

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 13th May, 2009</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive apologies for absence.

2. **Code of Conduct - Declarations of Interest/Pre-Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes** (Pages 1 - 6)

To approve the minutes of the meeting held on 22 April 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 529641

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Applicants/Supporters

5. **P09/0130 Change of pitch and increase in roof height of existing garage, 24 Gainsborough Road Crewe for Mr P Garrett** (Pages 7 - 12)

To consider the above planning application.

6. **07/1442/REM Erection of 16 no. B1, B2 and B8 units, Plot 51C, Pochin Way, Middlewich** (Pages 13 - 18)

To consider the above planning application.

7. **09/0233/FUL Residential development - 11 Units, Land between Mill Street & Queen Street** (Pages 19 - 28)

To consider the above planning application.

8. **09/0259/FUL Retention of Hardcore Area for the storage of waste disposal skips as an extension to the existing skip hire business, Betchton Cottage Farm, Cappers Lane, Betchton for Mr Thomas Gardiner** (Pages 29 - 38)

To consider the above planning application.

9. **09/0430c Erection of two dwellings, Land adjacent to 6 Brindley Way, Congleton** (Pages 39 - 48)

To consider the above planning application.

10. **09/0546c Replacement of garage roof with pitched, 194 Main Road, Goostrey** (Pages 49 - 52)

To consider the above planning application.

11. **Section 106 Agreement for Reaseheath College, Nantwich for Planning Application P08/1126** (Pages 53 - 56)

To consider the contribution to the Connect 2 cycleway, to be secured under a Section 106 Agreement in relation to the planning application for the student hub at Reaseheath College.

12. **Section 106 Agreement for Planning Application for Sheltered Apartments and House Manager's Accommodation on land off Red Lion Lane, Nantwich for McCarthy and Stone (Developments) Ltd.** (Pages 57 - 60)

To consider alterations to the definitions in the Section 106 Agreement for the Sheltered Apartments currently under construction in Red Lion Lane Nantwich, which was the subject of planning application P05/1618.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 22nd April, 2009 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor B Dykes (Chairman)  
Councillor Mrs G Merry (Vice-Chairman)

Councillors T Beard, D Bebbington, M Davies, Miss S Furlong, L Gilbert,  
Mrs B Howell, J Jones, Mrs S Jones, A Kolker, S McGrory, A Richardson,  
R Walker and Mrs J Weatherill

**OFFICERS PRESENT**

Rachel Goddard (Senior Lawyer), Philippa Lowe (Head of Planning – Crewe  
Office), David Malcolm (Development Control Manager – Sandbach Office)  
and Rosamund Ellison (Principal Planning Officer – Crewe Office)

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2 DECLARATIONS OF INTEREST**

Councillor T Beard declared a personal interest in respect of application  
number P09/0172, Orchard Court, Haslington, on the grounds that he had  
been appointed as a Cheshire East Council representative on the Board of  
Wulvern Housing. In accordance with the code of conduct, he remained in  
the meeting during consideration of this item.

Councillor B Dykes declared a personal interest in respect of application  
number P09/0172, Orchard Court, Haslington, on the grounds that he had  
been appointed as a Cheshire East Council representative on the Board of  
Wulvern Housing. In accordance with the code of conduct, he remained in  
the meeting during consideration of this item.

Councillor B Dykes declared that it appeared he had predetermined  
application number P09/0207, Mayfield Chester Road Alpraham, and  
withdrew from the meeting during consideration of this item.

Councillor B Dykes declared a personal interest in respect of application  
number P09/0208, Nantwich Museum Pillory Street Nantwich, on the  
grounds that he had been appointed as a Cheshire East Council  
representative on the Nantwich Museum Trust. In accordance with the  
code of conduct, he remained in the meeting during consideration of this  
item.

**3 P09/0130 CONVERSION OF GARAGE TO HABITABLE SPACE AND INCREASE IN ROOF HEIGHT, 24 GAINSBOROUGH ROAD CREWE**

Note: Mr P Garrett (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring amenities.

**4 P09/0170 ERECTION OF POULTRY HOUSE WITH ACCESS ROAD OFF WINSFORD ROAD, STANDING/TURNING AREA AND FEED HOPPER, CROWTON FARM WINSFORD ROAD, CHOLMONDESTON**

Note: Ms H Exley (an objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard Time
2. Materials
3. Plans
4. Drainage to be provided in accordance with the submitted details
5. Landscaping scheme for gapping up hedgerows, tree planting in hedgerows, provision of hedgerows at new access
6. Implementation and maintenance of landscaping
7. Formation of access
8. Development to comply with Reasonable Avoidance Measures of Great Crested newt Assessment dated December 2007
9. Scheme for enhancement of biodiversity of the two ponds
10. Details of the proposed generator and noise attenuation
11. Details of lighting to be submitted for approval and no further lighting without the prior submission and approval of a planning application
12. Method for control of flies
13. Treatment of manure from the site
14. Hours of operation for deliveries and collections
15. Reduction in the width of the access track to 3m with passing place.

**5 P09/0172 A SECOND PHASE DEVELOPMENT OF 4 NEW BUILD RENTED RETIREMENT BUNGALOWS ON A VACANT AREA OF THE EXISTING SITE, WITH ASSOCIATED AREAS OF ENVIRONMENTAL AND LANDSCAPE WORKS, ORCHARD COURT, HASLINGTON**

The Committee considered a report regarding the above planning application.

RESOLVED

A. That the application be APPROVED subject to the following conditions:

1. Standard
2. Materials
3. Permeable surfacing materials
4. Plans
5. Landscaping to be submitted
6. Landscape to be completed
7. Boundary treatment
8. Drainage
9. No extensions and alterations
10. Window reveal
11. No change in levels
12. Tree protection
13. Obscure glazing
14. Construction hours

B. That the Development Control Manager be requested to write to the applicant advising of the need for road markings to ensure that access to 31 Bradeley Road is not blocked.

**6 P09/0179 NEW DETACHED DWELLING IN THE GARDEN OF NO 1  
BERKELEY CRESCENT, REAR GARDEN OF 1 BERKELEY  
CRESCENT WISTASTON**

The Committee considered a report regarding the above planning application.

RESOLVED - That the application be APPROVED subject to the following conditions:

1. Submission of reserved matters
2. Time limit for submission of reserved matters
3. Details to be submitted with reserved matters application
4. Materials
5. Permeable surfacing materials
6. Plans
7. Landscaping to be submitted
8. Landscape to be completed
9. Boundary treatment
10. Drainage
11. No extensions and alterations
12. Window reveal
13. No change in levels
14. Retention of trees

15. Tree protection
16. Visibility splay and access to highway specification
17. Construction hours

**7 P09/0207 DEMOLITION OF EXISTING TWO-BEDROOM BUNGALOW AND REPLACEMENT WITH ONE TWO-STOREY, FIVE-BEDROOM HOUSE WITH DETACHED GARAGE, MAYFIELD CHESTER ROAD ALPRAHAM**

Note: At this point in the proceedings, the Chairman vacated the Chair in favour of the Vice-Chairman, Councillor G Merry, and withdrew from the meeting during consideration of this item.

Note: Ms A Molyneux (an objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard
2. Plans
3. Materials
4. Permeable Surfacing Materials
5. Boundary Treatment (to relate to all boundaries and ensure that if the existing side boundary planting is outside the applicant's control, then suitable alternative treatment is provided)
6. Landscaping Submitted
7. Landscaping Implemented
8. Remove PD Rights
9. All Services Underground
10. Drainage
11. Window/Door Details
12. Car Parking Spaces
13. Construction hours 9 - 5.30 Mon – Fri; 9 -1 Sat. No working on Sundays or Bank Holidays

**8 P09/0208 REPLACEMENT WINDOWS, NANTWICH MUSEUM PILLORY STREET NANTWICH**

Note: At this point in the proceedings, the Vice-Chairman vacated the Chair in favour of the Chairman, Councillor B Dykes.

The Committee considered a report regarding the above planning application.



RESOLVED - That the application be APPROVED subject to the following conditions:

1. Standard
2. Plans
3. Materials to be timber
4. White finish
5. Reveal as existing

**9 P09/0215 FLOODLIGHTING (UNTIL 10PM) AND CCTV COVERAGE, LEIGHTON BROOK PARKOFF FRANK WEBB AVENUE CREWE**

The Committee considered a report regarding the above planning application.

RESOLVED - That the application be APPROVED subject to the following conditions:

1. Standard
2. Plans
3. Compliance with light contour diagram
4. Hours of Operation

**10 09/0259/FUL RETENTION OF HARDCORE AREA FOR THE STORAGE OF WASTE DISPOSAL SKIPS AS AN EXTENSION TO THE EXISTING SKIP HIRE BUSINESS, BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON**

Note: Councillor Rhoda Bailey (the Ward Councillor), Mrs V Platt (representing Betchton Parish Council) and Mr T Gardiner (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the visual impact of the proposed development.

The meeting commenced at 2.00 pm and concluded at 3.58 pm

Councillor B Dykes (Chairman)



<b>Planning Reference No:</b>	P09/0130
<b>Application Address:</b>	24 Gainsborough Road, Crewe
<b>Proposal:</b>	Change of pitch and increase in roof height of existing garage
<b>Applicant:</b>	Mr P Garrett
<b>Application Type:</b>	Householder
<b>Grid Reference:</b>	355137 370060
<b>Ward:</b>	Crewe South
<b>Earliest Determination Date:</b>	16 <sup>th</sup> March 2009
<b>Expiry Dated:</b>	13 <sup>th</sup> April 2009
<b>Date of Officer's Site Visit:</b>	25 <sup>th</sup> February 2009
<b>Date Report Prepared:</b>	31 <sup>st</sup> March 2009
<b>Report Updated on:</b>	24 <sup>th</sup> April 2009
<b>Constraints:</b>	None

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

**MAIN ISSUES:** Design standards, and impact on amenity of adjacent neighbours

## **1. REASON FOR REFERRAL**

This application would normally be determined under the Councils Scheme of delegation; however it was called into Committee by Cllr Thorley on the grounds of amenity, parking provision and over domination. The application has been deferred from the 22<sup>nd</sup> April 2009 Southern Committee for a site inspection to assess impact on amenity of neighbouring properties.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the Crewe Town settlement boundary as defined on the Proposal Map of the Crewe and Nantwich Replacement Local Plan 2011. It is situated on the corner of Gainsborough Road and Stamford Avenue, and adjacent to the site (across the road) is a local shop in an area of large terraced dwellings, which have large bay windows to the front elevation and are accessed at the back by an alley-way. The existing dwelling has a single garage to the rear which is accessed off Stamford Avenue via double gates. To the rear of the dwelling is a small yard which is block paved and within the curtilage of the dwelling is a greenhouse. The residential area around the dwelling has visible on-street parking issues at certain times of the day and this application will include the loss of an off-street parking space within the application site.

## **3. DETAILS OF PROPOSAL**

The proposed development is for the change of use of an existing garage extension into a habitable room, and the increase of the roof height to accommodate a pitched tiled roof. The existing garage is used for storage purposes and has a corrugated roof.

The conversion of the garage is permitted development and therefore can be carried out without planning permission from the Local Planning Authority. The description of development has therefore been amended to state "Change of pitch and increase in roof

height". The main issues therefore relate only to design and impact on the amenities of adjacent neighbours. Loss of parking within the garage is not a consideration in this case.

#### **4. RELEVANT HISTORY**

No Planning History

#### **5. POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

##### **Local Plan Policy**

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

RES.11 (Improvements and Alterations to existing dwellings)

##### **Other Material Considerations**

PPS1 Delivering Sustainable Development

Crewe and Nantwich Borough Council - Extensions and Householder Development SPD

#### **6. CONSULTATIONS (External to Planning)**

**Highways:** Originally unable to support this application due to the reduction in off-street parking, in an area of saturated on-street car parking. However, the addition plan received on the 9<sup>th</sup> April 2009, shows two off street parking spaces and a secure cycle storage unit and therefore now meets the Highway Authority's approval.

#### **7. VIEWS OF THE PARISH / TOWN COUNCIL: N/A**

#### **8. OTHER REPRESENTATIONS**

##### **Objections**

Duplicate letters of objection have been submitted by the occupiers of;

1, 3, 6, 7, 10, 12, 13, 16, 18, 19, 21, 23, 27, 28, 29, 30, 31, 32, 33, 34, 40, 41, 42, 43, 45 Gainsborough Road; and 3, 4, 9, 10, 11, 12, 13, 15, 16, 18, 20, 21, 32, 33, 36 Stamford Avenue.

The main planning issues raised in the letter are;

- Concerns over possible multiple occupancy of the dwelling to be used as lodging or bed sits;
- Loss of on-street parking due to conversion of existing garage in area of highly saturated on-street parking;

Further Objections have also been raised by the occupiers of;

34 Bidvale Way, Coppenhall (on behalf of the occupiers of 36 Gainsborough Road); and 26 & 36 Gainsborough Road, Crewe.

The main planning issues raised are;

- Reduction in on-street parking in the area due to increased occupancy of the dwelling, which will affect residence, church and adjacent shop parking/deliveries facilities;
- Concerns raised over possible increase in noise to neighbours;
- Concerns raised regarding the stability of the boundary wall between No.24 and No.26 and any possible disturbance which may occur if it is required to be rebuilt.

Also an objection letter has been received from the local councillor, Cllr Dorothy Flude of 6 Tynedale Avenue, Crewe

Issues raised are;

- Loss of parking
- Possible Change of Use

### **9. APPLICANT'S SUPPORTING INFORMATION**

In support of the application, letters have been received from the applicant addressing some of the above objections (dated the 17<sup>th</sup> and 24<sup>th</sup> March 2009)

The main planning issues raised are;

- The application is only for the change of use of the garage to a habitable space and increase in roof height to accommodate a tiles roof;
- The existing garage has not been in use as a 'garage' and has been used for storage;
- Two off-street parking spaces will be achievable at the rear of the property once existing green house is removed;
- The dwelling is to be let to students of the nearby MMU campus; and the long term plan is to use the dwelling for the applicant's permanent residence;
- Students more likely to use public transport than have lots of cars.

