

Southern Planning Committee

Agenda

Date:	Wednesday, 3rd June, 2009
Time:	2.00 pm
Venue:	Lecture Theatre, Crewe Library, Prince Albert Street, Crewe, Cheshire CW1 2DH

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 13 May 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 529641

E-Mail: 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. **P09/0109 Demolition of Existing Public House and Erection of Residential Development Comprising 12 Two Bedroom Houses and 2 One Bedroom Flats, The Millfield Hotel Blagg Avenue Nantwich for Ploverdale Limited** (Pages 7 - 16)

To consider the above planning application.

6. **09/0423C Construction of detached dwelling and new vehicular access, 24 Colley Lane Sandbach for Mr E Pennington** (Pages 17 - 26)

To consider the above planning application.

7. **09/0430C Erection of two dwellings, Land adjacent to 6 Brindley Way, Congleton for Mr P Kirby** (Pages 27 - 36)

To consider the above planning application.

8. **09/0755N Two Storey Side Extension and Conservatory, 25 Wareham Drive Crewe for Mrs S Pringle** (Pages 37 - 42)

To consider the above planning application.

9. **09/0773M Single Storey front Extension and Pitched Roof over Existing Flat Roof, 23 Ashford Road Wilmslow for Mr W Fitzgerald** (Pages 43 - 46)

To consider the above planning application.

10. **Confirmation of the Manchester Metropolitan University, Alsager Campus, Interim Tree Preservation Order 2008** (Pages 47 - 54)

To consider objections and representations to the above Tree Preservation Order and to make a decision with respect to confirmation of the order.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 13th May, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors T Beard, D Bebbington, M Davies, S Furlong, S Jones, A Kolker,
A Richardson, R Walker and J Weatherill

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer), David Malcolm (Development Control
Manager – Sandbach Office) and Ben Haywood (Principal Planning Officer –
Crewe Office)

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Gilbert, Mrs B
Howell, J Jones and S McGrory.

**12 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE-
DETERMINATION**

Councillor A Kolker declared a personal and prejudicial interest in respect
of application number P09/0546c, 194 Main Road, Goostrey, on the
grounds that his father was the applicant. In accordance with the Code of
Conduct, he withdrew from the meeting during consideration of this item.

13 MINUTES

RESOLVED – That the minutes of the meeting held on 22 April 2009 be
approved as a correct record and signed by the Chairman.

**14 09/0430C ERECTION OF TWO DWELLINGS, LAND ADJACENT TO 6
BRINDLEY WAY, CONGLETON**

Note: Councillor P Mason (the Ward Councillor), Ms L Broadhurst (an
objector) and Mr D Tatton (on behalf of 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 the street scene, neighbouring amenities and the open countryside.

15 P09/0130 CHANGE OF PITCH AND INCREASE IN ROOF HEIGHT OF EXISTING GARAGE, 24 GAINSBOROUGH ROAD CREWE FOR MR P GARRETT

Note: Mr P Butler (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 APPROVED 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

16 07/1442/REM ERECTION OF 16 NO. B1, B2 AND B8 UNITS, PLOT 51C, POCHIN WAY, MIDDLEWICH

The Committee considered a report regarding the above planning application.

RESOLVED – That delegated authority be granted to the Head of Planning and Policy to determine the application, following receipt of confirmation from Natural England that all ecological matters have been appropriately addressed.

17 09/0233/FUL RESIDENTIAL DEVELOPMENT - 11 UNITS, LAND BETWEEN MILL STREET & QUEEN STREET

Note: Mr W J Eardley (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 REFUSED for the following reasons:

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.

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.

18 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

Note: Councillor A Barratt (the Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, in accordance with agreed procedures, the application be REFERRED TO THE STRATEGIC PLANNING BOARD for determination, on the grounds that the Committee was minded to approve the application and that approval would be a significant departure from policy.

Members were minded to approve the application for the following reasons:

1. The existing business had been established for many years
2. It was very unlikely that the land would ever revert to agricultural or horticultural uses
3. The degree of harm on the visual amenity of the area was very limited.

19 09/0546C REPLACEMENT OF GARAGE ROOF WITH PITCHED, 194 MAIN ROAD, GOOSTREY

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED 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

20 SECTION 106 AGREEMENT FOR REASEHEATH COLLEGE, NANTWICH FOR PLANNING APPLICATION P08/1126

The Committee considered a report regarding the above planning application, which had been considered by the Development Control Committee of the former Crewe and Nantwich Borough Council on 4 December 2008. The application had been approved subject to the applicant signing a Section 106 agreement and subject to conditions. Members had asked that, in the event that no agreement on the amount of the contribution had been reached by 28 February 2009, the matter be referred back to the Development Control Committee for further consideration.

At a meeting of the Development Control Committee on 5 March 2009, it was verbally reported that the sum of £30,000 had been secured, but that this had not been confirmed in writing. Written confirmation of this agreement had been received in writing on 4 March 2009, but this was not recorded in the minutes of the meeting.

RESOLVED

- (a) That the commuted payment of £30,000 as a contribution towards the provision of the Connect2 cycleway (or other similar improvements between Crewe and Nantwich), as 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 December 2008, be approved.
- (b) That there be no necessity for the Committee to consider any further issues in relation to the Section 106 Agreement for Reaseheath College, Nantwich for Planning Application P08/1126.

21 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.

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

The Committee considered a report regarding the Section 106 Agreement for the Sheltered Apartments currently under construction in Red Lion Lane Nantwich.

At a meeting on 27 July 2006, the Development Control Committee of the former Crewe and Nantwich Borough Council had approved planning application P05/1618 for Sheltered Apartments for the Elderly and House Manager's Accommodation with landscaping and car parking, subject to the applicant signing a Section 106 Agreement

A request had subsequently been received for an alteration to the Agreement, as the developer no longer wished to provide the House Manager's Accommodation in the development.

RESOLVED – That the Section 106 Agreement relating to planning application P05/1618 for Sheltered Apartments for the Elderly and House Manager's Accommodation with landscaping and car parking on land off Red Lion Lane, Nantwich, be amended as follows:

- the definition of "Communal Facilities" be changed to exclude reference to the "House Manager's Accommodation"
- the definition of "House Manager's Accommodation" be deleted from the definitions at the start of the Agreement.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

Councillor B Dykes (Chairman)

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Planning Reference No:	P09/0109
Application Address:	The Millfield Hotel, Blagg Avenue, Nantwich
Proposal:	Demolition of Existing Public House and Erection of Residential Development Comprising 12 Two Bedroom Houses and 2 One Bedroom Flats
Applicant:	Ploverdale Limited
Application Type:	Full
Grid Reference:	351769 364514
Ward:	Barony Weaver
Earliest Determination Date:	12 th March 2009
Expiry Dated:	13 th May 2009
Date of Officer's Site Visit:	5 th May 2009
Date Report Prepared:	14 th May 2009
Constraints:	None

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

Impact of the development on

- Principle of the loss of the site as a community facility
- Impact on character and appearance of the area
- Impact upon highway safety
- Impact upon amenity of adjacent properties

1. REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the proposed number of units exceeds 10.

2. DESCRIPTION OF SITE AND CONTEXT

The site comprises a disused public house located within the settlement boundary of Nantwich as defined by Policy RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site is within a predominantly residential area although there is a convenience store to the north on Meeanee Drive. The majority of the surrounding housing stock is two storey with some single storey bungalows.

The site is broadly rectangular in shape and mainly comprises hardstanding which previously served as car parking for the public house. The site also includes a part single part two storey brick and cream render building with a mixture of flat and pitched roofs. A small grassed area is found to the east of the public house building and a row of disused lock up garages sits along the rear north eastern boundary. The site has several vehicular access points from Harding Road, Blagg Avenue and Hinde Street.

3. DETAILS OF PROPOSAL

Planning permission is sought for the demolition of the existing buildings on the site and the redevelopment of 12 no two bedroom houses and 2 no one bedroom flats. The proposed development comprises a single linear terraced block fronting onto Blagg Avenue behind a 1 metre high brick wall and decorative railing. Vehicular access, parking and amenity areas are proposed to the rear. The proposed development would be predominantly two storey with the exception of a central three storey element in line with the end of Cope Avenue.

4. RELEVANT HISTORY

P94/0893 – Outline application for residential development. Refused 12th January 1995.

P05/0939 – Construction of five two storey dwellings. Refused 23rd August 2005.

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)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
TRAN.9 (Car Parking Standards)
CF.3 (Community Facilities)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)
PPS.3 (Housing)
PPG.13 (Transport)
DfT/DCLG document: *Manual for Streets*
CABE document: *By Design, Urban Design in the Planning System: Towards Better Practice*

6. CONSULTATIONS (External to Planning)

Highways:

- Subject to the following, no objections;
- A section 38 agreement is required;
- The access and access road needs to be constructed to Cheshire East Council's specification;
- The existing main access to the car park should be constructed to full face kerbs to Cheshire East Council's specification;
- The remaining two access points should include radius kerbs and tactile pavements.

United Utilities: Objects to the proposal

- A public sewer crosses the site and will not permit building over it;
- Require an access strip of at least 6 metres in width measuring 3 metres either side of the centre line of the sewer;
- Therefore a modification of the layout or diversion of the sewer will be required at the applicant's expense;
- Site must be drained on a separate system with only foul drainage connected to the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency;
- If surface water is allowed to discharge into the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate to be determined by United Utilities.

7. VIEWS OF THE TOWN COUNCIL

While regretting the loss of yet another public house in the town, the Council consider this application is welcome to tidy an increasingly unsightly location. Residents have expressed concerns about the fencing and security at the back of the site and the planning officer is urged to pay particular attention to this issue.

8. OTHER REPRESENTATIONS:

Representation received from the occupiers of 2 Harding Road, Nantwich;

- Impressed with the design of the houses and that each will have two parking spaces;
- Concern regarding the position of wheelie bins within the scheme which could be left out on the pavement causing obstructions;
- Suggest a small walkway at the front of each unit to store bins outside each house;

Representation received from the occupiers of 4 Harding Road, Nantwich;

- Concerned about the amount of traffic parking on Harding Road, directly opposite the driveway to number 4;
- Concerned that the proposed bin storage area opposite number 4 Harding Road should be screened.

Representation received from the occupiers of 25 and 27 Meeanee Drive, Nantwich

- Concerned with the boundary fencing between the site and their garden;
- Would not like the boundary treatment here to be low or consist of railings which would allow views through;
- Requests that a more secure boundary fence is provided.

Representation received from the occupier of 31 Blagg Avenue, Nantwich

- If no parking is proposed would object to the proposal.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by Bower Edleston Architects date February 2009)

The main points are:-

- The name of the pub is misleading in that it has never been a hotel;
- The public house is situated within a block containing a local shop and post office;
- Existing building and site is unsightly and potentially a "bad neighbour" to the adjacent houses;

- Adjacent houses comprise large linked semi detached blocks with splayed bays and hipped roofs and laid out in a regimented pattern;
- First sketch scheme at pre-application stage proposed three blocks which failed to provide sufficient density and garden/parking space;
- Scheme was amended to link the blocks but articulate the frontage so that it gives the impression of three identifiable blocks;
- Parking would be concealed to the rear;
- A dominant central feature is proposed as a focal point when approaching from Cope Avenue;
- Footpaths at the sides of the site have been increased and allowed to follow the splay around the corner;
- Specimen tree within a protective decorative metal grille will be planted in the space created;
- Houses will be to the rear of the footpath behind decorative railings on a brick plinth wall;
- Space for two vehicles within the rear of each plot with one of these spaces being adaptable for dual purpose as a patio area – this encourages less dependence on the private car;
- Space has been provided for cycle racks within secure communal compound together with private bin storage areas;
- Vehicle access will be gravel finish to provide a self draining storm water solution;
- Areas of planting and gardens will increase soakaway drainage;
- The proposed scale and massing and density is commensurate with the surroundings;
- Site is within easy reach of other public houses (28 within 2000 metres walking distance);
- Site was unsuccessfully marketed for 12 month period by previous owners.

