

Southern Planning Committee

Agenda

Date:	Wednesday, 9th June, 2010
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 - 10)

To approve the minutes of the meeting held on 19 May 2010.

4. **Public Speaking**

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.

Please contact Julie Zientek on 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

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
- Supporters
- Applicants

5. **09/3658N Variation/Removal of Conditions, 416 Newcastle Road, Shavington cum Gresty, Crewe, CW2 5EB for Mrs Grinnoli** (Pages 11 - 18)

To consider the above planning application.

6. **10/1427N Variation of Conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to allow for the Retention of Excavated Material on site which means altering site levels, South Cheshire College of Further Education, Dane Bank Avenue, Crewe for Mr. Nigel Peet** (Pages 19 - 30)

To consider the above planning application.

7. **10/1094N Change of Use of Existing Mess Room to Form Living Accommodation for Staff for the Sole Purpose of Looking After the Existing 24 Horse Stables & Riding School Operated by Ms Ecclestone, Oakhanger Riding Centre, Holmshaw Lane, Haslington CW1 5XE for Ms Ecclestone** (Pages 31 - 38)

To consider the above planning application.

8. **10/1446N Change of Use from Offices to Two Flats, 47A Barony Road, Nantwich for Mr Palin** (Pages 39 - 44)

To consider the above planning application.

9. **Land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown, Crewe** (Pages 45 - 48)

To consider a proposed variation to the draft Section 106 Agreement attached to planning permission 09/1325N.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 19th May, 2010 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor L Gilbert (Vice-Chairman)

Councillors T Beard, S Davies, B Dykes, J Jones, S Jones, R Walker and
J Weatherill

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rhoda Bailey, D Brickhill, M Hollins and R Westwood

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer), David Malcolm (Southern Area Manager -
Development Management) and Rosamund Ellison (Principal Planning
Officer)

Apologies

Councillors G Merry, D Bebbington, B Howell, A Kolker and S McGrory

1 COUNCILLOR BRIAN DYKES

The Vice-Chairman expressed the Committee's gratitude to Councillor
Dykes, who had served as Chairman of the Southern Planning Committee
during its first year.

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

Councillor S Jones declared a personal interest in respect of application
number 10/0741C on the grounds that she was a member of Alsager
Town Council, which had been consulted on the proposed development.
In accordance with the code of conduct, she remained in the meeting
during consideration of this item.

Councillor R Walker declared a personal interest in respect of application
number 10/0712N on the grounds that he knew the applicant. In
accordance with the code of conduct, he remained in the meeting during
consideration of this item.

Councillor R Walker declared that he had called in application number
10/0997N, but that the officer's report and the subsequent update did not

accurately reflect the wording which he had used on the call-in form. He had not expressed an opinion and had not fettered his discretion.

Councillor J Jones declared a personal and prejudicial interest in application number 10/1327C on the grounds that he knew the applicant. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

3 MINUTES

RESOLVED – That the minutes of the meeting held on 21 April 2010 be approved as a correct record and signed by the Chairman.

4 **10/0712N USE OF EXISTING AGRICULTURAL BUILDING TO HOUSE LIVESTOCK, LAND AT MOSS LANE, WARMINGHAM, CREWE FOR MRS L MOUNTFORD**

Note: Councillor M Hollins (Ward Councillor), Parish Councillor Mrs N Higson (on behalf of Warmingham Parish Council) and Mrs L Mountford (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (including an oral report of the site inspection) regarding the above planning application.

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

1. Standard
2. Method of slurry removal containment to be submitted for approval.
3. Approved plans

5 **10/0739C 1 STOREY BRICK EXTENSION COMPRISING GROUND FLOOR KITCHEN AND ENTRANCE HALL, 1 OLD HALL COTTAGES, SANDBACH FOR MR OWEN SMITH**

Note: Councillor Rhoda Bailey (Ward Councillor) and Mr S Clarke (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (including an oral report of the site inspection) regarding the above planning application.

RESOLVED – That Listed Building Consent be GRANTED subject to the following conditions:

1. Commencement of development within 3 years
2. Accordance with approved plans
3. Materials to be submitted and approved

4. Windows/doors to be timber and painted or stained in a colour to be agreed

6 10/0747C 1 STOREY BRICK EXTENSION COMPRISING GROUND FLOOR KITCHEN AND ENTRANCE HALL, 1 OLD HALL COTTAGES, SANDBACH FOR MR OWEN SMITH

Note: Councillor Rhoda Bailey (Ward Councillor) and Mr S Clarke (objector) had registered their intention to address the Committee on this matter but did not speak.

The Committee considered a report (including an oral report of the site inspection) regarding the above planning application.

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

1. Commencement of development within 3 years
2. Accordance with approved plans
3. Materials to be submitted and approved
4. Windows/doors to be timber and painted or stained in a colour to be agreed
5. Removal of Permitted Development for Windows/Openings within side elevation

7 10/0997N PROPOSED NEW DWELLING, LAND OFF WHITES LANE, WESTON, CREWE FOR MR & MRS WITTER

Note: The Principal Planning Officer confirmed that the wording which Councillor Walker had used on the call-in form had not prejudiced his ability to determine this application.