The applicant has submitted a further supporting letter dealing with the issues raised at the 22<sup>nd</sup> April Committee. The main issues raised are;

- Change of use of garage into a habitable space – Planning permission not required;
- Replacing the existing corrugated roof with felting or similar, would not require planning permission;
- Increasing the height of the existing roof and replacing with tiles – will require planning permission;
- Contrary to a statement made by one of the councillors, planning permission on this site has never been sought prior to this application;
- The applicant now has two options (a) to convert the garage without changing the height of the roof, and replacing it with a felt roofing material (where off-street parking provision and cycle storage will not be required) or (b) convert the garage and increase the roof height to accommodate a tiled roof, creating two off-street parking spaces and providing secure cycle storage;

- Option (a) is more favourable due to financial and timing issues; however option (b) would be more aesthetically pleasing for the surrounding area.

## **10.OFFICER APPRAISAL**

### **General Matters**

The proposal is for an extension to a roof of an existing garage and the conversion of the garage into a habitable living space. The dwelling is to be let out to graduate students, and will accommodate 5 bedrooms. The existing dwelling does not require a change of use to 'a house in multiple occupancy' as it will not accommodate six or more people living separately. Within the neighbour objections, issues have been raised in relation to increased noise due to proposed occupancy levels, and change of use of the dwelling to 'a house in multiple occupancy'; however as stated above permission is not required for change of use and therefore will not be discussed further within this report.

The conversion of the existing garage into a habitable living space does not require planning permission (as noted above) and can be carried out without consent from the planning authority and therefore this is taken into account when reaching the recommendation for this application.

### **Design**

The proposed development will include increasing the height of the existing attached garage from 2.6m at the ridge and 2.05m at the eaves to 3.4m at ridge and 2.3m at the eaves. The existing corrugated roof will be removed and replaced with a tiled roof and the additional external surfaces will be bricked-up in materials to match the existing building.

The proposed development is currently visible from Stamford Avenue, and the existing roof type is an inconsistent material within the streetscene. The proposed roof alteration will enhance the character and appearance of the existing dwelling, removing a less desirable roof material with a tiled roof which will be more in-keeping with the streetscene.

The proposed increase in height from 2.6m to 3.4m will have a minimal impact on the character and appearance of the existing dwelling. The existing garage appears subordinate to the existing dwelling and the proposed increase in height and external alterations will not affect this hierarchy and it is therefore considered that the proposed development is in accordance with policies RES.11 and BE.2 of the Local Plan 2011.

Should the application be approved as per the recommendation, a condition will be attached to the permission to ensure external materials to match the existing dwelling are used to ensure the proposal does not adversely affect the character and appearance of the streetscene by means of the materials used.

### **Amenity**

The existing garage forms part of a boundary wall with the adjacent dwelling No. 26 Gainsborough Road. The proposal will include the alteration of the boundary wall by increasing it from 2.6m to 3.4m in height. The adjacent neighbour has raised concerns over the stability of the boundary wall; however this is not a planning matter and will be dealt with through Building Regulations.

There is a very small window on the rear of the adjacent property; however this is not a principal window and the proposal will have little, if any impact on this window due to its position and size. Given that the majority of the building is already in situ it is considered that the proposed development will have a very minimal impact on the adjacent neighbour.

There are no new openings proposed for this development, only replacement windows/doors and 'bricking-up' of some existing doorways. Therefore the proposed development will not have impact on neighbouring amenity by means of overlooking any more than that which already exists.

### **Access and Parking**

The existing garage is small (4.85m by 4.27m) and would struggle to fit an average sized car within it. Currently it is not used for garaging purposes and is instead used for storage. However, notwithstanding its current use the applicant could convert the existing garage into a habitable room without consent from the Local Planning Authority.

The Highways Authority originally objected to the proposed development on grounds of loss of an off-street parking provision in an area which is highly saturated with on-street car parking. As loss of car parking is not a consideration for this proposal it is, therefore not a requirement for the applicant to create 3 off street parking spaces for this dwelling. However, the applicant has submitted an additional plan, drawing number LPA10, which shows two off-street parking spaces to be provided to the rear by removing the existing greenhouse and the provision of secure cycle storage. The Highways Authority considers that the proposed development now meets their requirements.

If the proposal is approved as per the recommendation; conditions will be attached to the decision to ensure that the car parking provision and cycle storage facility are implemented and retained. It is therefore considered that the proposed development will not have a significant impact on highway safety and is therefore in accordance with Local Plan Policy BE.3 (Access and Parking).

## **11. CONCLUSIONS**

The proposed development will have limited impact on the amenity of the adjacent neighbours, and will enhance the character and appearance of the local area and the existing dwelling by means of a more appropriate roof material. The loss of an existing off-street car parking space is mitigated by the provision of two further spaces, and a secure cycle storage area within the rear yard of the proposal site, and is therefore considered acceptable and in accordance with the relevant policies of the Local Plan 2011.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Standard time**
- 2. Approved plans**
- 3. Materials to match existing dwelling**
- 4. Two off-street parking spaces to be provided and retained**
- 5. Details of cycle storage to be submitted to and approved in writing by the Local Planning Authority and retained thereafter**

**LOCATION PLAN:**



P09/0130 – 25 Gainsborough Road Crewe  
N.G.R; - 370.060 355.142

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Not to scale



<b>Planning Reference No:</b>	07/1442/REM
<b>Application Address:</b>	Plot 51C Valley Court Pochin Way Middlewich
<b>Proposal:</b>	Erection of 16no. B1, B2 & B8 units (with possible future sub-division) contained within 3 terraces, associated service yards, car parking, central service/access road & landscaping. Units may have a trade counter.
<b>Applicant:</b>	Pochin Development Ltd
<b>Application Type:</b>	Reserved Matters
<b>Registered:</b>	19 <sup>th</sup> December 2007
<b>Grid Reference:</b>	371058 366073
<b>Ward:</b>	Middlewich
<b>Expiry Date:</b>	19 <sup>th</sup> March 2008
<b>Date Report Prepared:</b>	27 March 2009

**SUMMARY RECOMMENDATION:**

Approve subject to conditions.

**MAIN ISSUES:**

Principal of development, impact on the landscape, ecology and highways.

**1. REASON FOR REFERRAL**

Major development.

**2. DESCRIPTION OF SITE AND CONTEXT**

The site lies within the MidPoint 18 development area to the east of Middlewich. Over recent years, the surrounding areas has seen significant development with storage and distribution units from Tesco and Wincanton amongst other occupiers.

Although the land in question is greenfield, the surrounding area has been underdevelopment for a number of years as part of the wider MidPoint 18 employment site. This parcel of and has been included in the wider development are.

**3. DETAILS OF PROPOSAL**

The scheme is for the erection of 16no. B1, B2 & B8 units (with possible future sub-division) contained within three terraces, associated service yards, car parking, central service/access road and landscaping. The units may have a trade counter.

As indicated. the units are to be arranged in three blocks and form an extension of the existing development at MidPoint 18. The largest block has a floor area of approximately 2,275 sq.m. and a height of about 8.9m. The smallest unit has an area of 1,075 sq.m. and a similar height to the largest unit.

The scheme also includes appropriate landscaping and parking for each unit.

**4. RELEVANT HISTORY**

04/0451/REM - Erection of eight warehouses with associated service yards, car parking, central service/access road and landscaping. Permitted with Conditions 10 March 2005

05/0301/FUL - Proposed removal of condition 17 of approval number 04/0451/REM.  
Permitted 16 May 2005

06/1421/FUL - Erection of 17 (with possible future sub-division) B1, B2 & B8 units, contained within 4 terraces. Associated service yards, car parking, central service/access road and landscaping. Units may have a trade counter. Withdrawn 27 September 2007

8/31584/1 - Development of land for employment uses (use classes B1, B2 And B8), together with open space along Sanderson's brook and the continuation of the Middlewich Eastern Bypass. Outline Permission Granted

36207/3 - Access to plot 51. Permitted with Conditions 12 September 2003

## **5. POLICIES**

### **Congleton Local Plan First Review 2005**

GR1 General Criteria For Development

GR2 Design

GR6 Amenity and Health

GR21 Areas at Risk from Flooding

RC2 Protected Area of Open Space

E3 Employment Development in Towns

NR3 Habitats

S2 Shopping and Commercial Development Outside Town Centres

### **Other Plans and Policies**

PPS1: Delivering Sustainable Development

PPS25: Flooding

## **6. CONSULTATIONS (External to Planning)**

County Highways 21 Jan. 2009

No objections subject to development being in accordance with amended junction design.

United Utilities Limited 4 Feb. 2008

No objection subject to conditions on drainage arrangements, use of interceptors and control of potential spillage.

Natural England 1 April 2008

Concern over the initial survey work in respect of timing of the survey and proposed mitigation. No comments received at the time of the preparation of this report in respect of additional survey work undertaken May 2008.

Public Rights Of Way Unit 25 March 2009

No objection in principle however as the scheme has the potential to affect footpath Fp9 Middlewich, an informative is recommended to advise the applicants of their obligations to protect the footpath.

The Ramblers Association

No comments.

Planning Policy Team

No comment.

Senior Landscape and Tree Officer 25 March 2008

No objection in principle although concerns expressed that the rear elevations of units 20-22 will present a significant and dominating feature to the wildlife corridor.

CBC Greenscape Development Officer

No comment.

Environment Agency 19 March 2008

No objections subject to conditions ensuring that there is no possibility of contaminated water entering and polluting surface or groundwater and ground and foul water drainage are kept separate.

Environmental Health Section 15 Feb. 2008

No objection subject to conditions controlling noise, odours, lighting and contamination

CBC Streetscape Officer 28 Jan. 2008

No objections.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL:**

Middlewich Town Council 26 Feb. 2008

No objection subject to a green travel plan being agreed and assessment of traffic impact.

## **8. OTHER REPRESENTATIONS:**

None received

## **9. OFFICER APPRAISAL**

### **Principal of Development**

The principal of commercial development has been established on this site through the granting of the initial outline application (reference 31584/1) and the subsequent approval of a reserved matters application on part of the wider area approved by the outline (reference 04/0451/REM).

Other than the development of MidPoint 18 site, the character of the area has not changed substantially since the initial approval was granted.

The site was also formally identified under Policy E2 of the adopted Local Plan as an employment commitment within Middlewich. It should be noted however that this policy has not been saved as part of the process of moving towards the new LDF for the Council.

It is noted that the application seeks approval for the possible inclusion of trade counters. Whilst small sales counters have historically been accepted as part of a manufacturing business, there has been a trend in recent years to utilise the majority of the floor space in the building as warehousing and then offering sales direct to the public from a smaller retail area at the front. This business model has predominantly been used in the building supplies market for companies such as the Plumb Centre or Screwfix Direct. As a result, these units take on a more retail character compared to a similar building more in line with the Class B uses.

To address any concerns over the development of the units for more retail orientated uses, a condition on the level of floor space that can be used for trade sales is suggested.

### **Highways**

Concern was initially expressed by the County Highways Engineer in respect of the access arrangements into the site. The wider highways issues of impact on the local highway network and contributions to the Middlewich By-Pass have been considered as part of the outline application.

Following discussions, the entrance details have been amended to the satisfaction of the County Highways Engineers who have confirmed that subject to the development being undertaken in accordance with the amended details, they have no objection. The works themselves will be managed through a separate s278 agreement if consent is granted.

### **Wildlife and Ecology**

One of the key concerns of the Council at the outline planning stage was the impact that the development would have on the Sanderson Brook Valley which is in the vicinity of the site and protected wildlife including Great Crested Newts.

Updated surveys were undertaken and submitted as part of the application but following comments from Natural England additional work was undertaken in May 2008 to address concerns over the timing of the original surveys and further work was provided on the mitigation strategy for dealing with any wildlife.

At the time of the preparation of the report, no comments has been submitted by Natural England in respect of the additional work however if any information is received prior to the Committee meeting this will be conveyed to Members.

### **Flooding**

The Environment Agency have been involved in the development of this site since the outline stage and have confirmed that development in the vicinity of the Sanderson Brook should not breach the 1 in 100 year flood level.

The Agency has considered the details of the submitted scheme and have confirmed that subject to the buildings being built at a level of 36.5m AOD (above ordnance datum) as shown on the submitted drawings, they have no objection to the scheme.

### **Impact on Neighbours**

The site is in a relatively isolated location with no immediately neighbouring residential dwellings or other properties. Accordingly, there are no perceived issues of impact on residential or other amenity levels.

### **Design**

The buildings themselves are of a functional appearance with large roller shutter doors to facilitate deliveries by goods vehicles. The buildings are to be covered in profile sheeting and profile panels for the walls. The only break to the some what austere façade is the inclusion of some tall window units allowing natural light into each unit.

In a more exposed location or an area with closer neighbouring properties, the basic design and appearance of the buildings would be unacceptable. However in this instance,

consideration is given to the nature of the surrounding commercial buildings which are similar in nature to those currently under consideration.

It is accepted that the buildings can be seen from the Sanderson Brook Valley and will have a bearing on the setting of this part of the town, for that reason, it is therefore felt appropriate that the colour of the buildings should be regulated to ensure that the impact of the buildings is mitigated against through a more appropriate colour scheme than the simple grey walls and dark grey roof scheme proposed. This matter can be addressed through an appropriate condition.

