



# **Southern Planning Committee**

## **Updates**

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**Date:** Wednesday, 30th July, 2014  
**Time:** 1.00 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.

**Updates** (Pages 1 - 12)

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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 COMMITTEE – 30<sup>TH</sup> JULY 2014**

**UPDATE TO AGENDA**

**APPLICATION NO.**

11/3349C

**LOCATION**

*Plot 1, Land Adjacent to 6, Heath End Road, Alsager, ST7 2SQ.*

**UPDATE PREPARED**

28<sup>th</sup> July 2014

**Ecology**

Information provided in the Ecology –Protected Species & Nature Conservation section of the report on application number 14/2269C (Item 7 on this agenda), is also relevant to this application. This is set out below.

*Great Crested Newts*

Numerous ponds, many of which are garden ponds, are located within 250m of the proposed development. A number of Great Crested Newt surveys have been undertaken of these ponds over an extended time period, with the most recent surveys being undertaken of two of the ponds in 2014. These surveys have recorded Great Crested Newts as being present at a number of ponds.

One nearby garden pond which had previously been identified as supporting Great Crested Newts during an earlier survey currently holds no water and does not now function as a pond. This particular pond therefore now offers no opportunities for breeding Great Crested Newts.

A further garden pond has recently been identified by a local resident. This pond has been subject to a preliminary survey, which did not result in any evidence of Great Crested Newts being present, however the survey was a single visit only and so is insufficient to robustly establish the presence or likely absence of breeding Great Crested Newts. It is considered that, on balance, based on the small size of this pond and the level of survey work undertaken to date it is not reasonably likely that this pond supports a breeding population of Great Crested Newts and so no further surveys of this particular pond are required.

It is considered that the Council has sufficient information to conclude that the ponds surrounding the development support a medium sized metapopulation of Great Crested Newts.

The application site itself consists of very closely mown grassland which provides no opportunities for Great Crested Newts to shelter or hibernate. The grassland offers opportunities for foraging newts, however there is abundant similar habitat located around the development site and this minor loss would be compensated for through the proposed enhancements to the existing pond discussed below.

In the absence of mitigation the proposed development would pose the risk of disturbing, killing or injuring any Great Crested Newts that ventured onto the site during the construction phase. To mitigate this impact the applicant is proposing that the development be undertaken in accordance with a method statement of 'Reasonable Avoidance Measures' designed to address this risk.

It is considered that provided the proposed mitigation measures are implemented, the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the requirements of the Habitat Regulations during the determination of this application.

If planning consent is granted a condition should be imposed requiring development to proceed in strict accordance with the Mitigation and Compensation Strategy submitted with the application.

As part of the application a package of ecological enhancements are proposed which centre around the restoration and enhancement of the pond adjacent to the proposed development. It is considered that the proposed restoration of the pond has the potential to deliver significant ecological benefits. It is therefore recommended that the implementation of the proposed enhancement measures should be secured by condition in the event that planning consent is granted.

As Great Crested Newts may be present in the vicinity of the pond proposed for enhancement, there is a risk that they could be disturbed, killed or injured during the implementation of the enhancement works. To address this risk the applicant has proposed that the enhancements be undertaken under a method statement which includes the timing and supervision of the works. It is considered that if the enhancements works are undertaken in accordance with the submitted method statement the works would not be likely to result in an offence under the Habitat Regulations.

If planning consent is granted a condition must be attached to ensure the pond enhancement works proceed in strict accordance with the submitted Great Crested Newt (GCN) Method Statement for Pond Enhancement Works produced by UES dated July 2014.

It is also recommended that the condition specifies a trigger for when the habitat restoration and enhancement works should be completed; this should be prior to first occupation of the dwelling. The Council's Principal Nature Conservation Officer should inspect the works when completed before the Local Planning Authority discharge the condition.

In order to secure the long term viability of the enhanced pond it is recommended, that if planning consent is granted, a condition be attached to secure the submission and implementation of a long term habitat management plan for the enhanced pond and the retained and enhanced areas of habitat around the development site.

In accordance with Natural England's standing advice it is recommended that if consent is granted, an informative should be attached advising the applicant that in the event that Great Crested Newts are unexpectedly encountered during works, that they should cease immediately and further advice be sought from an appropriately licensed ecologist or Natural England.

