

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 28th October, 2009</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

3. **Minutes** (Pages 1 - 8)

To approve the minutes of the meeting held on 7 October 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 529641

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

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

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

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

5. **09/1445N Proposed Two Storey Side Extension and Front Canopy, 27 Jackson Avenue, Nantwich, Cheshire for Mrs S Lightfoot** (Pages 9 - 14)

To consider the above planning application.

6. **09/2624C Detached Garage (retrospective), Heathlands Cottage, Street Lane, Rode Heath for Mr Stephen Gater** (Pages 15 - 20)

To consider the above planning application.

7. **09/2323N Erection of Proposed Silage Container Building, Holly Farm, Woodhouse Lane, Buerton, Crewe for Mrs J. Dodd** (Pages 21 - 26)

To consider the above planning application.

8. **09/2569C Substitution of House Types on Plots 7-24C and Amendments to Existing Approved Site Layout to Facilitate the Creation of Plots 7-24C (Increase from 19 to 40 Dwellings), Plots 7-24C The Kingfishers Finneys Lane Middlewich for P E Jones (Contractors) Limited** (Pages 27 - 32)

To consider the above planning application.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 7th October, 2009 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors T Beard, M Davies, S Furlong, L Gilbert, S Jones, A Kolker,  
S McGrory, R Walker and J Weatherill

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors D Brown, A Moran and A Barratt

**OFFICERS PRESENT**

Rachel Goddard (Senior Lawyer), David Garratt (Development Control  
Manager – Macclesfield Office), Rosamund Ellison (Principal Planning  
Officer) and Hannah Parish (Principal Planning Officer)

**Apologies**

Councillors D Bebbington and B Howell

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

Councillor R Walker declared a personal and prejudicial interest in application number 09/1624W on the grounds that he had previously had business dealings with the applicant. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor A Barratt, who was in attendance at the meeting, declared a personal interest in respect of application number 09/2624C on the grounds that he was a member of Odd Rode Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor D Brown, who was in attendance at the meeting, declared a personal interest in respect of application number 09/2082C on the grounds that he was a member of Congleton Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor A Moran, who was in attendance at the meeting, declared a personal interest in respect of application number 09/1445N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

**78 MINUTES**

RESOLVED – That the minutes of the meeting held on 16 September 2009 be approved as a correct record and signed by the Chairman.

**79 09/2082C - ERECTION OF 6000 FREE RANGE CHICKEN UNIT, LAND OFF LAMBERTS LANE, CONGLETON FOR MR J A ECKERT**

Note: Councillor D Brown (the Ward Councillor), Councillor D Martin (on behalf of Congleton Town Council), and Mr T Byrne, Mr P Coleshaw, Mr P Bona and Dr R Garnsey (objectors) attended the meeting and addressed the Committee on this matter. Mr I Pick (agent) had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That on the basis of:

- (a) concerns raised in late representations in relation to:
  - the GCN survey and information to show that badgers use the site;
  - the lack of information to demonstrate the business is actually viable and can finance the labour requirements which will be needed for the unit
  - the absence of a full MEXE Assessment report on the canal bridge
- (b) the planning officer's verbal recommendation for refusal, contrary to the recommendation for approval as set out in the committee report and updates

the application be REFUSED for the following reasons:

1. Notwithstanding the submitted Great Crested Newt Population Size Class Assessment Survey dated May 2007 and the letter dated 12<sup>th</sup> August 2009 which updates that report the submission fails to demonstrate that the provision of the poultry unit and the use of the adjoining land by free range chickens will not adversely affect the favourable conservation status of Great Crested Newts. Further the submissions fail to recognise the badger paths across the site and take this into consideration. To allow the development would be contrary to policy NR.2 (Wildlife and Nature Conservation) of the adopted Congleton Borough Local Plan First Review.

2. Insufficient information is submitted with the viability assessment to satisfactorily demonstrate that the unit can support the cost of the labour required for the unit bearing in mind the long hours required for this type of operation. It is considered that more than one employee would be required. To allow the development would be contrary to policy BH13 (New Agricultural Buildings) of the adopted Congleton Borough Local Plan First Review.
3. Insufficient information, specifically an up to date MEXE assessment, is required to show that the canal bridge can accommodate the weight of the vehicles generated by the poultry unit without damage to the listed canal bridge. To allow the development would be detrimental to the Grade II listed structure and contrary to policy BH4 of the Congleton Borough Local Plan First Review.

**80 09/1624W - RETROSPECTIVE PERMISSION FOR THE IMPROVEMENT AND EXTENSION OF AN EXISTING AGRICULTURAL TRACK FOR USE IN ASSOCIATION WITH AGRICULTURAL AND GREEN WASTE COMPOST OPERATIONS AT FOXES BANK AND WHITTAKERS GREEN FARM, PEWIT LANE, HUNSTERTON, NANTWICH, CHESHIRE, CW5 7PP FOR MR F.H RUSHTON**

Note: Having declared a personal and prejudicial interest in this application, Councillor R Walker withdrew from the meeting during consideration of this item.

Note: Mrs J Cross (objector) attended the meeting and addressed the Committee on this matter. Councillor D Brickhill (Ward Councillor) had registered his intention to speak but did not attend the meeting.

The Committee considered a report regarding the above planning application.

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

1. Approved plans;
2. Construction details provided and where necessary reconstructed;
3. Maintenance to ensure level surface and no rutting, potholing or ponding water;
4. Passing bays to be constructed in accordance with approved plans and retained and kept clear throughout the life of the development;
5. Restoration in the event of cessation of waste operations at Whittakers Green Farm; and
6. Any deposit of mud or debris on the adjacent highway resulting from the access track, shall be moved immediately from the highway.

**81 09/2043C - SINGLE STOREY SIDE EXTENSION: RETROSPECTIVE 46 FAIRFIELD AVENUE, SANDBACH, CHESHIRE, CW11 4BP FOR MR. S. MOGRIDGE**

Note: Councillor S Holland (on behalf of Sandbach Town Council) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

Committee Members noted that in the penultimate paragraph of the officer appraisal section of the report 'unlawful' should be replaced by 'unauthorised'.

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

1. Three-year time limit.
2. The development shall be undertaken in accordance with the materials submitted namely Dark Brown Forticrete Gemini tiles and Ibstock Appleton Harvest Blend bricks.

