

Southern Planning Committee

Updates

Date: Wednesday, 16th March, 2011
Time: 2.00 pm
Venue: Lecture Theatre, Crewe Library, Prince Albert Street, Crewe,
Cheshire CW1 2DH

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

Updates (Pages 1 - 16)

Please contact Julie Zientek on 01270 686466
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SOUTHERN PLANNING COMMITTEE UPDATES
16 March 2011

APPLICATION No: 09/2358C

PROPOSAL: Retrospective Application for Change of Use from Agricultural Land to a Site for a Mobile Home for Occupation by an English Traveller who has Ceased to Travel Due to Ill Health and Long Standing Disability

ADDRESS: Thimswarra Farm, Dragons Lane, Moston, Sandbach

CONSULTEES:

Highways: No objections subject to the following informatives

Prior to first use the developer will provide a new vehicular crossing to the property, the specification for which will comply with Cheshire East Council Highway Authority requirements.

The applicant or their contractor will sign a S184 Road Opening Notice under the Highways Act 1980 and prior to the commencement of the work.

OFFICER COMMENTS:

The application site is accessed directly off Dragons Lane. The highway is wide enough for two vehicles to pass with relative ease although there are no footpaths along the carriageway. The set of double gates, which gives direct access into the application site are well set back from Dragons Lane and there are good views in either direction. Beyond the gates is an area of hardstanding which provides sufficient space for vehicles to be parked clear of the public highway. It is considered that the proposal complies with policy GR9 (Accessibility, Servicing and Parking Provision).

Several Emails from Mr. Arrowsmith (applicant)

- The report is misleading to Members;
- The report states that if Members disagree with the planners' assessment there might be financial consequences because the Council would have to withdraw their Appeal against the Enforcement Notice and I could apply for an award of costs, this should not have a bearing on my case;
- The report states my nearest neighbour is 86m away and she is 156m away and the second neighbour is 110m away and he is 250m;
- A number of letters objecting to the proposal are from anonymous people. Furthermore, one of the objectors is a Councillor and he has a mobile home in his field and does not have planning permission for it;
- The Parish Council had no objections to the proposal, yet one of the Councillors has sent in a letter objecting to the proposal;

- I have submitted two letters of support regarding the application. Neither of these letters are mentioned in the report or are available to view on the website;
- I am not running a generator all the time, my main source of power is from solar panels;
- I need the fencing for security purposes as I have had my property vandalised and have been physically assaulted;
- Both of my nearest neighbours have been invited onto the site and neither of them can see my mobile home from their homes;
- The occupier of Woodville Farm has a JCB, a few tractors and several cars that can be seen from the road. He also sells his own vegetables sells his own killed lambs. Is it ok for him to have all these vehicles and not me;
- The occupier of Ivy Cottage Farm is running a business from her property and has numerous vehicles entering/leaving her property which includes large horse boxes, cars and tractors and these vehicles regularly obstruct the road;
- The shipping container was on site when the Council first visited the site and as remained so;
- The Council has never asked me to prove my disability and my word should be good enough;
- I have been on the electoral roll, its against the law not to be on it;
- All the documents regarding my Appeal against the Enforcement Notice have been attached to this planning application and can viewed on the website;
- I have paid my planning application fee, but because the Council did not check all my payments properly, I was forced into paying £670 to appeal against the Enforcement Notice;
- I have been informed by a Councillor that my Appeal has been put on hold until after my plans have gone to Committee. I can only infer from this that my application has been prejudged and I will not be granted planning permission;
- My family were not tinkers from Ireland they were English travelers who are mentioned in the 1086 doomsday book three times as the smiths who made arrows who traveled the country selling arrows and became the Arrowsmiths;
- The report states that the Governments overall aim is to protect the open countryside. If this is so why has Horseshoe Farm just been given permission for 15 caravans and this is in Moston in the countryside and there are plans in for 350 houses a pub and shops in Moston that I can see this site from my gate on Dragons lane and this is in the open countryside with no screening around it that if granted will be open for all to see;
- According to the report the boundary fencing and gate is over 2m high. However, it is only 1.9m high and the hedge is higher than the fencing and in another month the hedgerow will be in full bloom and the fencing will be obscured. Furthermore, the fencing is painted green and brown to match the hedge. The gas governor adjacent to my site has gates which are over 3m high and the fencing around it can be seen from Dragons Lane.