### *Previous Applications*

As discussed in this report, two applications have been accepted on the site, albeit that one does not yet have a decision. At the time that these decisions were taken, the Council considered that the long term habitat management plan should be secured for a period of 80 years by Section 106 Agreement.

Since these decisions were considered, an application was refused, taken to appeal and subsequently quashed (12/4872C). That site is immediately to the rear of the application site and the proposal was for a development of up to 155 houses. As with this application, Great Crested Newts are a constraint on the site. During the appeal process, it was agreed in the statement of common ground, that a long term management plan could be secured by condition for a period of 10 years. In the light of this it is considered that the Council should apply the same approach to this application. Especially as this application relates to only a single dwelling.

Having regard to the application that Committee resolved to approve, subject a legal agreement in May 2013 (11/3349C), it is considered that this should be brought back to committee in order that a similar approach can be taken as has been set out above. As such that application also forms part of this agenda.

### *Reptiles and common toad*

Grass snakes have previously been recorded on site. Whilst detailed reptile surveys undertaken on land to the north of the application site did not record any evidence of reptiles it is considered that there remains the possibility that grass snakes may still occur within the broader locality of the application site. Similarly, considering the number of ponds in the broad locality there is also the possibility that common toad may occur. The footprint of the proposed development however; offers negligible habitat for reptile species and minimal opportunities for common toad.

It is considered that the proposed development poses a minimal risk to reptiles and Common Toad and the submitted Great Crested Newt mitigation would also further reduce the risk posed to these species.

### *Breeding Birds*

If planning consent is granted it is recommended that standard conditions should be imposed to safeguard breeding birds.

#### *Bats*

Two mature oak trees on site will be subject to crown lifting works as part of the proposed development. These trees have potential to support roosting bats. However, based on advice from the Council's Principal Forestry and Arboricultural Officer, it is considered that the level of works anticipated to the trees would not be reasonably likely to result in any significant risk to roosting bats. No offence in respect of roosting bat is therefore likely to occur.

If consent is granted, additional provision for bats could be provided as part of the proposed development. This matter should be dealt with by means of a condition.

#### *Hedgerows*

Hedgerows are a UK Biodiversity Action Plan priority habitat and hence a material consideration. A hedgerow located on the north western boundary of the application located between the grassland areas of the application site and the adjacent retained habitat area has been identified as being species rich. This hedgerow will be removed as part of the development, however this is part of the wider ecological enhancements to the pond and as such is considered to be acceptable.

### **Recommendation**

No change to the recommendation in the report.

**SOUTHERN PLANNING COMMITTEE – 30<sup>TH</sup> JULY 2014**

**UPDATE TO AGENDA**

**APPLICATION NO.**

14/2269C

**LOCATION**

*Heathlands, Land off Heath End Road, Alsager.*

**UPDATE PREPARED**

28<sup>th</sup> July 2014

**Comments from the Applicant and a Member of the Town Council**

The applicant has submitted a letter calling into question issues discussed at the planning meeting of Alsager Town Council on 1<sup>st</sup> July 2014. The Council has not received the minutes of this meeting nor were they available on the Alsager Town Council website at the time this update was prepared.

However in his letter, Mr Girvin refers to the expenses of members of Alsager Town Council being met by the tax payers of Cheshire East. Councillor Harry Mawdsley, who is a member of the Town Council, has refuted this stating that:

*“Unfortunately I was not present at the recent Planning Meeting and therefore know little about the application. I would however seek to correct your assumption that Alsager Town Councillors receive expenses. We simply take on the role to represent the people of Alsager and receive no expenses whatsoever. Only Cheshire East Councillors receive any form of remuneration.”*

**Recommendation**

No change to the recommendation in the report.