## **10. CONCLUSIONS**

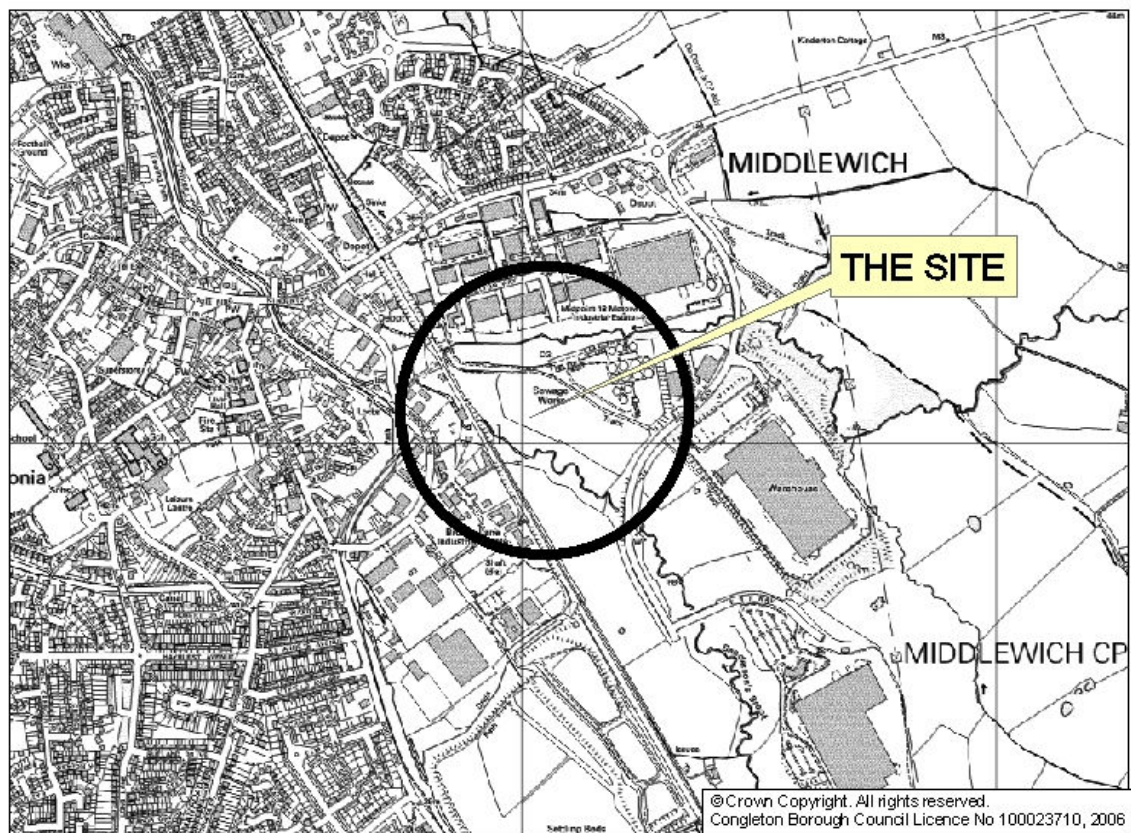
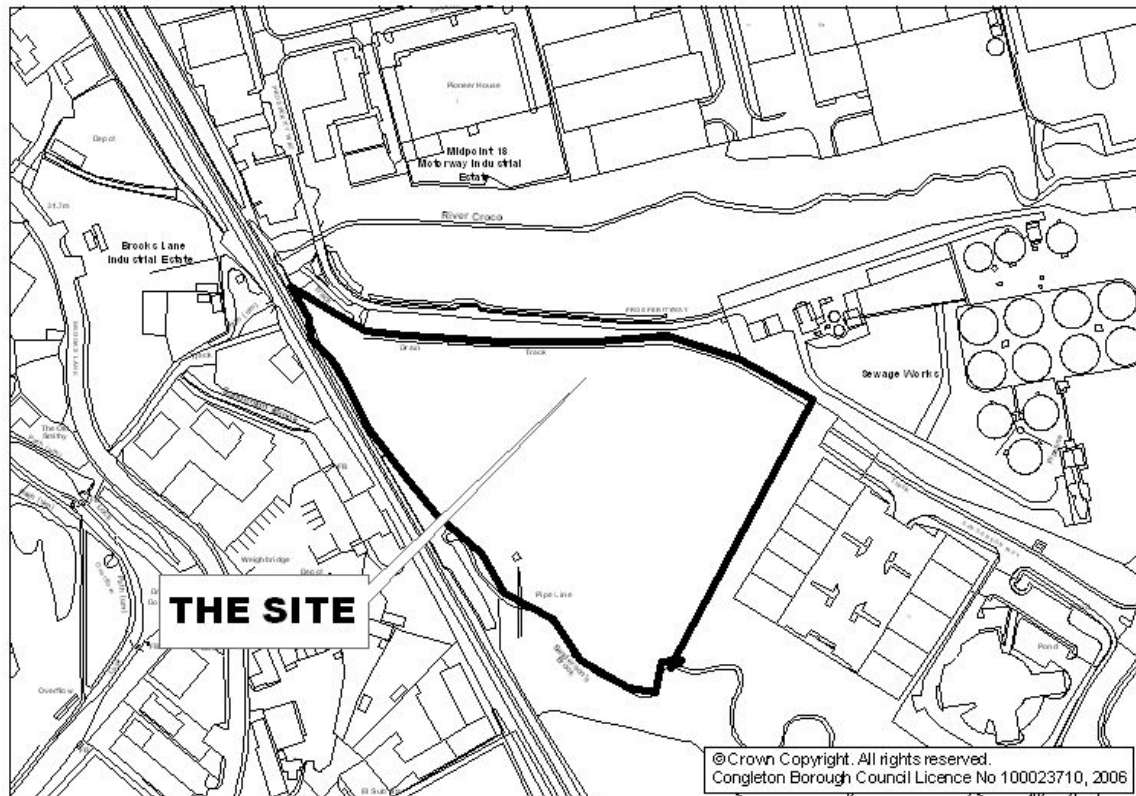
In summary, it is felt that subject to the use of appropriate conditions on the materials uses, landscape management and the control of goods sold, the scheme is in accordance with the principles set out in the outline consent and the policies in the Congleton Local Plan and nationally.

## **11. RECOMMENDATION**

**APPROVE** subject to the following conditions:-

- 1. Time limit following approval of reserved matters**
- 2. Development to be undertaken in accord with numbered revised plans**
- 3. Details of materials to be submitted prior to development**
- 4. Construction of access to be in accordance with scheme to be agreed by Local Planning Authority**
- 5. A scheme to be submitted in respect of the provision of car parking**
- 6. A scheme to be submitted in respect of the provision of cycle parking**
- 7. Details to be submitted in respect of drainage and surfacing of hard standing areas**
- 8. Submission of a landscaping scheme required**
- 9. Landscaping condition to ensure implementation of the approved landscaping scheme**
- 10. Prior to the commencement of development, a scheme for noise insulation shall be submitted**
- 11. Prior to the commencement of development, a scheme for lighting details to be submitted**
- 12. Development to be undertaken in accordance with the submitted ecological report**
- 13. Prior to the commencement of development, a scheme for the drainage layout to be submitted**
- 14. Petrol interceptors required**
- 15. The drainage scheme shall include a water regulation system (SUDs scheme)**
- 16. Refuse storage facilities to be approved prior to the commencement of development**
- 17. Detail to be submitted in respect of the decontamination of land and future monitoring**
- 18. Floor levels of the buildings to be set at a minimum level of 32.5m AOD**
- 19. Prior to the occupation of each unit, details shall be submitted to, and approved in writing by the Local Planning Authority, in respect of the amount of floor space to be used for trade sales purposes. The development shall thereafter be undertaken in accordance with the approved details and shall not be varied without the prior written approval of the Local Planning Authority**

# LOCATION PLAN:



<b>Planning Reference No:</b>	09/0233/FUL
<b>Application Address:</b>	Land between Mill Street & Queen Street, Congleton
<b>Proposal:</b>	Erection of 11 no. 3 bed dwellings
<b>Applicant:</b>	L.R.C Holdings
<b>Application Type:</b>	Full Planning Permission
<b>Grid Reference:</b>	E 386584 N 363592
<b>Ward:</b>	Congleton Town East
<b>Earliest Determination Date:</b>	3 April 2009
<b>Expiry Dated:</b>	8 May 2009
<b>Date Report Prepared:</b>	27 April 2009
<b>Constraints:</b>	None

### **SUMMARY RECOMMENDATION: REFUSE**

The proposed development fails to achieve an adequate quality of design in terms of the form, layout and external appearance to justify approval of planning permission. No information has been submitted to demonstrate that the site is unsuitable for its current use in terms of location and the surrounding land uses, that the site could not be redeveloped for alternative employment uses or that reasonable attempts have been made to market the site for employment uses. Given the information submitted, it appears that on balance, any benefits from developing the site for housing are not substantial to a degree that would outweigh the loss of the site's employment use.

### **MAIN ISSUES:**

The key issues that Members should consider in determining this application are;

- Principle of Development
- Loss of Employment site
- Design & Layout
- Highways & Parking
- Amenity
- Public Open Space

## **1. REASON FOR REFERRAL**

This application involves the construction of more than 10 dwellings and therefore falls to be considered by the Southern Planning Committee.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The site comprises a rectangular parcel of land measuring approximately 0.1ha that currently accommodates 3 small commercial units that appear to be vacant. The site is situated between Mill Street and Queen Street, Congleton and is located towards the southeast of the town centre in an area that is characterised by both commercial / industrial and residential properties. The properties found within the immediate vicinity are traditional Victorian terraced properties.

The site lies within the settlement zone line of Congleton as defined in the adopted Congleton Borough Local Plan First Review.

### **3. DETAILS OF PROPOSAL**

Full planning permission is sought for the clearance of the site by way of the demolition of the existing buildings and the erection of 11 small 3-bedroom dwellings. The dwellings would be arranged within two blocks. A block of seven units would be offset towards the northeast of the site fronting Queen Street and a block fronting Mill Street offset towards the southwest would form the remaining 4 units. The garden areas to the rear of the properties would each back onto communal parking areas and the parcels of land in-between would be given over to landscaping. Pedestrian walkways would permeate through the site and would be afforded access off each frontage (Mill St/Queen St/Havannah St).

### **4. RELEVANT HISTORY**

07/1332/FUL – Residential development comprising erection of 11no. dwellings with associated car parking & access - Withdrawn

### **5. POLICIES**

#### **Regional Spatial Strategy**

DP1 Spatial Principles

DP 3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP 5 Manage Travel Demand; Reduce the Need to Travel

DP7 Promote Environmental Quality

W3 Supply of Employment Land

L4 Regional Housing Provision

#### **Local Plan Policy**

PS4 Towns

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity & Health

GR7 Amenity & Health

GR8 Pollution

GR9 Accessibility, servicing and parking provision

GR18 Traffic Generation

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H4 Residential Development in Towns

E10 Re-use or Redevelopment of Existing Employment Sites

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in Residential Developments

#### **Other Material Considerations**

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'



## **6. CONSULTATIONS (External to Planning)**

### **Highways:**

The Highway Engineer states that the ratio of parking spaces to units is acceptable, however the proposed layout proposes more points of access to the public highway than is necessary. In the event that planning permission is granted, the Highway Engineer recommends the imposition of conditions requiring the submission of detailed designs of the proposed footpaths for approval by the Local Planning Authority.

### **Environmental Health**

The Environmental Health Division state that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions requiring submission of an air quality assessment and conditions restricting the hours of construction and piling are recommended.

### **Streetscape**

With reference to the plans for land between Mill St and Queen St, Congleton, if the development were to be granted planning permission (in accordance with the submitted details on Existing & Proposed Site Plans, Drawing No. 2493/1, Rev A & B, dated 01.12.08 and 12.01.09 respectively) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, having a quantity deficiency, and giving that the proposed development is inappropriate for the on site provision of public open space. Therefore existing sites have been identified for increasing the capacity of amenity space in the vicinity of Mill St/Queen St by improving access links to and around the Congleton Park and other various improvements which would be considered adequate to maximise the potential for increased use of existing Open Space areas. The other site identified is St John's Road.

Giving that an opportunity has been identified for enhancing the capacity of existing Amenity Greenspace to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

- Enhanced Provision: £1,743.39
- Maintenance: £3,902.25

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Existing & Proposed Site Plan 2493/1, Rev A & B, dated 01.12.08 and 12.01.09 respectively) and information contained within the Design & Access Statement there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The existing sites of Congleton Park and St John's Road have been identified for increasing the capacity of play provision and therefore based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space

Requirements for New Residential Development the financial contributions sought from the developer would be;

- Enhanced Provision: £3,021.81
- Maintenance: £9,850.50

The indicative Site Plan and the Design and Access statement identify small amounts of landscaping, which according to the plans appear to comprise of planted beds and screening to; the rear and side of the properties, and around the parking bays. Due to these areas being located in the immediate vicinity of the development, Streetscape would require clarification that these areas are intended for the use and benefit of the residents of the development, and are not to be offered up for transfer to the Council.

Clarification would be required as to the intended liability, care and maintenance of the parking areas which occur on three sides of the development. As the spaces are identified as the associated car parking spaces for the dwellings, Cheshire East Council would not take transfer of these areas.

### **United Utilities**

United Utilities (UU) has no objection to the development provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soak-away/surface water sewer. If surface water is allowed to be discharged to the public sewerage system, UU may require the flow to be attenuated to a maximum discharge rate.

## **7. VIEWS OF THE TOWN COUNCIL**

No response.

## **8. OTHER REPRESENTATIONS**

To date, 3 letters have been received from neighbouring residents and businesses objecting to this application on the following grounds;

- Design of the buildings looks cheap & is not in keeping with the historic neighbourhood.
- The site is of important historic value.
- The proposal will aggravate parking issues in the area.
- Neighbouring properties will be devalued.
- The neighbouring timber business will cause noise nuisance to the proposed development.
- The development may give rise to anti-social behaviour.

## **9. APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement accompanies the application (produced by Archtrend Design dated February 2009).