OFFICER COMMENTS:

The case officer accepts that the distances separating the application site from Ivy Cottage Farm and Woodville Farm which are cited in the report are inaccurate. According to the Councils GIS database there is a distance in excess of 152m separating the applicants property from Ivy Cottage Farm and 208m from Woodville Farm. It is considered the distances between the properties and intervening boundary treatment will help to mitigate any negative externalities.

It is accepted that the email submitted by Mr. Goodall was sent in behalf of one of his constituents, who wished to remain anonymous.

The case officer can confirm that at the time of writing the report and the Committee updates no letters of support had been received.

The applicant makes reference to other people living in mobile homes in the area and running businesses from their properties for which they do not benefit from planning permission. The case officer acknowledges the concerns of the applicant however these are separate issues and each application must be judged on its own individual merits.

It is accepted that the Council has never requested any medical documentation from Mr. Arrowsmith regarding his physical health. In any event, it is not considered that the personal circumstances of the applicant outweigh the harm created by the proposal.

The applicant has stated numerous times that he was forced into appealing against the Enforcement Notice as the Council was not able to check all the payments were made correctly. The case officer can confirm at the time that the Enforcement Notice was issued there was an outstanding balance. The applicant upon receipt of the Enforcement Notice made the final payment and the planning application became valid. It is not considered that this issue is material to the determination of this application.

The Council acknowledge that the main source of power generated on the site is via solar panels and the generator may be used on an ad hoc basis.

At the time of the site visit the hedgerow varied in heights and the boundary fence was clearly visible at regular intervals and given the scale and design of the boundary treatment appears as an alien and incongruous feature and has a detrimental impact on the character and appearance of the open countryside.

The recommendation for REFUSAL remains

APPLICATION Nos: 10/4955N and 10/4957N

PROPOSAL: Demolition of existing semi detached property and erection of replacement dwelling.

ADDRESS: 58 South Crofts, Nantwich

CONSULTEES:

Nantwich Civic Society: No objections

- There is no reasonable chance of retaining the existing one, so bad is the structural condition. It would be folly to try to keep it;
- The detached dwelling offers the only safe alternative - as long as the neighbour's party wall is reinforced and given proper external treatment and foundations (which is part of the proposal, anyway).
- This new external wall should be faced in appropriate materials which match the old materials on site and in the area.
- We understand now, the reason for pulling the dwelling forward of the current line. We do not object to this aspect, either.
- The garage is in line, diagonally, from the adjacent end terrace house, so there is a visual transition, along the street, with the tree adequately protected (assuming detailed conditions are imposed and enforced).

REPRESENTATIONS:

Two additional letters of representation have been received from the occupiers of number 59 South Crofts and 17 The Gullet. The salient points raised in the objection letters are:

- The proposed dwellinghouse is substantially larger than the current property. The proposed house is bigger in every dimension, it is longer, wider and higher;
- At the site visit Members were informed that the proposed dwellinghouse was the same height. This is not the case. The ridge height of the proposed dwellinghouse appears to be at least half a metre above the existing ridge;
- The 8m by 6m, two storey building in the garden was briefly referred to as a garage;
- The proposed rearward projection would be wider, higher and closer to the boundary than the existing building it replaces. It also has a large first floor window looking directly into my patio area plus three new roof windows overlooking my garden.