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**SOUTHERN PLANNING COMMITTEE UPDATE – 30<sup>th</sup> July 2014**

**APPLICATION NO:** 14/2594N

**PROPOSAL:** Proposed steel portal frame building for a cow cubicle shed

**ADDRESS:** Red Hall Farm, Alvaston, Nantwich, Cheshire, CW5 6PB

**APPLICANT:** Mr P Vaughan

**PROW:** No objection colleagues state that the development will not affect a PROW

**Environment Agency:** No objection

**RECOMMENDATION**

**The recommendation remains unchanged**

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**SOUTHERN PLANNING COMMITTEE – 30<sup>th</sup> July 2014**

**UPDATE TO AGENDA**

**APPLICATION No.**

**14/2671C** – New 3G artificial sports pitch facility

**LOCATION**

Holmes Chapel Comprehensive School, Selkirk Drive, Holmes Chapel, Cheshire, CW4 7DX

**UPDATE PREPARED**

25<sup>th</sup> July 2014

**APPLICANT'S SUPPORTING INFORMATION**

Since completion of the Committee Report, the applicant has submitted 2 revised layout plans. The first of these sought the following changes;

To the north of the proposed pitch;

- Changes to the fence line
- Path alignment
- Planting
- Removal of a retaining wall

The second of the revised plans superseded the above and sought the following changes;

- Change in size of the proposed western earth bund from approximately 1.8 metres in height, 67 metres in width and 13.5 metres in depth to 2 metres in height, 47 metres in width and 16 metres in depth.
- Creation of a new bund to the immediate east of the proposed 3G pitch. This bund would measure approximately 2.5 metres in height, 46 metres in width and 17 metres in depth.
- Inclusion of a French drain
- Re-location of planting on the eastern bund so its sits on the crown

All these changes fall within the 'red edge' of the application site.

In addition, a letter from school detailing; the reasons for the location of the pitch, clarification of the hours of use and details of how the local residents concerns have been taken on board with regards to the reduction of bund height.

**CONSULTATIONS (External to Planning)**

Since the completion of the Committee Report, the following additional consultation responses have been received;

**Environment Agency** – No objections, subject to the addition of an informative relating to Arclid Brook.

#### **OTHER REPRESENTATIONS:**

2 further letters of support have been received since the completion of the committee report.

#### **OFFICER REPORT**

The change to the western bund and the proposed new bund to the immediate east of the proposed 3G pitch would be significant enough away from the closest neighbouring dwellings to the site so not to create any issues in relation to loss of light, visual intrusion or loss of privacy.

They are also not considered significant enough to create any landscaping concerns. This is further supported by the fact that the entire site is well screened by tall, mature boundary treatment.

The proposed additional planting on the eastern bund would help alleviate any privacy concerns raised by the nearby residents.

The consultation response from the Environment Agency confirms that the proposal creates no significant flooding concerns.

As such, the recommendation of the proposal remains unchanged.

#### **RECOMMENDATION**

**No change to recommendation**

**SOUTHERN PLANNING COMMITTEE – 30<sup>th</sup> July 2014**

**UPDATE TO AGENDA**

**APPLICATION No.**

**Deed of Variation to 12/0893C** – for the erection of up to 65 dwellings

**LOCATION**

Crewe Road, Alsager

**UPDATE PREPARED**

28<sup>th</sup> July 2014

**APPLICANT'S SUPPORTING INFORMATION**

Since completion of the Committee Report, the applicant has been in contact to say that there is the possibility of the intermediate dwellings being delivered by a Registered Provider as Shared Ownership. As such, in order to make sure that this option is available then the following additional variation to the s106 would be required: -

- Introduction of a 'shared ownership' definition that refers to the relevant parts of Discounted Housing for Sale that will apply to 'shared ownership'.
- A 'shared ownership scheme' definition. The definition to require the developer to submit such a scheme to the Council for approval.

This is in addition to the following variation from the Committee Report: -

- Introduction of a 'shared equity' definition that refers to the relevant parts of Discounted Housing for Sale that will apply to 'shared equity'.
- A 'shared equity scheme' definition. The definition to require the developer to submit such a scheme to the Council for approval.

**CONSULTATIONS (External to Planning)**

Since the completion of the Committee Report, the following additional consultation responses have been received;

**Housing** – No objections.

**OFFICER REPORT**

These changes have been negotiated with the Strategic Housing Manager who has agreed that they are acceptable. Without these changes the developer is not going to be able to sell the intermediate units and those in need of affordable housing will not be able to benefit from them.

The consultation response from Housing confirms that the proposal improves the options for the developer to deliver the affordable housing at this site.

As such, the recommendation of the proposal remains unchanged.

#### **RECOMMENDATION**

**In conclusion, the proposed variation is acceptable to the Strategic Housing Manager and the variation should be allowed.**