

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 19th November, 2014</b>
<b>Time:</b>	<b>1.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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**Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.**

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

To receive apologies for absence.

**2. Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

**3. Minutes of Previous Meeting (Pages 1 - 10)**

To approve the minutes of the meeting held on 22 October 2014.

**4. Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

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 11 - 48)

To consider the above planning application.

6. **14/1242C Former Arclid Hospital Site, Newcastle Road, Arclid: Proposed Housing Development Consisting Of 83 Dwellings for Mr Stephen Miller, Morris Homes Limited** (Pages 49 - 62)

To consider the above planning application.

7. **14/4242N Gresty Green Farm, Gresty Green Road, Shavington Cum Gresty, Crewe CW2 5AE: Variation of Condition 12 of 11/2212N - Minor Amendments to House Types and Layout for Jane Aspinall, Bellway Homes NW** (Pages 63 - 72)

To consider the above planning application.

8. **14/4530N Land Off Rope Lane, Shavington: Variation of Condition 1 of 14/1543N to Change the House Type on Plots 3, 7, 20, 35 And 72 for Wainhomes (Northwest) Ltd** (Pages 73 - 80)

To consider the above planning application.

9. **14/4247N 139 A, Wistaston Road, Willaston, Nantwich, Cheshire CW5 6QS: Erection of detached bungalow for J.R.Tonks Limited** (Pages 81 - 88)

To consider the above planning application.

10. **14/4462C Land Adjacent 6, Heath End Road, Alsager ST7 2SQ: Proposal for a Garage, Greenhouse, Kitchen Garden and Access (Resubmission of 14/3152C) for Mr Adrian Girvin** (Pages 89 - 98)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 22nd October, 2014 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, P Butterill, J Clowes, I Faseyi, S Hogben,  
P Groves, A Kolker and M A Martin

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors S Corcoran and D Hough

**OFFICERS PRESENT**

Patricia Evans (Lawyer)  
Peter Hooley (Planning & Enforcement Manager)  
Neil Jones (Principal Development Officer - Highways)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors D Bebbington, W S Davies, D Marren and S McGrory

**83 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

With regard to application number 14/2906N, Councillor R Bailey declared that she knew the applicant and her husband. She had not seen them recently, and had not discussed the application with them.

With regard to application number 14/2867C, Councillor A Kolker declared that he had called in the application. He had advised neighbours as a Ward Councillor but had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

With regard to application number 14/3853N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

All Members of the Committee declared that they had received correspondence from the Ward Councillor regarding application number 14/3862N.

With regard to application number 14/2906N, Councillor G Merry declared that she knew the applicant and her husband. They were not personal friends, and she had not discussed the application with them.

#### **84 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 24 September 2014 be approved as a correct record and signed by the Chairman.

#### **85 13/4081C CARDWAY BUSINESS PARK, LINLEY LANE, ALSAGER, STOKE-ON-TRENT ST7 2UX: OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP 110 DWELLINGS FOR MR J REDFERN, CARDWAY LIMITED**

Note: Councillor D Hough (Ward Councillor), Hon Alderman D Bould (on behalf of Alsager Residents Action Group and Alsager Town Council), Ms S Helliwell (objector) and Mr A Knott (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED –That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development will result in the loss of protected open space in an area of deficiency, as such the benefits of the proposal in terms of its contribution to the housing land supply in this area are outweighed by the adverse impacts upon the provision of open space in this locality. The proposal is therefore contrary to Policy RC2 of the Congleton Borough Local Plan First Review 2005, Policy CS12 of the Cheshire East Local Plan Strategy Submission Version 2014 and Para 74 of the National Planning Policy Framework.

#### **86 14/3624C LAND TO THE NORTH OF 24, CHURCH LANE, SANDBACH CW11 2LQ: ERECTION OF 13 DWELLINGS (RE-SUBMISSION 13/5221C) FOR CHELMERE HOMES LTD**

Note: Councillor I Faseyi left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor S Corcoran (Ward Councillor), Town Councillor A Wood (on behalf of Sandbach Town Council) and Mr G Clark (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That the application be REFUSED for the following reasons:
1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such the proposed development creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
  2. The proposed residential use would be subject to unacceptable levels of noise generated from the M6 Motorway. The site is not suitable for residential development due to the inability to mitigate noise to a satisfactory level for outside living/amenity areas without significant mitigation. Such mitigation in the form of the proposed 4 metre high noise attenuation barrier would appear visually intrusive and prominent and would appear detrimental to the character and appearance of the site and the area. The approval of the development would be contrary to Policies GR1, GR2 and GR6 of the adopted Congleton Borough Local Plan First Review and SE1, SD1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version, thereby causing harm to the objectives of those policies.

Informative: The Local Planning Authority expresses concern regarding the potential impact that the existing Air Quality would have on the residential amenity afforded to the future occupants of proposed dwellings owing to the close proximity of the development to the M6 Motorway.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

- (c) That, 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.

**87 14/4304C LAND OFF MOSS LANE, SANDBACH, CHESHIRE: OUTLINE APPLICATION FOR 13 NEW DWELLINGS FOR MR PETER RICHARDSON**

Note: Councillor S Corcoran (Neighbouring Ward Councillor) and Town Councillor A Wood (on behalf of Sandbach Town Council) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That the application be REFUSED for the following reason:

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.
- (c) That, 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, as follows:

1. A commuted payment of £6,842.20 towards off-site Public Open Space enhancement and maintenance
2. A commuted payment of £15,602.80 towards off-site Children's Play Space enhancement and maintenance
3. 30% Affordable Housing provision – All 4 units to be socially rented. Pepper-potted and tenure blind, provided no later than 50% occupation. Transferred to registered provider.

**88 14/0841N LAND OFF SPINNEY DRIVE, WESTON: RESIDENTIAL DEVELOPMENT OF 4 DETACHED HOUSES FOR G MCDERMOTT, CDM DEVELOPMENTS (NORTH WEST) LTD**

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

**89 14/2867C SANDY LANE, CRANAGE, KNUTSFORD CW4 8HR: CONSTRUCTION OF NEW HOUSE FOR HELEN EDWARDS**

Note: Mr I Armstrong and Mr J Volpicelli (objectors) and Miss J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time (Standard)
2. Plans
3. Prior submission of facing and roofing details
4. Prior submission of surfacing materials
5. Window obscure glazed and top-hung opening only (First-floor northern side elevation)
6. Landscaping (Details)
7. Landscaping (Implementation)
8. Boundary treatment
9. Tree retention
10. Tree protection
11. Arboricultural Method Statement
12. Prior submission of a drainage plan
13. Removal of PD rights – (Part 1 Classes A-E)
14. Removal of PD rights – (Part 2 Class A)
15. Breeding birds

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the

Chairman (or in her absence the Vice Chairman) 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.

**90 14/2906N 16, GAINSBOROUGH ROAD, CREWE CW2 7PH: CHANGE OF USE FROM C4 HMO TO SUI GENERIS 7 BED HMO FOR WENDY WHITTAKER-LARGE, WELCOME PROPERTIES**

Note: Councillor K Hickson (Ward Councillor) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Hickson to speak.

Note: Mrs W Whittaker-Large (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard time 3 years
2. Materials
3. Plans
4. Cycle Storage
5. Bin Storage

**91 14/3862N HORSE SHOE INN, NEWCASTLE ROAD, WILLASTON CW5 7EP: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF THE FORMER PUBLIC HOUSE AND OUTBUILDINGS AND ERECTION OF UP TO FOUR RESIDENTIAL UNITS WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS AT THE HORSESHOE INN, NEWCASTLE ROAD, WILLASTON FOR FREDERIC ROBINSON LTD**

Note: Mr P Hooley, Planning and Enforcement Manager, read a statement submitted by Councillor B Silvester (Ward Councillor), who was not in attendance at the meeting.

Note: Mr N Fillingham attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.



RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Details of materials to be submitted
6. Hours of Piling
7. Prior submission of a piling method statement
8. Prior submission of external lighting details
9. Prior submission of noise mitigation scheme
10. Prior submission of electric vehicle charging point details
11. Prior submission of a dust mitigation scheme
12. Prior submission of land contamination report
13. Prior submission of Boundary treatment
14. Removal of Permitted Development Rights (Classes A-E)
15. Safeguard breeding birds
16. Incorporation of features for breeding birds
17. No demolition until contract in place for redevelopment that has received full planning permission
18. Building recording condition

Informatives:

1. Standard
2. S184 Agreement
3. Hours of construction
4. Contaminated Land

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

**92 14/3538C SOMERFORD PARK FARM, HOLMES CHAPEL ROAD,  
SOMERFORD CW12 4SW: OUTLINE APPLICATION FOR A  
REPLACEMENT COVERED RIDING ARENA FOR MR & MRS KING**

Note: Councillor Rhoda Bailey left the meeting prior to consideration of this application.

Note: Ms A Freeman had registered her intention to address the Committee on behalf of the applicant but was not in attendance at the meeting.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard outline – development to commence within 3 years or within 2 years of approval of reserved matters
2. Application for approval of reserved matters to be made within 3 years
3. Submission of reserved matters
4. Development to be carried out in accordance with approved plans
5. Reserved matters to comply with scale parameters
6. Materials to be submitted to and approved
7. Landscaping Scheme including details of boundary treatments to be submitted
8. Landscaping implementation
9. Submission of Tree Survey / Arboricultural Method Statement
10. Accordance with Ecological Survey
11. Details of external lighting to be submitted

**93 14/3853N FORMER SIR WILLIAM STANIER COMMUNITY SCHOOL, BADGER AVENUE, LUDFORD STREET, CREWE: VARIATION OF CONDITIONS 23 (IN ORDER FOR THE AFFORDABLE HOUSING STATEMENT TO READ IN CONJUNCTION WITH THE SITE LAYOUT) ATTACHED TO PLANNING PERMISSION 14/1708N VARIATION OF CONDITIONS 2 (TO FACILITATE EXISTING ELECTRICAL EASEMENT SHOWN ON SITE MASTER PLAN) AND CONDTION 6 (TO SUBSTITUTE BRICK TYPE IBSTOCK RAVENSHEAD TO HOLLINGTON BLEND) ON APPLICATION 13/4382N FOR MR CHRIS BENT**

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Approved plans
2. Construction of Access
3. Provision of parking
4. Implementation of Materials – No approval for buff bricks
5. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
6. Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil

7. Submission, approval and implementation of details of any lighting prior to installation
  8. The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
  9. Implementation of submitted Travel Plan
  10. Implementation of submitted dust control measures
  11. The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.
  12. Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.
  13. Features for use by breeding birds and bats
  14. Implementation of boundary treatment
  15. Implementation of drainage scheme approved as part of application 14/0869D
  16. Implementation of cycle parking within scheme
  17. Implementation of landscaping
  18. Arboricultural Method Statement in accordance with the report reference SE467/J/01/DH
  19. Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings
  20. To be maintained as affordable housing in perpetuity in accordance with approved affordable housing statement
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) 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.

The meeting commenced at 1.00 pm and concluded at 3.50 pm

Councillor G Merry (Chairman)

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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

**SUMMARY RECOMMENDATION:**

- **APPROVE with conditions**

**MAIN ISSUES:**

- **Principle**
- **Visual impact**
- **Highway safety,**
- **Amenity**
- **Nature conservation.**

**SITE DESCRIPTION**

Ridley Bank Farm is located approximately 3.2km east of Bulkeley and 7.8km west of Nantwich.

The application relates to an area of agricultural land, located c.375m to the north of the farmstead and c.453m from the nearest third party dwelling, south of the development site. The site is situated between two areas of woodland, Ridley Wood, 144m to the west and Chesterton Wood, located 178m southeast of the development site.

The site is alongside an existing stoned access track which also serves an adjacent reservoir, telecommunications mast installation and slurry lagoon. A public right of way, which forms part of a network of paths in the vicinity, runs past the site.

The site located on a hilltop at approximately, 124m Above Ordnance Datum (AOD) and close to a triangulation point. The topography of the surrounding area comprises gently rolling hills.

**DETAILS OF PROPOSAL.**

Planning permission is sought for the installation of a single "Norwin" wind turbine with a height to blade tip of 47.6m.

## **PREVIOUS RELEVANT DECISIONS**

There are no relevant previous decisions

## **PLANNING POLICIES**

### **National policy**

National Planning Policy Framework  
National Policy Statement for Renewable Energy  
Planning Practice Guidance for Renewable and Low Carbon Energy

### **Local Plan policy**

NE.2 (Open Countryside)  
NE.19 (Renewable Energy)  
BE.1 (Amenity)  
BE.2 (Design Standards)

## **OBSERVATIONS OF CONSULTEES**

### **Manchester Airport**

No objection

### **Ministry of Defence**

No objection

### **National Air Traffic Control Service**

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, however this has been deemed to be acceptable.

## **Environmental Health**

No objection subject to the following conditions:

- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- 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.

## Cheshire Wildlife Trust

Has the following comments in respect of the above application:

### 1. *Bats*

- CWT notes that the applicant states (page 65 of the accompanying Environmental Report by VG Energy Limited in 2013) that, because the proposed turbine location is more than 50m from existing trees or woodland (in accordance with Natural England guidelines), a bat survey is not required. CWT considers that, although location of the turbine more than 50m from existing trees/woodland will minimise the risk of harm to existing bat populations, this does not preclude the need for bat surveys – refer to p4. of Natural England technical information Note TIN 051. Proposals should be based on up-to-date information.
- The edge of Ridley Wood (listed on the Cheshire Ancient Woodland Inventory) is c. 130m to the SW and the edge of Chesterton Wood is c. 230m to the SE of the proposed turbine position. Given the size and age (both date at least as far back as the mid-C19th) of each woodland block and their locations relative to one another, it is conceivable that there could be movement of bats between them, through the proposed turbine location. A bat activity survey would provide the necessary baseline information to establish whether or not the proposed turbine location could affect actively foraging bats.

### 2. *Great crested newts*

- The applicant claims that there are no 'water sources' within 50m of the proposed site. The OS map for the area shows at least one pond within 50m immediately to the north of the turbine. A further c. 11 ponds lie within 500m of the turbine. CWT considers that all of these ponds should, as a minimum requirement, be subjected to a habitat suitability index (HSI) assessment for great crested newts. The habitats surrounding the pond/s should also be assessed and any links between ponds identified. The results will help to provide the necessary information for the Planning Authority to determine that no harm will be caused by the proposal to a population of this European Protected Species.
- We trust these comments are constructive and will be taken into account when preparing your report.

## CPRE

- Wish to object strongly to the erection of a wind turbine in this location.

- The Government's planning practice guidance for renewable and low carbon energy, published in July 2013, is a 'material consideration in planning decisions and should generally be followed unless there are clear reasons not to' (para 2). There are therefore several clear points within this guidance that the CPRE believe gives Cheshire East Council strong material reasons to refuse this application.
- The guidance refers to how local planning authorities can identify suitable areas for renewable energy, clearly stating that the impact on the local environment needs to be taken into account and that the views of the local communities likely to be affected should be listened to (paragraph 8). The impact on both the local landscape and local amenity from a wind turbine being located here outweighs the very limited benefit from the energy that this turbine would generate. This is further supported in paragraph 15 which states that when considering planning applications, it is important to be clear that protecting local amenity is an important consideration which should be given proper weight in planning decisions. The CPRE believe that if the local amenity of this area is given proper weight by the Council, this application will be refused.
- The new government guidance also encourages local planning authorities to use the Local Plan process to identify areas which are suitable for renewable energy such as wind turbines. The CPRE would encourage the Council to adopt this approach as the Local Plan is progressed as there may be other more appropriate locations within the Council area where wind turbines may be appropriate. This site on Ridley Bank Farm is however, not an appropriate site. Assessing possible locations through the Local Plan would give Cheshire East Council further robust justification for refusing future speculative applications on clearly inappropriate sites such as this.
- *This is within a beautiful area of Cheshire Countryside - and on high ground. Its within an ASCV (Area of Special County Value) so it warrants a formal LCA (Landscape Character Assessment). The CPRE note that the Landscape Officer for Cheshire East is one of the consultees - and look forward to seeing his report to the planning committee. In the CPRE's opinion the impact on landscape in this sensitive location is not acceptable.*

## **VIEWS OF THE PARISH / TOWN COUNCIL:**

### **Bulkeley and Ridley Parish Council**

Strongly object to this application for a wind turbine on the following grounds.

1. This is an area of Special Scenic Value. On the proposed site the turbine will be visible from the Bickerton and Bulkeley Hills which are well used by the public for walking, both locally and on the Sandstone Trail. The applicant says this turbine is for monetary gain not personal use and therefore should be classed as industrial. It is Cheshire East policy that industrial turbines should not be placed in areas of Special Scenic Value.
2. The turbine will be sited in Ridley, a hamlet of some 50 homes, yet none of the literature and maps accompanying the application even mention the existence of Ridley. The view points of the turbine are shown from miles away, where of course it



will appear small. From the 26 homes within half a mile of the site it will be enormous and the noise will be intrusive.

3. The height of the proposed turbine is given as 32.5 metres to the hub with a rotor diameter of 33 metres and height to blade tip of 49 metres, meaning that each blade will be 16.5 metres long. However the technical and acoustic figures relate to blades measuring 13.4 metres in length and a hub height of 30.8 metres. The difference in size means that the data is totally irrelevant to this application.
4. Two main trunk roads, the A49 and A534 intersect at three points in Ridley. All three intersections have been the sites of many accidents due to poor visibility and the speed of traffic. A wind turbine will be seen from all three intersections and will add to the danger as drivers are distracted by the turbine.
5. The ancillary works will need heavy machinery which in turn will require a wider track through the woodland. The entrance to the wood is on a long double bend where visibility is severely restricted. Motorists will not be able to see large slow vehicles manoeuvring on and off the site until they are almost on top of them.
6. The applicant states that he wants to diversify his agricultural holding. There are many ways in which he can diversify which will not impinge in any way on his neighbours or on the landscape. He has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.

### **Spurstow Parish Council**

Objects to the above planning application on the grounds set out below.

1. The surrounding area to the proposed wind turbine site is of Special Scenic Value with mainly agricultural application and some long established scattered residential buildings.
2. The selected site chosen is a high point in the area confirmed by its prior selection as a trig point, water relay reservoir and mobile telephone mast location.
3. The proposal seeks to exploit the location in order to generate additional income for the owner at the expense of the harm to the visual amenity to local residents and visitors to the many nearby attractions, e.g., from the Bickerton and Bulkeley Hills and Beeston Castle which are well used by the public for walking, both locally and on the Sandstone Trail.
4. The Parish Councillors are disappointed that, as a Parish less than a kilometre from the proposal, they have not been consulted or asked to comment, which is specifically at odds with recent Government policy.
5. The report outlines three Grade Two listed buildings to the north of the proposed development, but down plays the impact of them by quoting "Low Impact" in the

summary despite the narrative stating it as Medium to Low. The report is also factually incorrect when it states that the view from Lower Hall Cottage is partially blocked by Lower Hall Farm. It is not, as they are on an east - west grid.