OFFICER COMMENT:

It is acknowledged that the proposed dwellinghouse is larger than the existing property, which is currently in situ. Furthermore, it is confirmed that the ridge height of the proposal is approximately 500mm higher than number 59 South Crofts. However, it is

considered given the location of the property, plot size, and varying heights of the neighbouring properties, the proposal will not appear disproportionately out of place.

It is accepted that the proposed garage is large, but not excessively. The garage is set well back into its plot and given the landscaping to the site frontage will help to assimilate it into the urban environment. Overall, it is considered that the garage will not appear overly conspicuous and will not appear as incongruous feature within the streetscene.

It is not considered that the proposed development will result in any loss of privacy, overlooking or overdomination regarding the neighbouring properties and the proposal accords with Policy BE.1 (Amenity).

The recommendation for APPROVAL remains

APPLICATION NO: 11/0217C

PROPOSAL: Residential proposal for a single detached dwelling

ADDRESS: Land adjacent 6 Heath End Road, Alsager

REPRESENTATIONS

One letter has been received from the local MP Fiona Bruce, stating that she had a meeting with the applicant in order to discuss the application and enclosing a copy of a letter from Mr & Mrs Girvin. The letter sets out the history of the site and their involvement with it and also addresses issues raised in the objections submitted by Mr & Mrs Greenough of 6 Heath End Road.

RECOMMENDATION

No change to recommendation.

APPLICATION NO: 10/5008N

PROPOSAL Change of use from former GP surgery and pharmacy to a Chinese restaurant and take-away.

ADDRESS: 501 Crewe Road, Wistaston, Crewe

REPRESENTATIONS

Further letters of representation have been received since the report was written from and the occupiers of 25 Brooklands Avenue, 481 and 505 Crewe Road, 2 and 9 Springfield Drive and 10, 14 and 15 Wells Avenue.

Wistaston Parish Council has made the following points:

1. Inadequate car parking facilities for a restaurant catering for up to 84 customers plus takeaway.
2. Poor vehicular access and egress to Brookland Avenue, due to close proximity to a very busy junction with traffic lights and pelican crossing.
3. Out of character for a quiet residential area.
4. Noise, smell and litter pollution, especially late night activities.

COMMENT

No new points of objection were raised by any of the representations.

APPLICATION NO: 11/0415C

PROPOSAL: Joint Operator Monopole Type Tower Supporting 6no Antennas and Associated Head Frame (Total Height 17.6M), 1no Equipment Cabinet, 1no Meter Cabinet and All Ancillary Development

ADDRESS: Congleton Cricket Club, Booth Street, Congleton

CONSULTEES

Congleton Town Council

The height of the mast and its design is considered to be intrusive and would have an unduly detrimental effect on the surrounding area. Therefore it fails to comply with policies GR1, GR2 and E19 of the Congleton Borough adopted Local Plan. The applicant has also failed to demonstrate that mast sharing with the approved Vodafone installation in the vicinity would not be a viable alternative to the proposed installation.

OTHER REPRESENTATIONS

Objections have been received from the occupiers of 1 The Green, Congleton

The main issues raised are;

- impact of the monopole on the health of the adjacent neighbours and the impact it will have on quality of life

OFFICER COMMENT

The issues raised by Congleton Town Council and the objectors have been discussed within the main body of the original report and therefore raise no new issues to comment upon.

RECOMMENDATION

The recommendation of **REFUSAL** therefore remains as recommended in the main report.

APPLICATION NO: 11/0431C

PROPOSAL: 19.8M High Joint Operator Street Furniture Type Telecommunication Tower, 1no Equipment Cabinet, 1no Meter Cabinet and All Ancillary Development.