## **10. OFFICER APPRAISAL**

### **Principle of Residential Development**

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. With regard to housing development, policies H1 and H2 relate to the supply of housing land.

The most recent housing land position statement for the former borough of Congleton demonstrates that the Council does not have a five-year land supply. However, it needs to be borne in mind that the a number of large schemes previously awaiting signing of section 106 legal agreements have been recently been completed and therefore it is likely that the next housing land position statement will show that the target of 1500 residential dwellings identified within adopted RSS has been met. On this basis, the Local Planning Authority will have a 5-year supply of housing and can therefore exercise more control in the release of new housing sites.

Additionally, Policy H4 outlines a series of criteria to be met when assessing residential development in towns. This includes the sustainability of the site and compliance with other local plan policies. The site is in a sustainable location on the easterly edge of Congleton where it is within walking distance of the town centre and is easily accessible and well connected to public transport and community facilities and services. As such, the principle of residential development on the site would be acceptable subject to accordance with other local plan policies.

### **Loss of Employment Land**

The site currently accommodates 3 small commercial units that appear to be vacant. The buildings are of no architectural merit occupying only a small portion of the site where the remaining part of the site is given over to hardstanding. Policy E10 states that proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area
- 3 Whether reasonable attempts have been made to let or sell the premises for employment uses

No information has been submitted to demonstrate that the site or units have been marketed or that the potential for redeveloping the site for employment uses has been explored. In the absence of this information, the applicant has not made reasonable attempts to let or sell the property and has consequently failed to satisfy the 3 criteria in the first strand of policy E10 and demonstrate that the site is no longer suitable for employment use.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 2 The impact the proposal would have on the environment & economy of the local area
- 3 The need for the proposal and its potential contribution to the local area
- 4 The requirements of other relevant policies of the local plan.

No evidence has been put forward to demonstrate that the previous commercial / light industrial uses gave rise to any significant levels of noise or disturbance to neighbouring amenities. The area comprises a number of light industrial uses and therefore if the site were to be reoccupied or redeveloped for commercial or light industrial use, these operations could be sustained on the site without impacting significantly on neighbouring properties. In terms of highways, light or high-tech industrial use would be capable of being serviced by vans and small lorries, which would, by definition, be acceptable within the area.

On the third point, the provision of 11 small open market dwellings would not offer significant benefit that would outweigh the loss of the site for employment uses thereby reducing employment opportunities within this sustainable location. There are high levels of 'out-commuting' within the Borough, which lead to unsustainable travel patterns. This will only be exacerbated if employment opportunities offered by sites such as this one are lost.

Whilst the existing buildings are unattractive and of no architectural merit, and their removal would benefit the character and appearance of the site and area, this individually does not amount to significant planning benefit and would also be dependant on securing a high quality development with design and layout appropriate to the area. On balance therefore, it is not considered that the planning benefits are substantial enough to outweigh the loss of the site for employment uses.

## **Design & Layout**

Policy GR2 of the adopted local plan requires that development is sympathetic to the character, appearance and form of the site and the surrounding area in terms of, the height, scale, form and grouping of the building(s); the choice of materials; external design features, including signage and street furniture; and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

The application site has three frontages, two of which are extremely prominent. Mill Street is accessed directly off Buxton Road and is junctioned with Havannah Street which carries traffic up through the concentration of commercial / industrial units to meet with a post war residential housing estate. Mill Street and Havannah Street provide one of the key gateways to the immediate area on the northwestern side of Buxton Road, the main southeasterly approach road to Congleton centre. Having regard to the prominence of the site, it is considered that the frontages identified above have a fundamental role to play in contributing to the character and appearance of the area.

The proposal put forward fails to take the opportunity to make use of these key frontages in particular the northern end of the site where it fronts Havannah Street, Mill Street and Queen Street. It is considered that any development needs to have an active frontage to both Havannah Street and Mill Street in order to make a feature of the site and help to promote a sense of place. It is considered that a more innovative design – led by Manual for Streets principles - would see the development better integrated into the existing urban form with the highway frontage and the parking areas made a feature of the site to provide a better feeling of place and to promote legibility and movement around the site on what should be a key pedestrian route linking the area to the town centre along the River Dane.

In addition there are concerns that the proposed layout, with tight footpaths and limited passive surveillance does not lend itself well to security and confidence of use by the pedestrian, and therefore whilst an attempt has been made to give the site permeability, the offered layout is less likely to promote its frequent use. In terms of the detail, the treatment of

the external elevations would appear fussy and cluttered and coupled with the projecting intersecting gable features, the form of the buildings would be complicated and would not accord with the simplistic form of the traditional terraced properties that characterise the immediate area.

PPS1 states “good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” It is considered that this proposal fails to respect these principles as in its present form it is considered that the proposal would be harmful to the character and appearance of the area. The proposal is therefore contrary to this advice as well as that contained within RSS policy EM1(C) and Local Plan policies GR1 and GR2.

### **Highways & Parking**

Each unit would benefit from the provision of one off road car parking space and there would be two distinct parking areas within the site. Whilst the Highway Engineer has raised concerns regarding the design and layout, no objection has been raised in highways terms and therefore the proposed parking and access arrangements are deemed to be acceptable.

### **Amenity**

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight. Turning to the amenities of the occupiers of the proposed units, the two blocks of development would be offset from one another and would not therefore result in any direct overlooking. Each unit would benefit from its own private rear garden space. Having regard to the location of the development and the historical pattern of development whereby the majority of dwellings only benefit from small yard areas, it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed.

### **Public Open Space**

Under Supplementary Planning Guidance Note 2 ‘Provision of Public Open Space in New Residential Developments’, there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. In this instance there would be no onsite public open space or children’s informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

Following an assessment of the existing Children’s and Young Persons Open Space (CYPOS) provision and Amenity Greenspace accessible to the proposed development, a deficit in the quantity of provision for both has been identified having regard to the Council’s Open Space Study. Existing sites in the vicinity of site have been identified for increasing the capacity of amenity space by improving access links to and around the Congleton Park and other various improvements, which would be considered adequate to maximise the potential for increased use of existing Open Space areas. Further, there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The existing sites of Congleton Park and St John’s Road have been identified for increasing the capacity of play provision. Combined, this would require a financial

contribution of £4765.02 for the enhancements and £13752.75 for the future maintenance. The agent has indicated that they would be willing to enter into a S106 legal agreement to secure the above contributions and therefore subject to completion, the development would accord with the Council's adopted Interim Guidance note on Public Open Space Requirements for new residential development.

## **11. CONCLUSIONS**

No information has been submitted to demonstrate that the site is unsuitable for its current use in terms of location and the surrounding land uses, that the site could not be redeveloped for alternative employment uses or that reasonable attempts have been made to market the site for employment uses. The next housing land position statement is likely to demonstrate that the Congleton area has a five-year supply of housing in accordance with PPS3 and the RSS. Any benefits from developing the site for housing are not substantial to a degree that would outweigh the loss of the site's employment use. The design and layout of the scheme is substandard, would not integrate well with existing urban form and would not take the opportunities available for improving the character and quality of the area and the way it functions. The proposal would not therefore accord with the relevant policies within the RSS or the Development Plan and Members are therefore advised to determine the application accordingly.

## **12. RECOMMENDATIONS**

**REFUSE** for the following reasons: -

### **Insufficient Information to Justify Loss of Employment Site**

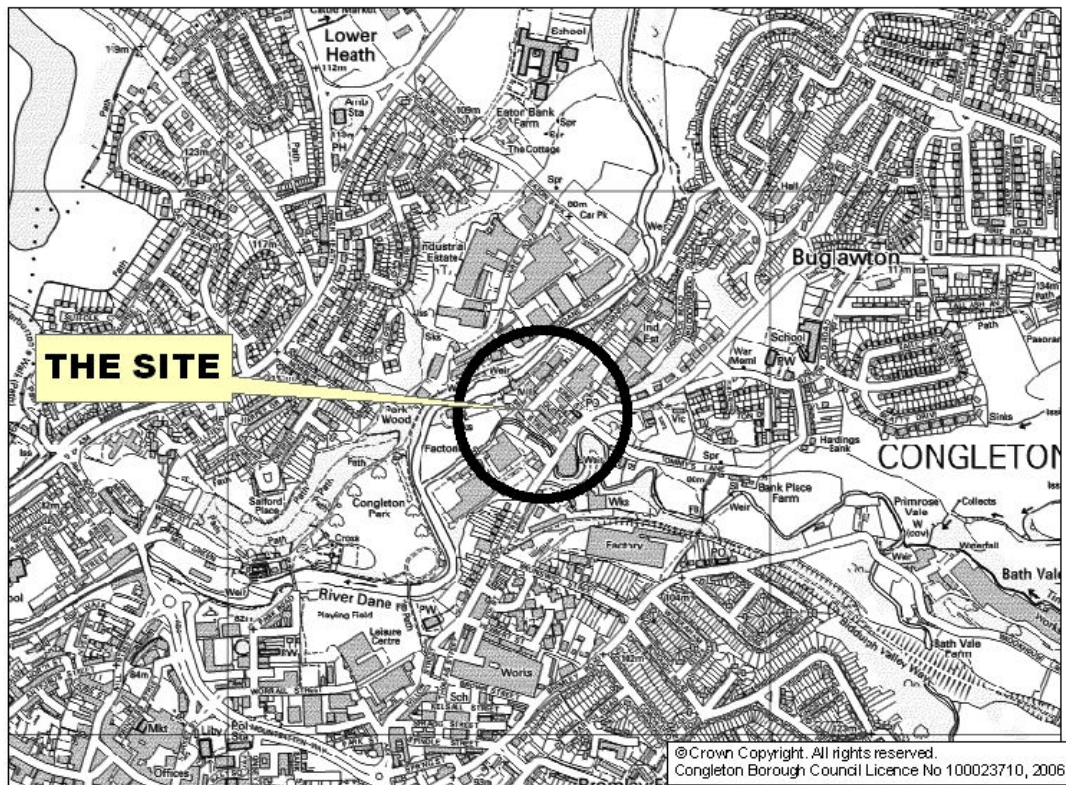
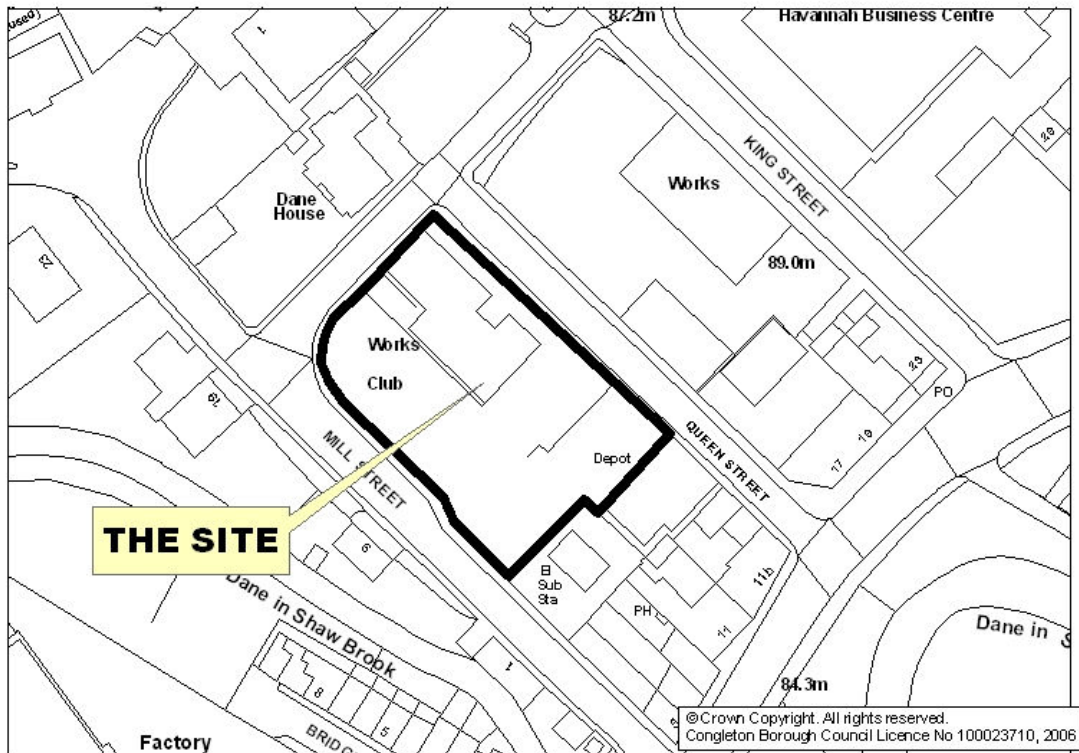
1. Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.

### **Design of substandard quality**

2. 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 siting, design and layout of the proposed dwellings. It is therefore concluded that the proposal would detract from the character and appearance of the area, within which the site is located and would be contrary to PPS1, RSS Policy DP7 and Local Plan Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review which seek to promote high quality and inclusive design.



# LOCATION PLAN:



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<b>Planning Reference No:</b>	09/0259/FUL
<b>Application Address:</b>	Betchton Cottage Farm, Cappers Lane, Betchton
<b>Proposal:</b>	Retention of Hardcore Area for the storage of waste disposal skips as an extension to the existing skip hire business
<b>Applicant:</b>	Mr Thomas Gardiner
<b>Application Type:</b>	Full
<b>Registered:</b>	18 February 2009
<b>Grid Reference:</b>	37904 35863
<b>Ward:</b>	Sandbach East and Rode
<b>Expiry Date:</b>	15 <sup>th</sup> April 2009
<b>Date Report Prepared:</b>	6 <sup>th</sup> April 2009
<b>Constraints:</b>	Within Open Countryside as defined in the Congleton Borough Local Plan First Review. Within an area of Grade 2 Agricultural Land.

### **SUMMARY RECOMMENDATION**

The development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 and W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 and E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.