6. The two adjacent A roads (A49 and A534) are accident black spots and distractions caused by views of the turbine are clearly not welcome.
7. The owner has already started building a very large double bay steel agricultural shed which faces south. This would be an ideal site for a large number of solar panels and/or photovoltaic tiles, which could potentially give him a good income without ruining the landscape or the lives and property values of his neighbours.
8. Spurstow Parish Council understands from local residents that a large thriving population of bats and great crested newts is adjacent to the proposed turbine site in woods and pools. The danger to these is obvious.
9. The views expressed to the Council by residents are almost unanimous in their objection.
10. The Parish Council believes across the country that the time has come to move away from inshore wind turbines.
11. The Parish Council asks Cheshire East Borough Council to reject the application at the planning meeting.

## **Haughton Parish Council**

Haughton Parish Council carried out a questionnaire survey of the Parish as part of its Parish plan and 70% of replies under the environmental section objected to wind turbines in or around the Parish.

## **OTHER REPRESENTATIONS:**

### **Objection**

Letters of objection have been received making the following points:

### ***Visual Impact***

- Proposed turbine, sited adjacent to a trig. point at 125m, will be circa 550ft above sea level and not significantly below the level of the Sandstone trail.
- It will be clearly seen from the Peckforton Hills and the castles at Beeston and Peckforton. The visual impact of the turbine will be extremely detrimental to these popular tourist attractions.
- A wind turbine is an alien structure in open countryside and is completely inappropriate in this location.

- The proposal also contravenes a key principle of Government Policy PPS7 which is *“to protect the countryside for the sake of its’ intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife”*. There cannot be many areas in England where these criteria are more important!
- Will be a blight on the landscape,
- moving blades will have a devastating impact on the local landscape
- Environmental impact has not been adequately assessed.
- Massive structure, well over 150ft high
- Will produce only a trickle of intermittent electrical energy. Although the capacity is 225kw, the average output will be approximately 55kw.
- Noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places
- Approximately 50,000 people visit Cheshire each year to enjoy and appreciate the landscape and tranquillity.
- The proposed site is a 124 meter high point. Adding a turbine which is 49meters in height which will clearly dominate the vista and detract from this stunning landscape whilst,
- Turbine adds no aesthetic value what so ever.
- To state that the woodland will act as a barrier to this and minimize the impact is simply false as the turbine will clearly stand well above the tallest trees that make up the wooded area.
- The chosen site is the highest in this part of Cheshire East. The moving blades will have a devastating impact on the local landscape, particularly when viewed from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- A brief survey of the area suggests that within only 1000 metres of the proposed site there are footpaths whose total length is approximately 10,000 metres (6 miles). The proposed wind turbine would be visible to walkers from most of these public rights of way.
- If you extend the area surrounding the proposed site to a circle of 1500 metres (a mile) radius, the total length of the public rights of way affected is close to 10 miles. This is quite unacceptable in my view.
- The nearest public right of way is about 55 metres from the proposed site so walkers in the vicinity are possibly vulnerable to large pieces of ice thrown from the turbine blades or debris in the event that there is a fire in the hub as sometimes happens.
- It is difficult to imagine the size and visual impact of industrial wind turbines when viewed from such a footpath, however, comparing the height of the proposed wind turbine with St Boniface’s Church in Bunbury (this is the nearest man made structure to the proposed wind turbine site) the proposed wind turbine is more than twice the height of the church tower!
- Some of the very best countryside in the UK is becoming despoiled by the plethora of wind turbines being erected in inappropriate places.
- The claim of natural screening by the woodland is also erroneous. The only residence screened from view is the applicants own home! Trees that are less than one third of the height of the turbine cannot provide screening, either visual or noise

- The whole countryside will be subject to this eyesore for many miles around for 25 years!
- This proposed monstrosity will dominate this glorious part of the Cheshire countryside and will be visible for miles around. Incidentally, there seem to be some discrepancies over the heights given throughout the back-up documentation. Whatever the eventual height, it will despoil the area. The damage to wildlife, especially birds, is well-reported and totally unacceptable.
- Cheshire is already blighted by motorways, railways, heavy industry and overspill from Manchester, Chester, Liverpool and the potteries. Another blight on the countryside is unforgivable.
- Residents hate seeing the wind turbines in the Welsh Mountains and think they spoil the beauty of the area.
- Bath House, Dob Lane, Spurstow is over 400 years old and Listed Grade 2 \*.
- The outlook from this house is over unspoilt Cheshire countryside with historic Bath Wood to the left hand side, famous for its' ancient spa. To the right hand side is beautiful arable farm land rising to the mound where the wind turbine will be situated, and which will be directly visible.
- Recently some telegraph cables were set underground to enhance the beauty of the area which has now left a completely unspoilt and natural outlook for everyone to enjoy including the many walkers who benefit from this beautiful part of our country.
- The construction is equivalent to a 16 storey building which totally dwarfs every building within 15 miles and is almost higher than the Bickerton Hills.
- The Council is supposed to protect its citizens from loss of its green belt.
- It is also stated in the application that if the turbine is removed in 25 years time that only the above ground facility will be removed and that any underground infrastructure such as cables would be left buried. This can only be considered as industrial pollution.

### ***Questionable Benefits***

- There will be no economic or ongoing benefit to the local community.
- The owner and energy suppliers are the sole beneficiaries even when taking into account the energy feed into the national grid.
- A decision by the developers of the Bickerton wind farm to cease that development determined that, after evaluating the energy generation from a test mast, there was insufficient generation from the available wind resource.
- Although this was on a larger scale, the fact remains that a commercial farm was not deemed to be viable so why would 1 turbine be considered any more viable? Has a test in conjunction with the Met Office actually been undertaken to evaluate? It is of interest that the report states the site is only "likely to have good wind resource."
- This massive structure, well over 150ft high will produce only a trickle of intermittent electrical energy. Although the capacity is 225 kw, the average output will be approximately 55kw.
- Do not produce what is claimed by those who have interests in obtaining cash subsidies from the Government.
- According to Ofgen the average household electricity consumption is 3300kWh. The proposed 225kW turbine could generate this amount in nine hours (or 2.4 minutes per day per year). Therefore the proposed wind turbine would seem to be far in excess of the requirements for a domestic generator.

- These turbines do not provide an adequate and reliable source of power for the environmental damage caused by them and their need to have additional generating plant on stand-by for when they are unable to generate power due to either no wind or relatively high winds.
- The Prime Minister has said that any new schemes must benefit the local community
- Ridley is, in any event, sheltered from the prevailing wind by the Beeston and Peckforton Hills. On this ground alone, a windmill at this location is singularly unsuitable.
- Wind power is not carbon neutral as emergency diesel generated electricity has to be available for when there is no wind or the wind is too strong.
- "Likely to be a good wind resource" is hardly conclusive proof that the turbine will perform efficiently. An independent, year long test, should be performed to monitor wind speeds with the results published
- The economic justification is invalid; de-commissioning earnings in 25 years have nil present value, and the cost of generation is more than the value of electricity earned - otherwise substantial subsidy through tariff support would not be needed.
- Other objectors have quoted respected professors and specialists who have reported that the building of wind turbines in this country is environmentally bankrupt
- The farm's need for electricity profit to fund investment is slight - they are currently building a substantial new farm unit without the support of electricity income. They could use the money needed to build the windmill to invest in the farm instead.
- Many eminent scientists have examined the marketing claims supporting wind turbines and found them wanting. For example, Professor Jack Steinberger, Director of the CERN particle physics laboratory in Geneva and a Nobel prize-winner, said "... wind represents an illusory technology — a cul-de-sac that will prove uneconomic and a waste of resources in the battle against climate change."
- To be acceptable the turbine should contribute to the affected community in cash, jobs and a benefit to the power supply that is in excess of the damage that it will cause. If there is no appreciable benefit then it should not be allowed. With a potential output of only 55kw coming from the turbine this will contribute nothing to the local or even national community and will serve as a burden for no purpose.
- for a turbine that is rated as having a maximum output of 225kw, the average output is likely to be only 55kw
- Ridley Bank farm could employ many other truly "green" strategies such as water collection and heat pumps that have no negative impact. Indeed, even as a commercial enterprise there are no benefits to the local economy as the farm is family run with little employment opportunity for others ( see plan app 12/1235N). It is also unclear from the application as to whether this turbine is to be connected to the National Grid.

### ***Environmental Report***

- The energy company benefitting have submitted the report to the council re impact - there is no independent report.
- Report has a pro installation bias and a lack of balance.
- Unsubstantiated and uncommitted reference to local benefits (jobs and economic) whilst down playing local concerns around visual impact.

- The proposal, which seems to have been written in subjective terms by a company with a vested financial interest in the project going ahead
- Application should only be considered when independent surveys have been completed.
- There seem to be some discrepancies over the heights given throughout the back-up documentation.
- The photographs taken in the application by the agent/applicant to support that it would not damage the vista have quite conveniently been taken from behind trees and in dips. There needs to be a bigger assessment into the visual impact on the surrounding area before any decision is made.
- The Application does not show what the turbine will look like from the A49 or the nearest dwelling. Most of the visuals are from far away and not from the perspective of local homes or local infrastructure.
- The application refers to a 32.5m to hub wind turbine. The actual height is 49m when the propeller is taken into account. The plan does not show a 40m x 40m x 6m deep (approximates) slurry storage pit that has been created adjacent to this site and close to the public footpaths. This has already impacted on the green belt area in this vicinity and does not seem to have been subject to a planning application
- The Environmental Report and the supporting Technical Analysis prepared by VG Energy to be full of errors and misleading statements that undermine its credibility and render the submission invalid. The details of my objection are given below in comments relating directly to pages and paragraph numbers of the Environmental Report:
  - **Page 5 para1. i.** The height of the turbine to blade tip is shown as 47.6 m. This figure indicates a blade length of 14.6 m. However, at Page 7 para 2. iv the tip height is given as 49 m and the blade length 16 m. With a rotation rate of 36.71 revolutions per minute, the increase in diameter of the blades raises the tip speed significantly to well over 100 mph (calculated to be 145 mph) with associated increases in noise and damage to wild life.
  - **Page 5 para 1. ii.** The rationale for the installation of the wind turbine is purely financial. There would be no increase in employees nor in employment scope, merely an increase in revenue from subsidies. The laudable objective of decreased carbon footprint could be achieved much less obtrusively by the installation of photovoltaic (PV) panels on the south-facing roofs of the two large warehouse structures that are in the process of construction on the farm.
  - **Page 6 para 2. i.** The Site Description states that the turbine would be situated at an elevation of 124 m AOD. It adds that the turbine “is likely to have a good wind resource”. For a purportedly authoritative document, this is a staggering admission that there has been no research into wind speeds at this location and therefore no evidence is forthcoming. The whole argument is consequently based on speculation without substantiation. The elevation of the proposed turbine location, added to the height of the structure itself, makes the tip almost equivalent to the highest point in the Sandstone Hills. And yet the proposed Bickerton wind turbine was eventually abandoned by Banks Developments because there was insufficient wind to make it viable. Furthermore, the proposed site is a mere 453 m from the nearest third party dwelling. Research has shown that a separation distance of 2 kilometres is needed to avoid serious health issues affecting the inhabitants of dwellings nearer than this distance owing to the non-modulated, low-frequency noise emanating from wind turbines.

The British Medical Journal Editorial of 8 March 2012 states categorically that there is epidemiological evidence of a strong link between wind turbine noise, ill health and disruption of sleep. For this reason a 2 kilometre separation has been declared mandatory in Scotland.

- **Page 6 para 2. iii.** Topography – There is no evidence produced to support the statement that the turbine is “well placed to receive good wind resource”.
- Nearby structures – The turbine would not be a safe distance from dwellings.
- Landscape and visual impacts – No information is given on relative heights and the turbine would totally dominate the surrounding area.
- Noise – As stated above, a distance a just 453 m is far too close for the health and wellbeing of the inhabitants of the nearest dwelling and could cause irreparable physical and mental damage to the inhabitants.
- **Page 7 para 2. iv.** As stated above, the same outcomes could be achieved by PV panels and the proposed tip height has increased without explanation from 47.6 m on Page 5 to 49 m.
- **Page 8 para 2. vii.** I treat with scepticism the assertion that, after 25 years have elapsed, 81 cubic metres of concrete would be removed and the area reinstated.
- **Page 9 para 3. i.** There is no indication of the quality or characteristics of the small sample of 1009 adults and the assertions lack authenticity and credibility. For instance, what proportion of those questioned were town dwellers and what proportion rural dwellers? It is also interesting that the survey ignored solar power as an alternative source of energy.
- **Page 10 para 3. iv.** The arguments are both speculative and spurious. The borrow from Prince Charles, we may get used to seeing a carbuncle but it remains a carbuncle and remains no less offensive regardless of the passing of time.
- **Page 10 para 3. iv.** This paragraph reads like a cut and paste exercise taken from a standard manual. It is certainly not specific to this particular case.
- **Pages 11-12.** The arguments do not resonate locally but again appear to have been copied from a manual. There is absolutely no evidence that there will be an improvement in employment when only the owner of the turbine would benefit. The concluding statements are spurious and without foundation.
- **Pages 13 – 23.** These pages are largely irrelevant and repetitive. They are a generic series of generalisations that contribute nothing except a vain attempt at justification for the project.
- **Page 24** is another waste of print as it is a direct, word-for-word repeat of Page 6. Page 25 similarly repeats Page 7 until the final small paragraph and adds nothing to the submission. Page 29 is interesting solely for the fact that all the photomontages exclude the most affected area – namely Ridley and its inhabitants. Pages 30 to 36 continue in this vein, with lots of justification for methodology but no specific mention of the most affected area. These omissions of any reference to the most affected area are an indictment of the whole report. There is a large amount of spurious justification from sources that are not affected by the proposals but none from the areas directly affected.
- **Page 37 para 6. iv. d.** Wind turbines are clearly completely out of character with all the various descriptions of the countryside’s characteristics and no attempted justification for the turbine can alter this fact.

- **Page 39 final line.** The proposed positioning of the turbine at an elevation of 124 m AOD and with its own tip height of 39 m would create a “pronounced and intrusive addition to the landscape” and for this reason alone the proposal should be rejected.
- **Page 41 line 1.** The use throughout the report of modifying adjectives and adverbs such as “slight”, “somewhat”, “transient” and “moderate” suggests a lack of conviction in the arguments and certainly weakens the case being presented.
- **Page 42 para g.** The impact will, as stated, be “more greatly” felt at a localised level. This localised level is Ridley. But there is no mention at all of Ridley in this report. For this reason, I find it a complete sham and totally unacceptable.
- **Page 43 para g. ii.** It is beyond belief that the so-called Zone of Theoretical Visibility excludes Ridley and its 120 inhabitants, many of whom live 400 m to the west of the proposed site. I am led to the conclusion that Ridley has been excluded because its inclusion would contradict all the spurious conclusions drawn from the report. In a similar fashion, the roads quoted (A49, A51 and A54) might seem to produce a convincing argument to anyone unfamiliar with the area, but the conspicuous omission is the A534, which runs past the site. The turbine would be a massive item on the horizon even from west of the A49/A534 junctions and any vehicle turning east into Wrexham Road (A534) from the A49 (Whitchurch Road) would have full view of the turbine until nearly in Faddily. The A534 is statistically one of the most dangerous roads in Britain. The proposed construction, being so near to the A534, would create a major distraction to drivers and can only exacerbate the dangerous nature of the road.
- **Page 44 Viewpoint 1.** The existing power line that is used to mitigate the effects of the proposed turbine is insignificant in comparison with the size and impact of the proposed turbine. The conclusions drawn (low visual sensitivity, moderate impact and minor significance) are subjective and are used to enhance the argument in favour of the development. Local residents and indeed road users are likely to disagree very strongly with these conclusions. On subsequent pages, the photomontages from Cholmondeley Castle, Bulkeley, Haughton and Bunbury are almost irrelevant but give bulk if not substance to the developer’s argument. The most significant photomontage, from Ridley, again is conspicuously absent from the report.
- **Page 47 Table 6.9.** The use of words such as “fleeting” and “transient” (twice) is designed to distract the reader by attempting to minimise the sensitivity of the visual effects. Hence the conclusions that the sensitivity is low and the impact slight, conclusions that are very contentious. There is mention of the nearest road, the A534, but the statement that the views are “transient” is both erroneous and misleading and repeats the duplicity highlighted above at Page 43. The Summary at Page 48 merely reinforces all these errors and misleading conclusions.
- **Page 49 para iii.** The statement that the development will have a minor/moderate overall effect on the landscape and landscape amenity, is not significant, is acceptable to the local landscape, and does not create an irreparable and detrimental medium change to character and landscape fabric is quite simply wrong. The proposal is fundamentally unacceptable to the residents of Ridley and the surrounding area.



- **Pages 50-51 para iv.** Mitigation. This section is simply padding to make the submission look good as the whole section is speculative. There are no mitigation schemes proposed for the project. Furthermore, the assertion that the scale of the turbine is not at odds with the local area is highly disputed, especially in Ridley, which is again excluded from mention at Page 52.
- Section 7 is largely irrelevant and adds nothing to the case for the turbine at Ridley Bank Farm. It simply begs the question why photovoltaic panels on the new sheds have not been considered as a far more acceptable option.
- **Page 71 para 10. iii.** The noise factor is dealt with in technical jargon and generalisations in statements such as “single turbines with very large separation distances between turbines and the nearest properties” without defining these distances. My studies of noise factors have concluded that the BMJ statement (see above under Page 6 para 2.i) regarding public health should be the yardstick by which any turbine installation is measured. This proposal clearly falls well short of the minimum criteria and consequently poses potential risks to the health and wellbeing of the residents of Ridley. The final justification for the turbine is meant to be in the Appendix to the report. However, the Appendix refers to a smaller turbine and the greater span of the proposed construction would increase the wing-tip speed to well over 100 mph with concomitant noise and lethality.
- Throughout the VG Report there are references to its being a desk-top study and it certainly reads like one, with a scarcity of facts about the immediate area and a lack of attention to those living in close proximity to the site. Too much of the report is obviously taken from generic sources and little care has been taken to correct anomalies and errors. More importantly, the report fails to address the concerns of those living in the vicinity, whose views of the Cheshire landscape will be blighted for the rest of their lives if this development is allowed to proceed. There are also serious health and safety issues, not only regarding drivers along the A534 who may well be distracted by the new structure but also for the residents of Ridley who would be within earshot of the low frequency, non-modulated noise from the turbine.

### ***Danger to Air Traffic***

- The suggested site lies within a “Wind turbine Dev. Safeguarding area” and could interfere with local airspace especially the police and air ambulance helicopters.
- NATS (W(F) 17573) has objected to the development pending an operational assessment as it appears to conflict with their safeguarding criteria.
- As previously stated, this is the highest point in the area and is directly below very busy flight paths. The risk of interference to Air Traffic Control would be a real and ever present danger
- Given the frequent helicopter and light planes that pass over Ridley at low altitude, the NATS response to the proposal should be taken as a shot across the bows of the proposal and a clue to the wishes of the great majority of local residents.