ADDRESS: Grass Verge Adjacent Entrance to Berkshire Drive, Rood Hill, Congleton

CONSULTEES

Congleton Town Council

The siting of this mast at the junction of Rood Hill and Berkshire Drive is considered to be intrusive and the applicant has failed to consider alternative sites in the area which would be less problematic

Additional Representations

Representations have been received from the occupiers of the following:

- Accent Foundation (57 Berkshire Drive, Congleton)
- 5 Kent Drive, Congleton CW12 1SD
- 5 Berkshire Drive, Congleton CW12 1SA
- 60 Berkshire Drive, Congleton CW12 1SA
- 6 Wellington Close, Congleton CW12 1TA

In summary the objections relate to:

- 57 Berkshire Drive is a supported property for people with severe learning difficulties. Due to their disability they can become fixated and agitated by changes and new/different things. If this tower is in view from the windows they could become fixated and agitated on what it is and what affect it would have on them. Their reaction may not be reasonable and staff may not be able to reason with them due to their lack of understanding and capability.
- The jury is still out on long term health effects. It seems likely that continued exposure to low levels of radiant energy can be nothing other than harmful to the human body.
- Whilst the applicant has provided what they deem credible references to health and safety concerns they have not taken into account the emotive nature of the proposal and the negative impact on future prospective residents to the immediate vicinity.
- There is still a perceived health risk.
- The large control box and tower will obstruct visibility exiting Berkshire Drive.
- At the very least it will make it difficult to sell a house in the proximity of the tower.
- The equipment would be an eyesore on a main route into Congleton. It would be contrary to all attempts to improve the appearance of Congleton.
- The tower will literally 'tower above' the surroundings.
- Due to its position and height the character of the area would be adversely affected.
- Any maintenance work would cause further disruption on this incredibly busy road.

OFFICER COMMENTS

The additional comments and objections received express the same concerns already raised and were addressed in the original committee report under the consideration of the application.

With specific reference to the comments from Accent Foundation regarding residents at 57 Berkshire Drive, whilst it is recognised there are some concerns about the possible reaction of residents to change in the local environment, any refusal on these grounds alone would need very careful consideration and would need to be supported by case law. It is this case officers view that an additional reason for refusal on these grounds alone would be difficult to substantiate.

The recommendation remains unchanged.

APPLICATION NO: 11/ 0459N

PROPOSAL: Extension to time limit on application P08/0497.

ADDRESS: Wychwood Park Hotel, Wychwood Park, Weston

Correction

The committee report refers to the applicant as Cheshire East Council. This is incorrect. The applicant is Verve Venues (trading as De Vere Venues)

COMMENTS FROM PARISH COUNCIL

Reiterate comments on the original application. No objections in principle but wish to make the following comments:-

- Additional landscaping is required to protect residents at Delves Keep and soften the impact of the proposal from the main entrance;
- The large mound is close to the loop road and drainage needs to ensure satisfactory run off;
- Construction traffic should be routed to and from the site away from Weston village;
- The loop road should not be used by construction traffic as this provides access for residents;
- Noise attenuation measures required to safeguard residential amenities;
- Construction activities limited to 8am-6pm weekdays only and no activities at weekends;
- Provision of separate security at the gate house to control access of workmen and deliveries etc;
- Site should be made secure for the duration of building operations and site boarding pleasing to the eye;
- Adequate wheel washing facilities to be provided along with regular road sweeping/spraying to prevent dust.

OFFICER COMMENTS

Comments on the landscaping are included in the main report. A condition is to be attached for a drainage scheme to control run off from the landscape mound. Conditions are included in relation to routing construction traffic away from Weston village, the routing of construction traffic away from the hamlets at Wychwood Park, to restrict hours of construction, for hoardings to be provided around the development site and for wheel washing facilities. A noise insulation scheme will also be required by condition. It was previously considered unreasonable to attach a condition to require a separate site security office for the development and this was not included in the 2008 permission.

RECOMMENDATION

The recommendation remains unchanged.

APPLICATION NO: 11/0474C

PROPOSAL: Conversion of barn to 2 new dwellings

ADDRESS: Barnshaw Bank Farm, Mill Lane, Goostrey

ADDITIONAL INFORMATION

Structural Report dated 25th January 2010

Email from Structural Engineer dated 10th March 2011

The submitted information concludes that whilst some remedial works would be required, such is relatively minor and the buildings are suitable for conversion.