### **MAIN ISSUES**

- whether the visual effect on the character and appearance of the locality is acceptable
- whether the loss of Grade 2 Agricultural Land is justifiable

## **1. REASON FOR REPORT**

The application is referred to Committee at the request of a Councillor under the Congleton Borough Council constitution prior to 1<sup>st</sup> April 2009. The Councillor considers that the application is worthy of support, the visual impact is mitigated to a significant degree by hedgerow screening, it relates to a business that performs a useful function within the local economy and if there are any conflicts with planning policies, consideration for the local economy would outweigh those conflicts.

The application was deferred for a site visit from the previous Southern Committee meeting.

## **2. DESCRIPTION OF SITE AND CONTEXT**

Part of a field on the south west side of the A533 Cappers Lane from Sandbach to Rode Heath between the applicant's property, Betchton Cottage Farm, and Betchton Garage.

### **3. DETAILS OF PROPOSAL**

The application seeks planning permission retrospectively for an area of hardcore measuring 45 metres by 25 metres on part of a field alongside Cappers Lane, Betchton. The hardcore was laid in September of last year and has subsequently been used for the parking of skip lorries, storage of skips and storage of a variety of other items including vintage agricultural machinery, vehicle parts, timber, building materials, etc.

### **4. RELEVANT HISTORY**

On this site:

07/1220/FUL- Application for change of use from agriculture to storage of skips and skip wagons. Withdrawn 15<sup>th</sup> November 2007.

08/1563/AGR - Prior determination application for proposed new building for animal feed, hay, straw and farm machinery. Declared invalid due to insufficient evidence that the proposed building is 'reasonably necessary for the purposes of agriculture' 30<sup>th</sup> September 2008.

On the adjacent yard to the south east:

8/5465/3 - Change of use of shed from general farm store shed to haulage, merchenting and warehousing of agricultural produce in accordance with established use for which certificate is concurrently being applied for. Granted 4<sup>th</sup> October 1977.

8/5466/5 - Certificate of Established Use granted for haulage, merchenting and storage of agricultural produce. Issued 11<sup>th</sup> October 1977.

8/15652/3 - Garaging of vehicles and storage of waste disposal skips subject to a Legal Agreement surrendering (i) the immunity from enforcement action afforded by the 1977 EUC and (ii) the existing use rights conferred by the 1977 planning permission. Granted 5<sup>th</sup> December 1985.

08/2061/CPE - Certificate of Lawful Existing Use for use of land for parking of vehicles and storage of waste disposal skips in connection with skip hire business. Issued 17<sup>th</sup> February 2009.

### **5. POLICIES**

#### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP4 – Making the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

RDF2 – Rural Areas

W3 – Supply of Employment Land

#### **Local Plan Policy**

GR1 – New Development

GR2 – Design

GR5 – Landscape Character

E5 – Employment Development in the Open Countryside

### **Other Material Considerations**

PPS7 – paragraph 28 – Best and most versatile agricultural land

## **6. CONSULTATIONS (External to Planning)**

Highways – no objection.

Environmental Health – no observations.

English Nature – no comment.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

Betchton Parish Council supports the application as it will provide 2 jobs, very welcome in the current climate. The hard standing will not be intrusive and although it is on farmland it is felt that the loss of the land will not be detrimental to the area. Also if the business ceases in the future the hard standing could be returned to farmland.

## **8. OTHER REPRESENTATIONS**

One letter has been received from the occupier of a property on the outskirts of Sandbach 1½ miles from the site. The writer has no objection to the application, the site is well maintained and screened, it adjoins a garage business and large caravan storage site, it is a case of infill and it would be discrimination to turn this application down. It is good to see a business prospering in this time of recession and should be encouraged.

## **9. APPLICANT'S SUPPORTING INFORMATION**

The applicant's agent has submitted a Planning Design and Access Statement with the application. The agent states that the business has been in existence at Betchton Cottage Farm for over 28 years. A certificate of lawful existing use or development was issued in February 2009 for the operation of the skip hire business, garaging of vehicles and storage of skips at the Farm.

Following Mr Beech's death in September 2006 the business was bought and operated by the applicant, Mr T Gardiner. For the last 2 years he has endeavoured to build up the business that had latterly been run down. It is now thriving and, with the demise of a local competitor Mr Gardiner is already experiencing an increase in trade. He anticipates that this will be maintained and increased as a result of which there is significant pressure on space for skips and vehicles in the existing yard. The applicant has a licence from VOSA to operate four 17 tonne skip lorries from the site but at present he operates two lorries together with one 7.5 tonne and one 3.5 tonne skip lorries. He intends to purchase two additional lorries and employ two additional drivers bringing the total numbers employed from 4 to 6 full time employees which will intensify the pressure on storage space within the existing yard. The business has approximately 120 skips one third of which are kept on site at any one time. Sufficient space must be kept within the existing yard for vehicles to load and unload skips, manoeuvre and use the existing garage building for maintenance. The storage of skips in the yard is difficult without the use of additional land and Mr Gardiner's expansion of the business cannot be met within the existing curtilage.

In terms of the principle of development, the agent refers to policy E5 of the Congleton Borough Local Plan First Review which covers employment development in the open countryside and states that the expansion of an existing business will be permitted subject to compliance with certain criteria, and policy RDF2 of the North West of England Plan Regional Spatial Strategy. The agent argues that as the business is already in existence in this location, the development is necessary to sustain that business and the development satisfies relevant criteria consequently it is acceptable in principle.

In terms of the effect on the environment, the agent refers to policies DP1 and DP7 of the North West of England Plan Regional Spatial Strategy and policies GR1, GR2 and GR5 of the CBLPFR. The agent explains that the site measures 45 metres in length by 25 metres in width, it is between the applicant's existing yard and Betchton Motors to the northwest, it is screened by hedgerows from the adjacent highway and on two other sides, these hedgerows could be supplemented if necessary, the site would be used only for storage of skips up to 2 metres in height, vehicles would be parked within the existing yard and hours of operation would be between 08.00 – 17.00 hours on Mondays to Fridays, 08.00 hours to 15.00 hours on Saturdays and only exceptionally on Sundays consequently there would be no adverse effect on the amenities of any residential properties.

In terms of the effect on agricultural land the agent accepts that the hardcore has been laid on Grade 2 Agricultural Land but argues that the area concerned is not significant being only 1125 square metres in size and being between two commercial enterprises. The larger area of agricultural land in the applicant's ownership to the southwest will be retained as grazing land. Although PPS7 is concerned about the loss of significant areas of agricultural land the agent argues that the loss of this small area will not compromise the overall availability and quality of Grade 2 agricultural Land in the locality. The benefits to the existing business outweigh the loss of such a modest area of grazing land.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site is within the Open Countryside as defined in the Congleton Borough Local Plan First Review where policy E5 states that proposals for employment development will only be permitted *inter alia* for the expansion or redevelopment of an existing business and provided that the following criteria are satisfied:

- (A) the proposal is for a business enterprise appropriate to a rural area or is essential to the continuation of operations which are already on site and there are no suitable existing buildings which could be reused;
- (B) [not relevant]
- (C) [not relevant]
- (D) the proposal complies with policy GR1, and
- (E) the proposal accords with other relevant Local Plan policies.

Paragraph 6.31 of the explanatory text states that,

A prime objective of the Local Plan is to concentrate development within the urban areas and to avoid encroachment into land in the open countryside beyond that which has already been identified. It is however recognised that existing firms in rural locations should be allowed to

expand where such expansion can be accommodated satisfactorily and is environmentally acceptable.

Policy GR1 of the Local Plan states that all new development will be expected to be of a high standard to conserve or enhance the character of the surrounding area and not detract from its environmental quality and have regard to the principles of sustainable development.

Policy GR2 covers Design and states that,

Planning permission for development will only be granted where the proposal satisfies the following design criteria:

(l) the proposal is sympathetic to the character, appearance and form of the site and surrounding area in terms of [*inter alia*] the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Policy GR5 refers to landscape character and states that,

Development will be permitted only where it respects or enhances the landscape character of the area. Development will not be permitted which, in the opinion of the Borough Council, would be likely to impact adversely on the landscape character of such areas, or would unacceptably obscure views or unacceptably lessen the visual impact of significant landmarks or landscape features when viewed from areas generally accessible to the public, as a result of the location, design or landscaping of the proposal.

Turning to the North West Regional Spatial Strategy, the underpinning principles set out at policy DP1 *inter alia* aim to

- make best use of existing resources and infrastructure and
- promote environmental quality.

Policy DP4 enlarges further on making the best use of existing resources and infrastructure, it advocates the prudent and efficient management of natural and man-made resources and it sets out a sequential approach to the development of land first using existing buildings and previously developed land within settlements, secondly using other suitable infill opportunities within settlements and thirdly using other land where this is well related to housing, jobs, other services and infrastructure.

Policy DP7 seeks to Promote Environmental Quality especially by understanding and respecting the character and distinctiveness of places and landscapes, maintaining and enhancing the tranquillity of open countryside and rural areas.

Policy RDF2 aims to enhance the value of the rural areas within the region, concentrating development in Key Service Centres and Local Service Centres. In the open countryside new development will be allowed exceptionally where it,

- has an essential requirement for a rural location, which cannot be accommodated elsewhere
- is needed to sustain existing businesses
- provides for exceptional needs for affordable housing
- is an extension of an existing building, or
- involves the appropriate change of use of an existing building.

Paragraph 5.11 of the RSS states that,

Proposals that seek to diversify and expand existing rural businesses in areas that are lagging economically should be regarded positively as long as they demonstrate the potential to help build and maintain sustainable communities and are sensitive towards the local environment.

Policy W3 refers to the supply of employment land. Paragraph 6.10 refers in particular to rural areas and states that 'agriculture will continue to play an important role in the rural economy, and is also important in relation to landscape management and ecological protection and enhancement but the need for agricultural diversification is pressing... Priority should be given to economic activity that has strong links with the area in question, for example food and drink processing, tourism and leisure; the conservation of natural, cultural and historic resources; and businesses that are ancillary to farming and forestry.'

Whilst the use of the hardcore surface within the adjacent field may represent the expansion of a business that has existed historically in this location for many years it is not accepted that this is 'appropriate to a rural area'. The competitor's business referred to by the applicant's agent that has recently ceased trading was located on an industrial estate within Sandbach. This represents a much more suitable location for such a business.

Furthermore, as the business involves the storage of skips and parking of skip lorries which are taller than many vehicles and often have a colourful livery, there is concern about the detrimental effect that it may have upon the character and appearance of the surrounding locality. The applicant's agent has suggested that only skips would be stored on the hardcore area up to a height of 2 metres however experience over that last 6 months whilst the business has been using this area without the benefit of planning permission indicates that the area would be used for parking of skip lorries, that skips would be 'stacked' and a wide variety of other items would be stored on the land including a curtain-side container full of vintage machinery, vehicle parts and building materials having no connection whatsoever with the business.

It is recognised that there is a reasonable hedgerow along the highway boundary and additional screen planting could be provided however dense planting belts can also appear alien in the open countryside.

Overall it is not considered that the development makes best use of resources (RSS policy DP4), promote environmental quality (RSS policy DP7), enhance the value of the rural environment (RSS policy RDF2) or represent diversification of the rural economy as envisaged by RSS policy W3. Furthermore the development does not accord with policies GR1, GR2, GR5 or E5 of the Local Plan.

Moreover, the site is within an area shown on the Agricultural Land Classification map as Grade 2 (extract enclosed). Paragraph 28 of Planning Policy Statement 7 states that the presence of best and most versatile agricultural land (grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality except where this would be inconsistent with other sustainability considerations.

It is not considered that the expansion of the business onto part of the adjacent field is 'essential' to its continued existence or that the creation of just 2 additional jobs is sufficient to justify the loss of good quality agricultural land involved.

It will be noted that in November 2007 the same applicant applied for planning permission for change of use of a considerably larger portion of the same field to storage of skips and skip wagons amounting to an area of 45 metres by 60 metres and including provision for a future building measuring 23 metres by 14 metres. Following discussions with Planning Officers, that application was withdrawn but (as explained above) the applicant subsequently went ahead, laid hardcore and began to use the land for storage of skips and skip wagons without planning permission.

In August of last year the same applicant submitted an agricultural notification application under the Town and Country Planning (General Permitted Development) Order for a new building measuring 22 metres by 13 metres on part of the field now occupied by the hardcore. The building was described as being for storage of hay/straw and agricultural machinery. The agent was advised that the application was invalid as there was insufficient evidence that the proposed building was 'reasonably required for the purposes of agriculture' within the agricultural holding which comprises in total only just over 6 hectares of land.

This does however suggest that if permission was granted for the hardcore area, this would encourage further application(s) for further development of the field that might then prove difficult to resist thereby resulting in a cumulative loss of agricultural land.

As such the application is also considered to be contrary to advice set out in paragraph 28 of PPS7 regarding the protection of best and most versatile agricultural land.

## **Highways**

The Highway Engineer has raised no objection.

## **Amenity**

It is not considered that there are any amenity issues.

## **11. CONCLUSIONS**

The development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 and W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 and E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.

