

Southern Planning Committee

Updates

Date: Wednesday 6th February 2019
Time: 10.00 am
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. **18/2413C Land Adjoining Meadowview Park, Dragons Lane, Moston: Change of use of land from agricultural land for stationing of caravans for residential purposes by 1 gypsy-traveller family including utility building, hard standing, septic tank, fencing & gates, and shed/dog kennel, part retrospective for Ms D S Smith (Pages 3 - 6)**
6. **18/4879N Northern Dairies, Groby Road, Crewe CW1 4PE: Change of use from Milk Dairy Storage and Distribution (B8) to metal fabrication company with associated workshops, offices and yard (B2) (re-submission of 18/1270N) for Mr Paul Carruthers, Pegasus Mechanical Installations Limited (Pages 7 - 10)**
7. **18/1725C Land Adjacent To 68, Close Lane, Alsager: Proposed residential development of 16 no. dwellings with access and layout applied for, as a re-submission of application 16/2993N for Pembroke Homes Ltd & Nichola Jane Beach (Pages 11 - 12)**

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SOUTHERN PLANNING COMMITTEE – 6th March 2019

UPDATE TO AGENDA

APPLICATION NO.

18/2413C

LOCATION

Land Adjoining Meadowview Park, DRAGONS LANE, MOSTON

UPDATE PREPARED

Additional consultee comment

National Grid – None received at time of writing this report.

Officer comment

National Grid initially gave a holding objection when consulted for the application. This advised that they would respond within 21 days. This time has since lapsed and no further response has been received despite officer requests.

The site also lies to the north of the pipeline which is located over 20m away. The proposal is also retrospective and thus any impact would already exist.

It is also noted that the sites to the East which were refused on safety grounds had the pipeline running through the application site which is not the case here.

Given the distance and the absence of objection from National Grid there is no justification to refuse the application on safety grounds.

Clarification regarding the definition of a traveller

The main officer's report notes that there has been a change to the definition in the Planning Policy for Traveller Sites 2015, which has removed, *'those who have ceased to travel permanently'*, from the definition of Travellers for Planning purposes.

The Glossary of the PPTS 2015 states that,

'1. For the purposes of this planning policy "gypsies and travellers" means: *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

2. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.’

Officer comment

Therefore, the change in the definition means that for the purposes of assessing the 5 year need for Traveller sites, those that do not travel any more and have no intention of living a nomadic habit of life in the future eg. retired, however this does allow for temporary ceasing of travel, for educational/health issues.

In this case the applicant states they have been living a nomadic life for the last 10 years + / since becoming a couple and now due to the health and educational needs, the family require a permanent base whilst using these services in the local area. Therefore the applicants are considered to have ceased to travel temporarily, not permanently.

Paragraph 27 of the PPTS states that, *‘If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.’* The footnote then goes on to state, *‘There is no presumption that a temporary grant of planning permission should be granted permanently’.*

Therefore as set out in the main officers report this site is not considered to be suitable for permanent permission, for a number of reasons, however as there is an outstanding need for Travellers sites in the Borough, and no clear indication of alternative allocated sites (at this time), it would be reasonable to allow temporary permission until 28th February 2021, to allow the draft SADPD to be examined and adopted.

Furthermore, for clarity the full wording of condition 1 has been specified below which requires the site to be restored back to its former condition once the temporary period of the 28th February 2021 expires.

Therefore the officer’s recommendation for approval still remains, with the additional clarification of condition 1.

RECOMMENDATION

The recommendation as stated of APPROVAL with conditions remains with the clarification of condition 1,

- 1) The use hereby permitted shall be for a limited period expiring on, 28th February 2021. The use of the land as a residential caravan site shall be discontinued and the land restored to its former condition on or before the 28th February 2021.

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SOUTHERN PLANNING COMMITTEE – 6TH FEBRUARY 2019

UPDATE TO AGENDA

APPLICATION NO.

18/4879N

LOCATION

NORTHERN DAIRIES, GROBY ROAD, CREWE, CW1 4PE

UPDATE PREPARED

4th Feb2019

FURTHER REPRESENTATION FROM THE APPLICANT

The Applicant, in addition to accepting the EHO's requirements for compliance with the submitted Noise Management Plan (NMP), has suggested an absolute noise level condition in response to Officer concerns about the enforceability of conditions requiring compliance with the measures put forward in the Noise Management Plan. The suggested condition is -

'The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 40 dBA L90 [35 dBA L90 on Saturdays] by more than 5 dB between 08:00hrs and 18:00hrs Monday to Saturday. The noise levels shall be determined at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS 4142:2014.'

FURTHER REPRESENTATION FROM THE OBJECTORS

Another Noise Consultant has disputed the enforceability and achievability of the suggested absolute condition at all times. This Consultant re-iterates comments made by the EHO in the previous refused application concerning the enforceability of the NMP. As they consider the NMP to be unimplementable and the noise levels limit to be unachievable, they consider the suggested condition to be unreasonable.

The Noise Consultant retained by the neighbours considers that the noise data submitted by the applicant is not reliable, is erroneous, only measured for 1 hour at a time (0.816-09.16) when traffic noise was high and makes no allowance for the tonality/impulsivity and random nature of the noise at the site.

