

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 12th January 2011
Report of: Adrian Fisher, Head of Planning and Housing
Title: Report in relation to amendments to planning application 09/4076N for planning permission for 11 houses with parking, a new recreational open space, formation of new vehicular and pedestrian accesses onto Abbey Park Way for land west of 1 Abbey Park Way, Weston, Crewe for Countryside Properties.

1.0 Purpose of Report

- 1.1 To seek the approval of the Southern Planning Committee for the substitution of the area of recreational open space with the provision of an area to be used as front garden which would be laid out in accordance with the landscaping scheme submitted with the application.

2.0 Decision Required

- 2.1 Members approve the request for a variation to the application in the manner set out in paragraph 8 of this report.
- 2.2 The principle of the development was established by the resolution of the Committee on 10th March 2010 to approve the proposal and this report does not provide an opportunity to revisit the various other issues raised by the application. This report relates solely to amendments to substitute the area of open space with a front garden to the dwelling at plot 1.

3.0 Financial Implications for the Council

- 3.1 Costs for staff time.

4.0 Legal Implications for the Council

- 4.1 Legal Services have been consulted on the proposed amendments and respond that if the approval is granted it will be necessary to make minor amendments to the proposed variation of the S106 agreement which was required by the Southern Committee on 10th March 2010.

5.0 Risk Assessment

- 5.1 There are no risks associated with this decision.

6.0 Background and Report

- 6.1 A planning application was submitted for the construction of 11 dwellings and related development on land at Abbey Park Way, which is located at Wychwood Village. The application sought permission for garaging/ parking for the dwellings, new vehicular accesses and the provision of an area of recreational open space in front of the dwelling at plot 1.
- 6.2 The application was considered by the Southern Planning Committee at its meeting on 10th March 2010 when it was resolved to approve the application subject to:-

The prior completion and signing of a variation to the Section 106 agreement to:

- (1) allow the country park and community hall to be managed and owned separately,**
- (2) the development of the mixed use site for housing,**
- (3) the payment of a commuted sum of £25,000 towards the initial set up and running costs of the community hall provided that there is transfer of the hall within 12 months of the date of the agreement**

and the following conditions:

- 1. Amended plans**
- 2. Details/ samples of materials to be submitted approved and implemented.**
- 3. Details / samples of surface materials to be submitted approved and implemented.**
- 4. Details of boundary treatment, including the use of Cheshire Railings to the open space and housing frontage to be submitted approved and implemented**
- 5. Notwithstanding the submitted landscaping scheme no planting other than trees and grass shall be provided in the forward visibility splay. The forward visibility splay shall be provided before the residential development is first occupied and thereafter retained.**
- 6. Implementation of landscaping scheme submitted modified in accordance with condition 5. Maintenance of plot planting.**
- 7. Submission of management and maintenance scheme for the open space planting.**
- 8. Access to garage court to be formed in accordance with submitted plans and CEC specification before dwellings 1-6 and 9-11 are first occupied.**
- 9. Access to plots 7 & 8 to be formed in accordance with submitted plans and CEC specification before dwellings are first occupied.**
- 10. Garages only to be used for parking of cars and no other use which would preclude car parking.**
- 11. Parking to be provided for each dwelling before it is first occupied.**
- 12. Submission of details of appearance of canopies to dwellings and implementation in accordance with details.**

13. Provision of rear access between dwellings/gardens and garages to enable removal of waste / recycling bins.

14. Withdraw permitted development rights for alterations, extensions and outbuildings.

15. Provision of services in the hard surfaced area of the access to the garage court to ensure that planting is provided at each side of this access.

16. 3 year time limit.

6.3 The report noted that the development was subject to a Design Guide prepared by the developer as a requirement of the original Section 106 agreement for the development. The Design Guide included the provision of a variety of open green spaces in the development known as Wychwood Village, which would provide focal areas with unique character to add value to the development. The concept plan within the Guide showed the area in question as one of four green areas within the village development with this area used for a village green.