### ***Road Safety***

- The staggered road intersection between the A49 and A534 is highly dangerous and has resulted in at least four major accidents in the last 7 months.

- The photomontage information included with the application is taken from too great a distance and is totally inadequate to assess the visibility of the proposed turbine at these two junctions but does suggest that it will be seen by traffic using these roads. In order to assess the increased potential risk to drivers there is a clear requirement for accurate photomontage images ;
  - From the A534 travelling east circa 200m\* from the junction with the A49
  - From the A49 travelling north circa 200m\* from the junction with the A534
- Cheshire East Highways Dept. should decide the actual locations and review the new images prior to the determination of the application to establish the degree of driver distraction as these junctions are already an accident blackspot and the sight of the moving blades of a sunlit turbine would further add to the risk of traffic collisions.
- Would be a distraction on an important local trunk road that already has a poor accident record

### ***Public Consultation***

- None of the neighbours to the proposal have been notified
- There are no notices near to the site.
- The proposers and Cheshire East planning department appear to be trying to sneak this application "below the radar"
- People living less than 1000m from the proposed location have not been advised of this proposal by letter or public communication.
- Such a controversial proposal should be advertised to the local community in order that their comments can be taken into the decision making process.
- The underhand approach to this proposal with zero consultation or engagement is counterproductive and provocative.
- The non-independent report refers to "Public perception".
- The local community has not been advised of this application, and the opinions sort from those being directly effected.
- Homes that are close to this proposed development have not been contacted by the Council
- It seems rather a stealthy approach.
- A recent High Court Judge, Mrs Justice Lang, ruled that the "rights of local villagers to preserve their landscape" was more important than the government's renewable energy targets. Additionally, Mrs Justice Lang stated that "lower carbon emissions did not take "primacy" over the concerns of the people". As tax payers residents deserve the right to be advised of this application and have sufficient time to respond accordingly. The timescale detailed in the "Important Dates" section of this application is not justifiable or fair. These dates should be reviewed and a public enquiry / hearing should become part of the process, along with a full independent report.
- Published Government policy (July 2013) gives local government guidance on how these inshore wind turbines should be considered in regard to local community consultation and impact on the environment. Cheshire East Council has not complied with that policy in this case.
- None of the neighbours have been consulted over this plan nor any of the residents of the village of Ridley where the proposed turbine will be erected. The impact of such a large structure will not only affect the immediate neighbours but will clearly affect residents in other villages such as Haughton, Chorley, Faddiley, Bickerton, Croxton

Green, Bulkeley, Spurstow, Cholmondeley, etc and they have been consulted over this.

- decision makers should only consider the application once the whole community has been given their opportunity to comment. It is clearly stated in numerous comments that the need for renewable energy and diversity of land usage does not automatically override all other environmental protections, landscape and the visual impact of the local community.
- Communities Secretary Eric Pickles said: "The views of local people must be listened to when making planning decisions. Meeting Britain's energy needs should not be used to justify the wrong development in the wrong location.
- There are clearly a number of areas where this proposal is found wanting and it has been made worse by Cheshire East not notifying residents and allowing only a minimal time for objections to be raised to this proposed blight on our community

### **Noise / Residential Amenity**

- As with most wind turbine applications the proposer hides behind a report based on the generally disputed ETSU-R-97 regulations, now 15 years old and set by the turbine manufactures when turbines were in their infancy. Wind turbine noise is a complex subject but I am seriously concerned about noise issues such as health and sleep deprivation and quote a recent government planning inspectors' comments on houses less than 750m from a wind turbine *"for a family to be exposed to the pervading influence of this windfarm for a period of 25 years appears to me to be wholly unacceptable and I do not consider that there is adequate reason to accept such harm in this instance"* (Mr. Chris Frost APP/Y2430/A09/2108595) These comments seem particularly relevant to this case when the only beneficiary will be the proposer.
- ETSU-R-97 is a standard written 14 years ago when wind turbines were much smaller and the blade tip speed was much slower than today. The developer states that they will comply with the ETSU-R-97 standard. However, even if they do comply with this standard, the levels of noise for residents who live nearby can still be unbearable. The internet is a telling library of evidence from people who have had their lives impacted by noise pollution from turbines and this simply cannot be ignored as a major concern.
- It should be noted that while the planning documentation for this development makes frequent reference to Scottish planning considerations, Scottish law suggests a minimum separation distance of 2km between the turbine and housing. In England there is no such guidance but if examples are to be used to add weight to the developers argument, such facts add perspective to the discussion regarding the environment in which applications are managed north of the border.
- Despite assurances in the application, noise (amplitude modulation) from the blades operating at tip speeds up to 70 miles per hour will have a negative impact on residential amenity and health.
- The noise generated by the turbine appears to have been conservatively estimated by 24Acoustics. The 35db noise level is measured at only 10m/s or 22mph; a mere breeze outside of the summer months. A noise study of the Norwin 29-33/225KW stated that the noise which is generated by the tips of the turbine rotors will increase with the wind speed and even at 12m/s or 26mph it will be over 600m before 35db is reached. Given the winter weather the conditions at Chesterton Lodge will be dreadful and the noise in the surrounding area unpleasant. Source: Noise study of Norwin 29-33/225KW Wind Turbine

- There are a number of studies which highlight issues of noise pollution which can be apparent across a wide area of the landscape.
- Government policy is being developed with the Distances from Residential Premises Bill which is proposing a minimum distance of 1500m for 50m-100m turbines. Therefore, this turbine is far too close to many family homes that derive no benefit whatsoever from its existence.
- In terms of noise generation, according to the figures given in the report, at a wind speed of 10m/s the sound generation for the proposed turbine is 100dBA (as loud as a motorbike). Only at a distance of 750m does this fall to 30dBA, an acceptable level of noise.
- A lady had a wind turbine being built close to her house in Norfolk and the effects were ill health, disruption to sleep patterns and eating patterns and a real suffering from the effect of noise pollution.
- UK Noise Association recommends that wind turbines are not sited within one mile of houses.
- The turbine will be just 216 metres from the nearest residential dwelling. The Wind Farms Distance from Housing states a minimum distance of 350m. A Bill going through parliament called, 'The Wind Turbines (Minimum Distances from Residential Premises) Act 2012' by Lord Reay states that the minimum distance from a turbine to a residential dwelling requirement is 1000m.
- There is a potential risk of sleep disturbance and related health issues from this proposal.

### ***Television Interference***

- Television Interference on up to 220 homes: According to the BBC Wind Farm Assessment Tool 60 homes will be affected by interference to television service and up to 220 might be affected. Ofcom has not been consulted.
- d) Highway Safety and Shadow Flicker: Shadow and light flicker occurs within ten rotor diameters of a turbine; in this case, 192 metres. The A49 lies within 550 metres of the proposed turbine, thus it could cause significant flicker and danger to motorists as well as to local residents.
- It is recognised that Electromagnetic interference from wind turbines may affect electromagnetic or radio communication signals including, broadcast radio and television, mobile phones, radar and telemetry. Have the companies who use transmitters on the existing mast (sited within 100 meters of proposed turbine) been contacted to check the effect on their signals? And what are their responses.

### **Ecology and wildlife**

- Residents note owls, bats and birds of prey are regular features of the local environment. A turbine would be a great risk to these creatures who thrive in this area.
- It will be a substantial danger to rare local birds and wildlife

- The application has acknowledge the potential impact on wildlife, particularly raptor and bats however the applicant has dismissed the potential impact on wildlife. No mention has been made of the peregrine falcons nesting 1.5 km distant.
- The ecological impacts of wind turbines are well documented and it short sighted that the proposed footprint of the turbine will sit not only in an area of natural beauty but also within the range of a number of protected bird and bat species. If adequate mitigation is not provided, which it almost never is, then the impacts of species covered by The Cheshire Biodiversity Action Plan could be deleterious.
- It would appear that there has not been a proper impact assessment regarding the affect on local wildlife and the consequential effect on protected species such as Buzzards, Owls and Bats which are plentiful within the immediate area of the turbine site.
- The plan of the proposed development shows its close proximity to a pond. This pond is a natural feature and is vital for the areas Great Crested Newt population. The pond is essential for the breeding season as it is one of the few pieces of natural established standing water in hundreds of square acres.
- Request that a full independent study is performed to protect these endangered animals.
- It is illegal in this country to capture or disturb this species or otherwise endanger its wellbeing. Furthermore, we have a thriving bat population that feed in the area between the two woodlands that this turbine is proposed to be situated. This would directly effect the activities of the bats and endanger their environment and wellbeing. It is illegal to interfere with the bats.
- It is also worthy of a mention for the local wildlife in the woodlands. Since a change of ownership, efforts have been made by the new owners to encourage the local species of birds and wildlife, and increased populations are noticeable.

### ***Impact on Footpath***

- The proposed location of the turbine is very close to the confluence of two footpaths and may well be within *topple distance*.
- Apart from the potential risk to walkers the turbine would constitute a significant reduction of the visual amenity to walkers in the area.
- Will be visible from the extensive network of local footpaths, one of which is only a very short distance from the proposed site.
- Site is adjacent to a local right of way (currently blocked by an electric cattle fence constructed by the farmer involved).

### ***Precedent***

- Would set a precedent for further turbines
- The information included in the application appears to have been a significant investment for a single turbine
- Could be “the thin end of the wedge” attracting further applications for multiple turbines if this is approved.
- As there is no justification being put forward for this application other than as a potential income source then may we presume that all landowners in Cheshire East

would be able to have their own turbine to create additional income – beware of creating a dangerous precedent.

### ***Impact on Property Value***

- There will be a substantial damage to property values as a result of the ruination of the views across the landscape.
- This farming family is rooted to their farm. Everyone else may choose to move on with their lives. This could really prevent them from selling up and moving without long delays and loss of capital.
- Presumably the applicant will compensate me for the potential loss of inheritance when the value of house prices fall. He will also be able to compensate the other house owners in the area. In other areas where wind turbines have been allowed, house prices have fallen dramatically. The average price of a house in Ridley is over £400,000. In areas where wind turbines have been put up, similar priced houses have lost over £100,000 in value. In addition, the council tax bands have had to be reduced. This would mean a loss of over £10,000 per year for Cheshire East council.
- Do not see how the proposer would be able to compensate everyone with the estimated £1,000 profit per year he would make from a 2.5k turbine (Source - Centre for Alternative Technology).
- The erection of turbines has been shown to reduce property prices and there are some 200 residential properties within a 2 mile radius. These properties could lose up to 20% of their sale price or become unsaleable if the turbine goes ahead equating to a loss of value of well in excess of £10m.

### ***Other matters***

- On the 1st August new guidelines and planning practice for renewable energy were issued by the Department for Communities and Local Government (DCLG)
- The new advice, which replaces PPS 22, will help shape local criteria for inclusion in Local Plans and provide the context for dealing with individual planning applications.
- The document makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections and that "cumulative impacts" will require particular attention
- A report by Defra will shortly be published which will show that wind farms are harmful to local areas, are inefficient and have an adverse effect on rural life and the economy.
- 25 years may be deemed temporary in the eyes of the law but for people living close by that constitutes the remainder and then some of a working life. Temporary by law is not really temporary for those living along side such invasive structures.
- Technology moves at a tremendous pace and solar panels are advancing and becoming more efficient and cheaper. How can a turbine stay concurrent with latest technology over 25 years? Government and countrywide opinion is already moving away from wind turbine technology.
- This planning application may cause local businesses such as B&B's the Thatch, Beeston Castle and the Peckfernton Hotel, to suffer despite no benefits to the local community.
- The supporting documentation at no point mentions Ridley, the very place where it is to be sited. Additionally, five photomontages purporting to show how unobtrusive the

proposed turbine would be, are taken from five villages, but not a single one is taken from Ridley, the place whose residents will be most affected. Nor is there any mention of Ridley in the back-up documentation and Ridley mysteriously does not feature on the maps used to show the wind turbine's proposed position. One has to wonder why this is. Even the front-page report in the Nantwich Chronicle says that Ridley Bank Farm is near Faddiley, so presumably the editor/reporters have been deceived or misled.

- In an area of Norfolk that has seen a large number of turbines appear across open countryside and without exception they have all had a negative impact on the landscape, there appears to have been no attempt to lessen the impact when viewed from any angle or distance. Residents around the areas complain of health issues that were not there before the turbines appeared. In addition there are extensive reports of disruption to wildlife on the ground and to bird movements and nesting areas.
- This development is a commercial enterprise as the application clearly states that it is considered to be a means of diversification, which solely benefits the applicant to provide an additional source of income. As dairy farming and electricity production are not dependant upon each other then this application should be viewed as a new business enterprise ( as declared by the applicant), and should be rejected on the grounds of the negative impact on the residents, wildlife, and landscape of this beautiful, historic area.
- Solar technology is a realistic alternative which does not have an impact on its neighbours, local population or surroundings. The extremely large cattle shed that is currently being constructed has a very large south facing roof that could be utilised to provide more than enough energy for the farm.
- The carbon footprint of the farm could be better improved by reducing the road miles incurred in providing feed and bedding and the spreading of slurry and manure in the area. Recent development work at the farm suggests that this is likely to increase rather than reduce.

## Support

A Letter of Support has been received making the following points:

- I support this application as a life long resident of Bulkeley and Ridley Parish , who lives in direct sight of the proposed wind turbine, also as a organic farmer, I feel strongly we must use more green energy sources, especially with recent controversy about Fracking and Nuclear power stations dumping radioactive waste to sea. Personally in my opinion, having seen many wind turbines (home and abroad) I find them peaceful and not intrusive. Policies\_and\_guidance As I understand it, the site is in one of the area's designated suitable for Wind Turbines in a report commissioned by Cheshire East in 2011. Also it is away from Bickerton Hills (area of special scenic value).
- The scale and design is as in keeping as is practical, with much of the base hidden by woodland, and has very few close neighbouring properties.
- I do not believe construction traffic is a problem, after all if we can close roads for a BIKE RACE or concerts, surely we can manage traffic for construction of something which is saving the environment.

**Stephen O'Brien MP**

*Let me state from the outset I am against wind farms full stop. You may be aware that changes introduced by Conservatives recently will give people a much greater say over wind farms in their communities, shifting the balance of power to local communities in deciding whether to agree to onshore wind proposals. Indeed new planning guidance from the Department for Communities and Local Government will make clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It will give greater weight to landscape and visual impact concerns, especially for heritage sites.*

*I have written in support of the objections to this application to the office of the Chief Executive of Cheshire East Council.*

**7. APPLICANT'S SUPPORTING INFORMATION:**

- Noise Study
- Environmental Report

**8. OFFICER APPRAISAL**

**Principle of development**

Policy NE.19 of the Crewe and Nantwich Borough Local Plan states that proposals for the generation of power from renewable energy sources will be permitted where:

- the development would cause no significant harm to the character and appearance of the surrounding area;
- highway safety standards would not be adversely affected;
- the development would have no unacceptable impact on the amenities of neighbouring residential occupiers by reason of noise, disturbance, pollution, visual intrusion or traffic generation; and
- the proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest.

Therefore the proposal is considered to be acceptable in principle and the main issues in the consideration of this proposal are the visual impact, highway safety, amenity and nature conservation implications of the increase in height.

**Visual Impact**



The proposed wind turbine would have a hub height of 32.5 metres and an overall blade tip height of 49 metres. The development would also involve the construction of a temporary access track, a permanent concrete pad and a small meter house.

The proposed site is about 375 metres to the north of Ridley Bank Farm at an elevation of about 125 metres AOD which is the highest point in the local area.

The site lies between Ridley wood to the west and Chesterton wood to the east. A covered reservoir and a telecommunications tower are located 120 metres to the southeast. There's a concrete surfaced track from the A534 to the reservoir and beyond that a stone track to a field gate that is within about 70 metres of the proposed wind turbine site.

The planning application includes a Landscape and Visual Assessment prepared by VG Energy. The assessment considers the landscape and visual effects of the proposed wind turbine separately:

### Landscape Effects

The VG study assesses the Regional Character Area - The Shropshire, Cheshire and Staffordshire Plain area as defined in The Character of England 1996, The Landscape Character Type - Rolling Farmland and the Landscape Character Area – Faddiley as defined in the Cheshire Landscape assessment 2008.

The assessment predicts the following:

- The landscape sensitivity is Medium
- The magnitude of change would be Moderate
- The significance of the effects of the proposed development would therefore be Moderate

Their definition of a moderately significant effect on the landscape and landscape amenity is:

*The proposed scheme would be moderately out of scale with the landscape or at slight odds with the local pattern and landform; will leave an adverse impact on a landscape of recognised quality.*

### Visual Effects

The study assesses the effects on visual amenity and sensitive receptors (viewers). It includes a map showing the Zone of Theoretical Visibility (ZTV) which shows the area over which the development may be visible. This type of mapping does not take account of natural or man-made obstacles which would screen views.

Five representative viewpoints were selected and approved by the Council.

For each viewpoint a wire frame topography image with the proposed turbine plus a photomontage with the proposed turbine has been prepared.

The significance of the potential visual impact of the proposed wind turbine from each view point was then determined by assessing the sensitivity of the receptors (viewers) and the predicted magnitude of the visual effect by using a matrix.

Viewpoint 1. From Wrexham Road. 1.7Km to the east of the site

In this view the upper part of the turbine is visible amongst roadside vegetation in the foreground and is not particularly conspicuous.

- Sensitivity of receptor – Low
- Magnitude of impact - moderate
- The predicted significance of the visual effect on receptors (i.e. drivers) from this point is Minor

Viewpoint 2. From Cholmondeley Castle. 4.8Km to the south

This is an important heritage asset and visitor attraction. Receptors (or visitors) are therefore highly sensitive. From this viewpoint the turbine would be a relatively small feature on the skyline.

- Sensitivity of receptors – High
- Magnitude of effect - Minor
- The predicted significance of the visual effect on receptors (i.e. visitors) from this point is Moderate

Viewpoint 3. from Bulkeley Village 3.8Km to the west.

From this point the upper part of the turbine is visible in the distance on the skyline between trees that are in the foreground. The study states that this vantage point was chosen due to its elevated position and its distance away from the main settlement. It goes on to say that in terms of residential amenity, it is highly unlikely that receptors within the village would be able to see the turbine at any time of the year due to intervening distance and screening from the two wooded areas surrounding the turbine and intervening tree-lined fields.

- Sensitivity of receptors – high
- Magnitude of impact – Moderate
- The predicted significance of the visual effect on receptors from this point is Moderate

Viewpoint 4. From a footpath in Bunbury 3.2Km to the north

The turbine would not be visible from this point it would be screen by vegetation in the foreground. The assessment states that tree coverage bordering intervening fields has meant that potential views of the turbine from Bunbury are non-existent and there should be zero visual impact on the village despite what the ZTV indicated.

- Sensitivity of receptors – High
- Magnitude of impact – Negligible
- The predicted significance of the visual effect on receptors from this point is Moderate/Minor

Viewpoint 5. From Haughton 3.2 Km to the North East.