Letter from Agents: (Bower Edleston Architects date 18th March 2009).

The main points are:-

- It has proven impossible to find information from the previous owners (Admiral Taverns) in regard to the previous public house use;
- Supporting evidence has been acquired from Paramount Properties who were acting agents on behalf of the previous owners in respect of the marketing of the property;
- A copy of Paramount's confirmation of the level of advertising carried out is enclosed;
- Copies of their database was issued to over 9,000 potential licensees with no response;
- Advertisement was placed in the local press and marketing was carried out on both a lease hold basis for 3-4 months and also a freehold basis and again produced no response;
- Paramount and Admiral Taverns (previous owners) do not wish to provide trading figures for commercial reasons but have stated that the public house was completely unviable;
- Copy of an extract from the Crewe Chronicle dated 23rd July 2008 is enclosed which demonstrates that the public house had been closed for a couple of months and so it appears to have been vacant for at least 12 months.

Supporting e-mail and information: (from Paramount properties to applicants dated 17th March 2009).

The main points are:

- Paramount properties act as main agents for Admiral Taverns nationwide;
- Admiral Taverns always attempt to re-let pubs for a period of approx 3-4 months prior to disposal as they do not like releasing assets and beer income;

- Pub proved to be completely unviable and did not receive any interest to the marketing exercise;
- Every single landlord/tenant within 10 miles was cold called and offered the building and was included on our database of over 9000 applicants;
- Advertisement was placed in the local press (copy enclosed);
- Only enquiries received were from potential purchasers seeking a change of use.

Additional Letters and plans from agents: (Bower Edleston Architects dated 11th March 2009 and 14th April 2009).

The main points are:

- Copy of location plan attached indicating 30 similar public houses within close proximity;
- Applicants have carried out their own consultation with adjoining residents to inform them of the nature of the proposals;
- Sketch enclosed showing a small diversion of the storm sewer. Site has been surveyed again and manholes reported by United Utilities are not located;
- Applicant is however, happy to pay for the cost of the diversion of the storm sewer.

10. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary of Nantwich and is classed as previously developed land within a predominantly residential area where the principle of new residential development complies with national and local planning policies. However, given the authorised and historic use of the site as a public house Policy CF.3 (Retention of Community Facilities) of the Replacement Local Plan 2011 is applicable. This seeks to resist development that would result in a loss of community facilities that make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. The supporting text to this policy emphasises the importance of such facilities in rural areas although the main policy text applies equally to facilities in towns. The applicant does not propose to relocate the public house elsewhere and therefore an assessment must be made as to whether the public house makes a positive contribution to the community.

The evidence provided by the applicant shows that the public house has been disused since December 2007. The applicant has had difficulties acquiring information from the previous owners of the site (Admiral Taverns) in respect of the financial viability of the public house when it was in use. However, evidence is provided from the acting agents of Admiral Taverns which outlines that the premises were marketed at both local and national level with a view to seeking a potential licensee to run the public house and retain the asset and beer sales income for Admiral Taverns. The acting agents report that no interest was expressed either for a leasehold or freehold tenancy.

In addition the applicant has provided a plan which shows that up to 30 public houses are located within a 2km radius of the site with the closest of these along Welsh Row some 600m to the north.

Finally it is worth mentioning that whilst representations to this application have been received from several local residents none of these have objected to the loss of the public house and this further supports the case that it is not regarded as a valued community facility.

The evidence submitted demonstrates that the premises do not have the potential to make a positive contribution to the social or cultural life of the local community and this is mainly evidenced in respect of the limited viability of the premises. This is more than likely attributable to the number of alternative public houses within easy reach of the residential properties in this area. Accordingly it is considered that in this instance the principle use of the site for residential uses is acceptable.

Design

The design of the scheme has evolved through pre-application discussions between the applicant and officers. The pattern and character of development in the locality which largely comprises semi detached two storey properties with hipped roofs was identified as a key consideration and an initial layout comprising three separate blocks was produced. However, this failed to provide sufficient density, garden and parking space for the applicant and was therefore modified to a single terraced block and is now the subject of this application. Normally terraced properties have a strong vertical emphasis and appear as a single form. However, the applicant has broken down the terrace into identifiable blocks by staggering the front building line, stepping back the inner units by 1m and also introducing a lower ridge height to these units. Conversely the outermost units are stepped forward and have a higher ridge line and feature gables and two storey bays which break up the horizontal emphasis of the building.

The outer units and central three storey section would be finished in brickwork and include design features, described above, intended to emphasise their visual dominance. The innermost units are intended to appear more lightweight and subordinate with a cleaner elevation, free from detailing. Accordingly whilst the proposed development is essentially a terrace its design will create the impression of three identifiable units which reflects the semi-detached pattern of surrounding development.

The proposed three storey central section will be noticeably taller than the surrounding housing stock with a ridge height of 11 metres. However, this part of the building is directly opposite the junction with Cope Avenue and therefore offers a potential vista at the end of this road. Advice within the CABE document *By Design* outlines that vistas create visual links between places and that where possible views should focus on memorable buildings. Accordingly the proposed three storey section is justified in this instance and will act as a local landmark and help to improve the legibility of the area. Whilst the height of the proposed central section introduces a contrast in the locality its hipped roof reflects those on the surrounding dwellings.

Each end of the proposed building is splayed at 45 degrees and this reflects the arrangement of the semi detached houses in the locality. The footpath around the site frontage follows a similar splayed route at the end of the block. The applicant proposes simple casement windows which also respects those found in the area.

Private amenity areas are proposed to the rear of each dwelling and communal amenity areas to the rear of the central three storey section which would serve the two flats. The private amenity areas for the houses measure 20m² in area although one of the two parking bays to each dwelling would be surfaced to enable its use as additional amenity space, providing a further 10m². This is considered to represent an imaginative solution to provide adaptable space for both amenity and car parking in accordance with the needs of the occupiers of each unit. The proposed houses are modest sized two bedroom units and the site is located within a short walk of larger public recreation areas and within easy

reach of Nantwich town centre. Accordingly the requirements for parking and amenity space can be reduced in this instance without significantly compromising levels of amenity.

National planning policy as set out within PPS.3 (Housing) advises that using land efficiently is a key consideration in planning for housing and the density of the proposed development must therefore be considered. PPS.3 advises that 30 dwellings per hectare (dph) should be used as a national indicative minimum. This supersedes the requirements of Policy RES.3 (Housing Densities) which states that new development should be built at 30-50 dph. The proposed development equates to a density of 72 dph. The density of the surrounding area varies due to the different housing types although the adjacent block of dwellings has a density of 31 dph. However, PPS.3 further advises that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. As detailed above it is considered that the scheme has been well designed and that the increased density has been achieved without appearing alien or over developed and therefore represents a considerable improvement to the quality of the site.

It is pertinent to mention that two previous applications have been made to secure residential development on this site. The most recent of these (ref: P05/0939) sought permission for five two storey dwellings at the eastern half of the site. This was refused as it was considered that the scheme had an unsatisfactory design which would not improve the character and appearance of the area. The earlier application (ref: P94/0893) sought outline planning permission for residential development on a smaller area at the eastern end of the site. This was refused as it was considered that the new dwellings immediately adjacent to the remaining public house car park would have insufficient amenity due to noise and disturbance and substandard garden sizes. The current scheme bears little resemblance to the earlier submissions as it involves the whole of the site and its design is considered to comply with up to date national and local planning policies and guidance.

Amenity

In general the redevelopment of the site for residential uses will bring about an improvement in terms of neighbouring amenity as it introduces a more compatible use within a mainly residential area.

The site directly adjoins the rear gardens of the properties at 19-27 Meeanee Drive and the boundary with these dwellings currently comprises a 1.8m high close boarded fence. There are a number of small trees scattered along this boundary with the most significant of these within the rear gardens of 25 and 27 Meeanee Drive although these are of limited amenity value. The proposed building would be positioned up to 30 metres from the rear of the houses on Meeanee Drive and some 17 metres from the boundary with their rear gardens. The proposal is predominantly two storey and given the relative distances involved it is not considered that the development would give rise to a loss of amenity to the adjacent occupants either by over domination or overlooking. The proposal would also sit at a significant distance from the front of houses on Blagg Avenue, Harding Road and Hinde Street and these properties are further segregated by the access roads and frontage boundary treatments.

A number of concerns have been raised by the occupiers of the adjacent properties on Meeanee Drive in regard to the impact of the development on their rear boundaries. As already mentioned this boundary consists of a 1.8 metre high close boarded fence and although not shown on the plans, the applicant has confirmed in discussions that it is intended to renew this boundary with a further fence of similar height in order to provide adequate security and prevent loss of privacy to the adjacent properties. These details can be secured as part of a boundary treatment condition.

Highway matters

The site is currently accessed via Blagg Avenue, Hinde Street and Harding Road. The proposed scheme would be accessed via two vehicular entrances from Hinde Street and Harding Road. Each access would serve up to 7 units with car parking located to the rear. The Highway engineer has raised no objection to the proposed access and parking arrangements subject to the access points being constructed to an acceptable standard.

PPG.13 (Transport) advises that developers should not be required to provide more car parking than they themselves wish and that reducing the amount of car parking is essential, as a package of planning and transport measures, to promote sustainable travel choices. It also advises that at the same time the amount of good quality cycle parking should be increased to promote more cycle use. This is reinforced by guidance contained within *Manual for Streets* which advises that shared cycle parking is normally more efficient than providing space within each dwelling and that this should be secure and convenient for use. The guidance also states that as a minimum outdoor cycle parking needs to be covered, and preferably lockable. The proposed scheme includes two secure cycle storage areas at each end of the site, containing a total of 12 cycle parking spaces. The proposal also includes two car parking spaces per dwelling for the houses and one space per flat. One of the two parking bays to each dwelling would be surfaced to enable its use as additional amenity space.

Other matters

United Utilities have raised an objection to the scheme on the basis that a sewer crosses part of the site and that they will not permit building over it. However, the consultation response from United Utilities goes on to explain that either an alteration to the site layout or a diversion of the sewer at the developer's expense is required. In this case the applicant has submitted a plan which details a diversion of the public sewer at least 4 metres away from the proposed building. This can be secured via a planning condition which will ensure that the scheme complies with United Utilities requirements.

Comments have been received in regard to the bin storage areas which will be housed at each end of the site facing the driveways to the properties on Hinde Street and Harding Road. The applicant intends to screen the bin storage areas with a 2m high wall which will ensure that they are not unduly visible to adjacent properties. This will also enable easy access for refuse operatives.

11. CONCLUSIONS

The site lies within the settlement boundary of Nantwich and within a predominantly residential area where the principle of new residential development is accepted. The proposal involves the loss of a community facility although sufficient evidence has been

provided to demonstrate that the existing premises do not make a positive contribution to the social or cultural life of a community.