## **12. RECOMMENDATION**

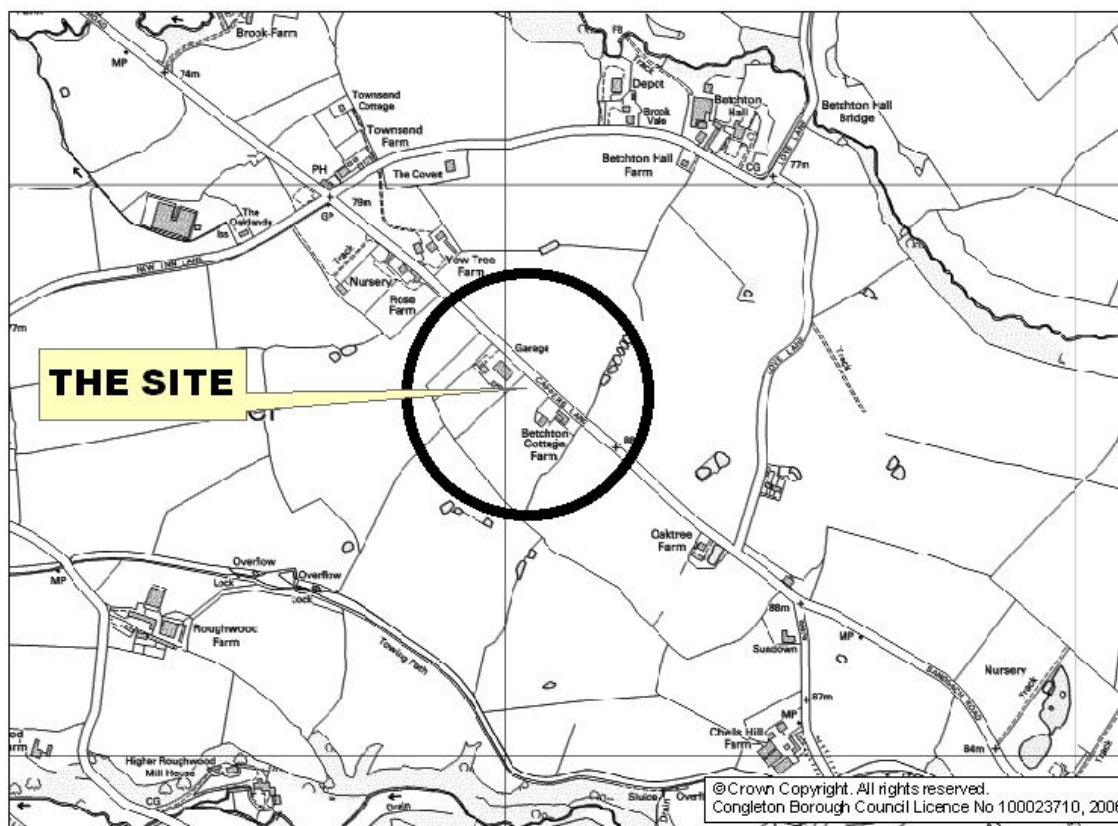
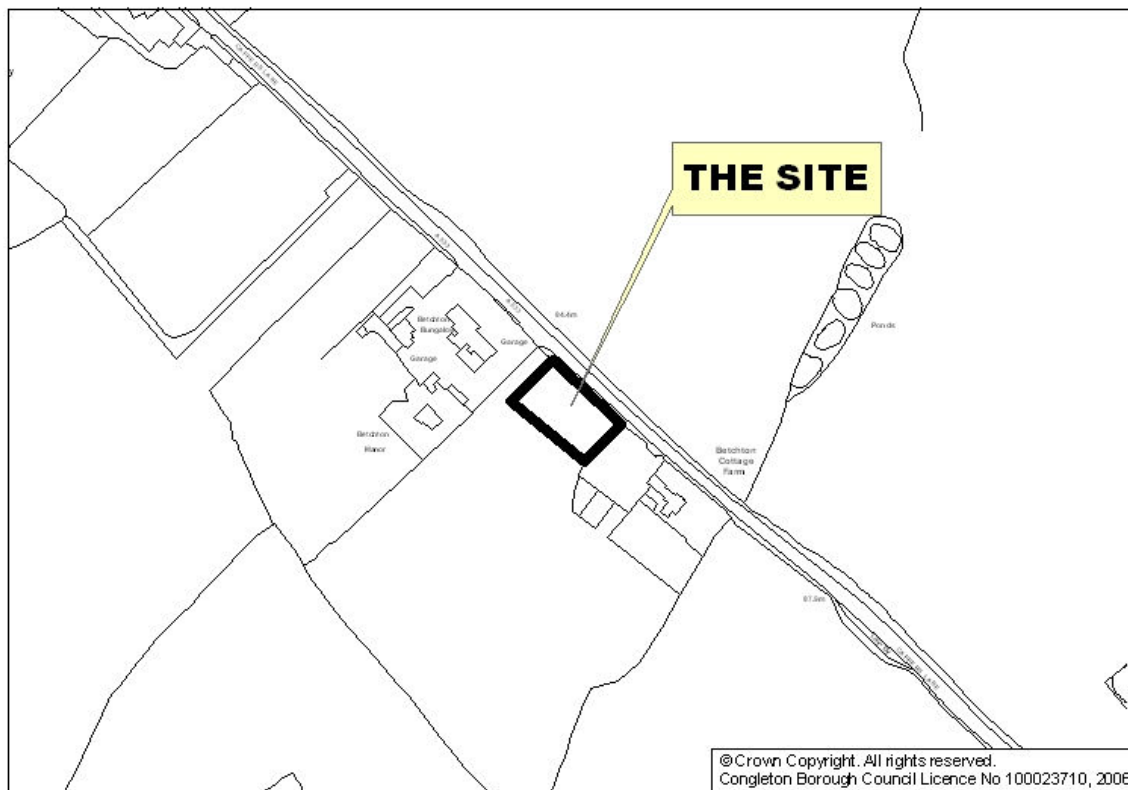
REFUSE for the following reasons:

1. The development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 and W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 and E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.





# LOCATION PLAN:



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<b>Planning Reference No:</b>	09/0430/C
<b>Application Address:</b>	Land adjacent to 6 Brindley Way, Congleton
<b>Proposal:</b>	2 new dwellings
<b>Applicant:</b>	Mr Paul Kirby
<b>Application Type:</b>	Full Planning
<b>Registered:</b>	3 <sup>rd</sup> March 2009
<b>Grid Reference:</b>	387704 362448
<b>Ward:</b>	Congleton Town East
<b>Expiry Date:</b>	27 <sup>th</sup> April 2009
<b>Date Report Prepared:</b>	28 <sup>th</sup> April 2009

**SUMMARY RECOMMENDATION:**

Approve with conditions

**MAIN ISSUES:**

The key issues that Members should consider in determining this application are;

Impact on the character of the existing street scene

- Design & impact on the character of the existing street scene
- Impact on neighbour amenity Principle of Development

**1. REASON FOR REFERRAL**

The application was called in for a decision by the Planning Committee by the Congleton East ward members Cllr D. Brown, Cllr P. Mason, and Cllr A. Thwaite.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site relates to an area of land located on a modern residential estate within the Settlement Zone Line of Congleton. The site has been included within many planning approvals dating from 1987 which have been implemented through the construction of other dwellings. The most recent approval was in August 2008 that permitted two split level dwellings on the site.

The site is immediately adjacent to a Site of Special Scientific Interest (SSSI).

**3. DETAILS OF PROPOSAL**

The application seeks full planning permission for the erection of two detached dwellinghouses. The proposal seeks to alter the design, scale, and location of the dwellings approved in August 2008.

**4. RELEVANT HISTORY**

<u>Decision</u>	<u>Application number</u>	<u>Description</u>
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Approved 08.10.2008	08/1381/FUL	2 detached dwellings and detached garages including discharge of S.106 Agreement dated 17 March 1992
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Approved	08/0631/FUL	2 detached dwellings and garages
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06.08.2008

Approved 17.03.1992	23364/3	Amendment to previously approved layout
Approved 28.10.1987	16685/B	Residential development (Reserved Matters)
Approved 30.05.1985	16685/1	Residential Development (Outline)
Refused 39.07.1980	11427/1 11428/1 11429/1 11430/1	Residential Development

## 5. POLICIES

### Regional Spatial Strategy

DP1	Spatial Principles
DP 7	Promote Environmental Quality

### Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR6	Amenity & Health
GR9	Accessibility, servicing and parking provision
H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns
SPG2	Provision of Private Open Space in Residential Developments

## 6. CONSULTATIONS (External to Planning)

### Highways

No response was received at the time of report preparation.

### Environmental Health

The Environmental Health Division state that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions relating to the restriction of hours of construction are recommended and it is highlighted that the burning of materials should be prohibited.

### Senior Landscape and Tree Officer

The Senior Landscape and Tree Officer has no objection to the application providing that the development does not impact upon the protected SSSI area and satisfies Natural Englands requirements.

### **Natural England**

Natural England highlight that the land adjacent to the application site comprises of the Dane in Shaw Pasture which is a designated Site of Special Scientific Interest (SSSI). As the application does not include any building works within the SSSI and the application is for a change in the design of two dwellings only, Natural England advise that the proposal is unlikely to have a significant impact upon the special features of the SSSI site. In addition, Natural England expects the Local Authority to ensure that the need for an ecological survey is met.

In addition Natural England would expect the owner/developer to respect conditions attached to a previous planning approval 08/1381/FUL in relation to an ecological assessment.

### **British Waterways**

British Waterways has no objection to the proposed development.

### **VIEWS OF THE TOWN COUNCIL**

No response was received at the time of report preparation.

### **OTHER REPRESENTATIONS**

Objections were received from a total of 15 different properties that raised the following material planning concerns: -

- Proposal would impact upon the privacy and amenity of neighbouring properties
- Proposal would result in significant visual detriment to the street scene
- Proposal is not in keeping with surrounding area and would appear incongruous
- Proposal would set a precedent for other large development on the escarpment
- Proposal would dominate the skyline
- Inappropriate boundary treatment
- Potential highway safety hazard
- Garden is not appropriate size for family dwelling and is not well designed
- Inaccuracies and incorrect application form and design and access statement
- Dwelling is not designed with sustainability in mind
- Proposal would block public views of an important view
- Proposal does not take Lifetime Homes standard into account

The following points were also included within representations however, they should not be taken into account for the determination of this application as they are not material planning considerations: -

- Site historically had permission for a single storey dwelling only
- The parking of contractors vehicles should be restricted
- Proposal would result in a loss of views from neighbouring properties
- Proposals do not take the Lifetime Homes Standards into account
- Proposals would devalue neighbouring properties

### **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement accompanies the application that includes information under the following titles: Concept, Design Issues, Amount, Layout, Scale, Appearance, Landscape, and Access.

## 7. OFFICER APPRAISAL

### Principle of the Development

As permission exists on the application site for two dwellings, the principle of the development of two dwellinghouses is considered acceptable.

### Design and Visual Impact

The application site is surrounded to the west, south and southeast by a residential estate that comprises a range of bungalows and two storey properties. The application site is located on the fringe of the development adjacent to the SSSI where dwellinghouses are typically single storey.

- Plot 1

The proposed dwellinghouse would result in a significant development of the site and the proposal on the plot is larger than what has previously been approved in this location. For example, the proposed dwellinghouse would have a two-storey aspect when viewed from Brindley Way and a three-storey aspect when viewed from the SSSI whereas the previous approval had a single storey aspect facing Brindley Way and a two-storey aspect facing the SSSI.

Given that both a bungalow and a two-storey property are located immediately adjacent to the application site it is considered that the dwellinghouse would not appear significantly incongruous due to this variation in property type in the immediate vicinity.

Whilst concerns have been raised in relation to the proposals scale and potential over-dominance, it is noted that the dwellinghouse would have a maximum height of 8.2 metres which is similar in to the heights of other two-storey properties on Brindley Way.

Other residential properties in the vicinity vary in design and appearance and as such it is not considered that the proposal, which is of a different design to the dwellings on Brindley Way, would cause significant visual detriment to the area. It is noted that should Members be minded to approve the proposal, details of all materials to be used within the proposal would have to be submitted and approved by the Planning Department prior to the commencement of any development.

It is acknowledged that the dwellinghouse would lessen the extent of views currently enjoyed from Brindley Way to the northeast direction however, it is not considered that this restriction would pose a significant detriment to the amenity of this residential area as the proposal would not fill the entire width of the cul-de-sac. It is noted that whilst Policy GR5 states that proposals will not be permitted if they obscure views or lessen the visual impact of significant landmarks or landscape features, this policy is applicable to development within the Open Countryside – not within the Settlement Zone Line.

Amended plans were received that made small alterations which include altered fenestration detailing to the northeast elevation and larger windows that front onto Brindley Way. Such alterations are however, minor but do give the property a more vertical emphasis which in turns improves the appearance of the dwellinghouse.

The overall visual impact of the proposal is on balance considered acceptable and the design, scale, and position of the dwellinghouse is not deemed to be of a significant detrimental level which would sustain a refusal of this application at appeal.

### Plot 2

The proposed dwellinghouse would be a split-level property that would lie between an existing two-storey property and bungalow. Given this position, and as the dwellinghouse would measure a maximum of 7 metres in height it is considered that the dwellinghouse would be of an acceptable scale and in keeping with the street scene.

The design of the property is also considered acceptable due to the significantly varied appearance of surrounding dwellings.

As with Plot 1, should Members be minded to approve the application all material details would have to be submitted and approved by the Planning Department prior to the commencement of any development.

### **Neighbouring Amenity**

The distance between existing properties and the proposed two dwellinghouse would exceed recommended distances as set out in SPG 2 – Private Open Space and as such is considered acceptable.

It is noted that concern has been raised in relation to the steps to the northwest elevation of the dwellinghouse on Plot 1 and the potential to overlook the bungalows to the northwest direction. It is acknowledged that anybody standing on such steps would be in an elevated position when compared to the bungalows however, such steps are located approximately 22 metres from the nearest neighbouring boundary – a distance that exceeds the minimum privacy distance between principal windows and as such it is not considered that it would be reasonable or sustainable to refuse the application for such reason.

More concerns were raised in relation to the balcony to the rear of the property on Plot 1 however, due to the position of the dwellinghouse and the depth and the central position of the balcony, it is considered unlikely for any significant overlooking to occur.

In relation to the privacy between the proposed dwellings, it is noted that although there is a distance of 2 metres between the two proposed dwellings, this would not compromise privacy between properties, as there would be no direct facing window. A condition to restrict the insertion of windows without prior permission of the Local Authority would ensure that such privacy was maintained.