Again the wind turbine would not be visible from this point. The study states that when searching for a vantage point for views towards the turbine site, it became apparent that as

with the photomontage taken from Bunbury, views towards the turbine site from this area are virtually non-existent.

- Sensitivity of receptors – High
- Magnitude of impact – Negligible
- The predicted significance of the visual effect on receptors from this point is Moderate/Minor

#### Surrounding Roads

The visual assessment considers views from surrounding roads i.e. the A49, A51, A534 and local access roads. It generally finds that views would be fleeting as the roads are flanked by established hedgerows and trees. It concludes that the significance of the visual effects on these roads to be Minor/Moderate

#### National Cycle Route 45 around 4.4Km to the south and west

This cycle route passes through Wrenbury, Norbury Common, Egerton Green and then to the west of the Sandstone Ridge. The route then re-emerges at Peckforton and runs north.

It concludes that the significance of the visual effects on this route to be Moderate.

Their definition of minor and moderately significant effects on visual amenity is as follows:

- Minor - *The proposed scheme would slightly intrude on local visual receptors; would slightly affect important visual amenity*
- Moderate – *The proposed scheme would noticeably intrude on local visual receptors; would leave an adverse impact on the recognisably important visual amenity.*

The Council's Landscape Officer has examined the proposals and made several visits to the site and the surrounding area and broadly agrees with this assessment but it is deficient in the following respects:

- It should have included photo viewpoints from locations in closer proximity to the proposed site.
- It should ideally have included winter views and/or properly considered seasonal variations in visual effects.
- It should have considered the impacts on the users of public footpaths including the Sandstone Trail.
- It should have considered the impacts on the residential properties in the vicinity

VG Energy was therefore asked to provide five additional photomontages from short and middle distance viewpoints and these were submitted in November.

The Landscape Officer makes the following additional comments:

#### Likely Impacts on Landscape Character

The countryside surrounding the proposed site is attractive and is highly valued by local residents but it is not a designated landscape. The nearest Local Landscape Designation

Areas (formerly ASCVs) are the Cholmondeley Estate located 4.8 Km to the south and the Beeston, Peckforton, Bolesworth & Bickerton Hills which lie about 4.0Km to the west.

In the 2008 Cheshire Landscape Assessment, the proposed development site lies within the Rolling Farmland Landscape Character Type and the Faddiley Landscape Character Area. The Faddiley Landscape Character Area is described as follows:

- This is generally a medium scale landscape with many large to medium scale arable fields laid over a rolling landform.
- This is an area of gentle broad rolling topography, with shorter slopes and an increase in undulation in the vicinity of High Ash.
- Hedgerow trees are generally abundant and the occasional large block of woodland is locally prominent.
- Between the major roads of the A49 and the A534 which intersect at Ridley Green, there are relatively few roads. These tend to be narrow meandering lanes rising and falling with the topography, connecting dispersed and isolated cottages and farms passing between high hedges which restrict many views.
- Settlement has a low density compared with the rest of this character type.
- Where the rolling ground provides a more elevated open location there are views out over large fields under arable crops with an extensive and intact hedgerow system.
- Some vantage points enjoy extensive views to distant higher ground. To the east the Pennine Hills are visible. To the west the adjacent Sandstone Ridge is very prominent and the heavily wooded Peckforton Hills dominate most views along the area's western boundary. Beeston Castle provides an unmistakable landmark on the northern skyline.

This is considered an accurate description of the countryside surrounding the proposed site.

#### Landscape Sensitivity to Wind Turbine Development

In 2013 Cheshire East Council commissioned an assessment of the sensitivity of the landscape to wind turbine development within each of the borough's 15 Landscape Character Types. The final report titled Cheshire East: Landscape Sensitivity to Wind Energy Development, May 2013 is a key evidence document in the emerging Local Plan.

In this study, landscape sensitivity is defined as:

*The extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development.*

The study is based on an assessment of landscape character using carefully defined criteria based on the landscape attributes most likely to be affected. The criteria are: Landform shape and scale, Land cover pattern and presence of human scale features, Skylines, Perceptual qualities, Historic landscape character and Scenic and special qualities.

The sensitive features/characteristics of the Rolling Farmland LCT are identified as:

- Habitats including ponds, species rich hedgerows and species-rich acid grassland
- Historic field pattern and historic parkland
- Rural character of vernacular settlements/dispersed houses and minor roads

- Network of footpaths which link farms in Spurstow and Ridley Green coincide with medieval field pattern
- Woodlands are relatively rare and should therefore be conserved. Includes woodlands at Ridley Wood, Wrenbury Wood and Peckforton Wood.
- Views to distinctive landmarks e.g. Beeston Castle, Peckforton Castle and Peckforton Hills.

The study considers a range of wind turbine blade tip height categories. With a tip height of 49 metres the proposed wind turbine falls within the small scale category (26 to 50 metres)

The study finds that the Rolling Farmlands Character Type would have a low to medium sensitivity to wind turbine development. The discussion or summary states:

*Although the gently rolling and relatively large scale reduces sensitivity to the principle of wind energy development, the undeveloped skylines, presence of human scale features and rural scenic qualities increases sensitivity.*

As the proposed wind turbine is at the upper edge of the height category and would be located on relatively high ground it reasonable to conclude that the local landscape has a medium sensitivity to the type and scale of wind turbine development proposed

The wind turbine would clearly be a large scale and uncharacteristic feature in the landscape and although it would be located on the highest ground in the locality, the topography and land cover would tend to minimise viewpoints. Available views of the wind turbine would tend to be on the skyline. The relative proximity to main roads (A49 & A534) would tend to reduce the perception of tranquillity in the locality. The development would not obstruct or otherwise harm the network of footpaths which follow medieval field pattern. It would not result in the loss of woodland or any other natural habitats and would not obscure or interrupt views to distinctive landmarks. It is therefore likely that the proposed wind turbine would have a moderate impact on the landscape character of the area.

#### Likely Visual Impacts

From the proposed site the Sandstone Ridge, Peckforton Castle and Beeston Castle are visible in the distance to the north-west and the Cholmondeley Estate is discernible to the south. Views to the east and west are screened by woodland.

The nearby 20 metre high telecommunications mast is a useful feature which helps to locate the proposed site in the landscape and to provide scale.

The wind turbine would be a large scale and uncharacteristic feature in the landscape and due to the movement of the rotor blades it would be more noticeable than a static structure of a similar scale.

The turbine would mainly be visible against the sky. The pale grey colour and non-reflective finish would help to reduce its prominence to some extent.

Due to the timing of the planning application it has not been possible to assess potential winter views. The telecommunications mast and the proposed wind turbine are likely to be

more visible in the landscape during the winter months when the leaves have fallen and the hedgerows have been trimmed.

Additional Photomontage Viewpoints:

Viewpoint 1. Wrexham Road, 300 metres south of the site.

From this location on the A534 (and from nearby public footpath Ridley FP8) the wind turbine would be a prominent feature against the sky.

Viewpoint 2. Public Footpath (Ridley FP 5) 200 metres south of the site.

In this view from the public footpath that runs along the edge of Ridley wood within the same field as the proposed site, the wind turbine would be a very dominant and uncharacteristic feature. This view was requested because it illustrates the most conspicuous view of the wind turbine.

Viewpoint 3. Ridley Green 900 metres west of the site

From this point at the entrance to the Ridley Green properties near to the junction of the A534 and A49 the top half of the mast, the hub and the rotor blades would be visible above Ridley Wood against the sky. In this middle distance view, it would be a recognisable new element in the overall scene and would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.

Viewpoint 4. Public Footpath (Spurstow FP 25) 600 metres northwest of the site.

From this footpath the wind turbine would be a noticeable and uncharacteristic feature on the skyline and would be similar in scale to the surrounding trees. It would not have a marked affect on the quality of the overall scene. The telecommunications mast is visible to the left of the turbine.

Viewpoint 5. Public Footpath (Spurstow FP 32) 2.1Km from the site.

From this footpath (and a short section of the lane nearby) the wind turbine would be visible in the distance, against the sky and above the tree line. It would be a noticeable and uncharacteristic feature but it would be a fairly minor component of the overall view.

The potential visual impacts on the following receptors (viewers) have been considered:

Residential Properties in the Vicinity

It has not been possible to consider potential views from every property in the area.

The nearest property is located just east of the access track on Wrexham Road. This property is occupied by a relative of the applicant (refer to additional viewpoint 1).

Chesterton Lodge, the detached property on the opposite side of Wrexham Road approximately 500 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).

Chesterton Farm located approximately 750 metres to the west of the site on Wrexham Road has mature trees on its frontage. Any views from this property would be oblique due to the orientation of the farm house and would be filtered by the trees.

Ridley Green Farm is located 900 metres to the west of the site near to the junction with the A49. The barns have been converted to a number of separate dwellings. The top of the telecoms mast is visible above Ridley Wood from some of these dwellings. The top half of the mast and the rotor blades would be visible above the wood and against the sky (refer to additional viewpoint 3). It would be an uncharacteristic feature in terms of its form, scale and movement and would have a moderate visual impact on these properties.

### Ridley Hill Farm

This property is located approximately 1.4Km to the west of the site on the western side of the A49. There are numerous mature and semi-mature trees in the grounds of this property and also high roadside hedges and numerous trees in the vicinity which would probably screen views of the turbine.

### Properties off Badcock Lane, Dob Lane & Bathwood Lane to the North and North West.

These properties are between 750 and 1250 metres from the site and include Spurstow Lower Hall farm, Lower Hall Cottage, Coxley Green Farm, the Bath House and others in that vicinity. The wind turbine is unlikely to have a visual impact on any of these properties due to a combination of factors including the distance from the site, the undulating topography, agricultural buildings, intervening trees and woods plus the orientation of the dwellings.

### Surrounding Lanes & Community Views

The telecommunication mast is not generally visible from the lanes surrounding the proposed site due to the high and intact roadside hedgerows, the rolling landform, the abundance of trees and the relatively long distances from the mast. There is however one short section near the T junction on the lane between Spurstow Hall and Haughton where the roadside hedges are low. From this area the wind turbine would be visible on the skyline above trees (refer to additional viewpoint 5)

The wind turbine is unlikely to have a visual impact on the surrounding villages of Bulkeley, Peckforton, Spurstow, Bunbury, Haughton, Faddiley and Chorlton due to the factors outlined above plus the screening effect of the buildings within these settlements.

### The Sandstone Ridge.

The Sandstone Ridge is a very popular recreation area and the Sandstone trail is a well-used long-distance footpath. Bulkeley Hill is the closest part of the ridge at a distance of about 4Km from the site. The telecommunications mast is discernible in the distance from a high point on footpath Bickerton FP12 (near to the Poachers Pub) The wind turbine would be

visible in the distance on the skyline above the trees and would be a minor component of the overall view.

There are two panoramic viewpoints on Bulkeley Hill. The site is not visible from the southern viewpoint. From the northern viewpoint the telecoms mast is barely discernible to the northern edge of a very wide panoramic view. The wind turbine would be visible from this point but would be a very minor component in the overall landscape. Elsewhere the ridge is well wooded and any views of the wind turbine in the distance through the trees would be insignificant. The turbine would not be visible from Peckforton Castle which is surrounded by dense woodland.

### Public Footpaths

There are two footpaths in close proximity to the site, Ridley FP6 to the east which runs along the site access track and Ridley FP5 to the west along the edge of Ridley Wood. The wind turbine would appear as a dominant and uncharacteristic feature and would be highly conspicuous from both paths due to the close proximity. (refer to additional viewpoint 2).

There is a network of public footpaths to the north and east of the site which follow medieval field boundaries. The visual impact on users will vary enormously depending on the direction of travel, the distance from the site and the degree of screening resulting from the undulating landform, trees and hedges. (refer to additional viewpoint 4).

### Main Roads

There are intermittent views of the telecoms mast from A534 Wrexham Road and the A49 Whitchurch Road above the roadside hedges and between intervening tree cover. For example, it is visible from the A49 near to the Cholmondeley Castle entrance gates about 2.4 Km south of the site. There would be intermittent, fleeting views of the wind turbine from these main roads (refer to viewpoint 1 and additional viewpoint 3).

In summary, the proposed wind turbine is likely to have a moderately adverse impact on the landscape character of the area.

With regard to visual impacts:

- From the public footpaths and the A534 in the immediate vicinity of the site the proposed wind turbine would obviously have a substantial visual impact.
- Views from other public footpaths in the vicinity to the north and east will vary depending on direction of travel, distance, tree cover and topography.
- Apart from a moderately adverse impact on some of the Ridley Green properties it is unlikely to have a visual impact on residential properties in the area.
- Due the undulating topography, the high and intact hedgerows and the abundance of trees in the surrounding landscape it is unlikely to have a visual impact on nearby villages and lanes. Views from main roads are likely to be intermittent and fleeting.



- In long distance views (for example from Cholmondeley Castle, the Sandstone Ridge area, and footpath 32 to the north) the turbine is likely to be visible above the tree line and against the sky but it would be a minor component in the overall panoramic views.

On this basis, the Landscape Officer concluded that it would be difficult to justify a recommendation of refusal on landscape grounds and, if the application were approved, it would be a difficult case to defend at an appeal.

Given that this is a contentious scheme, and clearly a sensitive landscape, the Council has commissioned an independent Landscape Consultant to consider the proposals in order to provide a “second opinion”.

The report concludes as follows:

- *The conclusions follow the base format of the report by commenting on the Applicant's LVIA, before considering Cheshire East and Cheshire's Landscape Officer's comments and then our own remarks. It finally recommends whether we believe this location to be an appropriate location for a turbine of this size.*
- *The Applicant's LVIA is considered to be weak and formulaic and under reports on the significance of a number of the visual effects and the overall landscape effect of the turbine. It also contains a number of technical inconsistencies. However even with these criticisms its general reporting is appropriate and the conclusion it reaches as to Moderate Landscape effects and overall Moderate Visual effects are considered acceptable.*
- *However the decision to not comment on whether the landscape and visual effects are adverse or positive is not helpful to decision makers who ultimately the report is produced for. From considering the descriptors and other comments in the Applicant's LVIA the effects should all be considered as adverse effects.*
- *The review conducted by the CEC Landscape Officer appears to be fair and reasonable and their request for additional photomontages appropriate to help understand the closer views of the proposed turbine. They too consider that there will be Moderate effects on the landscape as a resource and generally Moderate effects on visual receptors.*
- *The one exception is the identification of footpath users of Ridley FP5 who will experience 'substantial' views of the proposed turbine. In our review we have classified this as a Major, Adverse visual effect for path users.*
- *Our own review of the development and the surrounding landscape context identified one additional visual receptor group that may experience a Major/Moderate Adverse effect and that is some of the residents of Ridley Green Farm complex. Not all properties will experience this level of adverse visual effect and it will depend on the orientation of home, boundary planting and from which rooms the turbine is visible from.*

- *Should great concern be expressed by the residents of Ridley Green Farm then a more detailed survey of their views could be undertaken as this would not be onerous in scale or complexity. It would give a categorical answer as to who would see what from where.*

Advice to Decision Maker

- *That they need to take into the planning balance the Moderate, Adverse effects on both the landscape as a resource and on the visual receptors who experience that landscape.*
- *Specifically they need to consider the two areas of greater than Moderate, Adverse visual effects that in Environmental Impact Assessment terminology would be considered Significant. These are the Major, Adverse visual effect on Ridley FP5 users and the Major/Moderate, Adverse visual effect that may occur for some, but not likely all residents of Ridley Green Farm.*
- *There are no visible precedents for a development of this nature in this landscape character area at the moment. The development would be in place for a long time frame of up to 25 years but the landscape and visual effects are readily reversible at the end of that period with the removal of the turbine.*

Is this location suitable for a wind turbine of this size?

- *Considering all the information prepared by the Applicant, the CEC Officer and from our study we consider this Site to be a reasonable location for a wind turbine of this size.*
- *This opinion is based upon the landscape consideration that although an alien, intrusive element it would only be prominent in the landscape rather than dominant and the overall landscape character of the surrounding area would remain attractive even with the turbine within the scene. It would have Moderate, Adverse Landscape effects for a long time frame but these are reversible on decommissioning.*
- *This opinion is also inferred by the Low to Medium sensitivity rating applied to this landscape character type by the Cheshire East: Landscape Sensitivity to Wind Energy Development, May 2013 for small, single turbines.*
- *Likewise the visual effects with the exception of the two greatest adverse effects at Footpath Ridley FP5 and at Ridley Green Farm are Moderate, Adverse or less meaning the development is relatively well sited in visual terms.*
- *This does not mean that it will not be visible from wider locations but rather that from other residential properties, roads and footpaths in the area that its adverse visual effects are considered acceptable as the turbine would not be over bearing or dominant within the view.*
- *The surrounding landscape is attractive and has a pleasant visual amenity but it is not designated for its scenic value and has not been designated so in the past.*

*Caveats to this opinion*

- *This opinion is based on a wind turbine of this 'small' size and that a larger turbine would appear out of scale set within this landscape.*
- *That any more than a single turbine would start to drastically affect the landscape character of the area to a much greater degree and that this commentary should not be considered as a 'green-light' for numerous wind turbines in the area. Given the existing scale of the landscape and the visual prominence of high ground within and around it anymore turbines would have the appearance of proliferation and should be resisted.*

The landscape and visual impact appraisal of the proposed wind turbine at Ridley Bank Farm identified that there would be an adverse visual impact on the Ridley Green Farm properties and this view was endorsed by both the Council's Landscape Officer and the independent landscape consultant. Therefore a more detailed visual assessment has therefore been undertaken to determine the significance of the impact on the visual amenity of each of the properties and to then determine the effect on living conditions. This work has been undertaken by the Council's Landscape officer and verified by the independent landscape consultant. It concludes as follows:

Assessment Methodology

1. The existing views towards the proposed wind turbine site from each property were noted i.e. front, side and rear elevations, ground and upper floors, principle or subsidiary rooms, external garden areas and the communal drive and courtyard.
2. The importance of these views was evaluated. Principal rooms (i.e. lounge, dining room & kitchen) were afforded more weight than subsidiary rooms and ground floor rooms more weight than first floor rooms. Private garden areas were afforded more weight than communal access areas.
3. The magnitude of change in views was determined based on the attached six point scale: None, Very Small, Small, Medium, Large, and Very Large (Appendix 1).

The magnitude of change in all views was considered to be Medium which is defined as follows:

*The development would form a visible and recognisable new element in the overall scene and would be readily noticed by the observer or receptor. The development would appear a somewhat uncharacteristic feature of the scene in terms of form or scale.*

4. A professional judgement was then made about the significance of the change in view on the visual amenity of each property by considering the magnitude of change and the importance of the views. The importance of the views consists of factors such as the viewpoint (see 2 above), the openness of the view, and the duration of the view. Therefore, a medium magnitude of change could have different significance of effect depending on the viewpoint, duration of view etc.

