

NORTHERN PLANNING COMMITTEE UPDATE – 4th JULY 2012

APPLICATION NO: 12/1485M

PROPOSAL: Demolition of existing garages and erection of four new three bedroom five person 2 storey houses

ADDRESS: Adjacent to 16 Bell Avenue, Sutton, Cheshire SK11 0EE

UPDATE PREPARED: 2nd July 2012

Highways

Further to comments from Highways and comments from Members at the site visit the applicant has provided additional information regarding the occupation of the existing garages.

- A total of four garages are rented to properties on Bell Avenue. No's 6 and 8 Bell Avenue rent one garage each with no.10 Bell Avenue currently renting two garages.
- The remaining 6 garages are rented by properties located in the surrounding area, namely Tunncliffe Road (1 garage), Moreton Drive (3 garages) and Walker Lane (2 garages).

Additionally Peaks and Plains have advised that the lease agreement does not permit the occupiers to park cars outside the garages on the site.

This information has been forwarded to Highways however no further comments have been received at this stage.

Noise

Further discussions with the Environmental Health department have taken place. They have raised concerns regarding the noise levels from the refrigeration units at Lane Ends Farm and have now requested a Noise Impact Assessment is carried out prior to determination of the application. This is so the noise impact and the acceptability/effectiveness of any attenuation measures can be fully assessed up front and to ensure the standard of amenity at the proposed dwellings would be acceptable. It is not considered a condition requiring details of attenuation would be sufficient given the possible scenario that any attenuation measure could not satisfactorily address the noise impact in the outside amenity space given the relationship between the site and the noise source.

A Noise Impact Assessment has been requested and the applicant is currently in the process of preparing this information.

CONCLUSIONS

The Noise Impact Assessment is awaited and upon receipt the views of the Environmental Health department need to be sought. However subject to this matter being satisfactorily resolved the recommendation remains unchanged.

APPLICATION NO: 12/1822C

PROPOSAL: Proposed New Detached Dwelling with Detached Garage and Associated Soft Landscape Works

ADDRESS: HEATHFIELD, BLACKDEN LANE, GOOSTREY, CREWE, CHESHIRE, CW4 8DQ

APPLICANT: Mr & Mrs D Kenneally

CONSULTEES

Ecology: Confident that there would be no significant ecological issues associated with the proposed development.

REPRESENTATIONS

Letters of objection have been received from the occupiers of Blackden Heath Farm and Wattle Cop, Cross Lane; the main issues raised are;

- The proposed house and garage are too large and inappropriate in their bulk and size for a rural hamlet,
- The length, breadth and height should be substantially reduced,
- The northern paddock contains many trees which have been omitted from the lasted plan, these must be protected by condition
- 'Owls Hoot' nearby was built too high, too wide and too deep and exceeded the permission given this was demolished after an appeal decision,
- We are not against development of the site but it should be of an appropriate scale and balance to harmise with the rural location,
- The scale and height of the proposed development results in a detrimental imapct on the character of the site and open countryside contrary to Policy H16 of the Congleton Local Plan,
- The proposed garage is too large, and two other application on the site for garages have been refused previously,
- Request that if garage is not refused it be moved to the southern side of the drive way where existing screening already exisists,
- Landscaping plan does not accuratly represent the current number of trees on the site
- All trees on the northern boundary should be retained and enhanced

OFFICER COMMENTS

The issues raised above have already been discussed within the main officers report and therefore no further comments will be made within this update.

Ecology

As noted within the the Officers report both Protected Species reports concluded no presence of protected species. The Council's Ecologist is confident that there would be no significant ecological issues associatated with the proposed development. Therefore the proposed condition for the recommendations set out in the Ecological Report remains unchanged.

Trees

As noted within the main Officers report the trees are not protected and are not of outstanding specimens for which a Tree Protection Order should be placed on the trees. The applicant could remove the tree at any time, should they wish, without permission and therefore it is not considered suitable to condition that the tree coverage is retained. A landscaping scheme does form part of the application and a condition has been recommended to ensure the landscaping scheme and the tree protection measures are implemented in accordance with the Barnes Walker plan M2051.01.

The recommendation of APPROVAL therefore remains

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UPDATE TO AGENDA

APPLICATION NO: 12/1223M

LOCATION: Meadow Hey, Bollin Hill, Prestbury

UPDATE PREPARED: 2nd July 2012

CONSIDERATIONS

Nature Conservation: No objection

The Nature Conservation Officer has assessed the revised plan and is satisfied by the proposals subject to a condition that secures its implementation. This can be covered by the inclusion of the drawing in the approved plans condition and for the mitigation measures outlined in the submitted reports to be conditioned.