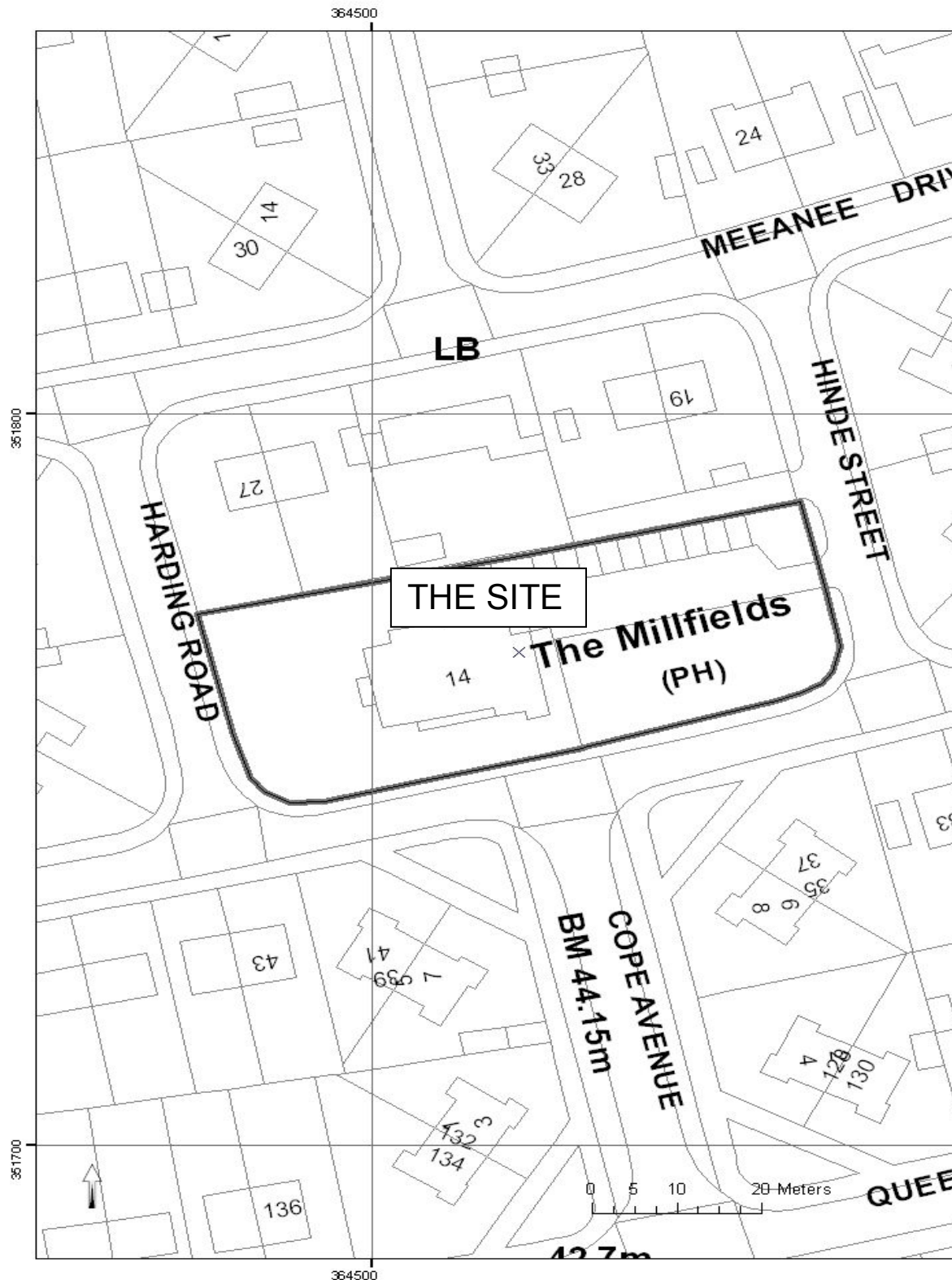
The proposed development would not result in any loss of amenity to neighbouring properties and the design, scale and layout is considered to respect the local pattern and form of development whilst also delivering a considerable visual improvement to the site. Satisfactory vehicular access and parking arrangements are proposed and the public sewer which crosses the site can be diverted.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time**
- 2. Approval of materials**
- 3. Approval of surfacing materials**
- 4. Provision of car parking spaces**
- 5. Details of covered and secure cycle storage to be submitted to and approved in writing by the Local Planning Authority and retained thereafter**
- 6. Diversion of public sewer**
- 7. Drainage details to include for sustainable drainage measures (SUDS) to be submitted and approved and thereafter implemented**
- 8. Approved points of access to be constructed to Cheshire East Council standards and remaining existing access to be stopped up**
- 9. Details of all boundary treatments to include fencing at rear of the site adjoining properties on Meeanee Drive to be submitted and approved in writing by the Local Planning Authority and retained thereafter**
- 10. Details of landscaping to be submitted to and approved in writing by the Local Planning Authority**
- 11. Approved landscaping to be implemented**
- 12. Provision of bin storage areas**
- 13. Removal of permitted development rights for extensions and detached structures**
- 14. Approved plans**

LOCATION PLAN:



P09/0109 Millfields Hotel Blagg Avenue Nantwich
N.G.R; - 364.515 351.768

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Planning Reference No:	09/0423/C
Application Address:	24 Colley Lane, Sandbach
Proposal:	1 detached dwelling and new vehicular access
Applicant:	Mr Edward Pennington
Application Type:	Full Planning
Grid Reference:	376552 360336
Ward:	Sandbach East and Rode
Earliest Determination Date:	11 May 2009
Expiry Date:	29 April 2009
Date Report Prepared:	18 th May 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
- Impact on neighbour amenity
- Highway safety & parking provision

1. REASON FOR REFERRAL

The application was called in for a decision by the Planning Committee by the Sandbach Ward member Cllr G. Merry.

2. DESCRIPTION OF SITE AND CONTEXT

The proposed development would be located in the north-western side garden of 24 Colley Lane. To the southeast is Nos 22 & 24 Colley Lane, a pair of modest sized semi-detached cottages. To the northwest side is No.20, a detached red Cheshire brick cottage which is orientated at 90 degrees facing northwest with its northeast side elevation abutting the pavement. To the rear of the site is the rear garden of a small detached bungalow, No.12 Cross Lane. Opposite the site are 1930's semis. The site is within the 'settlement zone line' for Sandbach.

3. DETAILS OF PROPOSAL

The application seeks full planning permission for the erection of a single detached two-bedroom dwellinghouse with off street parking for one vehicle to the front and new vehicular access onto Colley Lane.

4. RELEVANT HISTORY

08/0190/FUL- One detached dwelling and new access. Appeal Dismissed 17.10.2008
 08/0190/FUL- One detached dwelling and new access. Refused 28.05.2008

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

Highways recommends a condition to secure construction of vehicular crossing

Environmental Health

Environmental Health 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, piling and HGV deliveries are recommended.

VIEWS OF THE TOWN COUNCIL

Sandbach Town Council object to this application on the following grounds:-

- Due to the size of the plot, development would restrict sunlight and daylight in to the neighbouring property, 20 Colley Lane, and would be contrary to Policy GR6ii;
- Due to the size of the plot development would affect the privacy and amenity of adjoining dwellings, contrary to policies GR6i and ii;
- To allow this development in such a small plot would impose a building inappropriate and unsympathetic to the character of the area and thus conflicts with policy GR2.

OTHER REPRESENTATIONS

Objections were received from a total of 15 different properties, 7 of these letters were received within the consultation period. A petition has also been received from the Colley Lane Residents Group objecting to the proposed scheme included 30 signatories. Objectors raised the following material planning concerns: -

Amenity Issues

- The area is not large enough for a detached dwelling;
- Regarding the previous proposals relationship with no.20 Colley Lane (08/0190/FUL) the Inspector advised that “there is a substantial risk of an unacceptable loss of natural daylight and morning sunlight to some or all of the kitchen, living room and conservatory”. The minor reorientations proposed in the current application fails to address this deficiency;

- The loss of natural daylight has not been modelled in accordance with BRE209 (Site layout planning for daylight and sunlight) The sun shadow diagram also omits the two upstairs windows;
- The D & A statement argues that the principal source of light to the lounge of No.20 is from the conservatory. It is contended that the principle source of light is from the window in the south elevation. Due to the long narrow nature of the lounge and its orientation the south facing window is an essential source of light. The south facing lounge window should be treated as a principle window;
- The D & A statement states that the kitchen window of No.20 is already shaded to some extent by ornamental shrubs within the garden of no.20. It is misleading for the D & A statement to equate the filtering of light through shrubs with a 7m high building within 3.8m from the kitchen window of No.20;
- There would be significant loss of light from a landing /stairwell window which affords light to the dining room of No.20;
- There is insufficient evidence presented by the applicant to suggest that any loss of light to the windows of no.20 would be not have an unacceptably adverse impact on the amenities of no.20;
- The loss of sunlight to neighbouring properties would be contrary to policy GR6 (ii);
- The proposed development would significantly reduce the amount of passive solar heating of No.20 Contrary to the objectives of section 2.1.4 of SPG 4 Sustainable Development;
- The first floor rear windows would directly overlook the rear garden of no.20;
- The Inspector observed that "The first floor rear windows would overlook the small rear garden of 12 Cross Lane, some 10m away. In addition the separation distance between the rear windows of the two properties would fall below the councils guidelines of 21.3m" The current proposals fail to address this;
- The planting of trees to the rear of the site would not mitigate the loss of privacy of no.12 Cross Street;
- The Inspector observed that "there would clearly be some adverse impact" on light levels at no.24 given the full height gable directly facing the dining kitchen. The applicant proposes to add a further window to the dining kitchen at no.24. However, this will not mitigate the shading effect whose windows would directly overlook a 6m high wall at a distance of 2.6m;
- There is insufficient amenity space within the development. The area of functional rear garden space (small for a family house). This contravenes the Boroughs Supplementary Guidance;
- The residents of No.31 opposite would have three windows facing their property;
- There would be a loss of sunlight to no.31.

Parking and Highways Issues

- Visibility from the proposed parking space will be considerably reduced due to the garden boundary and gable wall of number 20;
- Highway safety – traffic generation, already restricted parking, passing and manoeuvring space, pedestrian safety;
- Given the increase in the number of driveways converging on the narrowest point of the Lane we are concerned that this will cause access issues for a number of residents;
- Only one parking bay is provided, this is inadequate for a family house and will lead to more on street parking.

Design and Impact on Character of Area Issues

- It is a garden grab a small garden of an original cottage;
- The plans state that Colley Lane as 'a Brownfield Site' it is not a Brownfield Site is a green field Site in a rural fringe area. We consider the Lane to be semi rural (that's why we moved here) and a residential area;
- We consider that the dwelling will be a modern new build not in keeping with the other properties in the Lane. The properties in the Lane have character;
- The Design Statement states that the dwelling will sit 'comfortably between the existing dwellings. This is clearly not the case, our house was built with a 1920's style – this clearly contravenes central government and borough council planning policy. This is nothing more than a small Barrett type box a small starter home totally out of character;
- This standard new build and not in keeping with other properties;
- Approval of the application would also establish a dangerous recedent in terms of expectations for approving other back land/tandem developments proposals within the borough.

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: -

- Proposal would result in a loss of views from neighbouring properties;
- Proposals would devalue neighbouring properties;
- Neighbouring properties would be devalued if this development is allowed;
- The development would spoil the view from the dwellings opposite;
- Access to the rear of the dwelling is not adequate for the Fire Services;
- The proposal is for a small starter home in the wrong area;
- The development could impact on the structural integrity of No.20 Colley Lane through foundation excavation, impact of the development on surface drainage and removal of trees;
- The site is not a Brownfield site.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement accompanies the application that includes information under the following titles: Introduction and background, Use and Planning Policy, Amount, Layout (Including Sun Shadow Diagram), Scale, Landscape, Appearance and Access.

7. OFFICER APPRAISAL

This is a re-application of a previously refused application for a similar scheme (ref. 08/0190/FUL). The application seeks full planning permission for a detached two-storey, northeast facing, 2-bed dwelling with parking for 1 vehicle to the front and new vehicle access onto the highway. The differences between the current and previous applications are as follows:

- A reduction in width of the dwelling by 300mm (5.7m);
- A reduction in depth of the dwelling by 300mm (7.7m);
- Repositioning of the dwelling such that the front elevation is 1m closer to the highway (5m);
- The front door is to the right hand side of the dwelling;

- Additional design features including chimney, dentil brick course below eaves to front and rear, change from gable to simple flat roof canopy over front door, detail brick course at first floor cill height;
- Inclusion of bin store to rear side of dwelling;
- Driveway to No.20 to be retained;
- Provide new side window in the northwest elevation of No.20 Colley Lane;
- Provide 1.8m high fence to rear and side boundaries;
- Hedge fronting to front and hedge and tree planting to rear of rear garden to be agreed by LPA.