### Effect on Living Conditions

In planning it is held that an individual does not have a right to a particular view. However, there may be circumstances where, due to the proximity and size of a development such as a wind turbine, a residential property would become such an unattractive place to live that planning permission should be refused.

The visual effect of wind farms on living conditions has been examined at several public inquiries. From these appeal decisions it is apparent that the visual effect of a development has to be described as - overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views for there to be material harm to living conditions.

Views eastward from the Ridley Green properties are currently wide, open, and attractive. The proposed wind turbine site would be located 900 metres to the east on an elevated, wooded ridge. It is considered to be a medium sized wind turbine with a hub height of 33 metres and an overall blade tip height of 49 metres. The top half of the mast, the hub and the rotor blades would be visible above the trees and against the sky. There is little screening within the gardens and the intervening field hedgerows and trees would not provide screening due to the elevated location of the proposed site.

The proposed wind turbine would be a conspicuous and uncharacteristic feature in views. Its form and scale would create a medium negative magnitude of change (Appendix 2) on the character and quality of the wide, open and attractive views from Ridley Green Farm.

The assessment (Appendix 2) has established that the proposed wind turbine would have an adverse impact on the residential visual amenity of five properties at Ridley Green Farm and that the significance of the visual impact varies from small adverse to medium-large adverse (two properties).

### Conclusion

From the above assessment it is concluded that the proposed wind turbine would not be overbearing, oppressive, unpleasantly overwhelming or unavoidably present in main views and therefore would not cause material harm to living conditions at Ridley Green Farm.

### **Amenity**

There are numerous relatively isolated residential properties and farm holdings located in the vicinity of the site. However the proposed mast is over 700m from the nearest residential property and the associated equipment does not produce any significant noise. Given the limited width of the mast and the large distance from neighbouring properties it is not considered that the development would have a detrimental impact on residential amenity in terms of over domination, visual intrusion and noise pollution.

The Environmental Health Officer has not totally relied on a noise report in the recommendations as a consultee, they have also taken into account ETSU-R-97, plus the various debates around the use of this document, and their own professional knowledge. Consequently they have recommended a proposed condition to protect the

amenity of local residents. If the Environmental Health Officer had totally relied on the submitted information, then they would not be recommending conditions to be attached.

The applicant has taken into consideration ETSU-R-97 (Assessment and Rating of Noise from Wind Farms) and has submitted a simplified assessment, which is acceptable for 'smaller' wind turbines. It should be noted that there is provision within ETSU-R-97 for a simplified assessment based on predictions alone if the turbine "...noise is limited to an LA90,10min of 35 dB(A) up to wind speeds of 10 m/s at 10m height". The ETSU document considers that compliance with this condition alone would offer sufficient protection of amenity and background noise surveys and corrections for wind sheer would be unnecessary.

The submitted noise assessment is for a Norwin 29 wind turbine with a tip speed of 57.4rpm. The proposed wind turbine is a Norwin 33 wind turbine with a tip speed of 54.4rpm. In the Annex submitted with the report, details are provided to show that the proposed turbine will have a reduction of approximately 1.4dB(A) in noise level, as the tip speed is lower. Hence the distances provided in the noise report, to meet the above condition, can be classed as a worse case scenario.

The following conditions are recommended by the Environmental Health Department in the consultation response.

*Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.*

*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.*

In the absence of any objection from Environmental Health, it is not considered that a refusal on amenity grounds could be sustained.

### **Highway Safety**

The site is located over 500m from the nearest public highway and in the absence of any objection from the Strategic Highways Manager; it is not considered that there are any highways reasons for refusal.

### **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a)in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council's Ecologist has commented as follows:

#### Birds

Wind turbines can have an adverse impact upon birds. However, only a limited number of bird species are considered to be at significant risk. It is advised that no significant habitat for sensitive birds is present in the locality of the proposed development and whilst occasional bird casualties cannot be discounted, the proposed turbine is not likely to pose a significant risk to birds.

#### Bats

The Council's Ecologist has advised that the pond on site and the adjacent hedgerows provide suitable foraging commuting habitat for bats. Natural England advises that to minimise the potential impacts of turbines upon bats the turbine should be positioned so that the blade tip is 50m or more from any hedgerow or tree. In this instance, as originally

submitted the turbine base appeared to be roughly 50m from the nearest hedgerow and roughly 40m from the adjacent pond.

Based on his calculations using the Natural England guidance, for the blade tip of the turbine to be 50m from the nearest relevant habitat feature the base of the turbine must be just under 75m away from the hedgerow and pond. Natural England identify 5 bat species as being sensitive to wind turbines (at the medium or high level). Only one of these species is regularly recorded in Cheshire.

In conclusion it was advised that whilst the proposed turbine may pose a risk to bats. In order to mitigate this impact the appropriate stand-off of 75m should be provided. Accordingly an amended plan has been submitted showing the turbine to be relocated and the Council's ecologist has confirmed that he is satisfied that the revised location of the turbine would be adequate to mitigate its potential impacts upon bats.

### Great Crested Newts

A pond is present in close proximity to the proposed turbine. From a visual inspection this pond appears to have significant potential to support breeding great crested newts. The footprint of the proposed turbine however offers limited terrestrial habitat for amphibians. Considering the small scale of the proposed development the Council's Ecologist is satisfied that the proposed development would not be significantly likely to have an adverse impact upon this species if it was present. The relocation of the turbine to ensure it is 75m away from the pond, as required to mitigate the potential impact of the development upon bats, would further assist in mitigating the potential risk to great crested newts. This has also been addressed as a result of the submission of the amended plan.

### **Other Issues**

Manchester Airport and the MOD have been consulted on the proposals and raised not objections on safety grounds.

### **CONCLUSIONS**

There is broad support at both national and regional level for renewable energy proposals and wind turbine. Local Plan policy is also permissive provided that certain criteria are met. For the reasons stated above, and having due regard to all other matters raised, it is concluded that the proposal complies with the local plan policy and in the absence of any other material considerations to indicate otherwise it is recommended for approval.

### **Conditions**

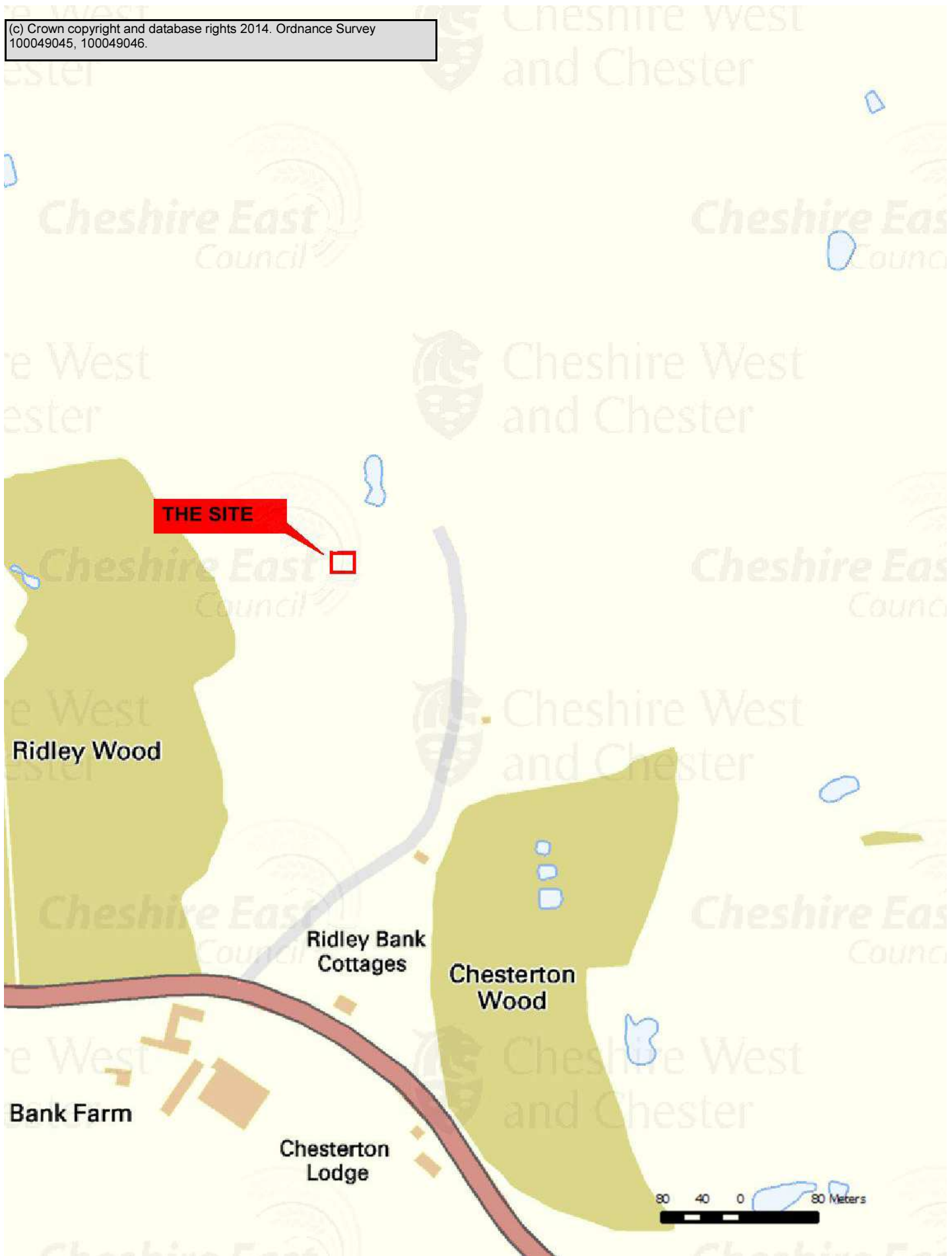
- 1. Standard**
- 2. Approved drawings**
- 3. Removal when no-longer required for electricity generation purposes.**
- 4. The noise from the wind turbine shall be limited to an LA90,10min of 35dB(A), up to wind speeds of 10m/s at a height of 10 metres, to protect the amenity of local residents.**

## **5. Prior Approval of External Lighting**

**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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Application No: 14/1242C

Location: FORMER ARCLID HOSPITAL SITE, NEWCASTLE ROAD, ARCLID

Proposal: Proposed housing development consisting of 83 dwellings

Applicant: Mr Stephen Miller, Morris Homes Limited

Expiry Date: 20-Jun-2014

**SUMMARY RECOMMENDATION**

- **APPROVE** subject to Section 106 Agreement and Conditions

**MAIN ISSUES**

**Planning Policy**  
**Access**  
**Landscape**  
**Design/Layout**  
**Amenity**

**REFERRAL**

This application is referred to Southern Planning Committee because it is a small scale major development and a departure from the Development Plan. Committee considered the application at the meeting in September and requested further information in respect of the affordable housing provision.

**SITE DESCRIPTION**

The site is that of the former Arclid Hospital that was demolished in the late 1990's. The site comprises approximately 3.4ha of previously developed land and is located to the north-east of the A534 / A50 junction, in the village of Arclid. It is adjacent to housing to the east, farmland to the south and ribbon of development fronting the A50 within the open countryside. The south west of the site is abutted by a restaurant and to the west side of the A50 is open countryside. A group of trees protected by a Tree Preservation Order (TPO) are located along the boundary with the A50. Arclid is a small settlement with only a petrol filling station/shop, a large agriculture engineering sales/workshop unit, a restaurant, small offices in a former chapel, and a council tip.

**DETAILS OF PROPOSAL**

This is a full application for the erection of 83 houses. Access would be taken off Newcastle Road (A50). Davenport Lane would be re-aligned to improve the safety of the junction with Spark Lane (A538). A revised layout (H) has been submitted

## **RELEVANT PLANNING HISTORY**

### **Very extensive site history but most recent:-**

10/1575C – Extension to time limit: Development of 80 bed care home – Refused 19/08/10

## **PLANNING POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Policy**

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- EG1 Economic Prosperity
- IN1 Infrastructure
- IN2 Developer Contributions

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR5 Landscaping
- GR6 Amenity and Health
- GR9 Accessibility, servicing and provision of parking
- GR14 Cycling Measures
- GR15 Pedestrian Measures
- GR17 Car parking
- GR18 Traffic Generation
- GR21 Flood Prevention
- GR 22 Open Space Provision
- NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H13 Affordable Housing and Low Cost Housing  
DP1 Employment Allocation

### **Other Material Policy Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land

### **OBSERVATIONS OF CONSULTEES**

**Environment Agency:** No objections

**United Utilities:** Comment that it is the responsibility of the applicant to secure relationship to provide for the development.

**Environmental Health:** Recommend refusal on insufficient information in respect of air quality. Subject to satisfactory information being received would require conditions regarding piling, environmental management plan, and contamination, dust control, travel plan and electric car charging points.

**Jodrell Bank:** Have requested the incorporation of certain materials into the buildings to negate adverse electromagnetic issues.

**Education:** The Education Department has undertaken a further assessment into the local schools taking into account approved development, expected pupils and proposed expansion work. In the instance of the application site there are 3 primary schools within a 2 mile radius. In light of the further analysis then the figures indicate that there will be sufficient places available in the local primary schools. However the secondary schools are still forecast to be oversubscribed. Therefore, a revised sum of £163,427 is required towards secondary provision.

**POS Officer:** No comments received at the time of writing this report.

**Highways:** Comment as follows:

- The access road into the site still does not have a footway on each side.
- Parking is difficult to assess and current authority standards require 3 car spaces for 4-bed dwellings in a rural area such as this.
- The flats are acceptable at 100% provision as they are one-bed units.
- The layout shows all of the carriageways to be of a width where two footways are required by design.

- There is no hierarchy to the proposed layout and pedestrians have no priority in any area of the proposed layout.
- The site does have strong merit with its treatment of Davenport Lane where the improvement – particularly to the junction with the A534 – will provide significant local betterment and benefit highway safety.
- The extra off-street parking for the existing residents looks adequate to at 16 spaces.
- The private drives to plots 6 & 83 require tracking for refuse vehicle.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Supports the application for housing on the former hospital site and the associated change of planning from commercial to residential and believe the proposed provision of gas and the improvements of the junction between Davenport Lane and the A534 (Spark Lane), the provision of the footpath and widening of Davenport Lane and the provision of the play area and green space are all positive improvements for the local area. They are concerned about proposed access on to Davenport Lane for 11 new properties and the position of the “pump station” for the foul sewage.

Although some parking space has been included in the application to “relocate” the vehicles currently using the area of Davenport Lane affected by the proposed new houses, the parking requirements of current residents (mainly from Heath Terrace), their visitors/delivery vehicles combined with the requirements of the new houses, their visitors and delivery vehicles is likely to exceed the parking availability (as currently used in the lane) particularly since a number of positions will be lost due to the driveways of the new houses.

Unless Cheshire East Highways and the developers can propose a solution to the above parking requirements which provides legal and safe on street and off road parking in that area and not displace the vehicles to cause impact elsewhere in the area then the council believes that the proposed access is inappropriate. It would impact the environment and potentially cause safety issues.

The Parish Council ask that the siting of the pump station be reconsidered to see if there is a better position. In its proposed position it is expected that the noise and visual aspect will impact current residents. Also the access required for maintenance vehicles and possibly for “sludge tankers” will cause further problems in Davenport Lane. The Parish Council feel that the “pump station” should be relocated to provide safer access and to avoid impact on residents.

## **OTHER REPRESENTATIONS**

A petition signed by over 50 people has been received which states that they are not opposed in principle to the development but seek a reduction in the amount of housing with concern with access and parking onto/on Davenport lane, and to secure adequate parking for the residents of Heath Terrace. Concern is also expressed in respect of the comments of the Parish Council, the siting of the pumphouse, loss of wildlife and school provision.

A further 19 letters have been received that are a mix of objection/observation/general support. To summarise the general principle of development has been accepted but concern is expressed again over:-

- Parking/traffic/access on Davenport Lane
- Position of pump station
- Inadequate parking for Heath Terrace
- Impact on wildlife and ecology and hedgerows
- Inadequate capacity in local schools

Certain technical aspects of development are welcomed particularly elements of the house design and introduction of a gas supply to the locality.

The letters are extensive and this is a summary. The full content can be viewed on the Council website.

#### **APPLICANT'S SUPPORTING INFORMATION:**

- Flood Risk Assessment
- Design and Access Statement
- Ecological Appraisal
- Transport Assessment
- Sustainability statement.
- Noise report
- Affordable housing statement

These documents are available to view on the application file.

#### **OFFICER APPRAISAL**

##### **Principle**

The site is within the settlement zone line of Arclid that is designated by policy PS6 as a settlement in the Open Countryside. It states that limited development in accordance with policy H6 will be permitted where it is appropriate to local character in terms of use, intensity, scale and appearance. This site has sustainability issues in terms of access to local shops and services but this must be balanced against the redevelopment of previously developed land and provision of new homes.

The National Planning Policy Framework states that one of its core principles is that planning should:

*“Proactively drive and support sustainable economic development to deliver the **homes**, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*

(This former hospital site was initially subject to a land allocation as an employment commitment in the Congleton Local Plan. However, this is not a saved policy.)

##### **Affordable Housing**

As this proposal is in a rural area that has a population of fewer than 3,000 and the site is larger than 0.2ha or has more than 3 dwellings on it there is a requirement for affordable housing to be provided as per the Interim Planning Statement: Affordable Housing (IPS). The site lies in the Arclid Parish close to the boundaries with Brereton and Smallwood Parishes as well as to Sandbach. Arclid is located in the Sandbach Rural sub-area in the Strategic Housing Market Assessment (SHMA) Update 2013. The SHMA Update identified a need for 12 new affordable units per year between 2013/14 and 2017/18 in the Sandbach Rural sub-area, made up of a need for 13 x 1 bed, 2 x 2 beds, 3 x 4+ beds and 2 x 1 bed older persons units. The SHMA Update shows an oversupply of 3 beds.

In addition to this information there are also 2 applicants on the housing register who have selected Arclid as their first choice, both of which require 1 beds. A rural housing needs survey was carried out for Arcild Parish in January 2013. The results show a need for potentially 3 new affordable homes. Arclid is a small parish and the housing need of the parish is lower than the proposed delivery of affordable housing on this site. However, it is the view of the Strategic Housing Manager that a brownfield site such as this should provide affordable housing for neighbouring rural locations and the wider Sandbach Rural SHMA sub-area as there are limited opportunities to meet the identified need in rural areas.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the IPS. This equates to a requirement for 25 affordable dwellings on this site, with 16 provided as social or affordable rent and 9 provided as intermediate tenure.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. Also, all the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application states that 15% (12 units) affordable housing will be provided on this site due to viability reasons. The Strategic Housing Officer has no objections to the reduced amount of affordable housing and location of the housing as long as the viability assessment would appear reasonable. The applicants have submitted a further viability assessment and the Council have appointed consultants to thoroughly analyse the viability and the findings will be reported as an update to the meeting.