**82 09/1339N - RESTORATION OF PECKFORTON CASTLE TO PROVIDE 11 BEDROOMS AND ADDITIONAL PUBLIC HOTEL SPACE, PECKFORTON CASTLE FOR MAJORSTAGE HOLDINGS**

Note: Mr J Edwards (agent) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. Standard
2. Plans
3. Materials
4. Conservation area style roof lights
5. Drainage
6. Materials
7. Mortar Mix
8. Hinges to proposed stair glazed screen Painted Black
9. Stainless Steel Patches to Proposed Stair Glazed Screen
10. Metal frame to rooflights to be painted black
11. Colour of doors to lift
12. Finished colour of doors
13. Door hinges painted black
14. Stone steps in Bistro to be retained
15. All existing Fireplaces and their grates to be restored and retained

16. All air vents and grills should be painted black
17. All external windows to be single glazed
18. Cleaning Mechanism of stonework
19. Details of approach to blown sandstone
20. All plaster to be lime based
21. Retain existing oven ranges
22. Restore/replace windows and their openings like for like
23. Details of lack of DPM
24. Details of dealing with rotten timber
25. Describe and illustrate all replacement doors
26. Describe and illustrate proposed replacement radiators
27. To be constructed in accordance with the structural engineers report
28. Rainwater goods to be cast iron and painted black
29. Bat boxes
30. To be constructed in accordance with the mitigation package.

[Note: Following consideration of this item, Councillor M Davies left the meeting.]

**83 09/1332N - RESTORATION OF PECKFORTON CASTLE TO PROVIDE 11 BEDROOMS AND ADDITIONAL PUBLIC HOTEL SPACE, PECKFORTON CASTLE FOR MAJORSTAGE HOLDINGS (LISTED BUILDING CONSENT)**

Note: Mr J Edwards (agent) had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to:

(a) the following conditions:

1. Standard
2. Plans
3. Materials
4. Conservation style roof lights
5. Drainage
6. Materials
7. Mortar mix
8. Hinges to proposed stair glazed screen painted black
9. Stainless steel patches to proposed stair glazed screen
10. Metal frame to rooflights to be painted black
11. Submit colour of doors to lift
12. Finished colour of internal/external doors and any staining
13. Door hinges painted black
14. Stone steps in Bistro to be retained
15. Method Statement to show how the existing fireplaces and their grates are to be restored and retained

16. All air vents and grills should be painted black
17. All external windows to be single glazed
18. Cleaning Mechanism of stonework to be submitted
19. Details of approach to blown sandstone
20. All plaster to be lime based
21. Retain existing oven ranges in Bistro
22. Restore/replace windows and their openings like for like
23. Submit details of addressing the lack of DPM
24. Details of dealing with rotten timber to include the room to be left vacant for the bats
25. Describe and illustrate all replacement doors/windows
26. Conservation style radiators
27. To be constructed in accordance with the structural engineers report
28. Rainwater goods to be cast iron and painted black
29. Existing staircase in the Bistro to be retained
30. Manifestation details

- (b) referral to the Government Office for the North West, as Peckforton Castle is a Grade 1 Listed Building.

**84 09/0481C - RELOCATION OF EXISTING FLOODLIT ALL WEATHER SPORTS FACILITY, DEMOLITION OF EXISTING OAKLANDS MEDICAL CENTRE AND THE CONSTRUCTION OF 2 SEPARATE BUILDINGS COMPRISING A TWO-STOREY DENTAL FACILITY WITH PHARMACY AND A THREE-STOREY MEDICAL CENTRE WITH ASSOCIATED ACCESS AND PARKING, OAKLANDS MEDICAL CENTRE, ST ANNS WALK, MIDDLEWICH, CHESHIRE, CW10 9FG FOR MR DARREN OXLEY - OAKAPPLE**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED

- (a) For a Committee site inspection so that Members can assess the impact of the proposed development.
- (b) To enable planning officers to provide more information regarding:
- (i) adequacy of car parking
  - (ii) appropriateness of design
  - (iii) improvements to White Horse Alley
  - (iv) a potential phasing scheme to ensure time without pitches is minimised.

[Note: Following consideration of this item, the meeting was adjourned from 3.50 pm to 4.00 pm.]



**85 09/1445N - PROPOSED TWO STOREY SIDE EXTENSION AND FRONT CANOPY, 27 JACKSON AVENUE, NANTWICH, CHESHIRE CW5 6LL FOR MRS S LIGHTFOOT**

Note: Councillor A Moran (the Ward Councillor) and Mr B Cull (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 DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on the neighbouring residential property.

**86 09/2624C - DETACHED GARAGE (RETROSPECTIVE), HEATHLANDS COTTAGE, STREET LANE, RODE HEATH, ST7 3SN FOR MR STEPHEN GATER**

Note: Councillor A Barratt (Ward Councillor) and Mr G Allen (agent) 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 development on the Green Belt and on the street scene.

**87 09/2665N - REMOVAL OF 2 NO. CONDITIONS PREVIOUSLY APPLIED ON APPROVED APPLICATION P06/0547 NAMELY CONDITIONS 3 & 4 AND THE CONVERSION OF THE EXISTING GARAGE INTO AUXILIARY ACCOMMODATION WITH A POSSIBILITY OF RENTING OUT AS A HOLIDAY LET, 2 SWEDISH HOUSES, AUDLEM ROAD, HANKELow, CHESHIRE, CW3 0JF FOR MR & MRS HEMMINGS**

The Committee considered a report regarding the above planning application.

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

- 1 Standard
- 2 Materials to match
- 3 Plans

The meeting commenced at 2.00 pm and concluded at 4.35 pm

Councillor B Dykes (Chairman)

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<b>Planning Reference No:</b>	09/1445N
<b>Application Address:</b>	27 Jackson Avenue, Nantwich, Cheshire, CW5 6LL
<b>Proposal:</b>	Proposed Two Storey Side Extension and Front Canopy
<b>Applicant:</b>	Mrs S Lightfoot
<b>Application Type:</b>	Householder
<b>Grid Reference:</b>	365903 352188
<b>Ward:</b>	Nantwich
<b>Earliest Determination Date:</b>	9 <sup>th</sup> September 2009
<b>Expiry Dated:</b>	12 <sup>th</sup> October 2009
<b>Date of Officer's Site Visit:</b>	13 <sup>th</sup> August 2009
<b>Date Report Prepared:</b>	21 <sup>st</sup> September 2009
<b>Constraints:</b>	None

### **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

- Impact on Streetscene
- Impact on Amenity of adjacent properties
- Impact on highway safety

## **1. REASON FOR REFERRAL**

The application was deferred from the Southern Planning Committee on 7<sup>th</sup> October 2009 to allow Members to visit the site. This application was to be dealt with under the Council's delegation scheme. However Cllr Morran has requested it to be referred to Committee due to bulk and size of extension and proximity with neighbouring property No.29 Jackson Avenue.