Marketing Information

Marketing information has already been submitted with the application. Such information was not available at the time of report preparation and consists of an email from the estate agent Gasgoine Holman dated 21st January 2011.

The following facts are outlined within the information:

- Marketing commenced on 12th January 2010
- Sign boards erected fronting onto Mill Lane
- Sales and letting particulars displayed and on websites
- Advertised with the Knutsford Guardian on 10th March 2010*
- Rental price - £15 per square foot
- Sale price – Offers invited**
- To date relatively serious interest received from three separate parties.
- Further activity and potential interest received from a further five parties however, no further interest from such to date.

*It was decided by Gasgoine Holman that there was little scope for advertising during the Summer months where it is found that response is generally poor. The information outlines that a further advert was planned for September however, the email further explains that it is planned to advertise the premises once again now that the schools have returned and the holidays are over.

** Paragraph 5 of the submitted email identifies that the sale price remained the same. There is however, no indication or details as to what this price was.

Gasgoine Holman state that they consider the lack of interest, regardless of the current climate, is due to the location of the site. The site is deemed to far from amenities, including banks etc, which businesses generally require. The location also presents travel difficulties in that there are no nearby train or bus services and private vehicles would have to be relied upon. It is stated that car parking is not in abundance which may be a deterring factor, as is the poor internet service provision which is an important factor to purchasers.

It is stated that there is an abundance of purpose built offices available within the surrounding towns and business parks and given this level of competition, there will remain limited demand for offices at Mill Lane, Goostrey in the foreseeable future.

Amended Plans

The agent for the application has indicated that amended plans would be received to address design concerns however, at the time of update preparation no such plans had been received.

CONSULTEES

Highways

No response was received at the time of update preparation.

Environmental Health

08.03.2011 – No objection subject to conditions relating to contaminated land and the restriction of construction hours.

Ecology

03.03.2011 – The application is supported by a bat survey undertaken by a suitably qualified and experienced ecologist. Whilst bats are active on the site there is no evidence of roosting occurring within the buildings surveyed. The Council Ecologist is therefore satisfied that the proposed development would not result in an adverse impact upon bats subject to the incorporation of features into the scheme suitable for use by roosting bats.

However, the proposed development involves the conversion of an agricultural building and as such a barn owl survey is required. The results of a barn owl survey together with any mitigation required must be submitted to the Local Authority prior to the determination of the application.

REPRESENTATIONS

Letters of Support

A total of four letters of support had been received at the time of update preparation. Reasons for support are as follows:

- The traffic from the business has grown significantly both in size of vehicle and volume of traffic over recent years.
- The proposal would eliminate the excessive heavy traffic that is currently experienced from the business.
- Improvement to vehicular and pedestrian safety.
- The continual noise disruption, often starting early morning and continuing until late evening, has caused much anxiety to local residents, many of whom are elderly and retired.
- Reduce the current impact on the local infrastructure.
- Greatly improve the quality of life of local residents.
- Current traffic causes damage to the local roads, pavements and grass verges.
- The heavy through traffic may potentially traumatize pets and younger children.
- The current state of the existing barns is unsightly and they may become dangerous since they are no longer used and are falling into disrepair.
- Impact upon local house values.
- The best way to support the Ashbrook business and enable it to continue to grow and create jobs in the region is for the business to be enabled to move to a more suitable site with good traffic links to its customers.

- The proposal would be in the best interests of all parties if the Business were moved to a more appropriate site.
- The proposal would carry an exceptional benefit to the village of Goostrey.

OFFICER COMMENTS

Structural Information

The Structural report and email demonstrate that the barn is suitable for conversion as although some remedial works would be required, such are relatively minor.

However, whilst it may have been demonstrated that the proposal would be capable of conversion as the building is permanent, substantial, and would not require extensive alteration or rebuilding, the development would still include the addition of a new extension.

