

Southern Planning Committee

Updates

Date: Wednesday, 11th August, 2010
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

Planning Updates (Pages 1 - 8)

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SOUTHERN PLANNING COMMITTEE – 11 AUGUST 2010

UPDATES

10/1865C Dwelling at no. 6 Rowan Close, Sandbach

Landscape Architect:

I remain of the view that the proposed development could appear incongruous when viewed from 7 Rowan Close. If established successfully, the proposed hedge and reed bed would take some time to mature to provide the effects depicted on the submitted photographs and their screen value would be reduced in winter. I anticipate that future maintenance of these features would be difficult.

Overall, my previous comments are still applicable.

OFFICER COMMENT

The comments from the Landscape Architect are duly noted. However the case officer has undertaken a character assessment of the existing site and surroundings and it is considered that the dwelling would not appear incongruous given the existing site context.

In respect of those comments relating specifically to landscaping issues, a temporary barrier to obscure the sheet piling from views from no. 7 Rowan Close could be incorporated within the landscaping condition, as could the establishment of evergreen species of hedging to improve the visual impact. In terms of maintenance, the case officer has already recommended a condition in respect of replacement planting should any of the planting die, become diseased or be required to be removed and those issues in respect of maintenance associated with land ownership are a legal matter and are not a material consideration in determining this application. That said, a set back from the boundary would enable easier maintenance of the hedging and reed bed. Whilst it is not considered necessary to impose such a condition, if members were concerned about this aspect of the development a condition could be imposed accordingly.

10/1983C **Variation of Conditions at Westheath Shopping Centre, Congleton**

Both Applicants remain concerned over your recommendation that condition 4 of the original approval be removed but replaced with an alternative condition restricting occupancy to a 'discount operator'.

The report identifies Aldi, Lidl, Netto or any other operator whilst, notwithstanding issues of definition, following the acquisition of Netto by Asda there remains just two operators in the market, namely Aldi and Lidl. Such a condition as now proposed would effectively restrict occupation to either Aldi or Lidl and remains unduly restrictive and in the Applicants' submission, unreasonable.

Whilst the Council have referred to the guidance at Para 8.8 of the Practice Guide to PPS4 that "it may be appropriate to impose conditions to ensure the character of such units do not subsequently change", the suggestion that the case to support the original application was heavily reliant on the character and type of operation is misplaced. Rather, the retail assessment submitted with the application was properly based on the known end user in accordance with normal practice, and in particular on the scale of the proposed store and the range of goods to be sold.

The proposed foodstore has a gross floorspace of 1362 sq m and a net sales area of 940 sq m, of which up to 20% can be used for the sale of comparison goods. This is well below the threshold of 2500 sq m in respect of the necessary requirement for impact assessments set out under Policy EC16 of PPS4. The number of lines possible and the trading impact is necessarily limited by the size of the store and even if it were to be occupied by any other foodstore operator, including Tesco (Express), the turnover would be well below the company's average (and that of the store at Barn Road) such that the trading impact will be significantly lower. The location of the store in relation to the town centre will similarly not be significantly different or greater sufficient to justify refusal of the application should the condition not be imposed. The development of a neighbourhood foodstore is entirely appropriate at West Heath Shopping Centre, whatever the operator.

Finally, the reason for imposing the condition on the original permission is unclear and is not explained. It is a statement of fact that the impact was assessed with that solely associated with an Aldi store because, as previously indicated, this is the correct approach when the end user is known. The reason makes reference to PPS4 but does not explain why the condition is necessary.

OFFICER COMMENT

The retail impact assessment submitted with the original application very specifically assessed the impact of an Aldi on the town centre, and it was agreed

that this would not have any adverse effect. However, the Councils retail consultant recommended that a condition be attached restricting it specifically to Aldi, as discount operators are different in their nature to other retailers and the impact of an open A1 permission had not been considered. The fact that discount operators have specific characteristics is acknowledged in the PPS4 accompanying document.

On reassessment, it is unreasonable to restrict it specifically to Aldi as the impact of a discount store will be the same regardless of the operator. Therefore the alternative condition shown in the report is recommended

The condition, as now proposed is considered to be necessary and reasonable based on the information that was submitted with the original application and the impacts that were considered at that time, as well as the guidance in PPS4 and other documents. Before consideration could be given to removal of the condition altogether a full revised retail impact assessment considering the impact of an open A1 foodstore permission would be required.

10/2076N Extension to approved planning permission P07/0403 for 11 industrial units at Old Creamery, Wrenbury

'Brook Bank', Wrenbury Road, lodging the strongest possible objection to the application. Another occupant of the site is causing to the residents of Aston.

Item 10 is another similar operation and they note the comments in the report which say that the objections raised by the Parish Council fall outside the "Red Line" and therefore can not be considered by the committee. They may fall outside of the "Red Line" but they definitely do directly affect the residents of Aston and quality of life and road safety. The comments about the road traffic generated not exceeding what the old creamery would have generated are rubbish, Graham Heath Construction Ltd already far exceed what went before and the proposed development will add to add to this which will probably more than double the number of HGV movements through the village, on a blind, narrow right-angle bend.

The following comments are made in respect of the existing operations on site:

- 1) The proposed site is away from the industrial estate in open countryside and clearly visible from Aston, being located on the soak-away of the original factory.
- 2) The noise level of steel fabrication is inappropriate and totally unacceptable in this country area.
- 3) The local country roads leading to the site are in places single track and unsuitable for any additional HGV traffic, they include two right angle bends and the blind A530 cross roads at Aston, which is already an accident black-spot. There are already many HGV movements to and from Aston Mill, cattle waggons, milk waggons, tractors and poultry waggons, all of which are to be expected in a farming area, which steel fabrication is definitely not.