Given the surrounding development is predominantly residential it is considered necessary that hours of construction should be restricted in order to protect amenity of adjacent residents.

### **Highways**

Whilst no response has been received from the Highways Engineer, given that no objection was received to the previous application for two dwellings on the site it is not considered that the varied design, scale, and position of the buildings would pose a significant threat to highway safety and as such it is considered that the proposal is acceptable on highways grounds however, members will be provided with Highway Engineer comments in an update.

## **Landscape and SSSI**

The application site is adjacent to a Site of Special Scientific Interest (SSSI) and it is considered by Natural England that as the application does not include any building works within the SSSI, the proposal is unlikely to have a significant impact upon the special features of the SSSI site.

It is noted that Natural England expect the owner/developer to comply with conditions attached to a previous permission in relation to an ecological survey however, as each planning application should stand alone on its own merits, it is considered that would have to be submitted again as part of this condition. Given that Natural England have recently accepted previous ecological information and the site has been included within approved planning permissions that have since been implemented, it is considered that this represents an exceptional circumstance where it will be acceptable to submit ecological information after the determination of the application.

## **Other**

The garden area to both dwellings significantly exceeds the minimum standard for garden sizes as outlined in SPG2 – Private Open Space. It is noted that the garden areas to the dwellings are not just to the rear of the dwellings but also to the side and as such, it is considered that although on a slope and vegetation outside of the applicants ownership is located to the rear, such gardens should be reasonably useable.

The proposal includes details for boundary walls to separate the private garden areas from the rest of the estate and it is noted that such walls would replicate other examples that are in the nearby vicinity. It is noted that the walls are of significant lengths however, it is considered that a landscaping scheme would aid in negating the visual impact of such boundaries.

## **8. CONCLUSIONS**

On balance, it is considered that the design of the proposed buildings are acceptable and do not represent a form of development which would result in significant detriment to the visual amenity of the area or appear incongruous within the street scene. As such the proposal is deemed to be acceptable and is recommended for approval.

## **9. RECOMMENDATION**

Approve with the following conditions: -

1. The development hereby approved shall commence within three years of the date of this permission.
2. The development hereby approved shall be carried out in total accordance with the approved plans numbered 3452/03B, 3452/04, and 3452/05B received by the Local Planning Authority on 3<sup>rd</sup> March 2009.
3. No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of all external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.



4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A-E of Part 1 Schedule 2 of the Order shall be carried out.

5. Prior to the commencement of development:

- A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).
- Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
- If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
- Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

6. The hours of construction of the development hereby permitted shall be restricted to 0800 to 1800 hours on Monday to Friday, 0900 to 1300 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

7. The hours of foundation works or other piling on site shall be restricted to 0830 to 1730 hours on Monday to Friday, 0930 to 1230 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

8. The approved development shall not be occupied until the approved accesses that are required for the development have been constructed in accordance with the approved plans and has been formed and graded to the specification of the Local Planning Authority, which is available from the Highway Authority, and the required visibility splays have been provided, all to satisfaction in writing of the Local Planning Authority.

9. Prior to commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include proposed finished ground levels or contours, details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

10. The landscaping plan shall be implemented in full accordance with the approved scheme within the first planting season following completion of the development hereby approved, or in accordance with a programme first agreed in writing with the Local Planning Authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

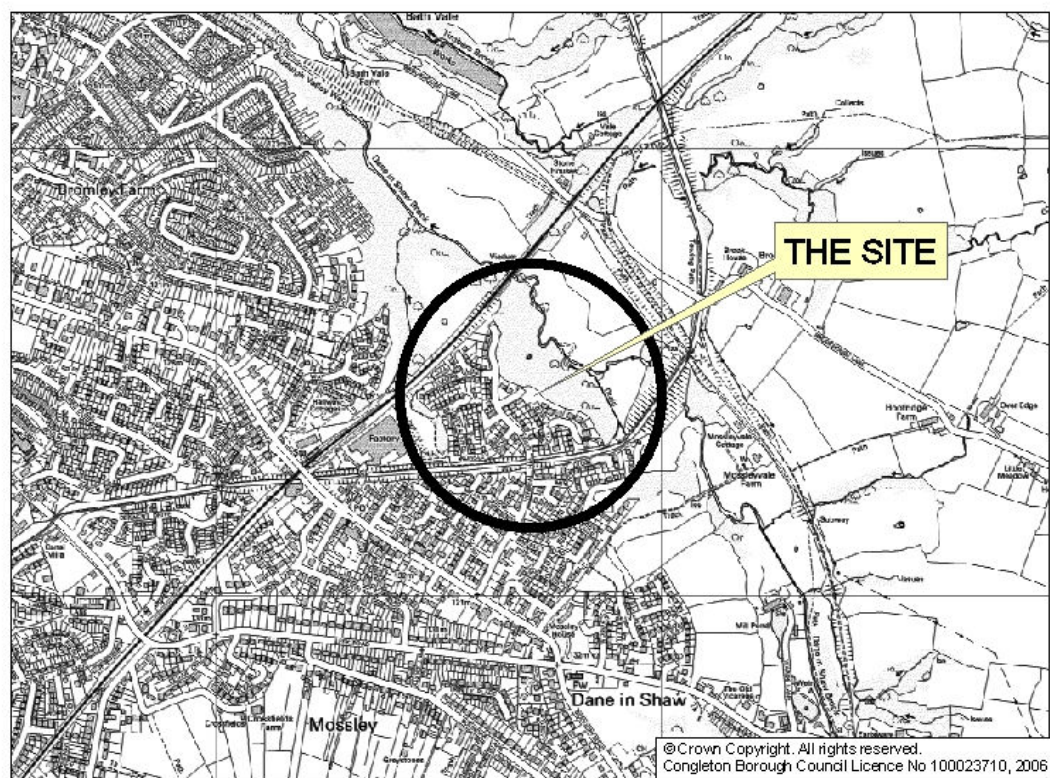
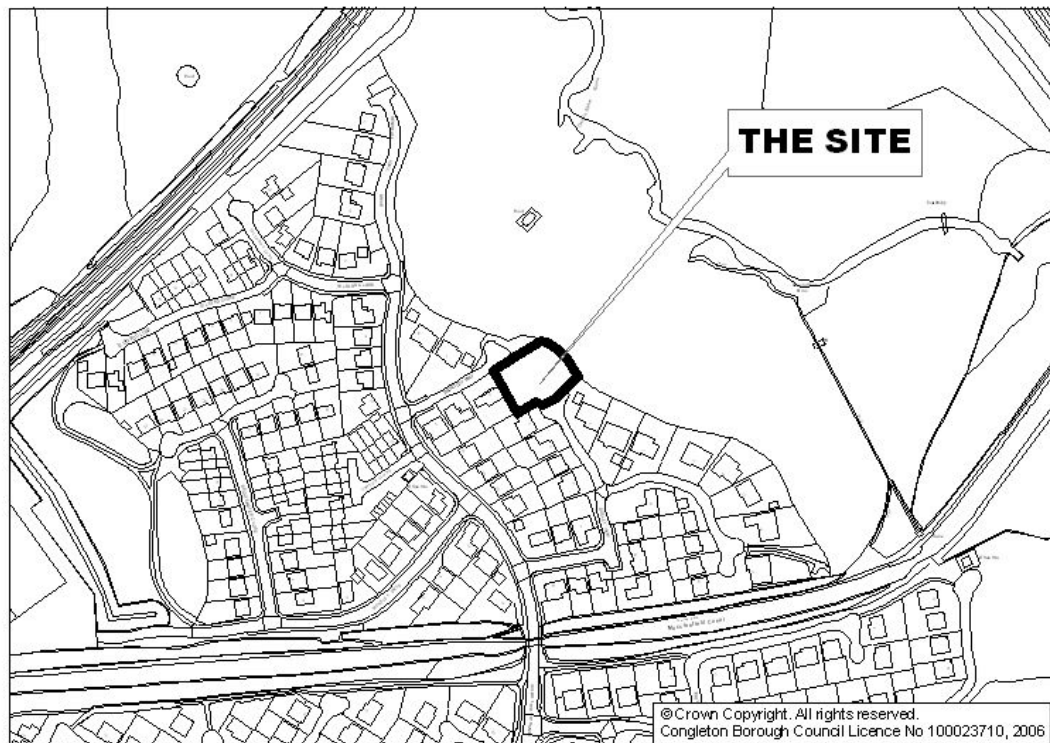
11. Prior to commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the dwellings hereby approved and shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.

12. No development shall commence until an ecological assessment of the potential impacts on the Site of Special Scientific Interest as a result of this development has been carried out, submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out by a suitably qualified person and shall include mitigation measures for the protection of the Site of Special Scientific Interest.

Informative:

A recently completed detailed study into local air quality has found exceedences of Air Quality Standards and Objectives for nitrogen dioxide. There is now a focus on air quality in the borough as a whole and to maintain a Healthy and Desirable Borough in which to live in, alongside aiding the improvement of Air Quality, the burning of materials is to be discouraged. Thus the burning of any materials associated with this development is prohibited.

**LOCATION PLAN:**



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<b>Planning Reference No:</b>	09/0546C
<b>Application Address:</b>	194 Main Road, Goostrey, Cheshire, CW4 8PD.
<b>Proposal:</b>	Replacement of existing low pitch corrugated sheet roof, with new pitched roof over existing garage.
<b>Applicant:</b>	Dr Peter Kolker
<b>Application Type:</b>	Full Planning
<b>Registered:</b>	19 <sup>th</sup> March 2009
<b>Grid Reference:</b>	377545 370037
<b>Ward:</b>	Congleton Rural
<b>Expiry Date:</b>	13 <sup>th</sup> May 2009
<b>Date Report Prepared:</b>	2 <sup>nd</sup> April 2009

**SUMMARY RECOMMENDATION**

Approve with conditions

**MAIN ISSUES:**

Impact on the character of the existing dwelling and the street scene  
Impact on neighbour amenity

**1. REASON FOR REFERRAL**

Applicant is related to a member of the Southern Planning Committee

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site consists of a garage within the domestic curtilage of a large detached dwelling, situated on the southern side of Main Road, Goostrey. The garage is sited to the side of the dwelling and is of a brick construction with a very shallow mono-pitched corrugated asbestos roof. The site is situated within the settlement zone line of the village of Goostrey.

**3. DETAILS OF PROPOSAL**

The application seeks to replace the asbestos roof with one constructed with slate panels, with timber boarding to the side. This alteration would result in an increase in the roof height of 1.3 metres.

**4. RELEVANT HISTORY**

No relevant planning history on this site.

**5. POLICIES****Local Plan Policy**

GR1 (General criteria for development)

GR2 (Design)

GR6 (Amenity and health)

**6. CONSULTATIONS (External to Planning)**

None received at the time of report writing.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL:**

The Parish Council has no objections to this application.

## **8. OTHER REPRESENTATIONS:**

None received at the time of report writing

## **9. OFFICER APPRAISAL**

### **Design**

Policy GR2 requires that proposals are sympathetic to the character, appearance and form of the site and the surrounding area. With regard to this proposal, the garage as existing has little character due to the unattractive appearance of the asbestos roof. It is considered that the creation of a pitched roof to the garage would give it a more traditional appearance, which would improve the appearance of the site and the character of the street scene.

### **Amenity**

Policy GR6 requires that proposals will only be permitted where would be no undue detrimental effect on the amenity of neighbouring residential properties. The garage is adjacent to the rear garden of number 196 Main Road, which is to the east of the site. Due to the small increase in height and the orientation of the properties, it is not considered that the proposal would have an impact on the amenity of this property.

## **10. CONCLUSIONS**

Due to the form and design of the replacement roof, and its position relative to adjoining property, the proposal is considered to comply with relevant Local Plan policies, and approval of this application is recommended.

