-field site at the edge of the town. STC objects to the development of green-field sites when brown-field sites are still available. Planning permission has been granted for almost 500 houses on such sites in the town, but work is only just beginning there.
- The site is on the edge of the town, &, should permission be given, would extend the settlement line into open country. There would be an incentive in the future for developers to seek permission to extend this even further, as has been seen at Elworth Hall Farm, where an initial small development has been followed by an application for a second, much larger one.
- We are waiting for a final decision on two large developments, on Hind Heath Road & the Abbeyfields. It is possible that a further 400+ houses could be built in Sandbach as a result. Until that is settled, it is surely premature to give permission for further development.
- The site would be extremely car dependent. Public transport links are not very good, & few facilities are within acceptable walking distance.
- There is strong local opposition to excessive development in Sandbach: approximately 2 000 people recently took part in a protest march.
- This development is opposed by local residents, Sandbach Town Council, & the CEBC ward councillor: this opposition is supported by our Member of Parliament.

**Cllr Corcoran** wishes it to be known that he has not seen the report from the Council's Environmental Protection Unit and so has not been able to comment on it, but understands the concerns of local residents about having a sewage pumping station so close to their houses. Cllr Corcoran has seen enough from the links that Mr Cresswell has provided to realise that their concerns are reasonable.

**Representations** - Concerns about the proposed foul water pumping station have been expressed by the occupants of the nearest properties. Mr Cresswell, the occupant of no. 75 has stated that:

"This Sewage pumping station will omit noise and smells, and due to its close proximity to my (small) garden and being within a few metres of my Decking area and conservatory it will directly affect my use and enjoyment of my property.

This is contrary to the Human Rights Act of 1998, Article 1, protocol 1. "the right to own property and have peaceful enjoyment of that property".

The EU states that property is considered one of the key concepts of the legal order.

To approve this plan with its direct effect on the amenities of the owners and occupiers of Numbers 75 and 77 Hassall road due to the emission of noise and odours and this is a de facto expropriation of our rights and our amenities. The parties thus injured would seek compensation from Cheshire East Council.

The members here deciding this matter represent the state, and the state does not have the right to cause deprivation, or partial deprivation of the enjoyment of these properties".

Mr Cresswell has also provided links to 3 newspaper articles reporting on cases where problems have arisen at existing foul water pumping stations. Whilst these articles report problems of noise, fumes and general disturbance, these have been as a result of mechanical failure of the station/s which has required them to be pumped, drained and then transported by road by tankers whilst the station/s have been repaired. Thus, the issues reported were not generated by the operation of the station/s themselves.

### **Officer Comments**

#### **Foul Water Pumping Station**

Concerns have been expressed regarding the proposed installation of a foul water pumping station, directly to the rear of no. 75 Hassall Road. Local residents are concerned about the potential impact on their residential amenity as a result of noise and / or odours emanating from the plant. The

Council's Environmental Protection Unit has assessed the detail of the proposed installation.

The proposed foul water pumping station would be placed predominantly below ground. The only part situated above ground would be a small kiosk which would house the control board for the system only. All pumps, mechanical equipment and noise generative apparatus would be positioned below ground and therefore the potential for noise disturbance would be limited.

Additionally, all systems must be installed to United Utility standards, which include noise levels and odour control. United Utilities have not objected to the application and as such, it is not considered that the installation of a foul water pumping station would significantly harm the amenity of the nearest neighbouring properties by reason of noise or odour. On this basis, it is not considered that this proposal would give rise to issues relating to human rights.

### **Fire Access**

Cllr Corcoran has expressed concern about fire safety and lack of access to no. 65 Hassall Road. The issue of fire access and distances is covered under separate legislation, namely Building Regulations. Highways have confirmed that a fire engine will be able to access the site and turn within it. Where the fire engine or pump cannot directly access properties (i.e. those in the corner of the site), the units should be within 45m reach. This proposal meets that requirement.

With respect to no 65, this is an existing property. The proposal does not worsen the current situation. However, there may be scope for a fire engine / pump to get close to the side of no. 65 by accessing it from within the site and therefore could offer betterment by reducing the distance.

### **Affordable Housing**

The applicant proposes that 8 of the dwellings (65%) are affordable rent rather than social rent. The Housing Officer has assessed the application on that basis and has not objected to the proposal. As such, the resolution should read:

- “30% affordable housing (12no. units), split on the basis of 65% social rent or affordable rent and 35% intermediate tenure as per the requirements of the interim planning statement.”

### **RECOMMENDATION**

No change to the recommendation. Resolution to include affordable or social rent.