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

The site is a two storey semi-detached property located on Jackson Avenue which is within the settlement boundary for Nantwich. The dwelling is set back from the edge of the public highway by 6m and has a driveway to the side of the dwelling, also to the side is a single storey flat roof utility room. Adjacent to the site is a new residential development which is sited forward of No.27 Jackson Avenue by 3.5m, that dwelling is sited on marginally higher land than the application site. Defining the boundary between the application site and No.29 is a 2.5m high boundary wall which is in shared ownership.

## **3. DETAILS OF PROPOSAL**

The scheme proposes the construction of a two storey side extension for an extended kitchen and utility room at ground floor and a fourth bedroom with en-suite and extended bathroom at first floor level. The extension will be set back from the building line of the original dwelling by 0.5m with a lower ridge height of 0.3m than the original. A canopy is proposed to the front elevation over the existing window and door and the proposed car

port. Two further parking spaces to the front of the dwelling have also been proposed. The scheme will involve the removal of the existing ground floor side extension and shared boundary wall.

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

No relevant on site planning history

#### **5. POLICIES**

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

##### **Local Plan policy**

BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
RES.11 Improvements and Alterations to Existing Dwellings  
TRAN.9 Car Parking Standards

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

Local Development Framework - Extensions and Householder Development Supplementary Planning Document (2008)

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

**Highways:** No Highways Objections

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

The Town Council request the Planning Officer to consider very carefully the bulk and size of this proposal and its effect on neighbours.

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

Two letters of objection received from the adjacent property No.29 Jackson Avenue. The salient arguments being:

- Construction will seriously affect daylight
- At the nearest point the extension will only be 1m from their property
- Development will necessitate erection of scaffolding in their property and will result in damage to shrubs and side gable
- Development will result in a reduction of parking provision
- Boundary wall in shared ownership
- Boundary wall would have to be demolished or strengthened

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

None

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site is located within the settlement boundary for Nantwich and therefore the principle of an extension to this property is acceptable providing the requirements of Policies RES.11 (Improvements and Alterations to Existing Dwellings), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) are satisfied, along with guidance contained within the Extensions and Householder Development SPD.

### **Design**

Policy RES.11 requires that extensions should respect the setting, design, scale and form of the original dwelling, and the Extensions and Householder Development SPD goes further to state that side extensions should be set back from the front elevation with a reduction in roof height so that the extension appears subordinate and avoids a terracing effect. The proposed extension will be set back from the front elevation of the original dwelling by 0.5m whilst having a reduced ridge height of 0.3m. The proposed extension will therefore appear as a subordinate addition to the host dwelling.

The SPD states that design features found on the host dwelling should be incorporated into the scheme and windows should normally be of the same scale as the original house. A wrap around canopy is proposed above the ground floor fenestration which is a similar feature to other canopy's on dwellings along Jackson Avenue. Although the proportions of the proposed windows do not replicate the existing openings exactly it is considered that they would not draw undue attention to themselves and would not have a detrimental impact on the character and appearance of the streetscene.

### **Amenity**

Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through loss overshadowing, overlooking, visual intrusion or any other way. The proposed extension will be sited immediately adjacent to the boundary with No. 29 Jackson Avenue. The development will be in close proximity to the flank elevation of that property however the proposals will not result in a loss of daylight to the first floor landing window as this does not serve a habitable room.

No.29 Jackson Avenue is sited forward of the application site and the proposed side extension would therefore be sited 2.5m beyond the rear building line of that property, which is also sited at a slight angle. There are principle windows in the rear elevation of the No.29 including a kitchen window at ground floor level and a bedroom window at first floor level. The proposed development would breach the 45° horizontal standard by 500mm measured from the centre of both these windows. However the development would not be in breach of the 45° vertical standard when measured from the first floor bedroom window. With regard to the kitchen window, it is considered that the siting of the extension which only projects by 2.5m beyond the rear building line of No.29 and the minor extent of the breach (500mm) that there would not be an adverse impact on the amenities of the adjacent property through loss of light to the kitchen window in this instance. Furthermore, the existing boundary treatment between the two properties at the rear consists of 4.5m high coniferous trees which would currently reduce the level of light reaching that kitchen window.

The proposed extension will be sited immediately adjacent to the boundary with that property and consideration therefore has to be given to whether the proposed extension would have an overbearing impact on the amenities of that property. The majority of the two storey extension will be sited opposite the flank elevation of No.29 which has an access path to gain access to the rear of the property. The proposed extension will project by approximately 2.5m from the rear building line of the adjacent property which although this would be clearly prominent from the rear amenity space and visible from the rear facing windows of that property this would not have a significantly adverse impact on the amenities of that property to justify a refusal.

The rear facing first floor windows will be obscure glazed and will not result in any overlooking into the adjacent properties private amenity space. An obscure glazing condition is considered appropriate along with the removal of PD rights for further windows in the side elevation of the property.

### **Highways**

The submitted plans identify that two additional car parking spaces will be provided within the front garden of the application site. There will therefore be a total of three off street parking spaces provided at this property which exceeds the minimum parking standards set out in the Local Plan. There have been no objections from the Highways Authority on these proposals. The proposed additional hardstanding should however be permeable or surface water directed to a permeable area within there curtilage. A condition is therefore required to secure this.

### **Other Issues**

The issues relating to the boundary wall being in shared ownership and the siting of scaffolding within the adjacent properties curtilage are civil matters.

