



Southern Planning Committee

Updates

Date:	Wednesday, 2nd February, 2011
Time:	12.00 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.

Updates (Pages 1 - 12)

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SOUTHERN PLANNING COMMITTEE UPDATES

2 February 2011

APPLICATION NO: 10/2516N

PROPOSAL: Demolish Group of Existing Pre-Fab Garages and Outbuildings and Replace with New Detached Garage/Workshop, Whilst Retaining Old Style Pigsty and Enclosure.

ADDRESS: Rose Cottage, Damson Lane, Audlem, CW3 0EU

APPLICANT: Mr D Cooper & Ms M Hollinshead

Amended Plan

An updated location plan has been received which correctly defines the site and other land owned by the applicant with an amended red and blue edge. This was drawn incorrectly on the amended plans received during the application.

Additional Representations

Representations have been received in regard to the amended scheme from the occupiers of the following:

Orchard Cottage, Damson Lane, Coxbank, CW3 0EU,
Pheasants Rise, Damson Lane, CW3 0EU

In summary the objections relate to:

- Although the height has been reduced it is still unacceptable and will be overbearing at this narrow part of the lane and will be visible outside Coxbank.
- The amended plans show a complicated roof construction and gives the impression it is "oversized"
- The amended plans have not complied with all the Conservation Officers comments that it should be oriented to face onto Damson Lane, set back a little from the lane and on the footprint of the current buildings.
- This is the first new construction since conservation status was granted and would set a precedent for future development resulting in the loss of the heritage asset.
- The garage should be sited on the footprint of existing structures
- The development would introduce a residential use onto non-residential land.
- The development resembles a bungalow and is unnecessarily large for the purpose of the building.
- The building would significantly reduce the existing open gap in the built up frontage along Damson Lane and would make it difficult to resist infill development.
- The red line shows a boundary not defined in the ground and no boundary exists within the field and should only define the extent of the actual development.
- The site plan does not show the boundary with or show how close it will be to Orchard Cottage.
- The drawings are inaccurate compared to the written dimensions.
- There is no information on how the applicant proposes to level the site
- The roof pitch is unnecessarily steep with a top-heavy imbalance.

- The cavity wall makes the building larger than it needs to be adding to the footprint.
- The location plan implies the whole of the area within the red line could be laid to hardstanding and implies a curtilage to the building.
- Sweet Briar Cottage on the location plan is in fact Orchard Cottage and land marked as Orchard Cottage is a paddock belonging to the owners of Wishing Well Cottage.

The comments received also reiterate the objections raised in relation to the original scheme.

An additional comment has been received from the Parish Council, as follows:

- Does not propose to make representations.

Officer comments

The majority of the comments and objections received in relation to the amended scheme have been addressed in the original committee report under the consideration of the application. Some specific points are discussed below:

The red line represents the application site and whilst no boundary exists on the ground this application does not include a change of use to residential curtilage. A condition has been recommended for the extent of and type of surfacing if the committee is minded to approve the application and this will ensure the whole of the land within the red edge is not covered with hard surfacing.

The written dimensions stated on the plans are accurate and the building scales off at the same size on the site plan, floor plan and elevations.

It is noted that the names of properties on the supplied OS map are not correct, however the impact of the proposed development has been considered in relation to all the surrounding properties in the original report.

The recommendation remains unchanged.

APPLICATION NO: 10/2647C

PROPOSAL: 13 Affordable Houses, Parking, Landscaping and new vehicular access

ADDRESS: Land North of Twemlow Lane, Twemlow Green

APPLICANT: McInerney Homes & Plus Dane Group

HOUSING

More accurate definitions on the tenure types are as follows (these are summaries of either the Homes & Communities Agency definitions or PPS3 definitions):

Social Rented Housing: rented housing owned and managed by local authorities and registered social landlords (now known as Registered Providers), which have guideline target rents which are determined through the national rent regime.

Affordable Rent: rented housing which is set at an affordable level for those who cannot afford to rent or buy on the open market. Affordable rents can be set at up to 80% of the market rent for an equivalent property for that size and location.