6.3 Since the application was approved in principle by the Committee the S106 agreement has been prepared. Recently the developer has approached the Council explaining that it will not in practice be possible to maintain the land in front of plot 1 as a recreational area of open space. They therefore propose that this area be provided and landscaped as shown in the submitted application but used as the front garden to the dwelling at plot 1.

6.4 The developer's reasons for this are:-

- The planning application refers to a new area of recreational open space but the Design and Access Statement noted that this would only be open space if adopted by the Local Authority.
- It is not considered feasible to set up a management company for this area of land because the 11 home owners would be paying the maintenance for an area available for use by all the residents of Wychwood Village. It would not be practical to restrict the use only to the 11 households.
- It is therefore proposed that the land be incorporated as front garden to plot 1. Permitted Development Rights can be used to control the appearance of the land.
- The Design Guide envisaged that this area would be provided as a village green and the land will still have the appearance of a village green. It will be planted as proposed in the application with trees continuing the appearance of the avenue leading to the road junction.
- In relation to the forward visibility splay in front of the proposed garden area, highways have confirmed that this land can be transferred to the dwelling at plot 1 and subject to a restrictive covenant requiring the area to be maintained for highway visibility.

- 6.5 The Committee report on application 09/4076N explained that the layout retained this area of open space although the position of the dwelling at plot 1 slightly encroached into the area originally intended for the open space. However this encroachment was not considered significant.
- 6.6 This area was designed to be a focal point on approaching the development. With full public access to the country park which surrounds the residential development it was not considered that this area of open space was important in terms of providing an open area for public access.
- 6.7 The developer has agreed to landscape this area but now requires that it be used as a private front garden to the dwelling at plot 1. The landscaping remains unchanged.
- 6.8 Looking at the green spaces as a whole within Wychwood Village one of the proposed green spaces is provided at the north east corner of Abbey Park Way. A second green space has been provided in the form of front gardens on the west side of the loop road. The third green space is to be based on the ponds on the east side of the hamlet where development has yet to be constructed.
- 6.9 Neighbours and the Parish Council have been advised of the alteration and any comments received will be reported to the Committee in the Updates Report.
- 6.10 The comments from Legal Services are noted. The minor amendments relate to small drafting details such as removing the reference to “new residential open space” in the description of the proposed development in the S106 agreement and other similar alterations.
- 6.11 The main Committee report and Updates report are attached as an appendix to this report. Conditions 4 and 7 of the approved recommendation refer to the open space. They will need to be reworded as below:
- (4) Details of the boundary treatment, including the use of Cheshire Railings to the garden to the front of plot 1 to be submitted, approved and implemented. The approved boundary treatment to the front garden area at plot 1 shall be retained at all times and not altered without the prior submission and approval of a further planning application.
- (7) The area in front of the dwelling at plot 1 shall be used solely as front garden to that dwelling and the trees and shrub planting within the landscaping scheme shall be retained at all times.
- 6.10 The description of development will need to be amended to delete the words new recreational open space from the application.

7.0 Conclusion

- 7.1** Overall it is considered that if the amendment to the application is approved the development will still deliver the green space visually which would conform to the principles of the Design Guide. However there would be no public access to this land. In view of the amount of open space available for public access in the country park it is not considered that the loss of public access to this land is detrimental to residential amenities at this site.

8.0 Recommendation

Approve subject to the prior completion and signing of a variation to the Section 106 agreement to:

- (1) allow the country park and community hall to be managed and owned separately,**
- (2) the development of the mixed use site for housing,**
- (3) the payment of a commuted sum of £25,000 towards the initial set up and running costs of the community hall provided that there is transfer of the hall within 12 months of the date of the agreement**

and the following conditions:

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- 7. The area in front of the dwelling at plot 1 shall be used solely as front garden to that dwelling and the trees and shrub planting within the landscaping scheme shall be retained at all times.**
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16. 3 year time limit.

For further information:

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Background Documents:

Planning File and correspondence reference 09/4076N

Documents are available on the website and for inspection at: Municipal Buildings, Earle Street, Crewe CW1 2BJ