### **Access, parking and traffic**

The Highways Officer had commented on a number of issues that seemed resolvable with minor changes to the proposed layout. This included the provision of footpaths on both sides of the internal roads and clarification on the number of car parking spaces for each plot. The provision for Heath End Terrace is generous and the applicants are to be commended on this provision. The applicants have met with officers to discuss these issues and the revised layout H has been submitted that overcomes all those minor concerns and is fully supported



by the Highways Officer.

### **Layout and Design**

Houses are shown to the facing north east on to Davenport Lane and south east on to Newcastle Road. The main access roads are within the site, creating a permeable active frontage to all principle routes outside and within the development, whilst now, via amended plans, retaining the boundary hedgerow to the northwest.

Nearby development comprises a mixture of ages and architectural styles, ranging from modern suburban development to terraced cottages. There is ribbon development along Spark Lane and Newcastle Road. There is a mix in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles.

The primary route along Davenport Lane creates a strong, active frontage. The secondary routes into and around the development would serve houses with a more informal building line and architecture and the tertiary routes are defined by predominantly detached houses. The proposed houses are two storeys high; the only single storey buildings are garages. It is considered that the proposed houses are appropriate in the existing context as they are not overly excessive in scale or mass in comparison to the surrounding buildings.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site demonstrates overall that 83 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings to the rear. Distances are also respected to the houses on John Ford Way. However, the scheme falls short of the recommended distances, on some internal plots, as little as 16m would be achieved between principal windows across an internal road. Nevertheless, the Local Planning Authority must be mindful of the need to make effective and efficient use of brownfield land in the consideration of planning applications, in order to ease pressure on Greenfield sites elsewhere in the Borough and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. Furthermore, modern urban design principles encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements

### **Landscape**

The Landscape Office now considers that the most revised layout overcomes and addresses all previous overall concerns and the application is now acceptable and to be supported in landscape terms.

### **Hedgerows**

The submission proposes a development beyond the fringes of the former employment allocation and the retention of the established hedgerow to the north west of the site. This is an extremely attractive feature of the scheme and some houses would look outwards towards the hedgerow and it is incorporated as a full feature of the scheme. This is to be supported.

## **Ecology**

### Habitats

The submitted phase one habitat plan identifies much of the proposed development site as supporting 'poor semi-improved grassland' habitats. No detailed botanical data has been provided for this habitat type and the survey was undertaken in January which is a poor time of year for assessing the habitats of this type. The Nature Conservation Officer advises that the council has insufficient information to assess the nature conservation value of this habitat. In order for the Council to fully assess the potential value of the habitats on this site that would be lost to the proposed it is recommended that a further botanical survey of the semi-improved grassland habitats be undertaken and a report submitted to the Council prior to the determination of the application. The survey should be undertaken at the optimal time of the year and the survey report should include a full botanical species list and a DAFOR rating for each species recorded. A survey undertaken in late May – August would be preferred as this would provide a much more robust assessment. This should be undertaken in the spring whilst the S.106 details are completed.

### Great Crested Newts

A detailed GCN survey cannot be undertaken now until next spring. However, most of the habitat that falls within 250m of the pond is proposed for open space. The pond is also isolated from the development site by a water course which could potentially deter newts from moving towards the application site. However if the construction of the POS requires earth moving/levelling works etc. then a GCN survey would still be required. No earth moving or levelling works are yet proposed in the POS.

### Bats

It is advised that the trees (identified as target notes 1 and 2 on the submitted habitat plan) must be subject to a survey for roosting bats. A report of the survey together with any mitigation proposals required must be submitted to the LPA prior to the determination of the application. A bat survey is being undertaken and the outcome will be reported as an update or resolved prior to issue of the decision notice.

### Breeding Birds

It is advised that standard conditions would be required to safeguard breeding birds.

## **Air Quality**

The development lies in the vicinity of the A5022/A534 (J17, M6) Air Quality Management Area (AQMA) declared in relation to exceedences of the National Health Based Limit Values for Nitrogen Dioxide. By virtue of the proposed development location, vehicles travelling towards Sandbach/M6 motorway will impact upon the AQMA. In addition, there is concern

that the cumulative impacts of developments will lead to successive increases in pollution levels and thereby increased exposure.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. The EHO feels it is appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan and considers it appropriate to create infrastructure to allow home charging of electric vehicles in new modern properties.

The travel plan and electric vehicle charging points will be secured through the use of a planning condition.

### **Flood Risk/Drainage**

There are no outstanding issues and the Environment Agency has no objections.

### **Education**

The Education Department has undertaken a further assessment into the local schools taking into account approved development, expected pupils and proposed expansion work. In the instance of the application site there are 3 primary schools within a 2 mile radius. In light of the further analysis then the figures indicate that there will be sufficient places available in the local primary schools. However the secondary schools are still forecast to be oversubscribed. Therefore, a revised sum of £163,427 is required towards secondary provision and this has been agreed with the applicants.

### **Public Open Space**

The long term maintenance of the open space would be the responsibility of the applicants and secured in perpetuity by way of a facet encompassed in the Section 106 agreement. Therefore a direct financial contribution to the Council is not required.

### **Viability and Section 106 Matters**

The developer has submitted a viability appraisal, undertaken by consultants DTZ, of the scheme. This is being analysed by consultants on behalf of the Council. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*

It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

*To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation,*

*provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*

One of the 12 Core Planning Principles at paragraph 17 states that planning should:

*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.*

Consultants are considering the viability appraisal. The IPS on Affordable Housing requires development appraisals to be independently verified by an external valuation expert (cost to be borne by the applicant). Also the Local Plan Strategy Submission Version (March 2014) in SC 5, no.7 says the Council will commission an independent review of the viability study and the developer will bear the cost. An update will be provided in relation to this issue.

## **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, POS and children's play space is a requirement of Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in the area. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is therefore required. This would be considered to be necessary and fair and reasonable in relation to the development. If that is the case, and now the figure is duly agreed, the S106 recommendation would be compliant with the CIL Regulations 2010. The terms of the S106 are effectively now agreed between officers and the applicants subject to the viability assessment receiving positive vindication.

## **CONCLUSIONS**

The site lies within village settlement boundary, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant previously developed site which would be brought back into beneficial use. The proposal would also provide 83 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough. It is also accepted that the proposal would not result in a detrimental impact on the supply of employment land or premises in the Borough.

There would be no adverse impact on residential amenity and it is considered that, subject to the use of appropriate materials the proposal represents a good design which respects the

character and appearance of the area in which it is located can be achieved and as such it complies with policy GR2 of the Local Plan and the provisions of the NPPF in respect of design. Environmental Health matters of air quality, noise and contaminated land can be addressed through appropriate conditions.

In terms of affordable housing provision, this is being further scrutinised via the submitted viability assessment and the outcome will be reported as an update. Indeed there are many planning benefits including: Davenport lane junction improved for safety and footway; 15 new parking spaces provide for existing residents; TPO trees retained; Hedge retained; 1 bed pepper potted affordable housing; Natural play provided and large POS area for kick about; Hidden underground pump station; Footpath links to existing surroundings; Education contribution.

Therefore the recommendation is amended to one of Approve subject to the full completion of a section 106 agreement comprising undertakings on affordable housing, education contribution and maintenance of open space; and the satisfactory completion of the habitat, bat and GCN surveys.

## **RECOMMENDATION**

**The outstanding ecological issues to be delegated to the Head of Strategic & Economic Planning, in consultation with the Chair of Southern Planning Committee for consideration prior to the issue of any decision notice.**

**Should no objection be raised by the Councils Ecologist approve subject to a Section 106 to secure the following:**

- **Affordable Housing (15%/12 units)**
- **Education contribution towards Secondary School Provision of £163,427**
- **POS and LEAP (5 pieces of equipment to be provided and maintained by management company)**

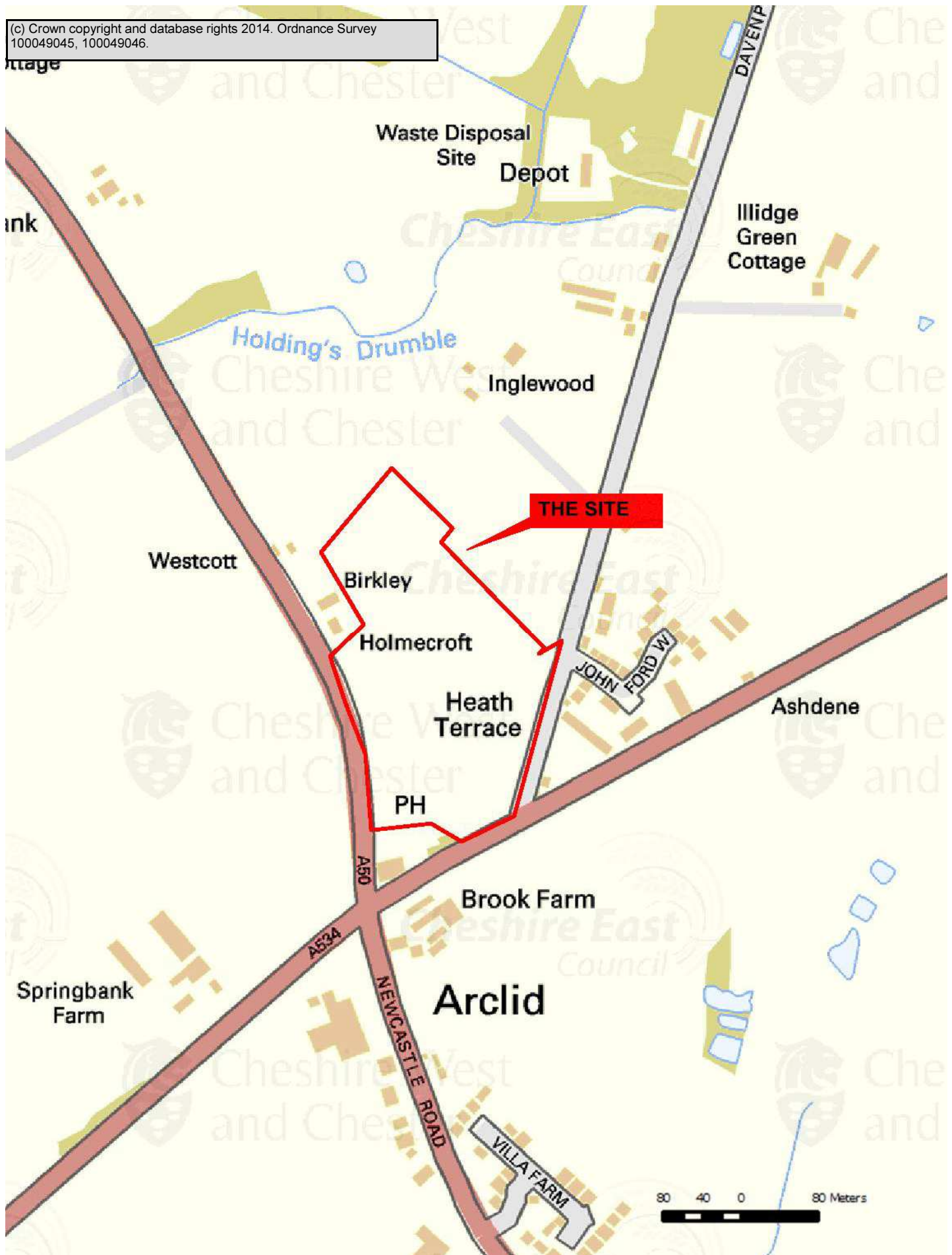
**In addition the following conditions**

- 1. Time**
- 2. Materials to be submitted**
- 3. Approved plans**
- 4. Piling details to be provided**
- 5. Environmental Management Plan**
- 6. Levels to be submitted and approved**
- 7. Landscape to be submitted and approved**
- 8. Landscape implementation**
- 9. Tree/Hedge Protection**
- 10. Arboricultural Method Statement**
- 11. Contamination details to be submitted and approved**
- 12. Boundary Treatment Details to be submitted and approved**
- 13. Air Quality**
- 14. Dust Control**
- 15. Breeding Birds**
- 16. Travel Plan**

**17. Electric vehicle infrastructure**

**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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Application No: 14/4242N

Location: Gresty Green Farm, GRESTDY GREEN ROAD, SHAVINGTON CUM GRESTDY, CREWE, CW2 5AE

Proposal: Variation of condition 12 of 11/2212N - Minor amendments to house types and layout

Applicant: Jane Aspinall, Bellway Homes NW

Expiry Date: 08-Dec-2014

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

- **Main Issues**
- **Design and Layout**
- **Amenity**
- **Ecology**
- **Access**
- **Affordable Housing**
- **Public Open Space**

#### **REFERRAL**

The application has been referred to Southern Planning Committee because it relates to the variation of a planning condition attached to application 11/2212N which was determined by the Strategic Planning Board.

#### **SITE DESCRIPTION**

The application site is located to the west of Gresty Green Road and to the north of Gresty Lane within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site includes Gresty Green Farm which comprises a traditional farmhouse and a range of modern and traditional farm buildings. The majority of the site is a relatively flat field which is bound by traditional hedgerows and a number of large trees. To the north of the site is a railway line with a depot beyond. To the opposite side of Gresty Green Road is a mix of

residential properties which vary in height from single-storey to two-storey. To the east of the site are storage buildings which are occupied by Crewe Cold Stores.

## **DETAILS OF PROPOSAL**

This application seeks to vary condition 12 attached to application 11/2212N. Application 11/2212N is a full planning permission for the erection of 51 dwellings. Access to the site would be taken from Gresty Green Road. The approved development consists of 28 four bedroom dwellings, 15 three bedroom dwellings and 8 two bedroom dwellings. All of the properties on the site would be two-storeys in height. Public Open Space would be provided in three separate parcels, the largest would be located alongside the railway with two smaller parcels located onto the frontage with Gresty Lane.

This application seeks to vary the approved plans condition attached to application 11/2212N to secure amendments to the house types on the site and minor changes to the layout.

## **RELEVANT PLANNING HISTORY**

13/2135N - Demolition of Buildings. Residential Development with Associated Access & Landscaping – Refused 15<sup>th</sup> August 2013

11/2212N - Demolition of Buildings. Residential Development with Associated Access & Landscaping – Refused 3<sup>rd</sup> October 2012 – Appeal Lodged – Appeal Allowed.

## **PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Cheshire East Development Strategy  
Cheshire East SHLAA  
SHMA Update 2013

**Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

**OBSERVATIONS OF CONSULTEES**

**Environment Agency:** No further comments to make.

**Strategic Highways Manager:** The application is recommended for approval by the Strategic Highways Manager.

**Environmental Health:** An informative to be attached in relation to contaminated land. No other comments.

**Network Rail:** No further comments to make.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Shavington Parish Council:** No comments received

**OTHER REPRESENTATIONS**

One letter of objection has been received raising the following points:

- This development should never have been allowed in the first place as it is too far from Crewe. The planning permission should be revoked.
- Members of the public were not allowed to speak at the planning meeting
- The play area should not be allowed so close to the railway line.
- The access should not be from Gresty Green Road but should be from Gresty Lane.
- The development will result in disruption caused by the construction phase of the development.
- Increased traffic from the development.

One letter of representation received raising the following points:

- The four trees shown on the submitted plans opposite Bridge Villa would cause shading and leaf accumulation. The trees should not be allowed to grow greater than 3 metres in height.
- Traffic to the railway depot has to use the narrow lane and this causes a number of traffic problems and congestion along Gresty Green Road.
- Consideration should be given to pedestrians who use Gresty Green Road as there is a lack of public footpaths.
- There are drainage issues in the vicinity of the site and Gresty Green Lane suffers flooding problems under the bridge. The existing drain should discharge into rainwater disposal system for the site.

#### **APPLICANT'S SUPPORTING INFORMATION:**

**Landscape Specification**

**Landscape Layout**

**Sustainability Statement**

These documents are available for view on the application file.

#### **OFFICER APPRAISAL**

##### **Main Issues**

Given that the principle of development has been established by the granting of full planning permission at appeal this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. This application relates to a minor changes to the house types and layout of the site.

##### **Design and Layout**

The layout would be very similar to the approved scheme with the position of the access point, internal access roads, location of the POS/LEAP and pump station all remaining unchanged.

The changes relate to the house types and position of the units (excluding those closest to Gresty Green Road which are unchanged). The approved housing mix is as follows:

HOUSETYPE MIX					
K	KEATS	4BED/2STOREY DETACHED	1329	SQFT	10
L	LARCH	4BED/2STOREY DETACHED	1272	SQFT	10
F	FAIRHAVEN	4BED/2STOREY DETACHED	1232	SQFT	3
O	OAKWOOD	4BED/2STOREY DETACHED	1134	SQFT	5
LA	LANSDOWN	3BED/2STOREY DETACHED	943	SQFT	5
C	CHATSWORTH	3BED/2STOREY SEM/MEWS	733	SQFT	10
S	STUDLEY	2BED/2STOREY MEWS	609	SQFT	8
<b>TOTAL</b>			<b>52293</b>	<b>SQFT</b>	<b>51</b>

The scheme would be amended to the following mix:

HOUSETYPE MIX					
4KE133	KEATS ALT / BAY	4BED/2STOREY DETACHED	1327	SQFT	2
4KE131	KEATS	4BED/2STOREY DETACHED	1311	SQFT	2
4LA129	LARCH	4BED/2STOREY DETACHED	1293	SQFT	4
4FA124	FAIRHAVEN	4BED/2STOREY DETACHED	1232	SQFT	3
4OA115	OAKWOOD	4BED/2STOREY DETACHED	1151	SQFT	5
3WE103	WESTON	4BED/2STOREY DETACHED	1025	SQFT	19
3LA094	LANSDOWN	3BED/2STOREY DETACHED	943	SQFT	7
3GO098	GORDON	3BED/2STOREY DETACHED	978	SQFT	2
AU	AUSTEN	2BED/2STOREY SEM/MEWS	822	SQFT	5
3BY085	BYRON	3BED/2STOREY SEM/MEWS	850	SQFT	2
<b>TOTAL</b>			<b>53741</b>	<b>SQFT</b>	<b>51</b>

This minor amendment would still respect the character and appearance of the area and would comply with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

### Amenity

The main properties affected by this development are located to the east of the site fronting Gresty Green Road. In this case the required separation distances would be exceeded and there would be no changes to the closest proposed dwellings to Gresty Green Road and as such there would be no greater impact upon residential amenity.

The impact upon residential amenity of the future occupiers through noise and disturbance caused by the adjacent railway and nearby industrial units was considered as part of the original application and mitigation will be secured through the use of a planning condition.

Therefore the proposal is considered to comply with the requirement of policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan

### Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if

there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

This variation to the approved plans condition would raise no additional ecological impacts.

### **Access**

The changes to the house types are considered to be minor and they would not raise any greater amenity issues than the approved plans. This view is supported by the Strategic Highways Manager.

In terms of parking provision all plots would have at least 200% car-parking provision. This parking provision is considered to be acceptable and would comply with Policy TRAN.9 of the Crewe and Nantwich Replacement Local Plan.

The development would comply with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Affordable Housing**

The development would still provide the same level of affordable housing apart from compliance with the rainwater harvesting of the Code for Sustainable Homes Level 3 which is no longer national requirement.