## **11. CONCLUSIONS**

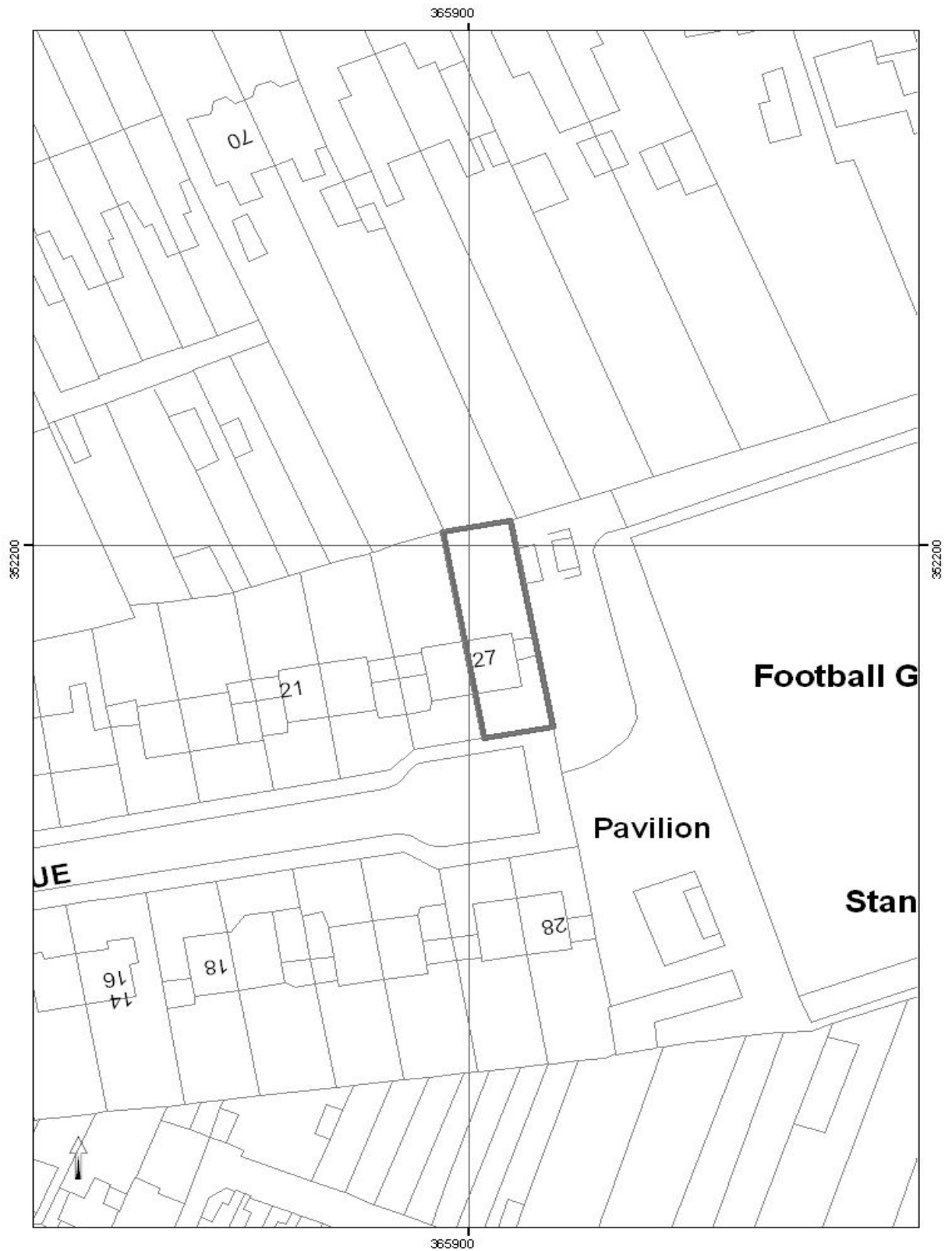
The proposed extension represents an acceptable form of development as the design is in keeping with the character of the existing building and the surrounding and the extension will not have an adverse impact on neighbouring amenity. Therefore the proposed development is in compliance with Policies BE.1 (Amenity) BE.2 (Design Standards) RES.11 (Extensions 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).

## **12. RECOMMENDATIONS**

**APPROVE subject to conditions**

- 1. Standard time**
- 2. Plans**
- 3. Materials as existing**
- 4. Obscure Glazing to rear windows**
- 5. Additional Parking Area to be of Permeable Surface**
- 6. Remove PD for additional windows to side elevation**

**LOCATION PLAN: East Council Licence No.100049045**



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<b>Planning Reference No:</b>	09/2624C
<b>Application Address:</b>	Heathlands Cottage, Street Lane, Rode Heath, ST7 3SN.
<b>Proposal:</b>	Detached garage (retrospective)
<b>Applicant:</b>	Mr Stephen Gater
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Sandbach East
<b>Registration Date:</b>	18 <sup>th</sup> August 2009
<b>Earliest Determination Date:</b>	22 <sup>nd</sup> September 2009
<b>Expiry Date:</b>	12 <sup>th</sup> October 2009
<b>Date report Prepared</b>	23 <sup>rd</sup> September 2009
<b>Constraints:</b>	Green Belt

#### **SUMMARY RECOMMENDATION:**

**REFUSE** on the grounds that the garage creates an inappropriate feature in the Green Belt, which detracts from the character of the area and the surrounding buildings.

#### **MAIN ISSUES:**

Inappropriate development in the Green Belt  
Impact on the openness of the Green Belt

#### **REASON FOR REFERRAL**

The application has been called in By Councillor Andy Barratt on the grounds that the impact of these retrospective proposals upon the character, openness and amenity of the green belt needs to be sensitively considered having regard to the existence of a less satisfactory fall back position if the proposals are refused. The minimal impact which this development has on the character, appearance and amenity of the area would leave the Council in a vulnerable position if the application were to be effused and the matter taken to appeal.

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

#### **DESCRIPTION AND SITE CONTEXT**

The application site comprises a semi-detached cottage and detached garage situated on the eastern side of Street Lane, Rode Heath. The property is within the South Cheshire Green Belt.

The garage was included with a previous retrospective application for extensions to the dwelling and a patio cover, which was refused consent in January 2009. Consent was granted for extensions and a detached garage in 1995, following refusal of a larger scheme in the same year, however the extensions and garage were not constructed in compliance with the approved plans. The extensions are

currently subject to an application for a Certificate of Lawfulness. The applicant was the owner of the site at the time of the previous applications.

## **DETAILS OF PROPOSAL**

The garage as constructed is 5.65m wide and 8.95m deep with an eaves height of 3.45m and a ridge height of 6.35m. The building as approved should be 5.5m wide, 8.5m deep with an eaves height of 2.5m and ridge height of 5.5m. It is rendered to match the cottage and has windows on both the front and rear elevations at first floor level.

## **RELEVANT HISTORY**

08/1850/FUL            2009 Refusal for alterations to previously approved extensions and erection of a detached garage with roof space accommodation and timber-framed patio cover. (Retrospective)

27405/3                1995 Approval for living room, kitchen, hall, bathroom and bedroom extension with separate garage.

27165/3                1995 Refusal for living room, kitchen, hall, bathroom and bedroom extension with separate garage.

26435/3                1994 Approval for proposed new drive and off road parking area and reinstatement to two dwellings.

## **POLICIES**

The site is not allocated in the Local Plan but the following policies apply:

### **National**

PPG2            Green Belts

### **Regional**

DP1            Spatial Principles  
DP7            Environmental Quality  
RDF12        Rural Areas

### **Local**

PS7            Green Belt  
GR1            General Criteria for New Development  
GR2            Design  
H16            Extensions to Dwellings in Open Countryside and Green Belt

## **CONSIDERATIONS (External to Planning)**

### **Environmental Health:**

No comments received at the time of report writing.