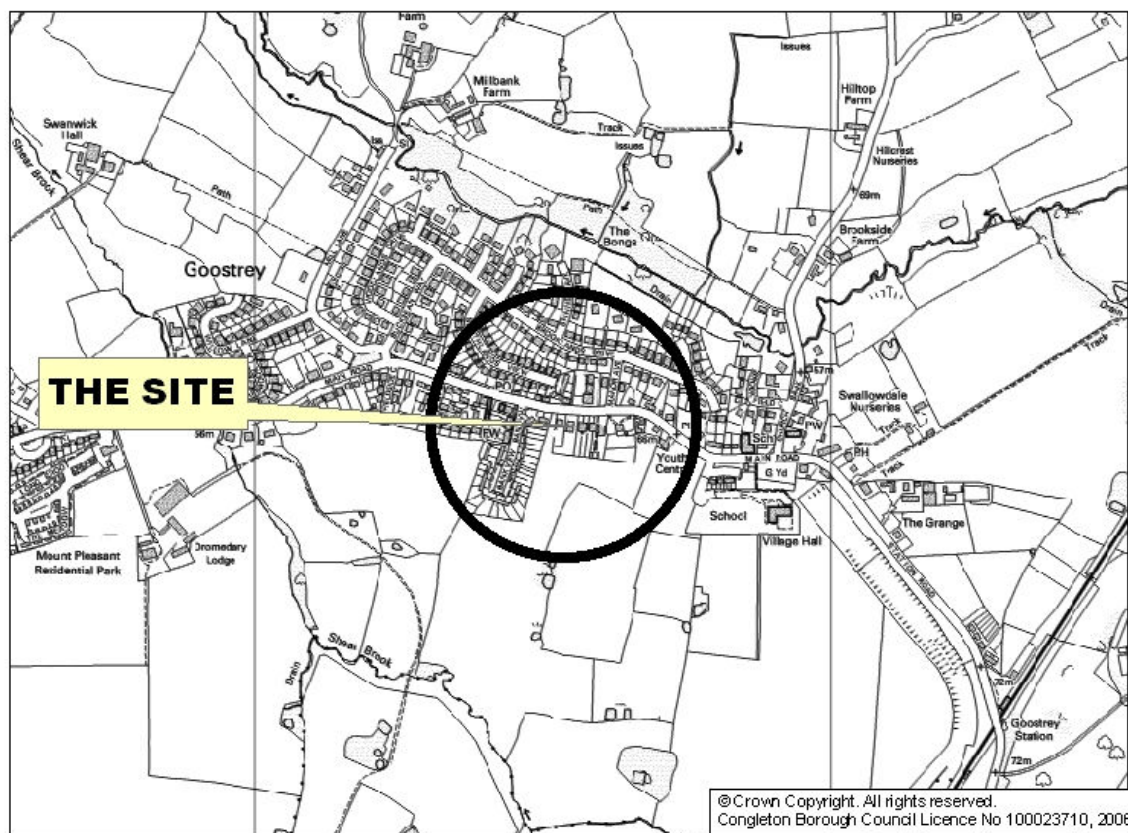
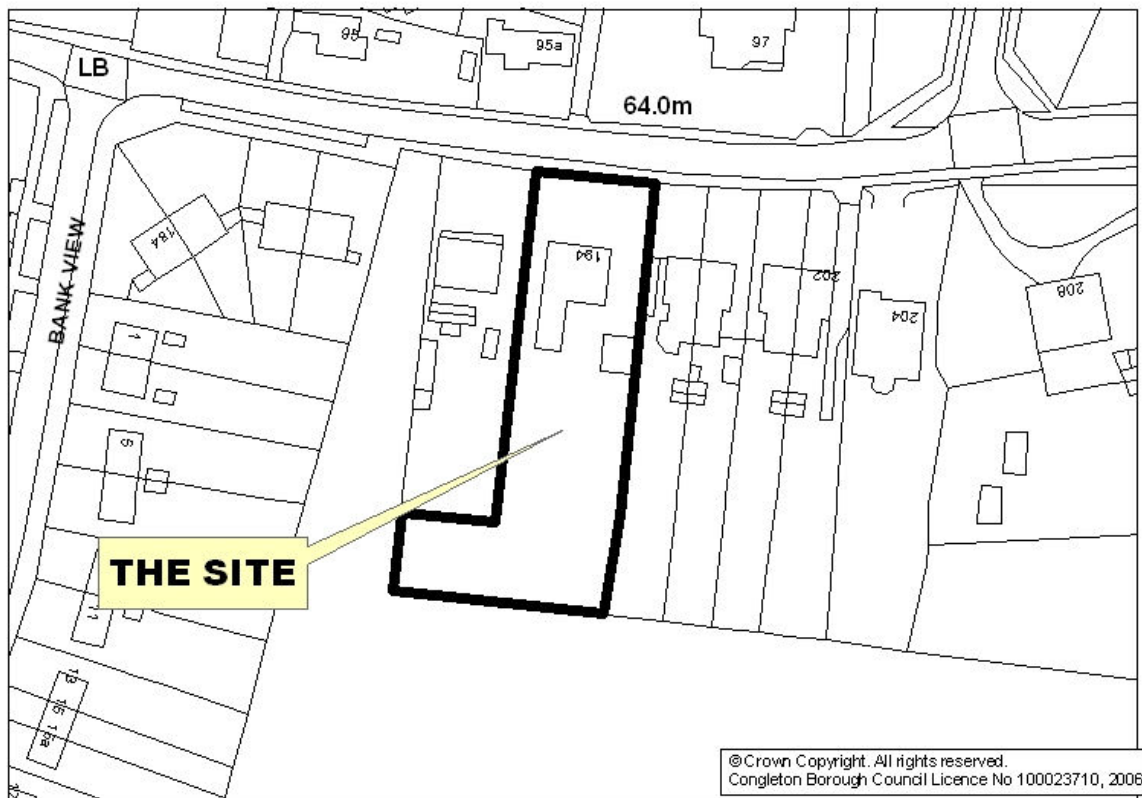
## **11. RECOMMENDATION**

**APPROVE subject to the following conditions:-**

1. Commencement of development (3 years)
2. Notwithstanding the details submitted with the application, no development shall commence until samples of the roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.



**LOCATION PLAN:**



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## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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**Date of meeting:** 13<sup>th</sup> May 2009  
**Report of:** Head of Planning and Policy  
**Title:** Report in Relation to Section 106 Agreement for Reaseheath College, Nantwich for Planning Application P08/1126.

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#### **1.0 Purpose of Report**

- 1.1 To seek confirmation from Members that the commuted payment of £30,000 for the Connect2 cycleway, to be secured under a Section 106 Agreement in relation to the planning application for the student hub at Reaseheath College is acceptable, on a technical detail.

#### **2.0 Decision Required**

- 2.1 Members confirm that:-

1. The commuted payment of £30,000 as a contribution towards the provision of the Connect2 cycleway (or other similar improvements between Crewe and Nantwich) is acceptable and is to be required by the Section 106 agreement referred to in the decision made by the former Crewe and Nantwich Borough Council, Development Control Committee on 4<sup>th</sup> December 2008,

and

2. there is no necessity for any further report (other than this report) to be considered by them.

#### **3.0 Financial Implications**

- 3.1 The payment is required as a contribution to the delivery of the Connect 2 cycleway or other cycle links in the locality. In the event that the commuted payment is not secured funding will need to be secured from other sources.
- 3.2 Costs for staff time to vary the Agreement.

#### **4.0 Legal Implications**

- 4.1 The decision will ensure that there is authority for the Section 106 Agreement to be completed.

#### **5.0 Risk Assessment**

- 5.1 The earlier delivery of the Connect2 cycleway or other improvements between Crewe and Nantwich and Nantwich and Reaseheath will improve safety for cyclists and encourage greater use of cycling as a means of transport.

## **6.0 Background and Report**

- 6.1 Planning application P08/1126 for the construction of new buildings for student accommodation (hub) and new facilities was considered by the Development Control Committee of the former Crewe and Nantwich Borough Council on 4<sup>th</sup> December 2009. For clarification the student accommodation includes separate dining halls and lounges for different ages, coffee shop, entrance hall, kitchens and related facilities. It is not an application for halls for residence. The application was approved subject to the applicant signing a Section 106 agreement and subject to conditions. The Section 106 Agreement was required to secure a contribution to the cost of delivering the Connect2 Cycle Route between Crewe and Nantwich and also for the cost of signage related to the route. In the event that the Connect2 Cycle Route is not provided the recommendation of the Additional Information Report was for the contribution to be used for cycle/ pedestrian links between Crewe and Nantwich and Nantwich and Reaseheath.
- 6.2 At the time the report was considered by the Committee the sum for the contribution had not been agreed. Members asked that in the event that no agreement on the amount of the contribution was reached by 28<sup>th</sup> February 2009, the matter be referred back to the Development Control Committee for further consideration.
- 6.3 By 28<sup>th</sup> February 2009 officers had agreed verbally with the applicant's agent that the sum of £30,000 would be paid but this had not been confirmed in writing. Written confirmation of this offer was received in writing on 4<sup>th</sup> March 2009.
- 6.4 The requirement to report to members in the event that no agreement had been reached by 28<sup>th</sup> February was satisfied by a verbal report to the Development Control Committee meeting on 5<sup>th</sup> March 2009. The Minutes of the meeting record that it was reported to Members that the sum of £30,000 was secured. What is not recorded is that this agreement was only confirmed in writing on 4<sup>th</sup> March 2009.
- 6.5 Members are asked to verify that the agreement to pay a contribution of £30,000 for cycle works be accepted even though the written agreement was received after 28<sup>th</sup> February. Members are also asked to confirm that there is no necessity of them to consider any further issues. What members are being asked to do is simply to overcome a technical matter so that the Section 106 Agreement can be completed.

## **7.0 Reasons for Recommendation**

- 7.1 A number of planning applications have been submitted for Phase 3 of the expansion of Reaseheath College which will collectively result in an increase in student numbers at the College. The provision of a commuted payment towards the cost of the cycleway is consistent with policy L1 of the North West of England Regional Spatial Strategy to 2021 which states that proposals for new educational development “should ensure that accessibility by public transport, walking and cycling is a central consideration”. It is also consistent with policy BE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 which states that the Local Planning Authority will negotiate with developers for access and infrastructure requirements. This may include the payment of a commuted sum.
- 7.2 The Connect2 Cycleway is proposed to link Crewe and Nantwich. This commuted payment will help to provide funding for the scheme. It is required to assist with the delivery of sustainable transport to and from Reaseheath College.
- 7.3 Reaseheath College Travel Plan also proposes that a separate link from the main Crewe to Nantwich cycle route be provided to the College. However this cannot be secured until the main cycle route itself is provided.

***For further information:***

*Portfolio Holder: Councillor J Macrae*

*Officer: Rosamund Ellison Principal Planning Officer*

*Tel No: 01270-537482*

*Email:ros.ellison@cheshireeast.gov.uk*

***Background Documents:***

*Planning File and correspondence reference P08/1126*

*Documents are available for inspection at:*

*Municipal Buildings, Earle Street, Crewe CW1 2BJ*

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## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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**Date of meeting:** 13<sup>th</sup> May 2009  
**Report of:** Head of Planning and Policy  
**Title:** Report in Relation to Section 106 Agreement for Planning Application for Sheltered Apartments and House Manager's Accommodation on land off Red Lion Lane, Nantwich for McCarthy and Stone (Developments) Ltd.

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#### **1.0 Purpose of Report**

- 1.1 To seek the approval of the Committee for alterations to the definitions in the Section 106 Agreement for the Sheltered Apartments currently under construction in Red Lion Lane Nantwich, which was the subject of planning application P05/1618. The effect of the alterations would be to remove the requirement for the provision of a House Manager's apartment.

#### **2.0 Decision Required**

- 2.1 Members approve the variations to the definitions contained in the Section 106 Agreement relating to Red Lion Lane in the manner set out in paragraph 6.4 of this report.

#### **3.0 Financial Implications for the Council**

- 3.1 Costs for staff time to vary the Agreement.

#### **4.0 Legal Implications for the Council**

- 4.1 None

#### **5.0 Risk Assessment**

- 5.1 None.

#### **6.0 Background and Report**

- 6.1 A report on planning application P05/1618 for Sheltered Apartments for the Elderly and House Manager's Accommodation with landscaping and car parking was considered by the Development Control Committee of the former Crewe and Nantwich Borough Council on 27th July 2006. The application was recommended for approval subject to the applicant signing a Section 106 Agreement for a commuted payment of £100,000 in lieu of the provision of affordable dwellings within the development;

occupation of the units to be limited to persons not less than 55 years of age and the provision of communal facilities, site warden and communal alarm system with care and support services.

- 6.2 The Section 106 agreement was completed, signed and the planning permission issued. Development has commenced and the applicant, McCarthy and Stone, has now written to the Council requesting an alteration to the Agreement.
- 6.3 The developer originally intended to provide a resident House Manager and this is reflected in the existing wording in the First Schedule of the Agreement, to provide the on-site House Manager's Accommodation. However EU legislation now prevents the House Manager being on call when not working the set hours. The House Manager will still manage the Sheltered Apartments whether living on site or not and the office accommodation for the House Manager will still be retained. One added benefit in not providing accommodation for the House Manager on site is that residents will not need to fund the House Manager's Accommodation through service charges.
- 6.4 The developer requests that (1) the definition of "Communal Facilities" be changed to exclude reference to the "House Manager's Accommodation" and (2) to delete the definition of "House Manager's Accommodation" from the definitions at the start of the Agreement.
- 6.5 The Legal Agreement includes definitions for the words "Communal facilities", "House Manager", and "House Manager's Accommodation". "House Manager" means "A person or persons who are available between the hours of 9.00am and 5.00pm five days a week as a minimum to give assistance and support to any resident of any Sheltered Unit." "House Manager's Accommodation" is defined as "An apartment to be occupied by the House Manager and his or her partner". "Communal Facilities" is defined as "Facilities comprising landscaping, car parking, buggy/ cycle store, refuse store, CCTV entry system, House Manager's office and accommodation, lift, guest accommodation, Careline system, resident's lounge and laundry."
- 6.6 The developer no longer wishes to provide the House Manager's Accommodation in the development. It is proposed that this unit be occupied by a resident/ residents. There is no condition on the planning permission for the House Manager's apartment to be provided solely for use by the House Manager. The approved plans for the development do not specify which unit is to form the House Manager's accommodation. The requirement for a manager to be available is governed by the definition in paragraph 6.5 above. Thus there is no requirement for the House Manager to be available outside the hours of 9.00am to 5.00pm five days a week. It is not necessary for the House Manager to live on site to provide this cover. The Careline system will provide emergency cover during the hours when the House Manager is not working whether or not the House Manager is living on site.
- 6.7 The Agreement requires that the sheltered accommodation shall not be occupied or used as private residential accommodation at any time without the

provision of the Communal Facilities, the House Manager or the Careline system unless otherwise agreed in writing by the Council. The developer considers that since the Agreement only requires the provision of the House Manager or the Careline system, at any time, it is not necessary to provide the House Manager's Accommodation for the House Manager to fulfil the duties required by the definitions in the Agreement.

## **7.0 Reasons for Recommendation**

- 7.1 Care can still be provided for residents living in the sheltered accommodation in accordance with the requirements of the legal agreement, seven days a week, twenty four hours a day through a combination of the House Manager and the Careline system whether or not residential accommodation is provided on-site for the House Manager.
- 7.2 There are therefore no objections to the removal of the definition of House Manager's Accommodation from the definitions at the start of the agreement or the deletion of reference to the House Manager's Accommodation in the definition of Communal Facilities.

### ***For further information:***

*Portfolio Holder: Councillor J Macrae  
Officer: Rosamund Ellison Principal Planning Officer  
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Email:ros.ellison@cheshireeast.gov.uk*

### ***Background Documents:***

*Planning File and correspondence reference P05/1618  
Documents are available for inspection at:Municipal Buildings, Earle Street, Crewe  
CW1 2BJ*

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