Note: Councillor D Brickhill (Ward Councillor), Parish Councillor J Cornell (on behalf of Weston & Basford Parish Council), Mr J Unwin (objector) and Mr C Bowen, Bower Edleston Architects (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 further discussions with the applicant with respect to the size, scale, siting and impact on residential amenity of the proposed development.

8 09/3658N VARIATION/REMOVAL OF CONDITIONS, 416 NEWCASTLE ROAD, SHAVINGTON CUM GRESTDY, CREWE, CW2 5EB FOR MRS GRINNOLI

Note: Councillor R Westwood (non-Committee Member) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed variation/removal of conditions on the open countryside.

9 10/0194C CHANGE OF USE OF 'OPEN LAND' FOR USE AS GARDEN (CLASS C3) WITH ERECTION OF FENCE TO ENCLOSE LAND, WITH PLANTING TO RESPECT EXISTING STREET SCENE, 17 REDESMERE CLOSE, SANDBACH FOR MR & MRS KENILWORTH

Note: The Southern Area Manager - Development Management read a representation from Ward Councillors G Merry and B Moran, who were unable to attend the meeting and address the Committee in person on this matter.

Note: Mrs C Bruderer and Mr D Skeels (objectors), and Mr D Coppack (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 and an oral update by the Southern Area Manager – Development Management.

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

1. Commencement of development within 3 years
2. Accordance with approved plans
3. Scheme of Landscaping to be submitted and approved
4. 5 yrs maintain planting
5. Removal of Permitted Development rights for gates, walls, fences and means of access

10 10/0596N NEW AGRICULTURAL LIVESTOCK BUILDING, RED HALL FARM, MIDDLEWICH ROAD, NANTWICH CW5 6PE FOR MR P VAUGHAN, RED HALL FARM, MIDDLEWICH ROAD, NANTWICH CW5 6PE

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 used shall be in accordance with those specified in the application unless different materials are first agreed with the local planning authority
4. The building shall be used for the housing of livestock and no machinery or dairy parlour equipment shall be installed in the building without prior submission and approval of a planning application.

11 10/0695N REMOVAL OF CONDITION 8 ON APPLICATION P96/0228 RELATING TO OCCUPANCY, THE SHIELINGS, BACK LANE, WALGHERTON, NANTWICH, CW5 7NQ FOR MR M CLARKE

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED.

12 10/0741C DEMOLITION OF EXISTING CO-OPERATIVE FOODSTORE. CONSTRUCTION OF NEW CO-OPERATIVE FOODSTORE, ASSOCIATED SERVICE AREA AND RETAIL UNITS. RECONFIGURATION AND REFURBISHMENT OF EXISTING TOWN CENTRE CAR PARK AND PUBLIC OPEN SPACE, 19-23 LAWTON ROAD, ALSAGER FOR KIMBERLEY DEVELOPMENTS PLC, 33 ST JAMES STREET, LONDON

Note: Mrs S Dyke (objector) and Mr P Pearce (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management.

RESOLVED - That the application be APPROVED subject to:

The prior signing of a Section 106 agreement to include:

- Submission of a Travel Plan Framework to an annual monitoring report and nominated travel plan co-ordinator and financial contribution of £5000 to cover monitoring of the Travel Plan by the Council.
- Detailed scheme for off-site highway works to include:
 - Prior to commencement, submission of a detailed design for the upgrade of existing pedestrian crossings to Lawton Road and Bank Corner to PUFFIN facilities fully implemented prior to first occupation.
 - Prior to commencement, submission of detailed TRANSYT design for the new signal controlled junction and its linked operation with the existing signal junction at Bank Corner and controlled crossing.

- Upgrade existing bus stop lay-by adjacent to the civic centre.
- Financial contribution of £7500 to cover local traffic management at the junction of Lawton Road with an additional financial contribution of £10,000 to cover future maintenance of road markings associated with the new junction onto Lawton Road
- Provision of compensatory public open space in accordance with the amended approved plans, or any subsequently amended plan, having regard to condition no16 (Finalised car park layout), which shall also include landscape specification, drainage and boundary treatments.
- That the precise design of the new play equipment is to agreed with the Council before being fully installed by the applicants at their expense (with an appropriate mechanisms for inspection and sign off).
- That the agreement secures an appropriate financial Contribution to cover shortfall in amenity Greenspace provision (the precise figure will be confirmed) to be spent within 800m of the site.
- Precise details of the construction phasing to be agreed with the Council prior to the commencement of development covering timeframes for: -
 - Construction and occupation of the supermarket element
 - Construction of the small retail units and restaurant
 - Construction of compensatory public open space and play equipment, with consideration given to the need to provide a play area as early as possible, with safety as a priority
 - Construction and laying out of the car park area
 - Construction and opening of the new junction onto Lawton Road and provision of new pedestrian crossings / other offsite highway works
- Development to be fully constructed in accordance with the approved plans within the agreed timeframes.
- That the developer provides 25 new pop-up market stalls, fixed anchor points and pop-up electric sockets of a design and specification to be agreed with the Council.
- Mechanism to ensure that public art and Christmas Lights can be displayed within the new public square by Cheshire East Borough Council and/or Alsager Town Council.
- Mechanism to allow public events to take place, organised by Cheshire East Borough Council and / or Alsager Town Council, within a defined area on the proposed public square.