### **Highways:**

No comments received at the time of report writing.

## **VIEWS OF TOWN/PARISH COUNCIL**

No comments received at the time of report writing.

## **OTHER REPRESENTATIONS**

No comments received at the time of report writing.

## **APPLICANT'S SUPPORTING INFORMATION**

Supporting Statement

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is contained within the South Cheshire Green Belt and as such the primary guidance that should be complied with is Planning Policy Guidance Note 2: Green Belts. This guidance states that the construction of new buildings within the Green Belt is inappropriate unless it is for limited extension, alteration or replacement of existing dwellings. In addition it is stated that extensions of or alterations to existing dwelling in the Green Belt are not inappropriate provided that it does not result in disproportionate additions over and above the size of the **original** building.

Policy H16 of the local plan has the following requirements:

- The proposed extension is well designed having due regard to the scale, style and materials of the existing dwelling; and
- The proposed extension is not disproportionate to the original dwelling and would not result in significant detrimental effect upon the character of the original dwelling; or
- The extension is necessary to provide a satisfactory standard of facilities in a very small existing dwelling and the resultant dwelling would still be in keeping with the character of adjoining properties and the wider area.

Taking into consideration the information outlined above, it is considered that the garage especially when viewed in conjunction with the extensions which are currently being assessed as to whether they are lawful development, does not comply with these policies. It is disproportionate to the **original** dwelling, out of character with the neighbouring properties and is not necessary to provide a satisfactory standard of facilities.

### **Impact on the Openness of the Green Belt**

PPG 2 states that the most important attribute of Green Belts is their openness and as such new development should not contribute to the erosion of this. The garage as approved was 5.5m wide, 8.5m deep with an eaves height of 2.5m and ridge height of 5.5m, whereas as constructed it is 5.65m wide, 8.95m deep with an eaves height of 3.45m and a ridge height of 6.35m. The supporting statement

submitted with the application makes a comparison with the garage that was granted approval on the site in 1995, drawing the conclusion that the overall impact of the increased size of the garage is minimal and has no perceivable impact on the openness of the Green Belt. However it is considered that although the increase in height of the building both at eaves and ridge level is just less than 1m and the increase in width of 150mm and depth of 450mm, the cumulative increase and resultant impact on the openness of the Green Belt is considerable and therefore unacceptable.

### **CONCLUSIONS AND REASONS FOR THE DECISION**

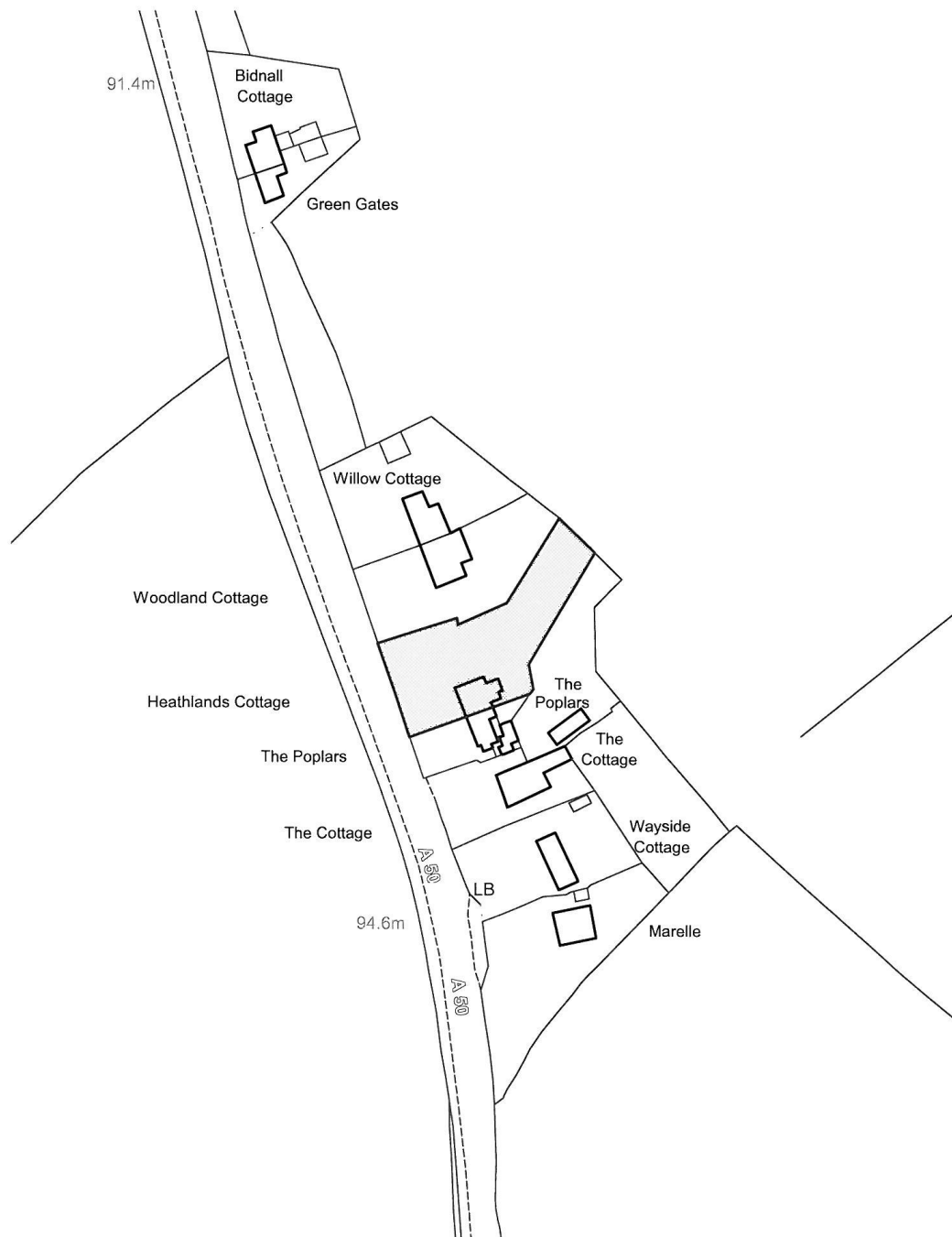
In conclusion it is considered that the garage does not comply with the national guidance or the relevant policies in the adopted local plan, by virtue of its unacceptable impact on both the openness of the Green Belt and the character and appearance of the original dwelling and neighbouring properties.