The main issues for Committee in determining this application are:

- a) The principle of development
- b) The design and impact of the proposal on the surrounding area.
- c) Highway safety
- d) Impact on the amenities of neighbouring properties.

Principle of the Development

The site is designated as being within the settlement zone line of Sandbach where there is a presumption in favour of development as stated in Policy PS4. Policies H1 and H2 refer to the provision of new housing and its distribution throughout the Borough. The proposal complies with Policy H4 (i) in that it does not utilise a site, which is allocated or committed for any other purpose and complies with other Local Plan policies. Taking into account the issues discussed above, it is considered that the principle of a new dwelling on this site is acceptable.

The design and impact of the proposal on the surrounding area

Policy GR1 requires that all development is of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality, in addition Policy GR2 requires that proposals achieve a high level of design quality including the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

The surrounding area has mixed residential development ranging from large modern 4 bedroom detached dwellings, semi detached three / four bed dwellings and smaller two bedroom bungalows.

The proposed dwelling would measure 5.7m in width 7.7m in depth 4.6m to eaves height and 6.9m to ridge height. The plot measures 24m in depth to the southeast side and 25m to northwest side. It is 6m in width at the front increasing to 8.2m then reducing to 7m in width at the rear. The proposed dwelling would be sited 5m – 5.2m from the front boundary and 11.2m – 11.8m from the rear boundary and would abut the southeast boundary. The dwelling would be constructed using red/brown facing brick and blue/grey roof slates to be agreed by the Local Planning Authority. It is considered that subject to approval of appropriate facing materials the proposed dwelling would have the appearance of a simple cottage of similar scale to the two semidetached cottages to the southeastern side.

The reason given for earlier refusal by the Planning Committee was as follows:

“The proposed development would result in a cramped and intrusive form of development on the site that would have an adverse impact on the character and appearance of the area contrary to Local Plan Policies GR1 & GR2.”

This earlier application was dismissed at appeal. The Inspectors observations conflict with the reason given for refusal. Referring in particular to the contribution given to the character of the area by the land subject of the appeal, the Inspector states:

“Given the diverse nature of built form in the locality and the spaces between buildings, its loss to development would, in principle, have an essentially neutral impact in those terms.” With reference to the separation distances between the dwellings fronting the western side of Colley Lane the Inspector stated that the new dwelling would be a “tight fit” in terms of its effect on the street scene. He goes on to state that given the variety which exists he did not consider that the proposal would be so harmful that permission should be denied on these grounds alone.

Concerns have been raised regarding the impact of the dwelling on the character and appearance of both the semi-detached cottages adjacent to the southeast of the site and the detached cottage adjacent to the northwest (No.20). The dwelling would be 2.6m from the cottages to the southeast and 3.8m to 4.2m from No.20 to the northwest. It would be set back 5.2m from the front elevation of the cottage to the northwest which abuts the pavement. The orientation of No.20 being side on to the road, means that the proposed dwelling is effectively behind No.20. The front and principle aspect of No.20 is seen when approaching it along Colley Lane from the northwest. From this direction the proposed dwelling would not be visible at all.

Given the above it is considered that the proposed dwelling would neither dominate nor harm the appearance or character of the dwellings to either side nor would it harm the street scene.

Given the mixed nature of the surrounding development it is considered that the scale and design of the proposed modest two-bedroom dwelling would be in keeping with its surroundings.

Highway safety

Numerous representations have been raised regarding the new access, parking and highways safety issues. It is noted that the Inspector raised no concerns regarding, highway safety, access or parking in relation to the previous application. It is considered unlikely that any of the changes proposed in this amended application would give rise to access, highway safety or parking issues over and above those of the previous application.

Highways are satisfied that the proposed development is acceptable subject to provision of a vehicular crossings constructed in accordance with Highway Authority specification.

Given the comments from the Highways it is considered that a refusal on these grounds would not be sustainable at appeal.

Impact on the amenities of neighbouring properties and amenity of future residents

It is noted that in his conclusion regarding the previous application's appeal the Inspector stated:

"My overall conclusion...reflects the need to adopt a precautionary approach in this case, given the policy objectives and the clearly marginal nature of the sites development potential, I consider it reasonable that some onus be placed on the appellant to demonstrate (rather than to simply assert) that the scheme could be implemented without significant harm to the living conditions of neighbouring residents..."

Apart from the minor alterations to the appearance of the proposed dwelling, in the main, the changes from the previous scheme have been made to address the amenity concerns raised by the Inspector in the previous scheme. In particular, amenity issues which relate to occupiers of Nos 24 & 20 Colley Lane and 12 Cross Street. These particular amenity issues have again been raised by objectors.

Regarding No.20, the Inspector raises concern that whilst the principle source of light is to the rear of the dining kitchen, due to the proximity of the proposed gable end there would clearly be some adverse impact on access to light. To address this the current scheme includes a new window to the dining kitchen in the northwest elevation of No.20. The rear elevation of the proposed dwelling would be set forward to the north of this new window. It is considered that the addition of this new window in No.20 more than compensates for the loss of light to the existing window to the kitchen diner in the northwest side elevation.

Regarding No. 12 Cross Lane to the rear of the site. The closest first floor rear window to a habitable room in the proposed dwelling to the rear windows of No.12 would be 21m, 0.3m below the minimum guide distance given in SPG 2. However, given that the rear of No.12 is set at an angle, it is considered that 0.3m below the guide separation distance would be acceptable. A 1.8m boundary fence and hedge and tree planting to be agreed by the LPA would further reduce any impact of loss of privacy through overlooking.

It is also noted that the existing first floor rear window to No.20 which is 19m from the rear of No.12 Cross Street already overlooks the rear garden and north elevation of No.12 Cross Road.

Overall, given the above it is considered that the impact on the amenity of No.12 Cross Street has been fully addressed by the current application and a refusal on these grounds would not be sustainable at appeal.

There are a number of amenity issues relating to No.20 Colley Lane, principally the loss of light to the main living room and conservatory to the rear of the dwelling; and to a lesser degree, loss of light to a southeast facing kitchen window, a southeast facing first floor landing and stair well window. Most of the changes included in the current scheme from the previous scheme as detailed above have been made to limit the impact on No.20. The reduction in width by 300mm and depth by 300mm of the proposed dwelling and the shifting of it 1m further forward, when taken together, significantly reduce the impact on any loss of natural light to the small window to the main living room in the south east elevation of No.20. This is further evidenced by the "Sun Shadow Diagram" provided by the applicants architects

The main living room has a single window to the southeast, a single window to the northwest, double French doors with further small windows to either side to the rear southwest elevation opening into the conservatory. The door and windows to the conservatory to the southwest are clearly the principal source of light. Taking into account the above-mentioned changes to the scheme it is demonstrated that the Southeast side window would only lose a small amount of morning sunlight for part of the year, and would be afforded full sunlight for most of the day. Based on the above is considered that the applicant has addressed the main concerns of the Inspector regarding the main habitable living room.

The proposed dwelling would screen sunlight to the southeast facing kitchen window from late morning onwards however, when considering planning applications, a kitchen it is not considered a habitable room, as such the importance given to loss of light to such rooms is not so significant. Furthermore, existing ornamental shrubs largely screen this window and the kitchen benefits from a further similar sized window to the northwest side. As such, the loss of light to this window would be considered acceptable.

There are no windows to habitable rooms at first floor level, only to a landing and stairwell. As such loss of amenity due to loss of light to these windows is not considered significant.

Neighbours across the road to the northeast objected to the proposal contending that they would suffer a loss of light and amenity to their property. The proposed dwelling would be over 28m to the southwest of the dwellings opposite. The minimum separation distance for facing two storey dwellings across a road, as detailed in SPG 2, is 21.3m. As such it is considered that there would be no significant impact on the amenities of residents living opposite.

Objections have been received contending that the proposal would not provide the minimum private garden amenity space as detailed in SPG 2 Provision of Private Open Space in New Residential Developments. The proposed would actually exceed the minimum standard of 65sqm by 20sqm.

Overall, given the above, it is concluded that any loss of amenity to the residents of neighbouring properties would not be significant and that a refusal on amenity grounds would in my opinion, no longer be sustainable at appeal.