Forestry: No objection

The Forestry Officer has assessed the revised Arboricultural Assessment that has been submitted. It now falls in line with the proposals outlined within the ecological information and he does not raise an objection from a forestry perspective subject to a condition that requires the proposed works to be undertaken in strict accordance with the submitted statement and the Tree Protection drawing.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The comments received from the Forestry and Nature Conservation Officers have satisfied the outstanding matters. The proposed works would not have a detrimental effect on trees or protected species and would comply with policies NE11 and DC9 of the Local Plan and the NPPF, subject to the following additional conditions to those on p47 of the agenda:

14. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement ref: CW/CW/6519-AS1 and Tree Protection Drawing numbered CW/6519-P-DP-1 dated 19th June 2012.
15. The development shall be undertaken in strict accordance with the mitigation measures outlined within the surveys titled 'Badger Survey' dated February 2010, 'Protected Species Survey' dated June 2010 and amended September 2010, and 'Bat Survey' dated 2010.

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UPDATE TO AGENDA

APPLICATION NO: 12/1513M

LOCATION: Birtles Bowl, Birtles Lane, Over Alderley

UPDATE PREPARED: 2nd July 2012

CONSIDERATIONS

Nature Conservation: Recommends refusal

The applicant's agent has confirmed that the Bat Emergence Survey will not be undertaken within the required timeframe. This information needs to be submitted prior to determination as the development's impact on protected species cannot be properly assessed. The application is therefore recommended for refusal due to a lack of information in respect of protected species, contrary to policy NE11 of the Local Plan and the NPPF.

OTHER REPRESENTATIONS

Two additional letters have been received by the Local Planning Authority:

The first is from a neighbour whose driveway and access point onto Birtles Lane would be used for the proposed development. They state that whilst they are delighted at the proposals they raise the following concerns:

- The safety factor needs much further thought as they do not feel that the applicant has properly considered entrance arrangements. They consider that the entrance that was previously used to access the cricket ground that was constructed by the previous owner without consent should be used by the proposed development. They feel that the Council will not know of its existence due to it being constructed without consent.
- They have a problem with their drive being referred to by the applicant as an informal track.
- The culvert beneath their drive is not designed to take heavy loads and they are concerned that the driveway will not stand up to the construction traffic needed to build the centre and the subsequent horse boxes. They request that the applicant agrees with them the action that will be taken if any damage does occur.
- The residents of Birtles Hall are concerned that whatever the applicant builds should be as unobtrusive as possible so as to not compromise the outlook from the lane.

The second is from the owner of Finlow Hill Stables (where the applicant and her riding partner currently stable their horses). She wishes to clarify some of the statements that have been made in the submitted planning statement, with particular reference to:

- Paragraph 1.2 that states that the stables are due for imminent closure,

- Paragraph 4.24 that states that the care of horses is not a profitable business and the stables are being forced to close.
- Paragraph 4.28 that states 'with the closure of Finlow Hill Stables...'

She states that her family own the stables; they are currently leased and the lease has a further two years to run until it expires. They have not received notice from the leaseholders nor have they been asked about a renewal. The leaseholder has verbally told her that she is giving up the business due to family ill health. They are still receiving rent for the stables. They go on to state that the adjacent Oldhams Wood Liveries are also owned by her family and run as a successful business by the current leaseholder who is caring for horses.

In response to the additional comments that have been received the Local Planning Authority was aware of the separate access onto Birtles Lane as it was discussed during the pre-application submission. Whilst the access point is still in place a large mound of earth is positioned behind that would require excavating; its removal would open up the site from views along the lane as well as longer view points; and it would require the provision of a long access track to the stables. The use of the access was therefore discounted at the pre-application stage. In any event the Strategic Highways Manager has assessed the application and does not raise an objection to the proposed access from a highway safety perspective. The other matters raised are civil matters between the applicant and the neighbour and are not a material planning consideration.

The comments raised regarding the applicant's existing stables and clarification that the stables are not about to imminently close should be noted by Members.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In light of the required Bat Survey not being submitted within the required time scales, a reason for refusal in addition to those on p60 of the agenda is as follows:

3. 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, adequate survey(s) of the site for the existence of bats were 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.