### **RECOMMENDATION:**

Refuse for the following reason:

The garage by virtue of its height and massing, results in an inappropriate feature in the Green Belt and detracts from the character of the area, the original dwelling and the surrounding buildings, contrary to Planning Policy Guidance Note 2: Green Belts and Policies GR1, GR2 and H16 of the adopted Congleton Borough Local Plan First Review 2005.

**LOCATION PLAN: East Council Licence No.100049045**



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<b>Planning Reference No:</b>	09/2323N
<b>Application Address:</b>	Holly Farm, Woodhouse Lane, Buerton, Crewe, CW3 0DT
<b>Proposal:</b>	Erection of proposed silage container building
<b>Applicant:</b>	Mrs J. Dodd
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	368863 341339
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	14 <sup>th</sup> September 2009
<b>Expiry Dated:</b>	15 <sup>th</sup> November 2009
<b>Date of Officer's Site Visit:</b>	25 <sup>th</sup> August 2009
<b>Date Report Prepared:</b>	21 <sup>st</sup> August 2009
<b>Constraints:</b>	Open Countryside

### **SUMMARY RECOMMENDATION**

**Subject to no objection to the retaining wall details by the Highways Authority, Approve subject to conditions**

### **MAIN ISSUES**

**Impact of the development on:-**

- The living conditions of neighbouring properties
- Design and Impact upon the character and appearance of the area
- Highway Safety
- Protected Species

## **1. REASON FOR REFERRAL**

This application is referred to Committee because the proposal is defined as a major application as it exceeds 1000sq.m.

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

The site is located to the east of Holly Farm within the open countryside. Holly Farm is a working dairy farm and contains a traditional red brick farmhouse and a number of traditional brick and modern agricultural buildings. The application site is alongside an existing modern agricultural building with a native hedgerow to the road and west with a large tree also positioned onto the western boundary. At the time of the site inspection works had commenced and a large area of land had been excavated from the site.

## **3. DETAILS OF PROPOSAL**

This application relates to the erection of a silage storage building which would have a width of 42.6 metres, a length of 73 metres and a double pitched roof with a ridge height of 9 metres. The building would be constructed in concrete and Yorkshire Boarding with a corrugated sheeted roof. The building is proposed to be cut into the adjacent land which rises in level to the west of the site.

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

P03/0759 - Erection Of A Slurry Tank – Approved 31<sup>st</sup> July 2003

P92/0819 - Stock building (GDO Determination) – Planning Permission Not Required 23<sup>rd</sup> October 1992

#### **5. POLICIES**

##### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Promote Environmental Quality

RDF2 Rural Areas

##### **Local Plan policy**

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

NE.2 Open Countryside

NE.7 Sites of National Importance for Nature Conservation

NE.9 Protected Species

NE.14 Agricultural Buildings Requiring Planning Permission

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

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 7 (Rural Areas)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

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

**Highways:** No objection. Additional comments are awaited in relation to the structural information which has been submitted.

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

No comments received at the time of writing this report

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

No representations received at the time of writing this report

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

##### **Design and Access Statement produced by Ian Pick Associates**

- There is sufficient space on the site and only soil and sand is required to be removed
- The idea of semi-burying the building by means of cutting into the bank seemed the logical idea which would allow such a large functional building that would not dominate the landscape;
- The farm has seen a great deal of expansion in the last 10 years , mainly due to the hard work and determination of the family, increasing the dairy herd and the acquisition of further surrounding land;



- The walls to three sides of the building will be almost hidden by the surrounding land which sits at a higher level;
- The scale of the proposed building is appropriate when taking into account the size of the plot and the neighbouring farm buildings which already exist;
- The hedgerow bordering the front of the site will be retained;
- The site will be serviced off a concrete hard standing to the south-west of the site which serves the adjoining building.

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The site is located in open countryside where policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan allows for essential development for the purposes of agriculture. Policy NE.14 allows for new agricultural buildings subject to a number of requirements one of which is that the building is required for and is ancillary to the use of the land for agriculture.

PPS7 notes that planning policies should support development which allows agriculture to adapt to new and changing markets and diversify into new agricultural opportunities. Therefore there are no objections in principle to the proposed use at this site.

Works have commenced on site and a large amount of sand has been excavated for which no planning permission has been granted. The applicant has stated that this excavation of land is required to ensure that the level of the building matches that of the existing buildings to enable a flat platform for livestock and machinery to access the building in a safe and efficient manner and also to ensure that the large and functional building would not dominate the landscape. The justification for the excavation of this land is accepted and it is not considered that this issue would warrant the refusal of this application.

### **Amenity**

The nearest residential property to the application site is The Ash which is approximately 240 metres to the south-west on the opposite side of the road. It is not considered that the development will have any impact upon neighbouring residential amenity given the separation distance and due to the fact that the building would be located adjacent to an existing farm complex.

### **Design**

The proposed building would have a concrete base with the majority of the elevational treatment being Yorkshire boarding. Due to the proximity to the highway the proposed building would be visible from Woodhouse Lane; the eaves height at the south-western corner of the building would be 3 metres higher than the boundary hedgerow to Woodhouse Lane and the south-eastern corner of the building would be at the same level as the boundary hedgerow to Woodhouse Lane. It is considered that the changes in land level would result in the building being partially obscured and that the design of the proposed agricultural building is acceptable in this location. The proposal would be sited alongside the existing farm buildings and would be viewed in relation to the existing buildings on the site and is therefore acceptable.

## **Ecology**

The nearest pond is over 280 metres from the application site and Great Crested Newts are listed as a protected species under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Given the separation distance and the fact that the application site was managed agricultural land it is considered that the site is of limited habitat value for Great Crested Newts. As a result the development is considered to be acceptable in terms of its impact upon Great Crested Newts and the scheme of landscaping will provide improved habitat.

## **Highways**

As stated above the excavation works have been carried out at the site and this includes land up to the boundary with the highway. This has resulted in Woodhouse Lane being closed for safety reasons as the works may have affected the structural condition of the road which is at risk of collapse. This has been brought to the attention of the applicant who has commissioned a structural engineer who has provided details of a retaining wall which would keep the road in position. These details have been forwarded to the Highways Department for consideration and these comments will be reported to Committee as part of the Late Update Report.

## **Trees/Hedgerows**

As already stated a large amount of ground has now been removed from the site and this excavation works is in close proximity to the boundary hedgerows and 1 Ash tree. It is likely that the excavation works will have caused significant damage to this Ash tree and it is unlikely to survive. Therefore a condition will be attached to ensure that the planting of 5 native trees are adjacent to the application site.