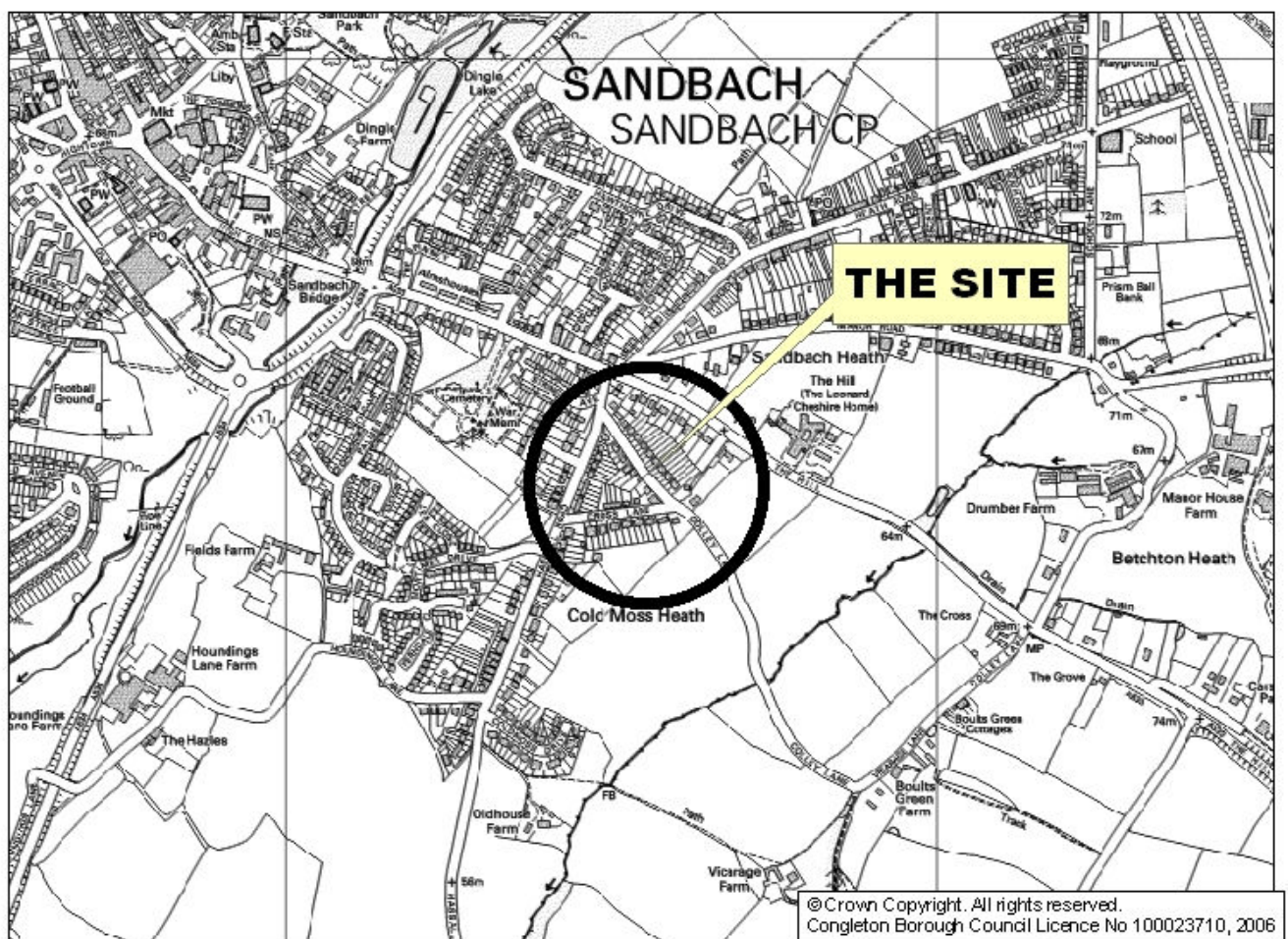
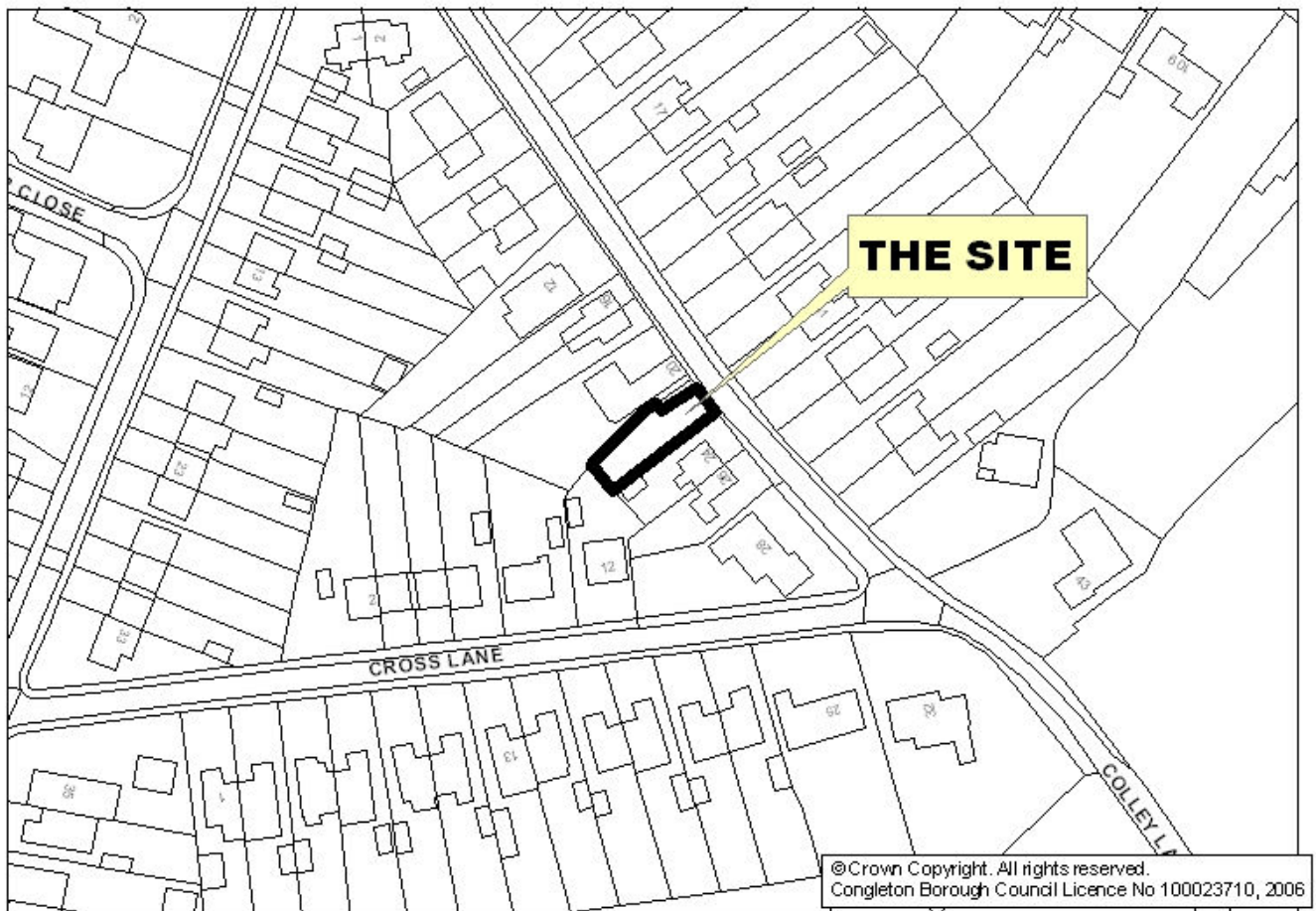
8. CONCLUSIONS

It is concluded that the design of the proposed building is acceptable and does 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. Nor would the proposals result in the unacceptable loss of amenity afforded to neighbouring properties. There are no highways objections. As such it is considered that the changes made to this scheme from the previous application are sufficient to overcome the Inspectors concerns at appeal. A recommendation for approval subject to the following conditions is therefore made.

9. RECOMMENDATION

Approve subject to following conditions:

- 1. Commencement of development (3 years)**
- 2. Development in accord with approved plans**
- 3. Submission of samples of building materials**
- 4. No windows to be inserted**
- 5. Removal of permitted development rights**
- 6. Landscaping to include details of boundary treatment**
- 7. Landscaping - submission of details**
- 8. Landscaping (implementation)**
- 9. Landscaping - implementation**
- 10. Decontamination of land**
- 11. Protection from noise during construction (hours of construction)**
- 12. Pile Driving**



Planning Reference No:	09/0430/C
Application Address:	Land adjacent to 6 Brindley Way, Congleton
Proposal:	2 new dwellings
Applicant:	Mr Paul Kirby
Application Type:	Full Planning
Grid Reference:	387700 362448
Ward:	Congleton Town East
Earliest Determination Date:	28 April 2009
Expiry Date:	27 April 2009
Date Report Prepared:	21 st May 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

- a) Design & impact on the character of the existing street scene
- b) 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. PREVIOUS MEETING

At the meeting of the Planning Committee held on 13th May 2009, Members resolved to undertake a Committee site inspection in order to assess the proposed development. This site visit will be undertaken on 29th May 2009. Members will be provided with site visit details within an update.

It is noted that plans for the development have been amended since the proposal was presented to Members at the previous meeting. Details of the amended plans are outlined within section 8 of this report.

Additionally it is noted that further representations were received since the preparation of the last committee report. These representations are now included within section 7 of this report.

3. 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).

4. 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.

5. RELEVANT HISTORY

<u>Decision</u>	<u>Application number</u>	<u>Description</u>
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08/1381/FUL	- 2 detached dwellings and detached garages including discharge of S.106 Agreement dated 17 March 1992.	Approve 8 October 2008
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08/0631/FUL	- 2 detached dwellings and garages.	Approved 6 August 2008
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23364/3	- Amendment to previously approved layout.	Approved 17.03.1992
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16685/B	- Residential development (Reserved Matters).	Approved 28 October 1987
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16685/1	- Residential Development (Outline).	Approved 30 May 1985
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11427/1	- Residential Development.	Refused 39 July
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6. 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

7. CONSULTATIONS (External to Planning)

Highways

The Strategic Highways Manager has no objection to the application subject to informatives relating to the formation of the vehicular crossings being attached to any consent.

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.

8. VIEWS OF THE TOWN COUNCIL

No response was received at the time of report preparation.

9. 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.

Additional comments have been received from objectors since the preparation of the last committee report. Additional comments include: -

- Amended plans were only made available electronically and objectors were not notified;
- 100% of residents in the vicinity oppose the development;
- Lady Winterton has expressed an interest with this development;
- The site was protected by a Section 106 Agreement which outlined that only single storey properties would be allowed;
- The impact of the removal of the Section 106 Agreement was not clearly communicated to residents;
- No other 3 storey properties are located on the escarpment;
- Previous appeals have been dismissed in relation to two storey properties and inspectors comments have been ignored within this application;
- The land adjoins the Green Belt, an Area of Special County Value, the Dane in Shaw SSSI, and a Protected Area of Open Space;
- Design is against the common standards of the current properties and contrary to the original outline of the estate plan;
- No other balconies on the estate has a balcony.

10. 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.

11. OFFICER APPRAISAL

Principle of the Development

Planning permission was recently granted on the application site for two split-level dwellinghouses. The principle of the development of two dwellinghouses on this plot is therefore 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 Dane in Shaw Valley where dwellinghouses are typically single storey.

Plot 1

The proposed dwellinghouse would result in a significant development of the site. It is noted that the proposal on the plot is larger than what has previously been approved in this location.

Amended plans have now been received which reduce the pitch of the roof, set the dwellinghouse further into the ground resulting in a reduced overall roof height by approximately 1 metre in height, and also includes the removal of the gable detail within the roof space on the rear elevation. The cumulative effect of such measures is that the dwellinghouse appears as two-storey from all directions and ensures that the property would not be interpreted as a three-storey property when viewed from the Dane in Shaw Valley. It is noted that such amendments are subject to the public consultation process.

Concerns have been raised in relation to the proposals scale, potential over-dominance, and visual impact however, whilst it is acknowledged that the two-storey property would be located within a band of bungalows located on the escarpment, it is not considered that the dwellinghouse would not appear significantly incongruous when viewed from either Brindley Way or the Dane in Shaw Valley as the property would be viewed in the context of the wider area which includes both single and two-storey dwellings.

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.

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.

12. 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 subject to the public consultation process the application is recommended for approval.