As policy BH16 outlines a presumption against extensions, the proposal still fails to meet the tests of this policy.

Marketing Information

Supplementary Planning Document 7 (Rural Development) outlines what should be undertaken as part of a marketing exercise. As a general rule a marketing exercise should comprise of:

- Advertisement in the local press (regional press depending on scale of site).
- Advertisement with a local commercial property agent.
- Notification to other organisations who may have an interest in promoting the site (i.e. South East Cheshire Enterprise Ltd)
- A marketing exercise should last a minimum of 6 months, however the Local Planning Authority will determine an acceptable and reasonable period depending on the individual merits of each case.

Buildings should be advertised at market value and actively advertised with a recognised estate agent for at least six months for a continuous period following the date of the first advertisement. In particular SPD 7 specifies that:

- The rural building should be advertised in the local press on a bi-monthly basis during the marketing period.
- The applicant must, at the start of the marketing period, notify the availability of the land/buildings to the following: The Council's Economic Regeneration Unit, South East Cheshire Enterprise Ltd, and any relevant local business associations or interest groups.
- The applicant will need to submit as part of the planning application, evidence of the extent of the marketing and copies of all adverts (with dates), when and for how long the advert was in the agent's window, websites etc. Copies of the advertisements should be submitted to the Council.

At the end of the marketing period, the Council will require a report summarising the marketing exercise carried out, the number of enquiries received, including any firm offers whether they were conditional or unconditional, with the relevant evidence where necessary, accompanied by the commercial property agent's opinion as to the commercial viability of the site or buildings.

With regard to the submitted information, this does not meet the requirements of SPD7 as the premise has not been marketed for a continuous period, there is no evidence of

the premise being advertised bi-monthly in local press, there is no evidence of The Council's Economic Regeneration Unit, South East Cheshire Enterprise Ltd, and any relevant local business associations or interest groups being notified of the site, and no details of any advertisements placed have been submitted.

In addition, the submitted information states that there is a lack of interest in the site however, this conflicts with the fact that there have been numerous enquiries into the site – some of which have been relatively serious.

The commercial property agent's opinion as to the viability of the site is noted however, it is not considered that wider commercial uses have been considered e.g. use as stabling or holiday lets. References are made to the unsuitability of the site for traditional businesses/offices by virtue of the availability to banks, public transport provision, level of parking, poor internet provision, and the availability of other offices in the area however, such matters would not necessarily be cause for concern for alternative commercial uses.

Due to such reasons, it is not satisfied that genuine attempts have been made firstly to market the property actively and secondly to market it for business or commercial uses.

Ecology

No information has been submitted in relation to Barn Owls. As such, this will result in an additional reason for refusal on the grounds of insufficient information.

RECOMMENDATION

Refuse for the following reasons:

1. The proposed conversion of the existing buildings would include the addition of an extension. Such is contrary to Policy BH15 of the Congleton Borough Local Plan First Review 2005 which seeks to ensure that the nature and proposed use for a building is acceptable.
2. Insufficient marketing information has been submitted with the application to demonstrate that every reasonable attempt has been made to secure suitable business re-use of the site. In addition, the proposal fails to demonstrate that the location and the character of the site is such that residential use is the only appropriate use. As a result the proposal is contrary to Planning Policy BH16 and SPD7 of the adopted Congleton Borough Local Plan First Review 2005.
3. The proposed development fails to achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was had to the number of alterations to the building which would include numerous new openings, the removal of existing openings, a new single storey extension, and overly large detached garage block which by virtue of its scale and positioning would detract from the barn building. It is therefore concluded that the proposal would detract from the character and appearance of the existing barn and be contrary to policies GR1, GR2, and SPD7 of the adopted Congleton Borough Local Plan First Review 2005.
4. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. In particular, an adequate survey of the site for the existence of Barn Owls was not

submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with relevant national policy guidance and Development Plan policies relating to nature conservation and would therefore be contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review 2005.