## **9. CONCLUSIONS**

The proposal is considered to be of an acceptable design to serve its purpose and would be viewed as part of the group of agricultural buildings that are located on the site, while it is considered that the proposal would have minimal impact on residential amenity.

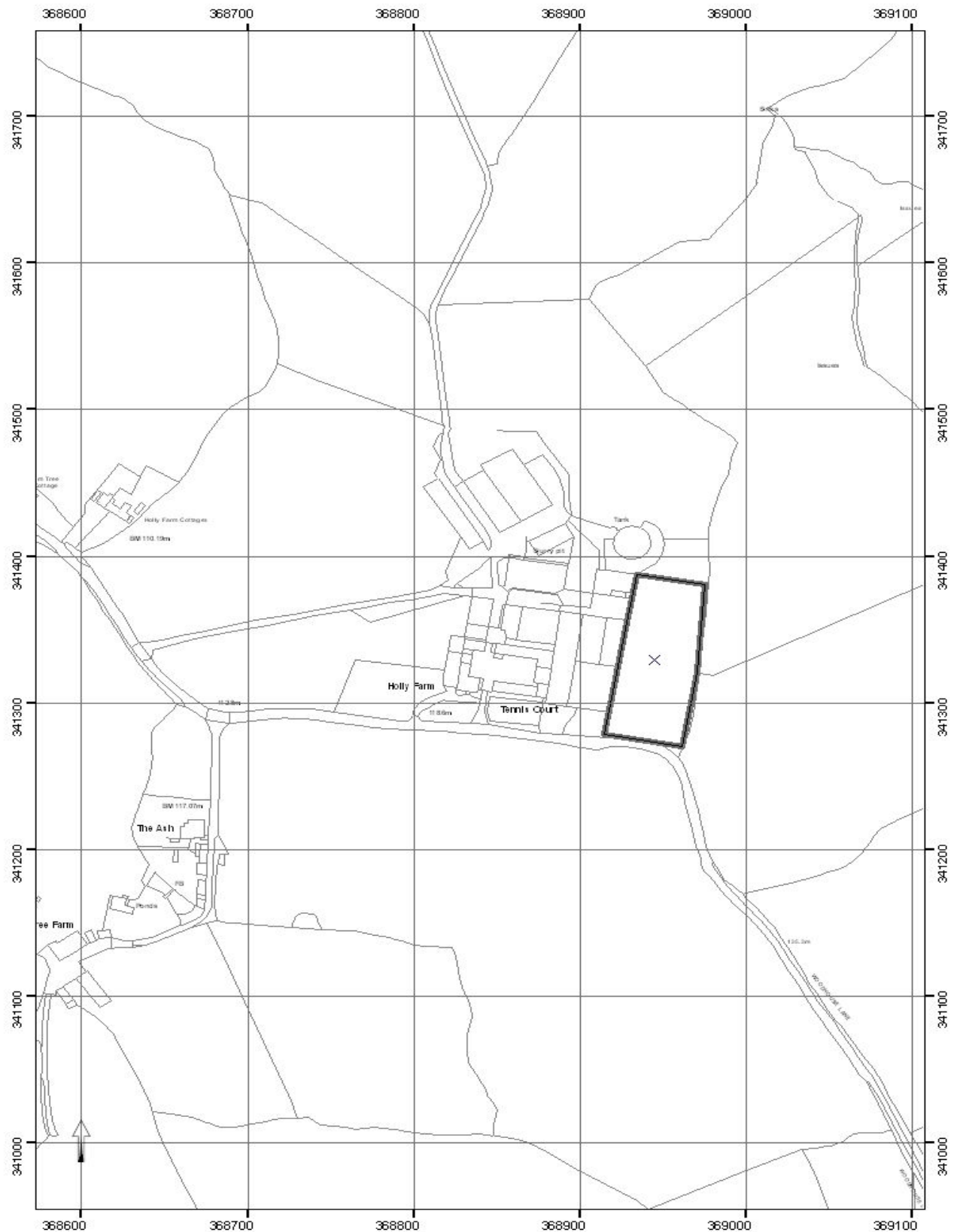
## **10. RECOMMENDATIONS**

**Subject to no objection to the retaining wall details by the Highways Authority**

**APPROVE subject to the following conditions;**

- 1. Standard Time**
- 2. Materials as specified**
- 3. Approved Plans**
- 4. Landscaping to be submitted including the planting of 5 native trees along the eastern boundary of the building**
- 5. Landscaping to be completed and maintained**

LOCATION PLAN: East Council Licence No.100049045



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<b>Planning Reference No:</b>	09/2569C
<b>Application Address:</b>	Plots 7-24C The Kingfishers Finneys Lane Middlewich
<b>Proposal:</b>	Substitution of House Types on Plots 7-24C and Amendments to Existing Approved Site Layout to Facilitate the Creation of Plots 7-24C (Increase from 19 to 40 Dwellings)
<b>Applicant:</b>	P E Jones (Contractors) Limited
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Middlewich
<b>Registration Date:</b>	11 August 2009
<b>Earliest Determination Date:</b>	9 November 2009
<b>Expiry Date:</b>	12 <sup>th</sup> October 2009
<b>Date report Prepared</b>	9 November 2009
<b>Constraints:</b>	

**SUMMARY RECOMMENDATION:****APPROVE** subject to conditions**MAIN ISSUES****Preservation of trees, impact on the character of the area****1. DETAILS OF PROPOSAL**

This application is for the variation of approved house types on the partially developed Kingfishers estate off Finneys Lane in Middlewich and the provision of an additional 21 units together with amendments to the layout.

**2. RELEVANT HISTORY**

The site already benefits from a historic approval for the development of 71 dwellings on the site (ref. no. 34624/3) granted on 2002. This approval has subsequently been amended twice (ref. no. 06/1430/FUL and 08/0596/FUL) in 2008 and 2009 to allow the substitution of house types.

**3. POLICIES****Local Plan Policy**

GR1 'New Development'

GR2 'Design'

GR3 'New Residential Development'

GR4 &amp; 5 'Landscaping'

GR6 &amp; 7 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

H1 & H2 'Provision of New Housing Development'  
H4 'Residential Development in Towns'  
H13 'Affordable and Low Cost Housing'  
NR1 'Trees and Woodlands'

SPG1 'Provision of Public Open Space in New Residential Developments'  
SPG2 'Provision of Private Open Space in New Residential Developments'  
SPD6 'Affordable Housing and Mixed Communities'

**Other Material Considerations**

PPS1 'Delivering Sustainable Development '  
PPS3 'Housing'  
PPG16 'Archaeology and Planning'  
PPS23 'Planning and Pollution Control'

**4. CONSIDERATIONS (External to Planning)**

**Highways:**

No comments were received from the Highways Officer

**Environmental Health:**

The Environmental Health Officer has written to confirm they have no objection to the proposal.