13. RECOMMENDATION

Approve with the following conditions: -

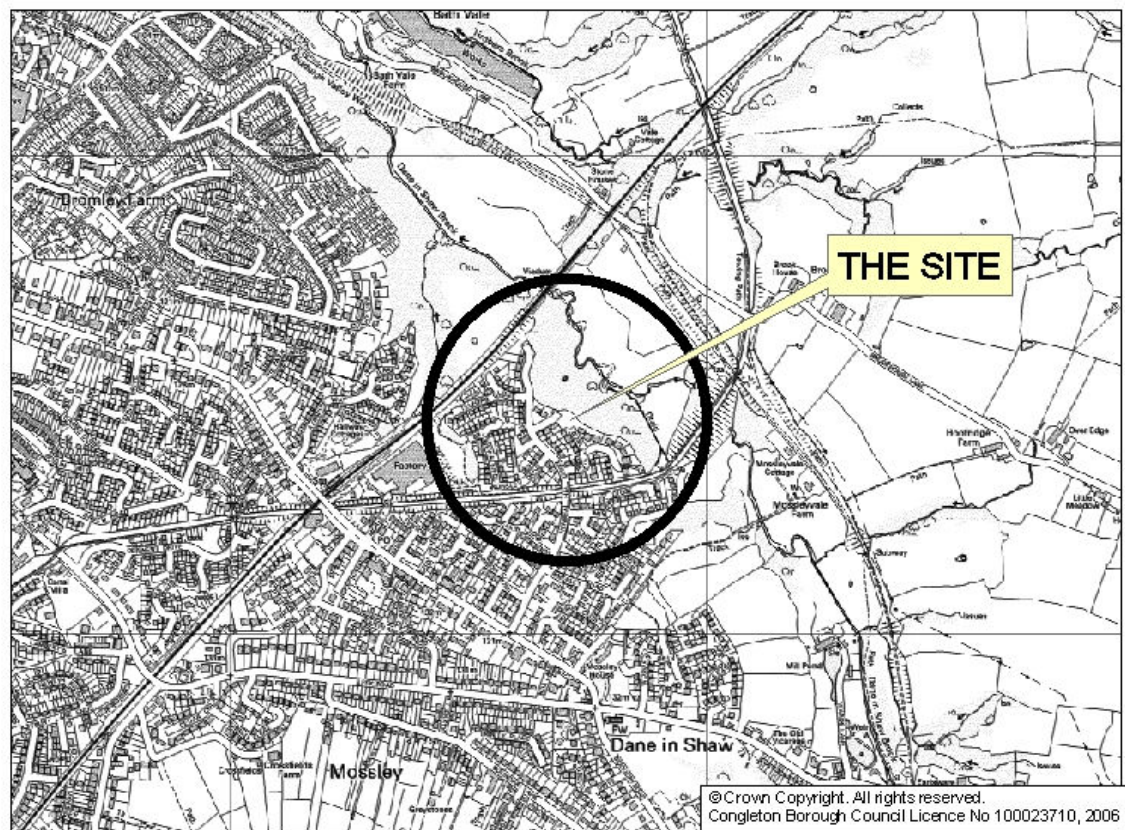
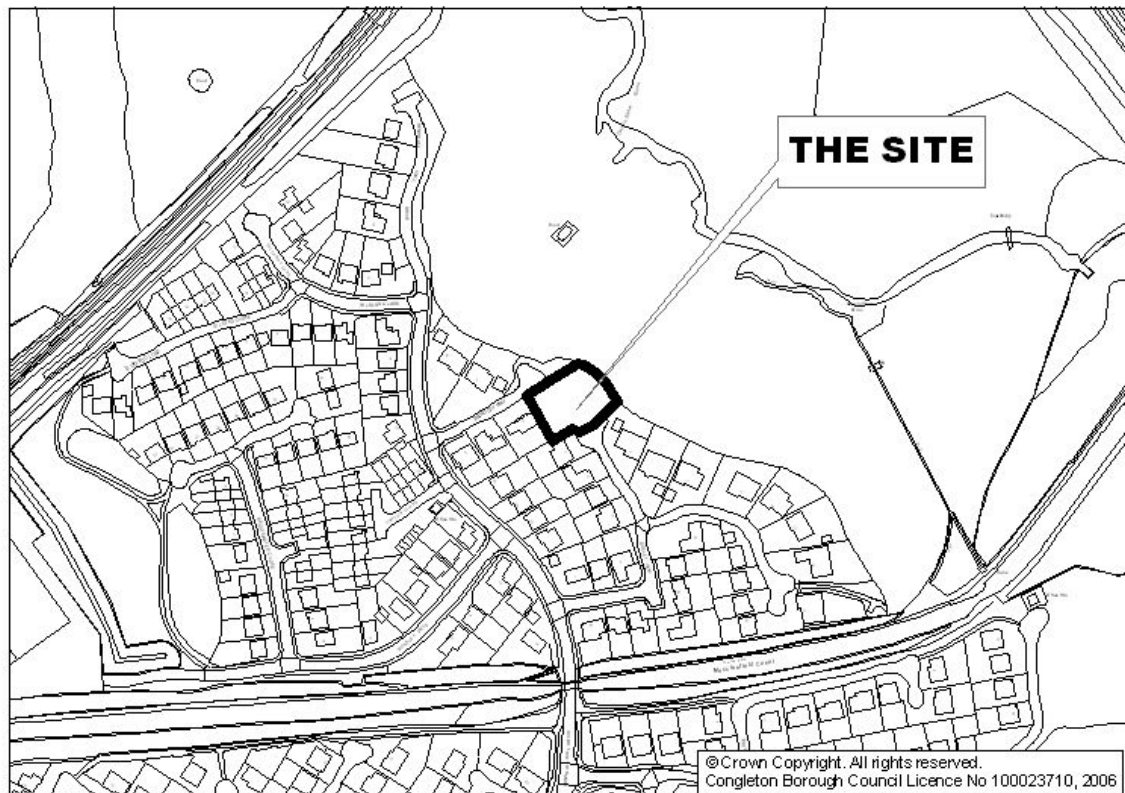
- 1. The development hereby approved shall commence within three years of the date of this permission**
- 2. The development hereby approved shall be carried out in total accordance with the approved plans numbered 3452/03B, 3452/04, and 3452/05B received by the Local Planning Authority on 3rd March 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.



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Planning Reference No:	09/0755N
Application Address:	25 Wareham Drive, Crewe, Cheshire, CW1 3XA
Proposal:	Two Storey Side Extension and Conservatory
Applicant:	Miss S Pringle
Application Type:	Householder
Grid Reference:	369859 357829
Ward:	Crewe North
Earliest Determination Date:	14 th May 2009
Expiry Dated:	25 th May 2009
Date of Officer's Site Visit:	29 th April 2009
Date Report Prepared:	11 th May 2009
Constraints:	None

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Impact on character and appearance of streetscene
- Impact on the amenities of adjacent occupiers through loss of daylight and over domination

1. REASON FOR REFERRAL

The application was to be dealt with under the scheme of delegation. However Cllr Beard and Cllr Jones have called the application in on grounds of over domination of the streetscene and adjoining properties and loss of amenity on adjacent property due to proximity of development to boundary.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a two storey semi detached property located within the settlement boundary for Crewe. The dwelling is sited slightly forward and at a marginally lower ground level to the adjacent property No.27. The existing dwelling has a driveway to the side of the property with landscaped front amenity space. Separating the driveway from the adjacent property driveway is a 1.8m high close board fence set back from the public highway. Within the adjacent property, No.27, are two side facing windows, one at ground floor level and one at first floor level. The adjacent property of No. 23 has a single storey rear extension.

3. DETAILS OF PROPOSAL

The application proposes a two storey side extension and a conservatory to the rear. The side extension will be 2.3m in width and 7.7m in depth, and will be set back from the

building line by 0.4m. The extension will be 7.6m to the ridge of the extension which is 0.2m lower than the ridge of the host dwelling. A canopy is proposed over the front door and proposed door. To the rear a 3m wide by 3m deep conservatory is proposed. The conservatory will be 3.1m in height to its ridge and will be constructed from white UPVC on a dwarf wall.

4. RELEVANT HISTORY

None

5. POLICIES

Local Plan Policy (*Borough of Crewe and Nantwich Replacement Local Plan 2011*)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

RES.11 (Improvements and Alterations to Existing Dwellings)

Other Material Considerations

LDF Extensions and Householder Development SPD (2008)

6. CONSULTATIONS (External to Planning)

Highways: Providing that two off street parking spaces remain within the curtilage. No highways objections

7. VIEWS OF THE PARISH / TOWN COUNCIL

None

8. OTHER REPRESENTATIONS

One letter of objection received from 27 Wareham Drive dated 1st May 2009. The main reasons for objection are:

- Over domination of space between 27 and 25 Wareham Drive;
- Overshadowing of driveway and rear garden;
- Overbearing on landing and kitchen windows;
- No other extensions of this type within area, would represent an unacceptable precedent;
- Increase in noise.

9. APPLICANT'S SUPPORTING INFORMATION

None

10.OFFICER APPRAISAL

Principle of Development

The proposal represents an extension to a dwelling within the settlement boundary for Crewe which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or highways issues.

Design

The proposed fenestration is of similar design and proportions to the host dwelling. The extension is set back from the front elevation of the main house and the ridge is lower. It is therefore considered that the two storey side extension would be subordinate to the host dwelling and is of a design which respect the character and appearance of the streetscene.

The proposed conservatory is a modest 3m wide by 3m deep with a height to ridge of 3.1m. The conservatory is of a generic design which would not have a detrimental impact on the character and appearance of the host dwelling.

Amenity

The proposed two storey side extension is to be sited on the existing driveway to the side of the property. The extension will be set slightly forward of the building line of the adjacent property No. 27. However it is sited as such from that No.27 not to have an impact on its front principal windows through loss of daylight, as the dwelling is set forward of No.27 there will be no impact on the rear facing windows. There are, however, two windows within the flank elevation of No.27. It is understood that the first floor window is to a landing and that the ground floor window, which is set towards the rear of the side elevation is to a kitchen. Following inspection of the neighbouring property the side facing window appears to be the principal window for that room at 1100mm in width. However within the rear elevation is a small 500mm wide window and half glazed door. The kitchen sink is positioned below the principal window and the orientation of the dwellings means that the window faces west. The proposed development will be sited immediately adjacent to the shared boundary and will therefore be 2.5m from the neighbouring property (measured from the LPA's GIS base map). Given the siting of the proposed extension and the orientation of the dwellings it is considered that the proposed development would result in an unacceptable loss of amenity of the occupants of the adjacent property through overshadowing and loss of daylight to the kitchen window in the side elevation.

There are separation distances of 22m to the front and rear from new principal windows and it is considered that there would be no detrimental impact on the privacy of surrounding properties.

The conservatory will be sited adjacent to the single storey lean-to to the rear of No.23. Although it will project by approximately 0.4m beyond that lean-to this is considered to be

negligible and therefore it would not have a detrimental impact on the amenities of that property.

Parking and Access

The Highways Authority have stated that providing that two off street parking spaces are provided within the curtilage of the dwelling then they have no objections. The proposed development would result in the loss of parking on the driveway and there would only be provision for one parking space within the curtilage. There would however be scope for a parking space on the landscaped area to the front of the lounge. A condition could therefore be attached to ensure that two off street parking spaces be provided within the curtilage of the property prior to the commencement of development.

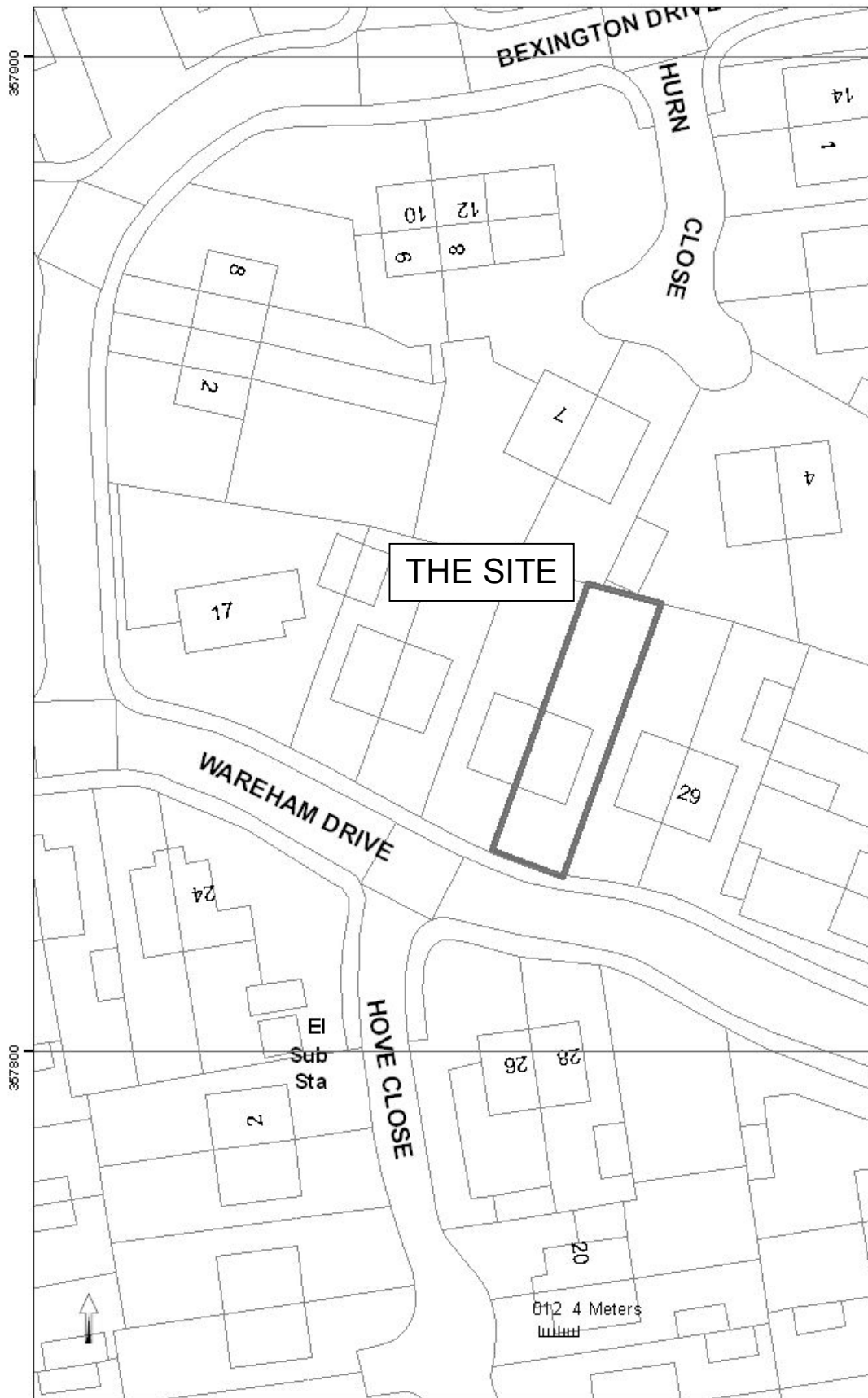
11.CONCLUSIONS

It is considered that the proposed development would cause demonstrable harm to the amenities of the adjacent property through overshadowing and loss of daylight.