- Mechanism to ensure that only the development approved by this application is fully implemented and not either of the two alternative planning permissions 37808/3 and 05/0639/OUT are instead constructed.
- Mechanism to ensure that the proposed restaurant unit remains in its use class for a minimum period of five years.

and

The following conditions:

1. 3yr Time Limit
2. Development in accordance with approved amended plans received 29th April 2010.
3. All materials to be submitted and agreed prior to construction.
4. Restriction of retail floorspace within the supermarket to 1318m² net retail floorspace.
5. Standard Contaminated Land Condition
6. Restriction of hours of Construction Mon – Fri 07.30 to 17.30 hours, Sat 07.30 – 13.00 and not at all on Sundays and Bank Holidays
7. Restriction on hours of opening for supermarket Mon - Sat 07.30 – 22.00, Sun 10.00- 16.00
8. Restriction on hours of opening for other retail units Mon - Sat 07.30 – 22.00, Sun 10.00- 16.00
9. Restriction on hours of opening for the restaurant Mon - Sun 07.30 – 23.30
10. Restriction on hours of delivery for all units Mon - Sat 08.00 – 21.00, Sun 09.00- 16.00
11. Detailed scheme for noise mitigation for delivery areas (inc acoustic screens, control of HGV reversing alarms and refrigeration units)
12. Detailed scheme for noise mitigation for plant and equipment
13. Details scheme for extraction equipment re cooking equipment
14. No development shall commence until such time as the detailed design of the proposed new junction, based on site layout plan Dwg. No 113 / 349 /P11 Rev A, has been submitted to and approved in

writing by the Council, together with a timetable for the implementation of the works.

15. No development shall commence until such time as the detailed design of the proposed access road into the site from the new junction, based on site layout plan Dwg. No 113 / 349 /P11 Rev A, has been submitted to and approved in writing by the Council, together with a timetable for the implementation of the works.
16. Final layout of the car parking area to be agreed
17. Scheme for the provision of electric car charger points to be submitted and agreed
18. Precise details of CCTV scheme to be submitted and agreed
19. Submission of detailed public realm treatment strategy for the site to be submitted and agreed with the Council and fully implemented within an agreed timeframe. Scheme to include paving materials, planters, seating, street lighting specification, lighting scheme for the public square, cycle parking specification, trolley bay specification and boundary treatments for the site.
20. Precise detail of the surface water regulation system to be submitted and approved in writing and fully implemented thereafter. Scheme to include provision for 3600m² permeable paving and swale unless otherwise agreed.
21. Restriction of surface water discharge from the site to 85-litres/second.
22. Site to be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should be discharged to a combination of SUDs and surface water sewer in accordance with the drainage strategy and parameters contained in part 5 of the WSP Flood Risk Assessment Dated Dec 09.
23. Standard landscaping scheme (Design and implementation).
24. Standard landscaping replacement planting within 5-years.
25. Scheme for tree protection during construction.
26. Breeding bird protection.
27. Ecological enhancements (bat and bird boxes and tree planting to be native species).
28. Precise details of all roller shutters to be submitted and approved in writing prior to the commencement of development

29. Site waste management plan to be submitted and agreed

30. Details of 10% renewable energy to be submitted and agreed

13 10/1327C TEMPORARY USE OF LAND FOR THE STORAGE OF ROAD PLANINGS (IN RETROSPECT), LAND ADJACENT TO MIDPOINT 18 INDUSTRIAL ESTATE, HOLMES CHAPEL ROAD, MIDDLEWICH FOR TW FRIZELL (HAULAGE & PLANT HIRE) LTD, 344 CREWE ROAD, SHAVINGTON CUM GREYSTY, CREWE, CW2 5AD

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

The Committee considered a report regarding the above planning application.