The planning application was withdrawn, to be replaced by application P08/0070, which was cleverly tailored to address the above objections and which stated that the site would be landscaped, mentioned nothing about noise but stated that hours of working would be restricted to 7am - 6pm Mon-Fri and 8am-4pm Sat, and HGV movements would be a maximum of 2 per day.

Objections were submitted but sadly ignored and planning permission was granted and Graham Heath Construction Ltd commenced operations in 2008.

In October 2008 they complained to the Council about the noise and the number of HGV movements which greatly exceeds 2 per day. The outcome of this was that it was concluded that there was insufficient volume of noise to enable a successful prosecution. Graham Heath Construction Ltd had by this time also erected a cement making station and was operating a cement mixer lorry delivering cement it was selling from the site. There was no planning permission for this and they successfully fought for and secured its removal in 2009.

Residents are now left in a nightmare situation, the noise from the site is such that they can not have windows open during the day and while not deafening it is extremely annoying and destroys concentration and is making them extremely depressed. The number of HGV movements is hourly to and from the site and these lorries are extremely long and wide and heavy. They completely block the road when negotiating the right-angle bend. They frequently encounter lorries coming in the opposite direction, including their own, and shunt too and fro to reverse into Woodcotte Hill Lane to allow each other to pass. This bend is in frequent use by cyclists, horse riders and pedestrians and it will only be a matter of time before a serious accident occurs.

Residents feel totally let down by the council. They have written to and telephoned Graham Heath Construction Ltd on numerous occasions to try and speak to the owner about our situation but they have failed to respond. The site operates on Bank Holidays, the banging and griding starts well before 7am and the HGV movements to and from the site continue throughout the day.

OFFICER COMMENT

The comments relate to the operation of an existing business on the site, which has generated a number of complaints. These complaints have been investigated and found to be insufficient to warrant action. Therefore, this does not provide sustainable grounds to refuse further development at the site.

In addition, this application relates to the renewal of an extant permission which could still be implemented. The test is therefore whether there have been any material change in planning circumstances since the previous permission was issued. As outlined in the report this has not been found to be the case and accordingly the application is recommended for approval.

10/2222N First floor extension 5 Petersfield Way, Weston

Letter of objection received from the occupiers of 3 Peterfield Way, 15 Pastures Drive relating to:

-amenity: loss of light, overdomination
-design: impact upon character of the area, overdevelopment of the site, unwanted precedent

Parish Council: objects on the following grounds:

The application is for a first floor extension over an existing garage to create a new master bedroom with sizeable en suite facilities and create en suite facilities to one of the existing bedrooms.

The Parish Council's concerns with the application are twofold:

1. Amenity: it will completely overshadow No 15 Pastures Drive and will result in a total loss of amenity in so far as this dwelling is concerned. No 15 Pastures Drive has two habitable rooms (a dining room and a study) which look directly on to the side of 5 Petersfield Way - the windows of these rooms are only between 6 and 7 ft from the boundary of 5 Petersfield Way. The effect of the extension will be to put both these rooms in total shadow and make them extremely dark. The extension will also throw a shadow across the outside of the front of 15 Pastures Drive certainly during the mornings and visually give this dwelling a very "hemmed in" appearance. Three first floor windows resulting from the extension will look straight down on to the side of 15 Pastures Drive resulting in further loss of amenity. The proposal will also have an effect on the amenities of No 3 Petersfield Way, albeit to a much lesser extent.
2. Extension will result in No 5 Petersfield Way being too big for its plot: the visual impression of this first floor extension will give the appearance of 5 Petersfield Way occupying almost the whole of its plot creating the effect of over development, which could set a dangerous precedent for future proposals on Wychwood Village. Given this fact, the Parish Council can't see that there is any room for a compromise in this instance.

The Parish Council would therefore recommend a straightforward refusal of this planning application.

OFFICER COMMENT

All of the above issues have been duly considered within the officer's report.

10/2281N New Dwelling 10 Cheyne Walk, Nantwich

Letters of objection from the occupiers of 8 & 11 Cheyne Walk, Nantwich on the following grounds:

- Highway Safety: Access, Parking
- Protected Species: Great Crested Newts
- Design: Out Of Keeping With The Character Of The Area
- Amenity: Overdomination, Loss Of Light
- Ownership Issues
- Does Not Accord With New Guidance On Garden Grabbing
- Drainage
- Health And Safety
- Nature Conservation: Loss Of Trees
- Disruption During Construction Works

Letter of support from agent in response to objections:

1. Outlining planning permission exists for the proposal.
2. The proposal includes an extension to the area of the drive and extended parking.
3. The ridge of the proposed dwelling has been reduced following your earlier comments and now is in line with the adjoining properties.
4. I have commented on this under item 2 above.
5. As referred to earlier, outline planning permission exists for the proposal. In any case, this is not backland development but is a form of "infill".
6. The construction of the dwelling would not be problematical as there is a good access to the site without any need to enter adjoining properties.
7. There would be no prejudice to existing drainage arrangements.
8. The proposed driveway will actually be wider at the point of discharge onto the public highway which will enable safer manoeuvring of vehicles.

Town Council:

The Town Council oppose development on gardens, such as this with limited space. This is over development which will change the character of the area and detract from the amenity of neighbours.

OFFICER COMMENT

All of the above issues have been duly considered within the officer's report.

To clarify the position in respect of protected species, there is no requirement to submit a protected species survey as there are no ponds within 100m of the site or mature trees affected by the proposals would be suitable habitats for bats.

The document Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements March 2009 was produced in association with Natural England and the Association of Local Government ecologists.