### **Public Open Space**

The amendments would result in a slightly greater level of POS being provided on this site. As such this is considered to be acceptable.

## **CONCLUSIONS**

Full planning permission has already been given for residential development on this site.

The proposed amendments to the house types and housing layout would not raise and amenity, design, highways or ecology issues and the development is considered to be acceptable.

The conditions attached by the Inspector at the appeal for application 11/2212N are included within the recommendation.

## **RECOMMENDATIONS**

**That the application be approved subject to completion of Section 106 Deed of Variation securing the same obligations as 11/2212N:**

- 1. Provision of 7 affordable housing units – 3 to be provided as social rent with 4 as intermediate tenure (apart from the removal of the requirement for the compliance with the rainwater harvesting element of CFSH Level 3)**
- 2. Provision of education contribution of £86,268**
- 3. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 4. A commuted payment of £51,000 towards highway improvements (to be put towards the construction of the Crewe Green Link Road or capacity improvements at the junction of Gresty Road and South Street with Nantwich Road)**

**And subject to the following conditions:-**

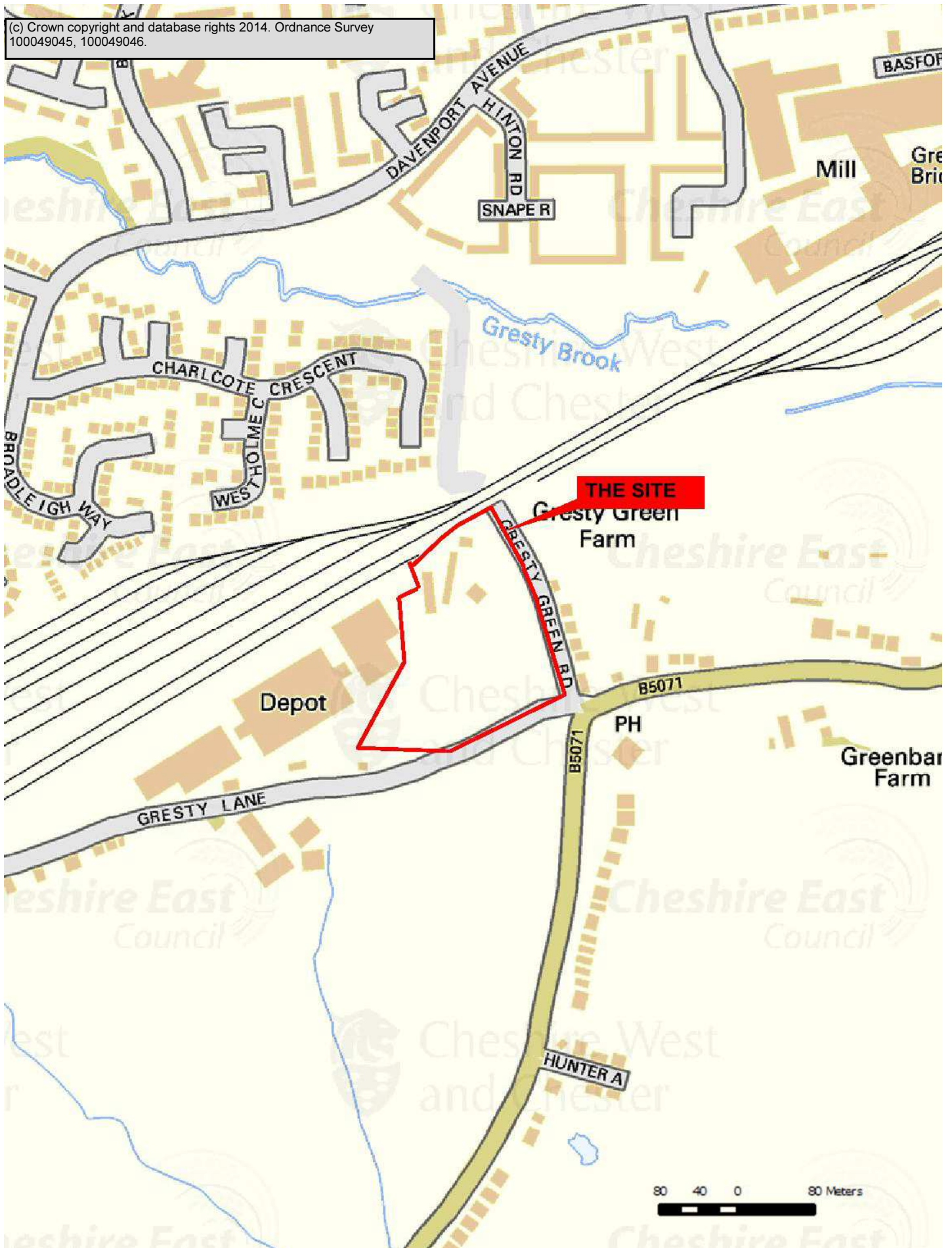
- 1. Standard time limit 3 years from the date of the appeal decision**
- 2. Materials to be submitted for approval**
- 3. Landscaping submission**
- 4. Landscaping implementation**
- 5. Submission and approval of an Arboricultural Method Statement**
- 6. No removal of trees without the prior written consent of the LPA**
- 7. Boundary Treatment to be submitted for approval**
- 8. Removal of Permitted Development Rights for Plots 30-38 and 41**
- 9. Breeding Birds timing of works**
- 10. Features for use by nesting birds to be submitted to the LPA for approval in writing**
- 11. Mitigation for Bats and Barn Owls to be submitted to the LPA for approval in writing**
- 12. Approved Plans**
- 13. Surface Water Regulation System to be submitted for approval**
- 14. Management of Overland Flow to be submitted for approval**
- 15. Contaminated Land**
- 16. Submission of noise mitigation measures for approval**
- 17. External Lighting details to be submitted for approval**
- 18. Prior to the commencement of development, detailed drawings of the junction design at Crewe Road/Gresty Lane/Gresty Green Road, which shall include the provision of a pedestrianised island and a right turn lane, shall be submitted to and approved in writing by the Local Planning Authority.**
- 19. Bin Storage Details to be submitted and approved.**

**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 his 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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Application No: 14/4530N

Location: Land Off, ROPE LANE, SHAVINGTON

Proposal: Variation of condition 1 of 14/1543N to change the house type on plots 3, 7, 20, 35 and 72.

Applicant: Wainhomes (Northwest) Ltd

Expiry Date: 25-Nov-2014

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

- **Main Issues**
- **Design and Layout**
- **Highways**
- **Ecology**
- **Amenity**

#### **REFERRAL**

The application has been referred to Southern Planning Committee because it relates to the variation of a planning condition attached to application 14/1543N which was determined by the Southern Planning Committee.

#### **SITE DESCRIPTION**

The site comprises 3.679ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

## **DETAILS OF PROPOSAL**

Members may recall that outline planning permission for the erection of up to 80 dwellings was refused by Strategic Planning Board in 2012, and subsequently allowed at Appeal. Approval was also sought for means of access with all other matters, reserved for a subsequent application.

A reserved matters application 13/1021N was subject to an appeal for non-determination and the Strategic Planning Board confirmed the Council was 'minded to refuse' the application at the meeting on 17<sup>th</sup> July 2013. The appeal was allowed.

This application seeks to vary the approved plans condition attached to application 14/1543N. The amendment seeks to vary the house types on plots 3, 7, 20, 35 and 72 from the Brunel House Type to the Shakespeare House Type.

## **RELEVANT PLANNING HISTORY**

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20<sup>th</sup> May 2014

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission - Refused. Appeal allowed.

11/4549N - Outline application for up to 80 dwellings including access – Refused. Appeal allowed.

## **PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

NE.2 (Open countryside)  
NE 4 (Green Gap)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)  
TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

**Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

SHMA Update 2013

**Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

**OBSERVATIONS OF CONSULTEES**

**Environment Agency:** No comment

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Rope Parish Council:** No comments received

**Shavington Parish Council:** No comments received

**OTHER REPRESENTATIONS**

No representations have been received from Members of the Public.

**APPLICANT'S SUPPORTING INFORMATION:**

No supporting information received.

## **8 OFFICER APPRAISAL**

### **Main Issues**

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. The detailed design has also been approved as part of a recent appeal decision and works have now commenced on site. This application relates to a minor change to the house types on plots 3, 7, 20, 35 and 72.

### **Design and Layout**

This application relates to a minor alteration with the removal of house type 'Brunel' and its replacement with house type 'Shakespeare'. Both house-types are two-stories in height with pitched roofs. The main difference is the introduction of a projecting gable above the garage on the 'Shakespeare' house type which would increase the size of the bedroom accommodation. It is not considered that this change would have a detrimental impact upon the character and appearance of the area and all of the affected house types are located within the site and would not be readily visible from Rope Lane.

This minor amendment would not affect the street-scene and complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Access**

This minor change to the house types would not raise any highway implications and would comply with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

This variation to the approved plans condition would raise no additional ecological impacts.

### **Amenity**

The changes to the house types are considered to be so minor that they would not raise any greater amenity issues than the approved plans.

Therefore the proposal is considered to comply with the requirement of policy BE1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **CONCLUSIONS**

Outline and Reserved Matters approval has already been given for residential development on this site.

The proposed minor amendment to the house types would not raise and amenity, design, highways or ecology issues and is considered to be acceptable.

The conditions attached by the Inspector at the appeal for application 13/1021N are included within the recommendation.

### **RECOMMENDATIONS**

**Approve subject to the following conditions:**

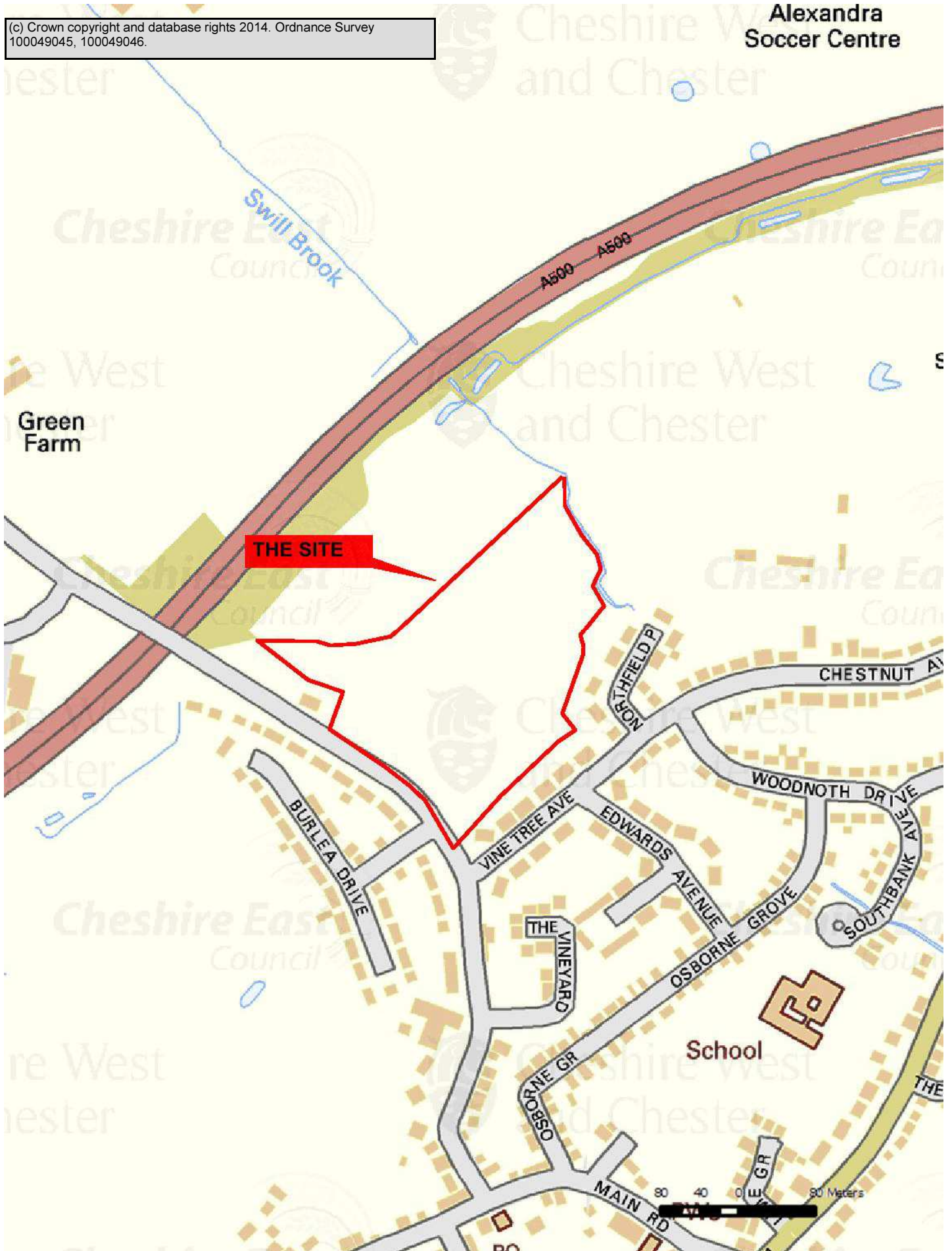
- 1. Approved Plans**
- 2. Compliance with the materials specified in the letter dated 4<sup>th</sup> September 2014 and as shown on plan reference 1274WHD/RLS/SLO1 Rev M received on 24<sup>th</sup> October 2014 as part of discharge of conditions application 14/4197D.**
- 3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing shall be carried out in the first planting seasons following the completion of the development, and any trees or shrubs that die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the landscaping scheme shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.**
- 4. Notwithstanding the details shown on the approved landscaping scheme, the large gap in the hedgerow to the north of the open space area shall be planted up with a hedgerow of native species before the open space area is brought into use.**
- 5. The balancing pond shall comply with the details shown on plan reference 3978/8/1 Rev B, the Storm Sewer Design from Micro Drainage and detailed within the e-mail from Peter Barlow dated 1<sup>st</sup> July 2014 received as part of application 14/2923D**

6. **Boundary Treatment in accordance with the submitted plan 1274WHD/RLS/SL01  
Rev M**



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Alexandra  
Soccer Centre



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Application No: 14/4247N  
Location: 139 A, Wistaston Road, Willaston, Nantwich, Cheshire, CW5 6QS  
Proposal: Erection of detached bungalow  
Applicant: J.R.Tonks Limited  
Expiry Date: 03-Nov-2014

**SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

**MAIN ISSUES**

- The principle of the development
- Impact on adjoining residential amenities
- The acceptability of the design
- Impact up highway safety/parking
- The impact upon trees and landscape

**REASON FOR REFERRAL**

This application has been 'called-in' to Southern Planning Committee by Cllr M. Simon for the following reasons;

*'...On the site plans the orientation of the proposed new build shows the side elevation facing the gardens of 340 Crewe Road, Wistaston. As there are two windows on the side wall this will result in loss of privacy for 340 Crewe Road, Wistaston and it will be overbearing. The proposed design for this bungalow is not in keeping with the style of housing immediately surrounding it which is predominantly Victorian/ Edwardian Villas'*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises of the side and rear garden of No.139A Wistaston Road, Willaston, within the Crewe Settlement Boundary.

**DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of a detached bungalow.

The proposed bungalow would be constructed on land to the rear of 139A Wistaston Road, Willaston.

It would measure approximately 11.4 metres in depth, 18 metres in width and 5.5 metres in height.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Local Plan Policy**

RES.2 - Unallocated Housing Sites  
RES.3 - Housing Densities  
BE.1 - Amenity  
BE.2 - Design Standards  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
BE.5 - Infrastructure  
NE.9 - Protected Species

### **National policy**

National Planning Policy Framework (NPPF)

### **Other Material Considerations**

Supplementary Planning Document on Development on Backland and Gardens

### **Cheshire East Local Plan Strategy – Submission Version**

PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland

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

**Strategic Highways Manager** – No objections

**Environmental Health** – No objections, subject to a number of conditions including; the prior submission of a piling method statement, a restriction of the hours of piling, the prior submission of a dust mitigation scheme and the prior submission of external lighting. Informatives relating to hours of construction and contaminated land are also proposed.

**United Utilities** – No objections, subject to a number of informatives relating to connections to public sewers, the provision of a water metre and the use of permeable hard surfacing materials.

**VIEWS OF THE PARISH COUNCIL:**

**Willaston Parish Council** – No objections

**OTHER REPRESENTATIONS**

**340 Crewe Road** – Raise objections to the proposal on the following grounds;

- Amenity – Loss of privacy, overlooking, loss of light, air pollution
- Design – Bungalow not in character with local area
- The application should be determined on its own merits

A loss of view has also been raised as a concern however; this is not a material consideration.

**APPLICANT'S SUPPORTING INFORMATION**

Planning Statement

**OFFICER APPRAISAL**

**Principle of Development**

Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. As such, the principle of erecting a dwelling in this location is acceptable subject to other local plan policies.

The NPPF largely supports the Local Plan policies that apply in this instance.

**Residential Amenity**

Policy BE.1 of the Local Plan advises that new development should not be permitted it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The proposed bungalow would be sited approximately 32 metres from the rear elevation of No.338 Crewe Road to the northwest and approximately 24 metres from the rear elevation of the applicant's property, No.139A Wistaston Road.

Given these large separation distances, which exceed the recommended minimum separation distances detailed within the Development on Backland and Gardens Supplementary Planning Document (SPD), it is not considered that the proposal would create any amenity issues with regards to loss of privacy, light or visual intrusion.

In terms of the amenities of the future occupiers of the proposed dwelling, the amount of garden space proposed would comfortably adhere with the minimum recommended standard of 50 metres squared and detailed within the Development on Backland and Gardens SPD.

With regards to environmental disturbance, the Council's Environmental Protection Officer has advised that they have no objections subject to a number of conditions including; the prior submission of a piling method statement, a restriction of the hours of piling, the prior submission of a dust mitigation scheme and the prior submission of external lighting. Informatives relating to hours of construction and contaminated land are also proposed.

As a result, subject to the above conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

### **Design Standards**

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

The proposed dwelling would be sited within the rear garden of No.139A Wistaston Road. It would be accessed by the creation of a new driveway that would extend westward from Wistaston Road, along the southern side of the applicant's property. The dwelling would be inset by approximately 52 metres from the highway.

The submitted plan shows that the dwelling would be constructed at an angle to reflect the build angle of the dwellings on Crewe Road to the north and west, rather than the Wistaston Road. As such, the front of the dwelling would be angled towards the rear elevations of the properties on Wistaston Road but lie directly parallel to those on Crewe Road. The angle of the dwelling would also respect the angle of the garden plot where the development is proposed. It is considered that the layout of the proposed development would be acceptable.

The form and height of the proposal would be a detached bungalow, approximately 5.5 metres in height. Although the closest of the neighbouring properties on Wistaston Road comprise of a mixture of two-storey detached and two-storey semi-detached properties, there are a number of detached bungalows within the area also.

As such, it is not considered that the form and height of the dwelling as a detached bungalow would detract from the local character, which is mixed.