RESOLVED – That the Head of Planning and Policy be granted delegated authority to APPROVE the application, subject to no objections being received from the Strategic Highways Manager

and the following conditions:

1. Time limit of 12 months and restoration of the land following cessation of storage use
2. Erection of a gate to the satisfaction of the Local Planning Authority
3. Maximum height of stockpiles of 2.5 metres
4. Provision of water bowser on site when operational to control dust
5. Hours of operation limited to 0800 to 1800 Monday to Friday with no working on Saturdays, Sundays or Bank Holidays
6. Removal of planings within 1 metre of the base of the trunks of the conifer hedge

The meeting commenced at 2.00 pm and concluded at 5.10 pm

Councillor L Gilbert (Vice-Chairman)

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Planning Reference No:	09/3658N
Application Address:	416 Newcastle Road, Shavington cum Gresty, Crewe, CW2 5EB
Proposal:	Variation/Removal of conditions
Applicant:	Mrs Grinnoli
Application Type:	Full Planning
Grid Reference:	370421 351110
Ward:	Doddington
Earliest Determination Date:	28 th March 2010
Expiry Dated:	12 th May 2010
Date of Officer's Site Visit:	4 th May 2010
Date Report Prepared:	5 th May 2010
Constraints:	Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES:

- Principle of Development;
- Background Information; and
- Policy Context.

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Simon has requested it be referred to Committee on the grounds that the amount of play equipment that the applicant proposes to permanently keep outside on site will have little or no impact on the environment.

2. PREVIOUS MEETING

At the Planning Committee meeting held on 19th May 2010, Members resolved to defer this application in order to undertake a site visit. No further correspondence or information has been received since the report laid out below was prepared.

3. DESCRIPTION OF SITE AND CONTEXT

The application to vary conditions relates to an area of land measuring 33m wide by 35m long, which equates to 1155m sq. and is enclosed by a post and rail fence, located to the rear of a garage and a children's play centre. The land was granted planning permission for change of use from agricultural land to children's play area and also incorporates a sand pit and tyre track circuit (which do not have the benefit of planning permission). The land is designated as open countryside and is bounded on three sides by open fields. To the north of the site is a mix of residential/commercial properties.

4. DETAILS OF PROPOSAL

This application is for variation/removal of conditions 1 to 3 to approved application no. P08/0616 at land to the rear of 416 Newcastle Road, Shavington, Crewe. The first condition states that the land must be restored to its former condition, by 25th July 2010. The

applicant considers that the condition should be changed to be in line with the life expectancy of Playworld Ltd. The variation of condition two relates to the hours of operation. Playworld and the outside play area both have different hours of operation. The applicant wishes to have the same hours of operation as Playworld and considers that the proposed changes to hours of operation will not have a detrimental impact on the amenity of adjacent residential properties. The third condition requires to all play equipment to be removed from the site outside the hours of operation. The applicant wishes to remove this condition due to the topography of the site, as she feels that removable items are unsafe.

5. RELEVANT HISTORY

09/1890N Variation/Removal of Conditions 1 to 3 to Approved Application no. P08/0616 – Refused – 15th September 2009
P08/0616 Change of Use from Agricultural Land to Children's Play Area – Approved – 29th July 2008
P08/0368 Change of Use of Agricultural Land to Open Air Children's Play Area - Refused – 12th May 2008
P07/1028 Renewal of P02/1157 – Construction of Car Showroom and Display Area – Approved – 11th September 2007
P07/0615 Change of Use to Children's Play Centre and Mezzanine Floor – Approved – 10th July 2007
P06/0399 Outline Application for Two Dwellings – Refused – 1st June 2006
P02/1157– Renewal of Car Showroom – Approved – 18th December 2002
P97/1018– Renewal of Permission for Car Showroom and Display Area – Approved – 5th February 1998
P93/0064 – Car Showroom and Display Area – Approved – 11th March 1993

6. POLICIES

Local Plan Policy

The relevant policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011 are:

NE.2 (Open Countryside)
NE.5 (Nature Conservation and Resource)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Car Parking and Access)
BE.4 (Drainage, Utilities and Resources)
RT.1 (Protection of Open spaces with Recreational and Amenity Value)
RT.2 (Equipped Children's Playgrounds)
RT.6 (Recreational Uses in the Open Countryside)
CF.2 (Community Facilities)

National Policy

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development (2005)
PPS7: Sustainable Development in Rural Areas (2004)
PPG17: Planning for Open Space Sport and Recreation

7. CONSULTATIONS (External to Planning)

Environmental Health: Verbally confirmed that they do not object to this application provided the hours of operation are restricted to the operating hours of Playworld i.e. Sunday to Thursday 09.30 to 18.00 hours and Friday to Saturday 09.30 to 19.30 hours.

Highways: No comments received at the time of writing this report.

8. VIEWS OF THE PARISH / TOWN COUNCIL:

Hough & Chorlton Parish Council have considered the Planning Application 09/1890N and have decided that the original conditions on Planning P08/0616 should apply:

1. The approval is personal to Amanda Grinnel;
2. No buildings or construction of any kind on the site, other than safety fencing;
3. The land reverts to agricultural use, when use as a playground ceases or ownership of the nursery changes or it ceases.
4. Use is for a maximum of five years only.

9. OTHER REPRESENTATIONS

One letter of representation received from Mr. David Taylor, Oligr Town Planning Services acting on behalf of Mr. Richard Ellwood (land owner). The issues raised are:

- To our mind the requirement to use removable equipment is intrinsic to planning consent P08/0616. This is a temporary permission to use playground paraphernalia in the open countryside which expires this year;
- After two years in operation and with the planning permission soon to expire, the applicant now seemingly wishes to propose permanently fixed play ground apparatus in open countryside and on land that does not belong to them;
- The applicant is running a licensed bar from the premises, is the LPA aware of this situation?

10. APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted

11. OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and whether the proposal is in keeping with the character and form of the surroundings, in accordance with policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Car Parking), NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The proposal will be assessed against Policy NE.2 (Open Countryside) which stipulates that within the open countryside only development which is *essential* for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service

authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. In addition, policies seek to achieve a high standard of design, respect the pattern, character and form of the surrounding area and not to adversely affect the character and appearance of the open countryside.

Background Information

Planning permission was sought for a change of use from agricultural land to children's play area (P08/0616) and was approved on 29th July 2008. Having considered the application it was felt that the proposal would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety subject to a number of restrictive conditions. Following the grant of this planning permission, the applicant is seeking to remove or vary a number of these conditions. In particular, conditions 1, 2 and 3 attached to planning permission P08/0616.

Condition 1 states;

'The use hereby permitted shall be discontinued and the land restored to its former condition, including removal of any means of enclosure, on or before 25th July 2010 in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.'

Reason: - The development is such that the Local Planning Authority wishes to review the development and its effects after this trial period'.

The applicant would like this condition to be changed to be in line with the life of Playworld Ltd – when Playworld ceases to exist the land shall be restored to its former condition. The applicant contends that to restore the land by this July would be costly as they have paid to have fencing installed and it would also mean that an outdoor play area for children would close as the summer comes and school holidays commence. The applicant also stresses that the business would fail to operate. This condition was attached to P08/0616 in order to ascertain whether the proposal would have any detrimental effect on the amenities of the occupiers of nearby residential properties and the area generally. Colleagues in Environmental Health have been consulted regarding the application and they have no objection, furthermore, they have not received any complaints from neighbours regarding the children's play area. Therefore, it is considered that the rewording of this condition in line with the applicants wishes is acceptable and reasonable.

Condition 2 states

'The site shall only operate between the hours of Monday to Saturday 10.00 to 17.30 and Sundays and Bank Holidays 10.00 to 17.00.'

Reason: - To protect the character and appearance of the Open Countryside in accordance with Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'.

The applicant wishes to change these hours of operation so that they are in line with Playworld's operating hours. The applicant goes on to state that having the same hours as the business would make running the facility easier. The applicants current opening hours for Playworld are 09.30 to 18.00 hours daily Sundays to Thursdays and 09.30 to 19.30

hours on Fridays and Saturdays. It was accepted in 2009 that these hours as proposed will not have a detrimental impact on the living conditions of the occupants of nearby residential properties and as such should be permitted. Colleagues in Environmental Health have been consulted and they do not object to the proposed variation of the condition.

Condition 3 states

'All play equipment shall be removed from the site hereby approved outside the hours of Monday to Saturday 10.00 to 17.30 and Sundays and Bank Holidays 10.00 to 17.00.'

Reason: - To protect the character and appearance of the Open Countryside in accordance with Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'.

The applicant stated on her application forms that she wishes this condition to be removed for the following reason:

- I cannot operate a safe environment using removable items on this field.

The principle issues surrounding whether this condition should be removed is whether the proposal would adversely impact upon the residential amenity of neighbouring properties and whether the play equipment will have a detrimental impact on the character and appearance of the open countryside.

PPS7 states that

'The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all'.

It then goes on to state that

'Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced'.

There is general presumption against inappropriate forms of development within the open countryside, however, each case must be determined on its own merits.

There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

Policy Context

As previously mentioned, the application site is located outside the settlement boundaries and as such is defined as Open Countryside and will be assessed against Policy NE.2 (Open Countryside), which restricts inappropriate forms of development in order to protect the character and amenity of the open countryside.

In addition to the above policy, the variation/removal of condition will also be assessed against Policy RT.6 (Recreational Uses in the Open Countryside) this policy states that proposals for recreational uses in the open countryside will be permitted providing that:

- They do not harm the character or appearance of the countryside;
 - They do not harm sites of nature conservation, historic or archaeological importance;
 - There is safe vehicular access to the site;
 - The access roads are suitable for likely traffic generation;
 - Car parking provision is proposed in accordance with adopted standards;
 - They can be integrated with existing visitor attractions in the Borough or in the vicinity;
- and
- They can be assessed by a range of means of transport.

The applicant in her submission states that the undulating nature of the land makes it dangerous for foldable play equipment to be used which would be unsafe for children to utilise. If this condition is not removed the business will be forced to close. The applicant insists that permanent structures will be safer for the children to play on. Whilst the concerns of the applicant are noted, it is considered that the suburbanising effect of the children's play equipment particularly if it was permanent and all the other paraphernalia associated with the use of land as a recreational play area will appear in stark contrast to the adjoining land and as such will have a detrimental impact on the open landscape which is contrary to policy NE.2 (Open Countryside) and PPS 7.