Shared Ownership/Newbuild Homebuy: the purchaser buys a percentage of the property on a leasehold basis and pays rent on the part they do not own. The initial percentage purchased is usually between 25% - 75% and the owner can staircase to buy further percentages until they own 100%, with the exception of when the properties have been provided on Rural Exception sites which have a cap on Staircasing of 80%.

Rent to Homebuy: rent on a new-build home, enabling a person to save for a deposit and then purchase the property. An intermediate rent is paid, which is up to 80% of the current market rent on a newbuild home for up to 5 years, at the end of which (or earlier) the property can be bought through the Newbuild Homebuy scheme.

KEY ISSUES

As stated in the report, the Strategic Housing and Development Manager is happy for the tenure of the proposed dwellings to be chosen from those defined above and secured by Section 106 Agreement.

RECOMMENDATION

No change to recommendation.

APPLICATION NO: 10/3339N

PROPOSAL: Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff

ADDRESS: Reaseheath College, Main Road, Worleston, CW5 6DF

APPLICANT: Reaseheath College

Additional Consultation Response

Letter received from the agents in respect of amended section 106 agreement contribution the contents are as follows:

- Unable to implement P08/1126 (student HUB application) due to a funding gap
- Intends to renew P08/1126 in case additional funding becomes available in the future
- Estate wide plans have been significantly reduced in scale
- The facilities proposed under this application would be approximately one fifth of the cost of the student HUB application
- Students numbers are not to change, however the demographics of students has changed; projected students would be travelling from further afield and require on site accommodation
- Reaseheath College are prepared to offer a figure of £6,000
- Further contributions could be made on other subsequent applications if there is larger scale development in the future

Strategic Highways Manager: There is no significant impact on the surrounding highways infrastructure as a direct result of this application.

No highways objections.

OFFICER COMMENTS

Community Infrastructure 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.

In this case, it is considered necessary to require a contribution towards the Connect2 route in respect of the proposals due to the percentage of staff and students at Reaseheath that travel by bicycle, the potential for travel to the college by bicycle is relatively high and given the projected increase in student numbers. It is however considered that a reduced figure (compared to that agreed under P08/1126) can be justified due to the change in student demographics, as it is likely that a greater percentage of students at the site would not be commuting to the facility on a daily basis.

As Reaseheath College is located in close proximity to the Connect2 route and students and staff do commute from Crewe and Nantwich, the requirement for a contribution is directly related to the development.

It should also be noted that the significant reduction in the scale of the development both in terms of floor area and development costs would justify a reduced figure. Under P08/1126 a figure of £30,000 was agreed. Reaseheath College has offered a figure of £6,000. Whilst this is one fifth of the original figure, this is proportional to the relative development costs and the reduction in scale of the development. Moreover the contribution required under this application would not preclude the provision of further payments associated with future developments at the site.

This contribution is necessary, directly related to the development and are fair and reasonable in relation to the scale and kind of development now proposed.

RECOMMENDATION

APPROVE subject to the signing of a legal agreement to secure a commuted sum payment of £6,000 as a contribution to the cost of the Crewe-Nantwich Cycle route known as the Connect 2 scheme and the following conditions:

- 1. Standard time**
- 2. Plans**
- 3. Materials**
- 4. Surfacing materials**
- 5. Landscaping scheme, including specimen replacement tree for yew which is to be felled**
- 6. Implementation of landscaping/ maintenance**
- 7. Tree Protection measures**
- 8. Details of drainage scheme**
- 9. External lighting**
- 10. Emergence survey for bats or recheck all buildings to be demolished immediately prior to demolition**
- 11. Bat survey of tree to be felled immediately prior to felling**
- 12. Work to proceed in accordance with recommendations for bat and birds and advice to personnel in bat survey**
- 13. Protection to ancient monument**
- 14. Travel Plan to include surveys of access by car, motor cycle and cycle**
- 15. Covered secure cycle parking**
- 16. Recycling Facilities**
- 17. Odour Extraction and Ventilation**

APPLICATION NO: 10/4226C

PROPOSAL: Proposed two storey extension and internal alterations

ADDRESS: The Mews, Chancery Lane, Alsager, ST7 2HF

APPLICANT: Mrs Margaret Brown

OFFICER COMMENTS

Additional information has been received from the applicant in the form of a tree survey and tree plans on 24th January 2011. Following receipt of this information, the following observations were made by the Senior Landscape Officer:

The proposed development would require the removal of a Holly tree in the garden of 2A Chancery Lane. This tree is in poor condition and is not a significant specimen.