12.RECOMMENDATIONS

REFUSE for the following reasons

1. The proposed development would be sited in close proximity to the side facing kitchen window of No.25 Wareham Drive resulting in an overbearing and form of development causing significant overshadowing, loss of light and demonstrable harm to the amenities of that property. The proposed development would therefore be contrary to Policies BE.1 (Amenity) and RES.11(Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within the Local Development Framework Extensions and Householder Development Supplementary Planning Document (2008).



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Planning Reference Number	09/0773M
Application Address:	23, Ashford Road, Wilmslow, Cheshire, SK9 1QD
Proposal:	Single Storey Front Extension And Pitched Roof Over Existing Flat Roof
Applicant	Mr Wesley Fitzgerald
Application Type	Full Planning
Ward	Alderley
Earliest Determination Date	20 May 2009
Expiry Date	28 May 2009
Date Report Prepared	18 May 2009
Registered	03-Apr-2009
Policy Item	No
Grid Reference	384160 379609

SUMMARY RECOMMENDATION

- Approve subject to conditions

MAIN ISSUES

- Design and impact on the street scene

1. REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee because the applicant is the Leader of Cheshire East Council.

2. DETAILS OF PROPOSAL

The application is for a householder development. The existing dwelling on the site is detached and lies with a small modern housing development. The existing dwelling has a single storey flat roof section that extends forward of the main two storey body of the dwelling, as is typical of the original form of the dwellings on Ashford Road. The proposal seeks to extend this single storey element across the full width of the dwelling, to provide a study, and create a pitched roof over the single storey section. The roof would be hipped at both sides towards the centre of the dwelling, broken up with a gabled porch in the centre. The extension would involve the loss of a small ornamental garden tree.

3. RELEVANT HISTORY

None

4. POLICIES

Regional Spatial Strategy

Policies DP1 and DP7 of the North West of England Plan Regional Spatial Strategy to 2021 are strategic policies of general relevance in terms of objectives to improve the built environment in a sustainable manner.

Local Plan Policy

Policies BE1, DC1, DC2 and DC3 of the Macclesfield Borough Local Plan (2004) are of more direct relevance to this proposal. Policies BE1, DC1 and DC2 seek to ensure a high quality design of development that is sympathetic to the locality and compatible with the street scene and architecture of existing and surrounding buildings. Policy DC3 specifies that development must not result in significant injury to residential amenity through issues such as loss of privacy and overbearing impact.

5. OTHER REPRESENTATIONS

1 letter of support has been received from the occupier of the adjoining dwelling, No.21 Ashford Road: It states: we believe it will not only improve the property itself but contribute to the overall appearance of Ashford Road. Several other houses, including ours, have undergone similar kinds of work, so that many of the large, unappealing flat roofs have been replaced in differing, individual ways making for a pleasanter environment.

6. OFFICER APPRAISAL

Design

Located at the front of the dwelling, the proposed extension will be clearly visible from the street scene and will have a visual impact. The design, scale and materials of the extension are therefore particularly important. The existing building is a post-war dwelling of simple form constructed of brick, render panels and dark grey Marley modern roof tiles. The houses along Ashford Road are of a relatively uniform style, with many having had minor alterations and extensions to the front elevation.

The extension does not project closer to the highway than the existing flat roof section of the building, and would effectively continue that element of the building across the full width of the house. The extension incorporates a recessed porch that would serve to break up the front elevation. The entrance way includes a full length glazing panel which also softens the front elevation. Materials are specified to match the existing. Other properties in the area have had various types of pitched roof extensions to the front elevation. As such the visual impact and design of the extension is considered to be appropriate and in accordance with relevant development plan policies.

Amenity

The extension would be located on the front of the dwelling nearest to No.25 Ashford Road. The extension maintains the same distance to the side boundary as the main body of the dwelling and does not project past the building line of No.25 Ashford Road. The roof is hipped away from the boundary and there would be no detrimental impact in terms of loss of light, loss of privacy or overbearing impact to the adjoining

dwelling. As such the proposal is considered to accord with local plan policy DC3. The other adjoining neighbour has written in to support the proposal.

Other considerations

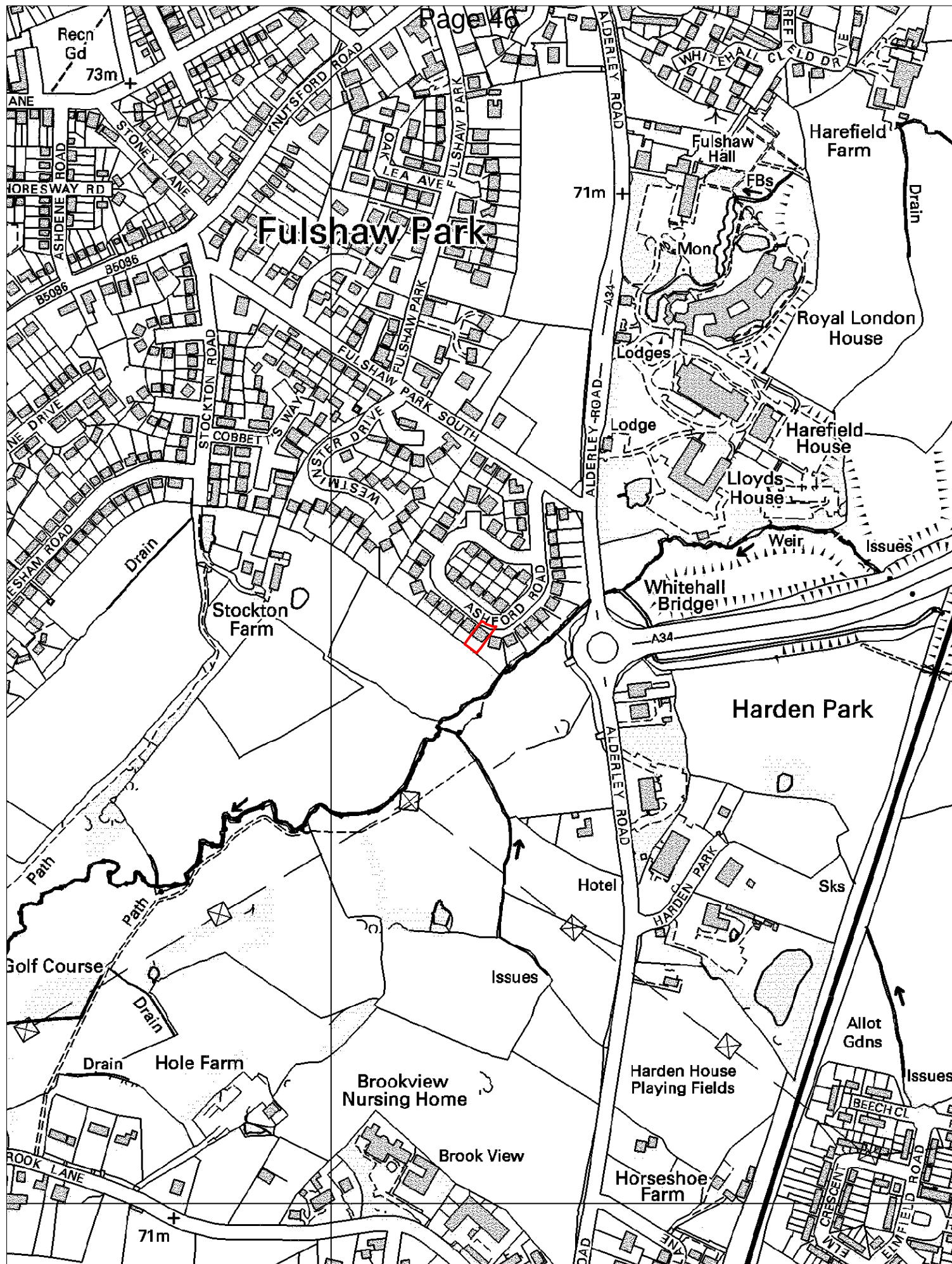
The extension would involve the loss of a small ornamental garden tree which is not of significant amenity value to the street scene. The off-street parking provision on the site remains unaffected.

7. CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed extension by virtue of its scale, design and materials would be sympathetic to the existing building, the surrounding buildings and the street scene. As such it would be compliant with Local Plan policies BE1 (design principles for new developments), DC1 (high quality design for new build) and DC2 (compatible form of extensions and alterations). The proposed development would not harm the living conditions of the occupiers of the adjoining dwellings and therefore accords with local plan policy DC3 (protection of the amenities of nearby residential properties). The proposal also accords with the development principles of policies DP1 (spatial principles) and DP7 (criteria to promote environmental quality) of the North West of England Plan Regional Spatial Strategy to 2021. There are not considered to be any material considerations to outweigh a decision in accordance with the Development Plan and as such the application is recommended for approval subject to conditions.

8. RECOMMENDATION : Approve subject to following conditions

- 1. Commencement of development (3 years)**
- 2. Development in accord with approved plans**
- 3. Materials to match existing**



CHESHIRE EAST COUNCIL

SOUTH PLANNING COMMITTEE

Date of meeting: 3 June 2009
Report of: Anne Donkin, Heritage and Design, Senior Landscape and Tree Officer
Title: Confirmation of the Manchester Metropolitan University, Alsager Campus, Interim Tree Preservation Order 2008

1.0 Purpose of Report

- 1.1 To give consideration to objections and representations to a Tree Preservation Order before a decision is made on the confirmation of the order.

2.0 Decision Required

- 2.1 That the Manchester Metropolitan University, Alsager Campus, Interim Tree Preservation Order 2008 is confirmed subject to the modification to the plan to exclude land at Grove House, Sunnyside, Alsager.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None apparent

5.0 Legal Implications

- 5.1 The validity of a TPO maybe challenged in the High Court if the Council exceeds its powers or does not follow the proper procedure. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions eg: to avoid danger. It is an offence to breach a TPO. Refusal of consent to fell or to undertake work to protected trees may justify a compensation claim.

6.0 Risk Assessment

- 6.1 The loss/threat to trees could have a significant impact on the amenity /landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate controls over trees of amenity value within the site.

7.0 Background and Options

- 7.1 The Alsager Campus of the Manchester Metropolitan University (MMU) is subject of a divestment programme. With a view to phased redevelopment of the site, the University and its agents had discussions with Congleton Borough Council and a Development Brief was prepared outlining a mixed use development. Discussions have continued under Cheshire East Council and a planning application is expected.
- 7.2 There are a significant number of trees in the vicinity, many of which are visible from outside the site boundaries although others within the site make a contribution to the setting of the campus.
- 7.3 Telephone requests and a letter dated 26/8/08 were received by Congleton Borough Council requesting that consideration be given to the protection of certain trees on the site. In anticipation of the redevelopment, a preliminary assessment of the trees was undertaken using an amenity evaluation checklist. Taking into account the findings of the assessment, and as a mechanism to ensure that due consideration is given to the retention and protection of trees on the site, under powers delegated to the Development Control Manager a TPO was made on 17th December 2008.
- 7.4 Congleton Borough Council was fully supportive of the redevelopment of the site, and the TPO is not intended to be obstructive. It was recognised that in due course, a more specific Order would be required, identifying individual trees and groups of trees suitable for retention within the context of the redeveloped site. This is reflected in the fact that the term 'interim' is included in the title. Using an "Area" designation, which protects all trees standing within a defined boundary, the Order covers the majority of the campus and some additional parcels in the immediate vicinity containing trees which could be affected by redevelopment.