However, it is accepted that the hours of operation should be changed so that they run parallel with other conditions which have been changed as per this application. As previously stated the hours should be changed to 09.30 to 18.00 daily Sundays to Thursday and 09.30 and 19.30 hours on Fridays and Saturdays.

Other Matters

The Parish Council has suggested that if the application is approved it should be personal to the applicant. The Conditions Circular 11/95: Use of Conditions in Planning Permission states at paragraph 92 'Since planning controls are concerned with the use of the land rather than the identity of the user, the question of who is to occupy the premises for which permission is to be granted will normally be irrelevant'. It is considered that the identity of the individual operating the site is immaterial. Such a condition could not mitigate the adverse effects on the countryside set out above. Without prejudice to the above arguments, if members are minded to approve the application, it would be more logical to condition the use of the land to the play centre, i.e. if the play centre ceases to operate the land should revert back to its former use, as stated above. The Parish Council also state that the use should only be permitted for a temporary period, 5 years in this case. However, the Local Planning Authority should be able to judge the impact that the proposal will have on the character and appearance of the area and impact on residential amenity without having to apply such a restrictive condition. As previously mentioned in this report, colleagues in Environmental Health have been consulted and they have not received any complaints regarding the operation of the site and as such do not raise objections.

A letter of representation states that the applicant is operating a licensed bar from the premises. The applicant submitted a licensing application to colleagues in Licensing and it was considered given the nature and scale of the proposal, that the bar was ancillary and a change of use was not required.

12. CONCLUSIONS

There are no objections to the proposed variations of conditions 1 and 2. However, the site is located outside the village settlement boundary and is located wholly within the Open

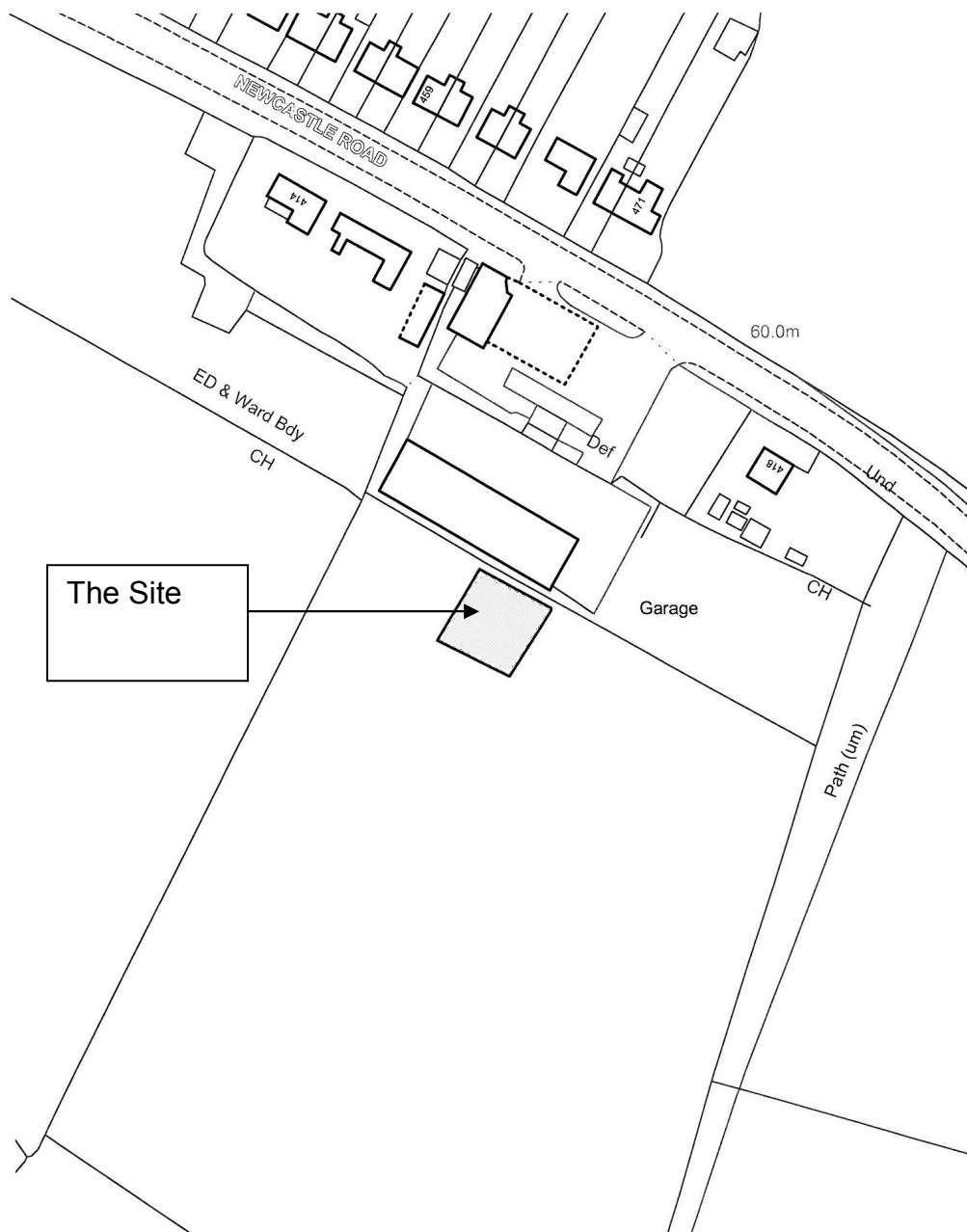
Countryside. Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 requires that within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation or other uses appropriate to a rural area will be permitted. It is considered that to allow permanent play equipment to be erected at this locality will materially affect the character and appearance of the open countryside to its detriment. Furthermore, the play area with all its associated paraphernalia will lead to an urbanising effect on the open countryside which is contrary advice stated in the local plan and national guidance.