The footprint of the bungalow would be approximately 205 metres squared. The surrounding properties would comprise of No.139A Wistaston Road (79.3 metres squared), No.137 Wistaston Road (105.8 metres squared) and 338 Crewe Road (141.1 metres squared). As such, the proposed footprint would be considerably larger than those in the immediate vicinity. However, in March 1997 planning permission was granted for a detached bungalow to the rear of No.127 Wistaston Road. This bungalow has a footprint of approximately 200 square metres. As such, in its wider context, the footprint of the proposed bungalow would respect the local character and is therefore deemed to be acceptable.

The dwelling would have a rectangular footprint and would comprise of a centralised gabled porch. An integral double garage is proposed in this elevation and the dwelling would comprise of a dual-pitched roof.

It is considered that the design features proposed on this dwelling would be acceptable.

It is advised within the application form that the bungalow would have mixture of brick and render walls. It is detailed on the proposed plans that the render would be Ivory in colour Weber.Pral M. No details regarding the roofing tiles or windows have been provided.

As such, should the application be approved, it is recommended that the materials be conditioned for prior approval.

Subject to this condition, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

### **Access**

The development proposes the extension of the existing access point to the applicant's dwelling.

The Strategic Highways Manager has advised that; *'In terms of off street parking spaces the proposed parking provision for both 139A and the proposed bungalow is consistent with Cheshire East Parking Standards and there is sufficient space for all vehicles to enter and exit the site in a forward gear.'*

As such, the development is considered to be acceptable and would adhere with Policy BE.3 of the Local Plan.

### **Trees / Landscape**

#### Trees

There are no trees that are covered by a TPO on site. However, in accordance with the 2012 British Standards, the application is supported by a tree survey, root protection plan and arboricultural impact assessment.

The submitted information advises that there are 8 individual trees, 3 groupings and hedges that were surveyed.

It is advised that 6 of these fell into retention Category B (Moderate value), 5 fell into Category C (Low value) and 1 tree has been removed since the survey.

The report recommends that pruning be done to 4 Norway Spruce and Scots Pine trees, the erection of protective fencing, the installation of temporary ground protection for works within root protection areas.

In response to the submitted information, the Council's Tree Officer has advised that he has no objections to the development, subject to the addition of a number of conditions which include; tree protection, tree pruning and felling specification; that development shall be implemented in accordance with the submitted arboricultural method statement; the prior submission of a levels survey and the prior submission of a drainage plan.

As such, subject to the addition of the above recommended conditions, it is considered that the proposal would adhere with Policy NE.5 of the Local Plan.

### Landscape

No landscaping information has been submitted by the applicant. As such, should the application be approved, it is proposed that a landscaping plan and boundary treatment plan be conditioned for prior approval.

### **CONCLUSIONS**

The proposed development would be of an acceptable design that would not have a detrimental impact upon neighbouring amenity, highway safety, trees or landscape. Therefore the proposed development would adhere with the policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RES.2 (Unallocated Housing Sites), RES.3 (Housing Densities) and NE.5 (Nature Conservation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposal would also adhere with the NPPF.

### **RECOMMENDATION:**

**APPROVE** subject to conditions

1. Time (Standard)
2. Plans
3. Materials to be submitted – Facing and roofing
4. Materials to be submitted - Surfacing
5. Hours of piling
6. Piling method Statement
7. Prior submission of a dust mitigation scheme
8. Prior submission of external lighting
9. Tree Retention
10. Tree Protection
11. Tree Pruning/Felling specification
12. Arboricultural Method Statement (Implementation)
13. Levels survey (trees)
14. Drainage (trees)
15. Landscaping (Details)
16. Landscaping (Implementation)
17. Boundary treatment

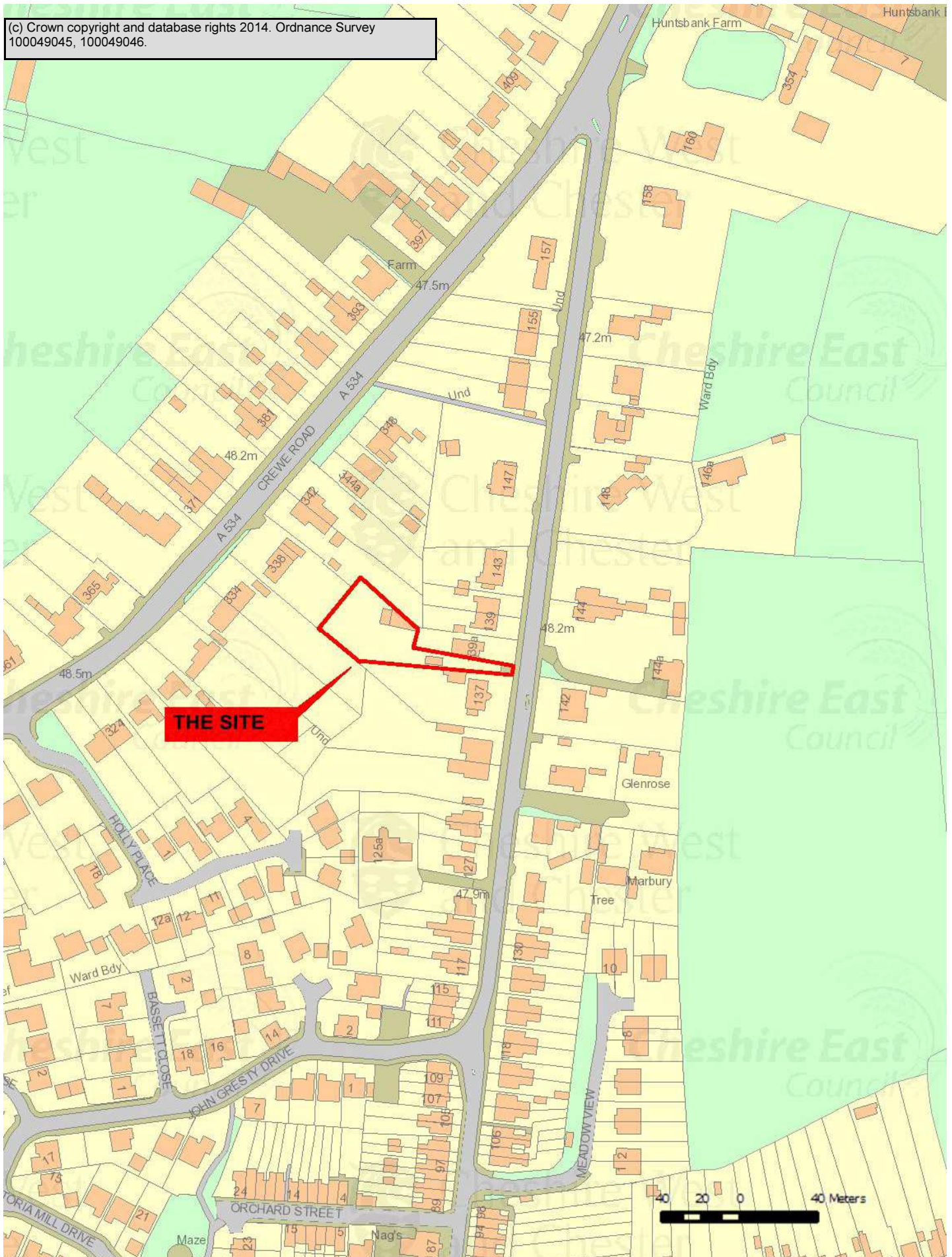
### **Informative**

1. NPPF
2. Hours of construction
3. United Utilities



In order to give proper effect to the 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 his 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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Application No: 14/4462C

Location: LAND ADJACENT 6, HEATH END ROAD, ALSAGER, ST7 2SQ

Proposal: Proposal for a garage, greenhouse, kitchen garden and access (resubmission of 14/3152C)

Applicant: Mr Adrian Girvin

Expiry Date: 24-Nov-2014

**SUMMARY RECOMMENDATION: Refuse.**

**MAIN ISSUES:**

- Principle of the development
- Layout and Scale
- Appearance
- Amenity
- Highways
- Ecology
- Trees and Landscape

**REASON FOR REFERRAL**

The application has been called in to Southern Planning Committee by Cllr Derek Hough on the following grounds:

*“Application 14/3152 has been approved. This cannot be revoked. Cllr. Rod Fletcher’s request for a call-in was refused.*

*Application 14/4462 raises concerns. In spite of 14/3152 having been granted some issues are the same.*

*On 14/3152 the officers report stated that the applicant indicated that the garage etc. were part of the applicant’s existing house, 21 Pikemere Road, although this was not part of the application. The relationship between the existing house and the site of the garage was not assessed. The site of the existing House was not shown on any maps. The existing house has access from Pikemere Road. Application no 14/3152, green house and garage, has access from Heath End road. i.e. The house, 21 Pikemere and garage in 14/3152 appear to have different accesses. I am unaware of parking facilities of the existing House.*

*Between the existing house and the proposed garage is a plot with permission for a large single house and garage.(application number 11/0217). This has parking for 4 cars and access is from Heath End Road. The site of this development is not shown on any of the maps. The application form for site 14/3152 suggest 2 parking spaces with no existing parking. If that application starts with no car parking then which house or proposed house does the two parking spaces relate to?*

*14/4462, the current proposal is basically to increase the size of the Garage to the height of the immediate neighbours ridge level. 14/3152 made a point that the garage was subordinate to the neighbouring house. The current application includes a games room with windows upstairs.*

*This increase in size adversely affects the amenity of No6 and leads to the possibility of converting the garage to a dwelling in the future.*

*The site is already being marketed for commercial or domestic use. What commercial use is intended?*

*My call-in is in response to concerns expressed by residents. Those concerns relate to the loss of amenity and the possibility of conversion of the garage to a house. It also includes intrusion into a Greenfield site.*

*If the call-in is accepted then these matters can be discussed and resolved in an open and informed manner."*

## **DESCRIPTION AND SITE CONTEXT**

The application relates to an area of garden land, situated between 6 Heath End Road and a site to the north that has planning permission for a new dwelling (see history). The site is adjacent to a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The site also contains two mature Oak trees that are the subject of a Tree Preservation Order. The land is designated in the local plan as being within the settlement zone line of Alsager.

A very similar proposal was approved in August 2014. (14/3152N)

## **DETAILS OF PROPOSAL**

This application proposes a garage, greenhouse and kitchen garden and would take vehicular access from the access approved for the new dwelling approved on the adjacent plot of land.

## **RELEVANT HISTORY**

27679/3	1996	Refusal for the erection of 7 dwellings
28018/3	1996	Refusal for the erection of 5 dwellings
31940/3	2000	Refusal for the erection of 5 dwellings

33264/3	2001	Refusal for the erection of 5 dwellings, appeal dismissed 2002
36593/3	2003	Refusal for the erection of 3 dwellings
08/1687/FUL	2009	Withdrawn application for the erection of 3 dwellings
10/0815C	2010	Withdrawn application for the erection of 2 dwellings
11/0217C	2011	Approval subject to s106 for bungalow and detached garage
11/3349C	2014	Approved application for detached dwelling
14/2269C	2014	Approved application for detached dwelling
14/3152N	2014	Approved application for a garage, greenhouse, kitchen garden and access.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Policy**

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

PG 1 Overall Development Strategy

PG 2 Settlement Hierarchy

PG5 Open Countryside

EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

PS4 Towns

GR1 New Development

GR2 & GR3 Design

GR6 Amenity and Health

GR9 Parking and Access

NR1 Trees and Woodlands

NR2 Wildlife and Nature Conservation

NR3 Habitats

SPD14 Trees and Development

### **Other Material Considerations**

BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

The Conservation of Habitats and Species Regulations 2010 (as amended)

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

#### **Environmental Health:**

None received at the time of report writing.

#### **Highways:**

None received at the time of report writing.

### **VIEWS OF TOWN/PARISH COUNCIL**

Alsager Town Council objects to the size of this application and considers it to be imposing, un-neighbourly and an intrusion into open countryside.

### **OTHER REPRESENTATIONS**

At the time of report writing, two objections have been received expressing concerns over, loss of outlook, overlooking, privacy, inappropriate development and creeping development.

### **OFFICER APPRAISAL**

#### **Principle of Development**

#### **National Planning Policy Framework**

The National Planning Policy Framework states the following:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

*For **decision taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole;*
  - or*

- *specific policies in this framework indicate development should be restricted*

The site is designated as being within Settlement Zone Line of Alsager and as such there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies of the local plan.

This proposal is for a detached garage and greenhouse and whilst the plans do not link it to any particular property the applicant has indicated that it will be included in the domestic curtilage of his own property, 4A Pikemere Road, Alsager, which is adjacent to the site, this could be controlled by condition.

The proposal is therefore considered to be acceptable in principle.

### **Layout and Scale**

The proposal is for a garage, greenhouse, kitchen garden and access from the approved access to application number 14/2269C.

The garage as originally approved (14/3152C), would have been approximately 6.4m in height with a pitched roof and would be 6.6m wide and 10.6m long. The proposal subject of this application would include rooms within the roof and increase the ridge height to approximately to approximately 7.5m in order to accommodate a games room and hobby room.

The greenhouse would be sited adjacent to the boundary with the site that has approval for a new dwelling (11/3349C, 11/0217C and 14/2269C). It would be 'T' shaped with a roof height of approximately 3.5m and would be 6.5m wide and 3.8m deep in the central part.

Given the nature of the surrounding development and the fact that the site is within the settlement zone line of Alsager, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

### **Appearance**

A garage and greenhouse have already been approved on this site. This proposal is of an amended design of the garage, which is larger and more ornate than that which was previously approved; however it is not unusual to have garage structures such as this in the borough. As such a reason for refusal on design grounds could not be sustained.

The greenhouse would also be a traditional design for this type of building, which again is considered to be acceptable in this residential area.

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy GR2 of the adopted local plan.

### **Amenity**

The property most affected by the proposal would be number 6 Heath End Road. The occupiers of this property have objected on the grounds that the building would be



overbearing and loss of privacy, in particular from the balcony. They also had concerns about changes in levels, however these have now been clarified by Officers.

The balcony would directly face the garden of 21 Rydal Way; in this case there is a distance in excess of 25m between the balcony and the boundary of this property, therefore there would be no significant loss of privacy to this property. The side of the balcony would, however directly over look the garden of 6 Heath End Road, resulting in an unacceptable loss of privacy to this property.

There is currently a planning application at 6 Heath End Road, under consideration, for a two-storey extension and alterations (14/4268C). Due to the siting of the proposed garage and the obscure glazing of windows and the proposed extension to 6 Heath End Road, it is not considered that there would be any significant adverse impact on residential amenity, should the extension be approved.

Having regard to loss of light, there may be a small impact to a small part of the garden of number 6; however this is not considered to be so significant as to warrant refusal of the application.

The owners of number 21 Rydal Way have expressed concerns about loss of outlook. It should be noted that in planning terms there is no right of a view over someone else's land. It is considered that the height and massing of the building would not create an outlook that would be overbearing to this or the neighbouring property.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan and acceptable in terms of residential amenity.

## **Highways**

The Strategic Highways Manager has not commented on this proposal. However the access used would be the same as for the dwelling on the adjacent site. Given that the proposal is for a garage to serve a domestic property, it is not considered that there would be any significant adverse impact on highway safety. Whilst a previous appeal decision on the site (33264/3), cited highway safety as an issue, that proposal was for 5 dwellings and given that this proposal would mean that the access would serve 2 dwellings, it is not considered that a refusal on these grounds could be sustained.

The proposal is therefore considered to be acceptable in highway safety terms and in accordance with Policy GR9 of the adopted local plan.

## **Ecology - Protected Species & Nature Conservation**

### *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 in 2014. These surveys have recorded Great Crested Newts as being present at a number of the 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 undertaken on behalf of a local resident, 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 presence or likely absence of breeding great crested newts. The Council's Ecologist advises that, on balance, based on the small size of this particular pond and the level of survey work undertaken to date it is not reasonable likely that this pond supports a breeding population of Great Crested Newts and so no further surveys of this particular pond is required.

The Council has sufficient information to conclude that the various 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 area discussed below.

In the absence of mitigation the proposed development does 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. These measures include completing the works over the winter period when amphibians are hibernating.

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.

As part of the application a package of ecological enhancements are proposed which centre around the restoration and enhancement of the pond area adjacent to the proposed development. It is considered that the proposed restoration of the pond has the potential to deliver significant ecological benefits. This should be secured by condition.

As Great Crested Newts may be present in the vicinity of the pond proposed for enhancement there is a risk that Great Crested Newts 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 recommend that the condition specifies a trigger for when the habitat restoration and enhancement works should be completed such as prior to commencement, prior to first occupation etc. It may also be beneficial if the condition required the works on site to be signed off by the LPA once they have been completed satisfactorily. As with the recent permission at this locality the Council's Ecologist recommends that a condition be added to ensure that a hand search for GCN is undertaken of the ground where material will be posted prior to the deposition of any material excavated during pond enhancement works.

In order to secure the long term viability of the enhanced pond it is recommended that if planning consent is granted a planning condition or obligation 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 planning 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 works should cease immediately and further advice sought from an appropriately licensed ecologist or Natural England.

#### *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 will be required 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 discussions with the Council's Tree Officer it is confirmed 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 planning consent is granted additional provision for bats could be provided as part of the proposed development. This matter may be dealt with by means of a planning condition if consent is granted.

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## **Trees and Landscape**

The Principal Forestry and Arboricultural Officer has not commented on this application. However the issue of the neighbouring development and in particular the access were covered extensively in relation to application number 14/2269C.

There is an area of woodland and two trees subject to Tree Preservation Orders on the site and therefore an important issue relating to this application is the impact of the access road on these protected trees. The public inquiry that was held into a previous application (33264/3), concluded that a satisfactory method of construction could be achieved that would not adversely impact on the health of these trees.

This application provides the same private driveway configuration as the three previously approved applications 14/2269C, 11/0217C and 11/3349C. The submission is for a garage, greenhouse and access from the driveway on the approved applications.

A Tree Survey Report has been submitted in support of 14/3152C which is broadly in line with the current *British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The application proposes the same access route as the previously approved applications and in respect of the two protected Oak trees, (T2 and T3) officers are satisfied that there would be no greater impact taking into account the requirements of BS5837:2012.

The driveway and other aspects of tree protection/landscaping can satisfactorily be dealt with by the imposition of conditions.

## **CONCLUSIONS AND REASONS FOR THE DECISION**

In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document. It also complies with the requirements of policies contained within the Cheshire East Development Strategy – Submission Version and the NPPF. The proposal is of an appropriate scale and design and includes measures to ensure the continued viability of the habitat of Great Crested Newts. However the development would have a detrimental impact upon residential amenity and is recommended for refusal.

## **RECOMMENDATION:**

**Refuse for the following reason:**

1. The proposed development would result in an unacceptable loss of privacy to the occupiers of 6 Heath End Road, Alsager. This is due to the position of the balcony on the proposed garage. The development is therefore contrary to Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.



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