The construction of the proposed development will have some impact on a mature Lime tree and an early mature Sweet Chestnut in the garden of 143 Crewe Road.

The Lime is a TPO protected tree forming part of a line of mature specimens prominent to public view from Chancery Lane. The Sweet Chestnut is not protected and whilst it can be seen from Chancery Lane, it is not a prominent tree.

Taking into account the proximity of the Sweet Chestnut to the existing building and boundary wall at 2A Chancery Lane and the size of the species at maturity, it is questionable whether or not the tree is a suitable specimen for long term retention in this location and it is not considered that this tree suitable for TPO protection.

On the basis of the submitted information, it appears that with appropriate protection measures, the root protection areas of the Lime and the Sweet Chestnut trees should not be harmed by the proposals. The Tree Survey and Assessment suggests that in order to accommodate scaffolding, overhanging branches from these trees should be tied back during construction. Whilst such action is possible, the fact that it has been identified as being necessary suggests that as the trees make lateral growth, there is likely to be ongoing conflict between their crowns and the proposed building.

This is not an ideal situation however; under the TPO consent procedure the Local Authority would have a level of control regarding the extent and standard of pruning to the Lime tree and works to the Sweet Chestnut tree would have to be handled as a private matter between the two properties.

It would be preferable if greater separation could be achieved between the proposed extension and the trees however, in the event that the application is deemed acceptable, conditions covering tree protection measures are recommended.

With regard to the Sweet Chestnut Tree within the garden of 143 Crewe Road, whilst it is acknowledged that lateral growth may result in conflict between its crown and the proposed building, it must be noted that the window openings within the rear elevation of the proposed extension are limited in number and therefore pressure to prune this tree would be less significant. In addition, the tree is not protected by a preservation order and does not significantly contribute to the amenity of the surrounding area. Refusal on the grounds of impact upon this tree is therefore unlikely to be sustained.

The original recommendedation for refusal is therefore considered to have been sufficiently addressed and the application is now recommended for **APPROVAL** subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Materials to match existing dwelling
4. No window openings within the eastern elevation of the extension
5. Tree protection measures

APPLICATION NO: 10/4489N

PROPOSAL: Development of Land at Hall O'Shaw Street to Provide 14 Dwellings of Mixed Type

ADDRESS: Land to the rear of 91 Hall O Shaw Street, Crewe

APPLICANT: Fourth Estates Ltd

Additional Consultation Response

Environmental Health: This section has no objection to the above application subject to the following comments with regard to contaminated land:

- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for a new residential property which is a sensitive end use and could be affected by any contamination present.

As such, and in accordance with PPS23, this section recommends that the use of a contaminated land condition.

OFFICER COMMENTS

The updated Environmental Health comments have removed the objection in relation to contaminated land. Without the support of Environmental Health a reason for refusal on these grounds could not be sustained and as a result this reason for refusal is to be removed from the recommendation.

APPLICATION NO: 10/4817N

PROPOSAL: Outline application to erect

ADDRESS: Land at 10 Whitchurch Road, Audlem, CW3 0EE

APPLICANT: Mr & Mrs K Whalley

UPDATED PLAN

No further representations received. However, an amended site plan has been submitted to show the application area red edge around the application site only, with the blue edge shown around the proposed remaining curtilage for No.10 Whitchurch Road. No changes were made to the indicative siting, footprint and scale of the dwelling and the indicative access point.

A verbal representation was made on the members Site Visit to the application site by a neighbour claiming ownership of part of the indicative access point.

KEY ISSUES

No issues have arisen from the submission of the revised site plan which amended the red edge of the site.

With regard to land ownership no written claim of ownership was made as part of this application with the neighbour representation stating that land ownership was “established”. Issues over land ownership were raised as part of the previous application (10/4300N) which was subsequently withdrawn. During the course of that previous application a Land Registry plan was submitted to the LPA by a neighbour which identifies an historical exchange of a small parcel of land which allowed the owner of No.10 Whitchurch Road vehicular access from Oak Tree Gate. The location and site plans which have been submitted as part of this application appear to be consistent with the Land Registry Plan and it would appear, strictly from the information before the Local Planning Authority, that the land is within the ownership of the applicant.