13. RECOMMENDATIONS

REFUSE

1. In the opinion of the Local Planning Authority the variation of condition 3 to allow the play equipment to be left on site on a permanent basis will suburbanise this piece of land which is designated as open countryside and will appear in stark contrast to the adjoining land and is contrary to policies NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within PPS 1 Delivering Sustainable Development and PPS 7 Sustainable Development in Rural Areas.

LOCATION PLAN:



Planning Reference No:	10/1427N
Application Address:	South Cheshire College of Further Education, Dane Bank Avenue, Crewe
Proposal:	Variation of conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to allow for the retention of excavated material on site which means altering site levels
Applicant:	Mr. Nigel Peet
Application Type:	Full Planning Permission
Grid Reference:	369640 354672
Ward:	Crewe West / Crewe South
Earliest Determination Date:	21 st May 2010
Expiry Dated:	9 th June 2010
Constraints:	Settlement Boundary Area of Protected Open Space

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES:

- The acceptability of the development in principle.
- Visual Impact
- Sustainability,
- Impact on neighbour amenity
- Drainage and flood risk,

1. REASON FOR REFERRAL

The application has been called into Committee by Councillor Weatherill because it raises significant amenity issues which were not considered at the time of the original application.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the existing South Cheshire College campus on Danebank Avenue in Crewe. Full planning permission (P07/1053) was granted in November 2007 for the demolition of all existing College buildings and the erection of a new College comprising a total of 26,520sq metres gross external floorspace arranged in a series of connected buildings.

The permission also gave consent for the erection of a detached nursery building as well as external works including the formation of a grass games pitch and a Multi Use Games Area (MUGA) pitch on land to the front of the building. Work is now well underway to implement that permission.

A further planning permission (P09/0016) was granted in March 2009 to vary Condition 24 of the previous approval which stated that development must be carried out in accordance with the approved plans, in order to implement a number of modifications to the design. The revised design included 3 new elements: introduction of a stair enclosure and corridor link between 2 teaching buildings; a modified design for the glazed street facing the landscaped moat area, and roof to the construction compound to the north of the sports and arts building.

A minor non-material amendment to the existing permission was granted in October 2009 for inter alia, a slight increase in the size of the pitches. This was not considered to be a material amendment requiring a full planning application, on the basis that the pitches were being extended in the direction of the college building and away from the neighbouring dwellings. Furthermore, no change in ground levels was sought as part of that application.

3. DETAILS OF PROPOSAL

This is a retrospective application for the variation of conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to allow or the retention of excavated material, from the construction of the college building, on site by increasing the levels of the MUGA and football pitches.

The relevant conditions are specifically:

P07/1053

Condition 8	Landscaping
Condition 11	Finished ground levels to the Copse area
Condition 15	Drainage Scheme
Condition 16	Provision and implementation of Surface Water Regulations System

P09/0016

Condition 4 – Approved plans

4. RELEVANT HISTORY

P07/1053 Demolition of Existing Campus and Buildings and Erection of Replacement College – Approved November 2007

P09/0016 Variation of Condition 24 of planning permission P07/1053 relating to the approved plans – Approved March 2009

09/3489 Non-material amendments to move substation west by 2m, increase size of the MUGA pitch – 3m longer and 2m wider, amend elevations to Block A to incorporate openings to a second floor balcony. – Approved October 2009

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change

Policy RT 2 Managing Travel Demand
Policy EM9 Secondary and Recycled Aggregates
Policy EM 11 Waste Management Principles
Policy MCR 4 South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RT1 (Protected Open Space)

National Policy

PPS 1: Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
PPS 25: Development and Flood Risk
PPG 13: Transport

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objections

Environmental Health

Do not object to this application subject to the following comments

- Due to the close proximity of the sports pitch to neighbouring properties, Environmental Health have concerns about noise from individuals using the facility affecting the local residents. The multi use games area will increase the use of the site from previous uses.
- Before making final comments can the applicant please confirm the hours of use for the MUGA pitch.
- A suitably high close boarded acoustic fence should be erected along the southern boundary and continue part way up both the east and west boundary to help protect the local residents from noise, as well as safe guarding their privacy.
- Any proposed lighting of the development should be submitted to and approved by the Borough Council to protect the amenity of local residents.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