CONSULTATION REPONSES

- 7.5 The Order was served on persons with an interest in the land and a number of representations have been received. A letter dated 5/1/09 supporting the Order was sent by the local resident who made the initial written request. Alsager Town Council, by letter dated 7/1/09, has no objections to the Order.
- 7.6 The occupier of 37 Dunnocksfold Road, by letter dated 7/1/09, has made representation to the effect that the boundary of the protected Area, as represented on the TPO plan, indicates trees within the curtilage of his property to be within the ownership of the College. Whilst seeking to ensure his boundary is clearly defined, the writer has no objection to the protection of the trees.
- 7.7 On behalf of the owner of Grove House, Sunnyside, by letter dated 29/1/09, Beswicks Solicitors make representations against the Order. The objections can be summarised as follows:

- i. The TPO includes the property and land at Grove House and all trees, bushes and shrubbery therein.
 - ii. The TPO will cause the owner inconvenience and costs and affects no other residential properties on the periphery of the MMU site.
 - iii. The TPO will devalue the property and land. Estate agents value the land with planning permission at £500,000. With the TPO made and development impossible, the value will be reduced to £50,000. The owner has been in contact with several developers concerning development of the land in the recent past.
 - iv. Should the TPO be made, the owner will seek compensation for loss of property value and for future costs incurred for maintenance of the trees.
 - v. An amended plan identifying the land to be excluded is submitted.
- 7.8 In correspondence with Lady Winterton, copied to the Chief Executive of Congleton Borough Council, the owner of the property has raised the above issues and his general concerns regarding the Order.
- 7.9 On behalf of Manchester Metropolitan University, by letter dated 29/1/09, Drivers Jonas make representations concerning the Order as summarised below:
- i. Drivers Jonas has been working closely with Congleton Borough Council in preparing a Development Brief for the MMU Alsager site and is preparing to submit an outline planning application. The emerging masterplan recognises the importance of a robust landscape structure and the siting and safeguarding of the trees is important to the planning and development of the site.
 - ii. The illustrative master plan would require the removal of trees on the Hassall Road frontage of the site in order to provide a new access. Tree removal would also be necessary to provide for a new rugby pitch. Given the need to remove trees, using the findings of a detailed tree survey (submitted with the representation), it is suggested that individual Tree Preservation Orders are applied where appropriate rather than the area designation. The view is expressed that an area TPO will severely limit the implementation of the illustrative master plan and prevent creation of the new access point off Hassall Road, an essential part of the redevelopment.
 - iii. To compensate for the loss of trees, it is proposed that a detailed landscape strategy be submitted at Reserved matters stage.
 - iv. The sale of surplus land to the north of the site will generate capital receipt to be reinvested in new facilities for MMU, Cheshire. The

University will be the largest investor in Cheshire with £35 m of investment in new facilities at Crewe. Failure to implement redevelopment of the surplus land will jeopardise the University's continued presence in Cheshire.

OBSERVATIONS

- 7.10 Taking into account the circumstances at the MMU Alsager Campus, it is considered that it was expedient for Congleton Borough Council to make the TPO in question.
- 7.11 In relation to the comments raised by the occupier of 37 Dunnocksfold Road, where a boundary is used to delineate a protected area of trees in a TPO there is no legal requirement for it to follow land ownership boundaries. The boundary in a TPO is used to identify the area within which trees are protected. In this particular case, whilst the TPO has a title which associated it with the MMU site, the area protected includes land in several ownerships, including Cheshire East Council. The boundary in this location has been checked and is considered appropriate.
- 7.12 With regard to the representations made on behalf of the owner of Grove House, a detailed inspection has been undertaken of the property and the trees therein and a meeting held with the landowner. The house and formal garden to Grove House was excluded from the Order although an adjoining parcel of land to the north was included. The parcel comprises a grassed area with scattered trees, located mainly around the periphery although there is a group of trees (mainly ornamental) in the centre. At the time the initial tree survey was undertaken, the ownership of the trees and parcel of land now known to be associated with Grove House was not known. On detailed inspection, the majority of the trees in this particular parcel of land are not of exceptional value. Certain specimens stand beneath overhead utility cables and will require significant pruning to achieve statutory clearances, others have structural defects which were not apparent on initial inspection. Overall, the view is taken that the individual trees may not be suitable for long-term protection. Whilst the issues raised relating to land value are noted, the legislation relating to TPOs provides only for the payment by the LPA of compensation for loss or damage caused or incurred as a result of a) their refusal of any consent under the TPO or b) their grant of a consent subject to conditions. Under such provisions, no compensation is payable for loss of development value. In this case, no consent for tree works at the property in question has been sought from the LPA. Nonetheless, taking into account the condition of the trees and the fact that the land is outside the wider MMU development site, the view is now taken that it would be expedient to exclude this parcel of land from the Order.
- 7.13 The representations submitted on behalf of the MMU are noted and in principle it is agreed that the long-term protection of trees on the site would best be achieved by a TPO which identifies specific trees or groups of trees as opposed to the blanket "Area" designation. Development proposals for the site have not, however, progressed as rapidly as was anticipated at the time the Order was made and the circumstances which led to the making of the

Order effectively remain unchanged. In the absence of planning approval, and more particularly a detailed planning approval, the weight which can be afforded to an illustrative master plan submitted must be limited.

- 7.14 The economic benefits of redevelopment of the MMU site are acknowledged and it is accepted that redevelopment may necessitate the removal of some trees on the site with further specimens being potentially unsuitable for long-term retention. The view is taken however, that it may be premature to afford protection to individual trees until discussions concerning development proposals are further advanced. It would not be appropriate at this stage, as suggested in the MMU representation, to make a detailed order excluding trees in the location of a proposed new access or in the position of a proposed rugby pitch as such elements do not have the benefit of planning approval. The arboricultural survey submitted by the MMU does not cover the whole MMU site and the retention of an Area Order at this time ensures that all trees are afforded protection. (With the exception of trees which are dying or dangerous which are exempt from the protection of the TPO). Once the Council considers the making of a detailed order is appropriate, it can revoke the existing order at the same time a new order is made. It is also important to bear in mind that with over 700 trees on the site and notwithstanding the submitted survey, there are significant resource implications for the Council in the preparation of a new order. In the meantime, applications for tree works can be considered on a case by case basis (one application has already been determined). Any proposed tree removal associated with a full planning application would be given due consideration as part of the determination of that application. The existence of any TPO, whether an Area designation or individual trees, is a material consideration in the determination of a planning application but does not necessarily preclude tree removal. The redevelopment of the MMU site, is not therefore, disadvantaged by the existence of the Area Order.

CONCLUSION

- 7.15 If the TPO is not confirmed the protection it affords trees will lapse on 16th June 2009. Whilst minor modifications can be made at confirmation stage, and trees /land can be excluded from an order, significant changes such as re-specifying trees within an 'Area' as individual specimens is not permitted. Taking into account the issues cited above, the view is taken that at the present time it would be expedient to confirm the order substantially in its present form, with the exclusion of the land at Grove House as indicated on the attached plan. When the Council is satisfied that the timing is appropriate, the TPO can be revoked and superceded by a further order identifying trees in a more specific manner.

8.0 Reasons for Recommendation

- 8.1 The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate controls over trees of amenity value whilst acknowledging and supporting the potential for redevelopment of the MMU campus in Alsager.

For further information:

Portfolio Holder: Councillor J Macrae

Officer: Anne Donkin, Senior Landscape and Tree Officer

Tel No: 01270 529655

Email: anne.donkin@cheshireeast.gov.uk

Background Documents:

The Manchester Metropolitan University, Alsager Campus Interim Tree Preservation Order 2008.

Letters as detailed in the report.

Documents are available for inspection at: Westfields, Middlewich Road , Sandbach.

TREE PRESERVATION ORDER

The Manchester Metropolitan University, Alsager Campus Interim TPO.

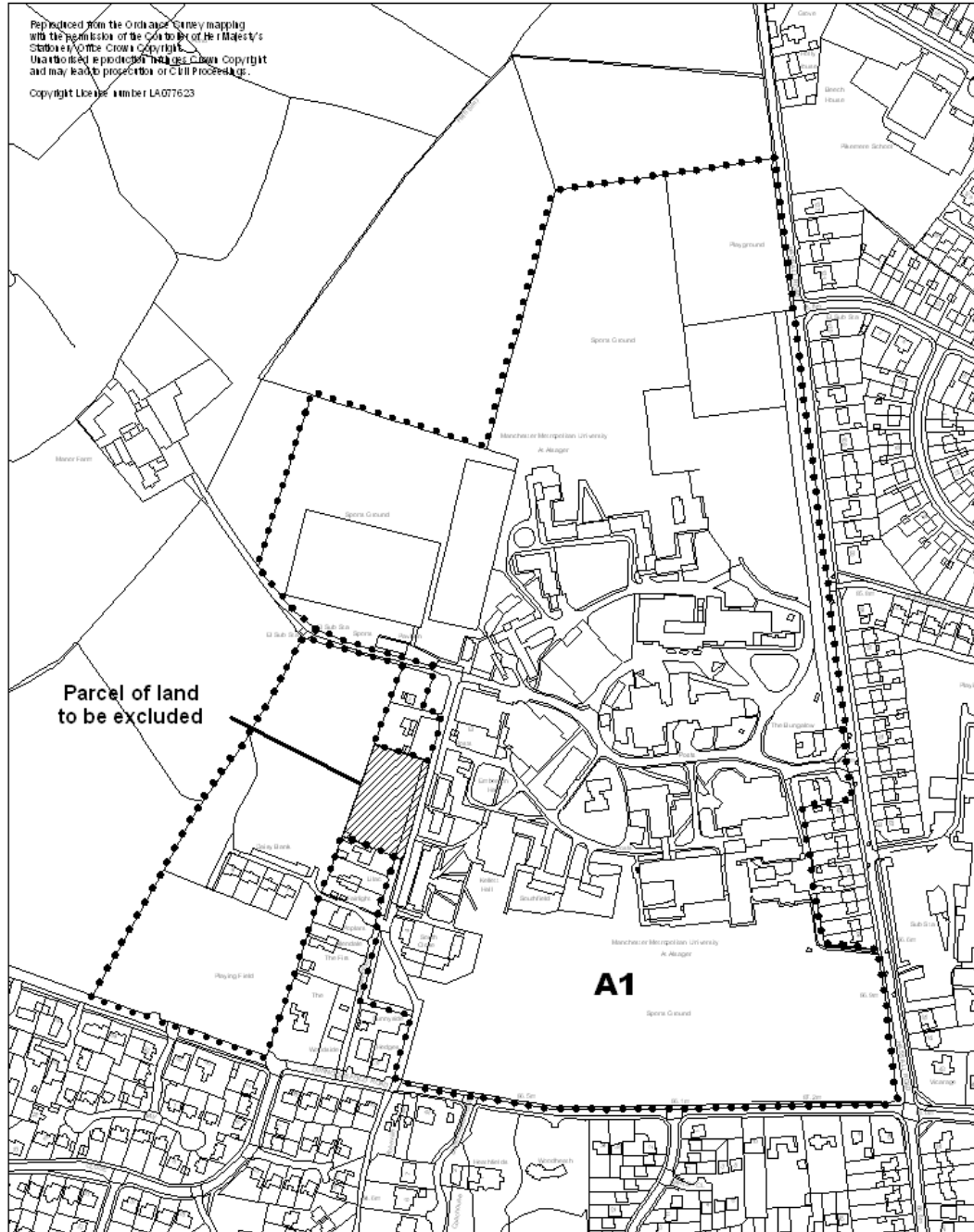


CONGLETON BOROUGH COUNCIL
WESTFIELDS'
MIDDLEWICH ROAD, SANDBACH,
CHESHIRE. CW11 1HZ

O.S. SHEET SJ7855

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DATE: DECEMBER 2008



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