The Noise Consultant has reviewed the noise assessment of the Applicant and extrapolates as follows -

Table 1 Comparison of SBM Assessment and REC Assessment

BS4142:2014 Assessment	SBM Simultaneous Level – All Equipment	REC Simultaneous Level – All Equipment
$L_{Aeq,T}$ dB Levels	42	42
Tonality Correction	2	2

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Susan Orrell
Cheshire East Council
February 2019
AC107025-1r0

BS4142:2014 Assessment	SBM Simultaneous Level – All Equipment	REC Simultaneous Level – All Equipment
Impulsivity Correction	0	3
Intermittency Correction	0	3
Other Sound Characteristics	0	0
Rating Level, $L_{A,r}$	44	50
Background Sound Level, L_{A90}	40	35
Difference, +/-	+4	+15
Outcome	Likely Indication of Adverse Impact	Significant Adverse Impact

OFFICER COMMENT

The Environmental Health Officer has considered the noise condition suggested by the Applicant and advises that this will be achievable within the context of the satisfactory implementation of the mitigation measures stipulated in the Noise Management Plan and that BS4142:2014 is the appropriate standard to apply.

She also advises that the level of 5dB above background is the noise level which the (BS) standard states anything above 5db above background there may be the potential for noise complaints.

It is considered that an absolute noise level condition would be enforceable and would safeguard the amenity of neighbouring residential uses, including the residential use at the adjacent menage. This would address Officer Concern concerning the amenity of neighbours as detailed in the main report.

The Environmental Health has considered the Objectors appointed noise consultants critique of the noise data in this case and does not change her opinion of the noise issues or her recommendation of temporary approval. She remains of the view that the measures indicated in the NMP will satisfactorily address her previous concerns. She also considers that the suggested 12 month temporary condition is a further safeguard.

On this basis, it is considered that temporary permission should be granted in this case. The onus is on the Applicant to comply with the suggested conditions.

RECOMMENDATION

Approve subject to the following conditions:

1. The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 40 dBA L90 [35 dBA L90 on Saturdays] by more than 5 dB between 08:00hrs and 18:00hrs Monday to Saturday. The noise levels shall be determined at the site boundary. The measurements and assessment shall be made according to BS 4142:2014.

Reason: To safeguard the amenity of neighbours having specific regard to noise and disturbance

2 The premises shall operate, including deliveries to and goods being despatched from the premises, only between the hours 08.00 hrs to 18.00 hours on Monday to Saturday. The premises shall not operate at all on Sundays and Bank Holidays for the use hereby granted.

Reason: To safeguard the amenity of neighbours having specific regard to noise

3. The use hereby permitted is temporary. It shall discontinue on or before 5 February 2020 unless in the meantime a further application has been submitted to and approved by the Local Planning Authority. Any future application shall be supported by a noise survey at the boundary, the durations, location and timings of which shall be agreed with the Council Environmental Health Officer prior to submission

Reason: To enable continued control and appraisal of the development proposed having regard to the particular circumstances and nature of the development.

4. The recommendations of the Noise Management Plan submitted with regard to the operational practises of the Applicant shall be implemented immediately upon the grant of permission. The recommendations requiring the filing of holes, the installation of cladding to the premises and use of acoustic screens shall be fully implemented with 2 months of the date of this permission, in accordance with a scheme of improvements to be submitted and approved within 14 days of the date of this permission

Reason: To safeguard the amenity of neighbours having specific regard to noise and to define the permission

SOUTHERN PLANNING COMMITTEE – 6th March 2019

UPDATE TO AGENDA

APPLICATION NO.

18/1725C

LOCATION

LAND ADJACENT TO 68 CLOSE LANE, ALSAGER

UPDATE PREPARED

Revised offer

The committee report advises that the proposal is contrary to affordable housing policy SC5 as it is x2 units shy of the x5 units to be policy compliant and as such refusal is recommended.

After negotiations the applicant has since confirmed that they would provide the full x5 units with a split of x2 affordable rent housing and x3 discounted open market sale properties.

Officer comment

The proposal now provides the policy compliant x5 affordable houses. Whilst the proposal is technically contrary to the recommended housing split as required by the policy (65% affordable rent housing and 35% intermediate affordable housing) the shortfall is the simply the substitution of a rented property to a discounted market dwelling. Given the small scale nature of the scheme and given the findings of the viability report that the scheme is only able to deliver up to x3 affordable units, this is considered to be a reasonable compromise.

The revised offer has also been deemed acceptable by the Councils Housing Officer.

As a result this is considered to tip the overall planning balance in favour of the proposal and as such the recommendation is now for approval.

Recommendation

APPROVE subject to conditions, Section 106 Agreement and the below Heads of Terms:

S106	Amount	Triggers
Affordable Housing	30% (x2 units Affordable Rent x3 units%)	In accordance with phasing plan

	Intermediate)	
Education	Contribution of £32,685 towards secondary school provision	100% prior to occupation of the 10 th dwelling
Trees	Residents management and maintenance agreement in perpetuity for the incidental public open space, the pond and the tree belt to the north-western and south-western boundaries	Prior to first occupation

And the following conditions:

- 1) Time limit
- 2) Reserved matters
- 3) Approved plans
- 4) Levels
- 5) Replacement pond
- 6) Incorporation of gaps for hedgehogs
- 7) Bird survey
- 8) Features for breeding birds
- 9) Foul and surface water drainage
- 10) Drainage strategy
- 11) Visibility splays to be provided
- 12) Landscape scheme including details to mitigate the loss of tree from the eastern boundary
- 13) Boundary treatment
- 14) Travel information pack
- 15) Electric vehicle charging points
- 16) Low emission boilers
- 17) Contaminated land – contamination not previously identified
- 18) Contaminated land – importation of soil
- 19) Housing mix
- 20) Woodland management scheme for the trees to the north-western and south-western boundaries
- 21) Arboricultural impact assessment