If this is not the case, an application can be submitted on land which is not within the ownership of the applicant and in this instance the neighbour is aware of the application and has made representations to the Local Planning Authority. Furthermore, the access details at the moment are only indicative and more detailed drawings of the access are required to be submitted through a condition where issues of land ownership could be designed out if needed.

FACTUAL CORRECTION

The reason for call in is incorrect as written in section “1. Reasons for Referral” of the published Committee Report. The Committee Report should read:

“This application is to be determined by Southern Planning Committee as it has been called in by Cllr Bailey for the following reasons:

“Loss of amenity to the neighbouring property”

RECOMMENDATION

No change to recommendation.

APPLICATION NO: 10/4947C

PROPOSAL: New family dwelling and associated works to provide turning area separate from existing dwelling

ADDRESS: 38 Brooklands Drive, Goostrey

APPLICANT: Mr & Mrs Occleston

CONSULTATIONS

[27.01.2011] Strategic Highways Manager

This application offers a drawing which demonstrates that the proposal is served by a level of junction visibility which complies with standards.

This site is unusual in that the access to the existing property is narrow and runs between two existing frontage properties.

The proposal to serve a second dwelling from this access mirrors the existing situation which serves 46 and 48 Brooklands Drive just 55 metres away.

Given the available visibility splay and the set precedent which is seen to operate safely, the Strategic Highways Manager has no objection to this proposal.

REPRESENTATIONS

A further 5 objections letters of objection were received following the preparation of the committee report. Such objections contained the same points as outlined within the committee report however, the following issues were also raised:

- No sewage details
- No ecological assessment
- No details of any new planting
- Revised building is closer to neighbouring properties

OFFICER COMMENTS

Comments from the Senior Landscape Officer highlight that there is insufficient information in relation to the proposed developments impact upon trees within the site.

Trees to the north of the site are protected by the Congleton R.D.C. (Goostrey No.1) Tree Preservation Order, 1969. The protected trees are some distance from the proposed footprint of site of the dwelling and should not be affected by the proposal.

There are however, several trees on the footprint of the proposed house, others to the west close to the proposed garage and trees on the southern and eastern boundaries. Whilst not individually of any significant value, it is possible the trees provide wildlife habitat and they afford some screening between the site and neighbouring properties.

The information submitted is insufficient to ascertain the full impact of the proposed development on trees. The indicative tree symbols on the plans do not show precise tree positions and crown spreads and in addition to direct tree loss for the building footprints, there may be implications for other specimens, in particular trees on the boundaries.

A submitted Arboricultural statement dated February 2010, (survey in November 2009) states that it was intended to support an outline application (understood to be application 09/1763C). The development footprint in that application and illustrated in the statement appears to be smaller and in a different position to that now under consideration as a full application. In Section 5.2 of the statement, the arboriculturalist states that further details could reasonably be required as part of a reserved matters application. With the current application there is a covering statement from the agent to the effect that permission has been given to use the arboricultural report and that the conclusions drawn in the report can be considered relevant to this application.

Whilst elements of the report may still be valid, the situation on site has changed with some trees having been removed and the application now under consideration is a full application.

It is not considered that the conclusions of a report based on an illustrative footprint of a development, smaller and in a different position to the proposal now under consideration, and which appears to compromise tree protection measures previously advocated, to be a reasonable basis on which the Local Authority can make an informed judgement on the impact on trees.

Such trees provide useful screening of the site from surrounding properties and aid in lessening the visual impact of the development. The loss of such trees could have consequences upon amenity and it is not considered that this loss could adequately be replaced by new landscaping.

In addition, the loss of any further trees other than the identified Group for removal (Group 4) could potentially have implications in terms of wildlife and the requirement for ecological information to be submitted.

On such basis, the application is recommended for **REFUSAL** for the following reason:

Insufficient information has been submitted with the application relating trees on the site in order to assess adequately the impact of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Local Plan policies and other material considerations.

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