**Landscape Officer**

The Landscape Officer has commented on the proximity of the development to the protected TPO trees surrounding the site and the suitability of the open space provided.

The Officer has expressed concern that the proposal fails to give due consideration to the trees and notes that whilst the tree survey makes comment that a tree constraints plan and arboricultural method statement needs to be prepared, these documents are not currently in place.

In respect of the open space, they have raised no objection but commented to state that this will require detailed consideration with the Streetscapes Officer on the final design and layout.

**VIEWS OF THE PARISH / TOWN COUNCIL**

The Parish Council have written to note that they will be considering this application at their next meeting. Comments will be provided through an update sheet in advance of the meeting.

**5. OTHER REPRESENTATIONS**

**British Waterways**

British Waterways have written to confirm they have no objection to the proposal.

**Neighbours**

No comments have been received from neighbours.

## **6. OFFICER APPRAISAL**

### **Principle of Development**

The principle of residential development has already been set through the 2002 application and in light of this, the principle of development is accepted.

### **Policy**

The significant aspect of this scheme is the increase in the number of dwellings on the site through an additional 21 units increasing the number in the application area from 19 dwellings to 40.

If this were a new build scheme, the amount of development proposed would fall below the threshold of 25 units set out in the Local Plan where affordable housing would normally be expected to be provided. As the scheme is part of a wider development however, consideration has to be given as to whether this scheme should be considered a part of a wider development of 95 dwellings (74 on the approved scheme as amended in 2006 and the 21 additional units now proposed).

In considering this matter, attention is given to the justification behind the proposal. When the application was submitted, the initial scheme was for a development dominated with larger detached dwellings. As the market has changed, the applicants have established that the approved units are not seen as being viable in the current economy. It is for this reason that they are seeking to change the form of development to provide smaller dwellings to respond to anticipated demand.

This is an approach being taken by a number of developers on existing sites which remain in part or fully undeveloped. It is not seen as being a mechanism for bringing the site forward in separate phases to avoid providing affordable housing.

In determining this scheme, consideration is also given to the value of the properties being proposed to affect the mix of housing on the site. By virtue of their size and mix of 2 and 3 bed properties, the dwellings provide a wider mix of house types and offer greater choice of lower cost dwellings than currently exist.

This diversification on the site introduces an increased element of low-cost market housing as sought by Policy H13 of the Local Plan in addition to the subsidised housing already secured under the earlier consent.

Having considered this point, it is felt that on balance, the scheme is acceptable from a policy perspective.

### **Highways**

Given that the proposal is broadly similar to the approved scheme consisting of a series of dwellings fronting onto an internal service road and no changes

to the approved access onto Finney's Lane, it is felt that there are no grounds for refusal on this basis.

To ensure a satisfactory form of development, conditions are recommended in respect of the final design of the site in line with those agreed on the earlier scheme.

### **Design**

The properties have been designed as small runs of terraced housing each with its own character and form. Use has been made of bay windows, brick detailing and gable details to articulate the form of the buildings. Collectively, this approach results in a group of cottage style terraced houses set around a small green.

The property on the corner entering the site has been designed with a dual aspect to avoid the creation of a blank gable.

The layout of the site comprises of parking to the fronts of the dwellings. Normally, such extensive parking would be resisted but the applicants have made efforts to intersperse the parking with landscaping to break up the mass of parking in the area. A medium sized parking courtyard of about 15 spaces have been provided in the south east of the site but this is tucked away and does not have a detrimental impact on the character of the area.

On balance, it is felt that the design and layout of the site is acceptable.

### **Amenity**

The proposed dwellings are two storey properties in a similar location to the approved detached dwellings. Whilst there are more houses on the site, the distances between the dwellings and the existing properties to the west or south remain a similar distance away as on the earlier scheme. As a result, there is no harm to neighbours in respect of loss of amenity or overlooking.

It is noted that the layout of the site is relatively tight with the smaller units being proposed. To ensure that any extensions or alterations do not impinge on residential amenity levels, it is recommended that permitted development rights under Classes A or E of the General Permitted Development Order.

### **Trees**

The site is surrounded in part by a number of trees protected under TPO 2001. The belt of trees on the western and northwestern boundaries of the site form Woodland W1 of the Order. The trees are readily visible to the public and have public amenity value.

In considering the earlier scheme attention was given to the protection of the trees. The new units are broadly on the same footprint as those already approved however they are slightly deeper than the earlier buildings and as a result are approximately 1.0 m closer to the protected trees.

Whilst the trees will cover a significant part of the garden area, this was the case with the earlier scheme. As a result it is felt that it would be difficult to



sustain a refusal of the scheme on this point especially as conditions can be put in place to control the development and the management of the trees.

**Other Matters**

As part of the initial application, conditions were placed on the approval to ensure the removal of contamination prior to development. This issue has been addressed through the initial development of the site and accordingly, no condition is required in this instance.

**7. CONCLUSIONS AND REASON(S) FOR THE DECISION**

In conclusion, it is felt that the proposed development will assist in diversifying the range of properties within the wider development site which will offer a greater choice of properties at a lower market value due to their size. In turn this will offer a greater range of low cost market housing which will provide a greater range of lower cost housing.

The proposed development is also felt to be of an appropriate design which will enhance the character of the area without detriment to existing residential amenity levels or privacy.

In respect of possible impact on protected trees, it is felt that the development will not have a significant impact on the surrounding protected trees and the use of appropriate conditions to manage the trees can be used.

After considered judgement, it is therefore felt that the proposed development is acceptable.

**8. RECOMMENDATION:**

**Approve subject to Conditions**

1. Development to commence within five years
2. Development in accordance with submitted plans
3. Scheme for protected buffer zone around TPO trees to be submitted and approved prior to development
4. No development to commence until a detailed arboricultural method statement providing comprehensive details of construction works in relation to trees
5. No development shall commence until a management plan for the woodland W1 has been submitted to and approved in writing by the Local Planning Authority
6. Samples of materials to be submitted
7. Details of construction of roads and accesses to be submitted prior to development.
8. Scheme for the disposal of foul and surface water incorporating sustainable drainage systems to be submitted prior to development.
9. Scheme for archaeological works to be submitted prior to development
10. Scheme for landscaping to be submitted
11. Implementation of landscaping scheme
12. Removal of permitted development rights as described in Schedule 2, Part 1, Classes A and E.

**LOCATION PLAN: East Council Licence No.100049045**