An objection on behalf of the residents of 19 – 31 Danebank Avenue, has been received from Molyneux Planning making the following points:

- The residents of Dane Bank Avenue, having viewed the planning application at an early stage and watched the building being erected were unaware that the land immediately adjacent to their homes was being raised until the tall solid timber fence surrounding the building site started to be removed.
- In addition, once the supports for the fencing of the playing surface were erected and it became apparent that not only had the land been significantly raised, but that this was in such close proximity to the houses fronting Dane Bank Avenue that the fencing would have a significant impact on their homes and gardens.
- Prior to the construction of the new college building, the single football pitch was located at surrounding ground level behind the houses fronting Dane Bank Avenue. This resulted in games being played east to west with the goal mouths set at right angles to the nearby houses. Clearly the number of times balls were kicked into the adjoining gardens was very small. However, the current layout, with two pitches squeezed into a space where one previously existed, results in poorly directed attempts at goal being directed into the adjacent gardens. The fencing required to ensure only the more wayward stay in the grounds is so high as to be excessively obtrusive to the neighbouring residents. This is stated to be 5m high to the north and south boundaries acknowledging the point that higher fencing is needed on these boundaries
- They have not had the opportunity to check the measurements on site but are of the opinion that the impact on the residents is greater than represented in the submitted plans.
- The planning permission for the replacement college includes the sports pitches and incorporated a levels plan and no amended plan has since been submitted. There can therefore be no question that the significantly raised playing surface requires planning permission and that it is inappropriate in such close proximity to neighbouring dwellings.
- It is unacceptable that the enlargement of the playing surface was treated as a minor amendment and was therefore not given the full weight of publicity or the full impact on neighbouring residents considered. However, even at this time no mention was made in the submission of the raising of the land to elevate the pitch. This is further reinforced by the fact the gabions required to provide stability of the playing surface are not included in the hard landscaping details.
- The application includes the provision of an acoustic screen, which to be effective, would have to be a solid composition. This would be excessively intrusive and oppressive to neighbouring dwellings, particularly in the raised situation, on top of the elevated grounds. Whilst the need for mitigation measures is accepted, the use of an acoustic screened does not meet the need, which is for the pitch to be lowered to ground level.
- The introduction of a large area of impermeable surfacing is inconsistent with the Government's aims to reduce surface water run off and to manage flood risk. This issue should have been subject to proper consideration and a well managed sustainable urban drainage solution provided.
- To introduce the surface water run off from such a large area into the drainage system, will result in a serious reduction in the capacity of the system and a greater tendency for flood risk elsewhere within the locality. The introduction of the moat will not alleviate this matter as, when the moat is full, it will not provide any further benefit in terms of flood capacity.
- The D&A states that it is proposed to raise the pitch by 800mm thus retaining 15,000 cu metres of spoil and this is argued to be of both environmental benefit and in terms of the

impact on neighbours by reducing vehicle movements by approximately 1900. This is not a proposal, the works have already been carried out and the serious impact on the adjacent residents can be seen. However, any savings in vehicle movements, whilst possibly beneficial to the environment as a whole would not benefit the neighbours as they would not be on the haul route the vehicles would take. Furthermore, any vehicle movements are of a temporary nature and cease once the work is completed. The impact of the land raising on the neighbours is permanent and excessive

- The calculation of 1900 vehicles is based on 8 cu tonne vehicles, whereas it would be expected that 12 cu. tonne vehicles would be used reducing the vehicle numbers by 30%. However, the serious impacts on neighbours are primarily at the expense of a substantial financial saving by the contractors. With a gate price of £54 per tonne (including landfill tax) there has been a saving of £800,000 at the cost of the neighbour's enjoyment of their homes and gardens. This cost must have been allowed for in the initial contract and the land raising is an attempt to maximise profitability at environmental expense.

- The ground will be graded at approximately 1:3 "where space permits". Unfortunately this is not within the areas close to the houses fronting Dane Bank Avenue, where gabions will be required.

- These give a hard edge with wire and stone being an unattractive replacement for the wide open space of the "at level" grassed pitch previously on the site. Whether the gabions match the moat area is irrelevant to nearby residents who will not see this aspect, rather the introduction of a brutal feature as an end stop to their gardens.

- The black hard surfaced tarmac will not be a visual improvement over the grass pitches in winter as claimed in the D&A. It will be an unattractive feature by comparison

- The impact of the standing water on the grassed pitches would also have been minimal.

- All football pitches are expected to be laid to a sufficient fall to ensure that surface water runs off. This is not justification of building up the level of the pitch excessively, merely to ensure that there is no standing water. The drainage scheme should be provided on a map base to enable the impact on the neighbouring properties to be assessed.

- The introduction of the French drain between the slope and the boundary to the south is an acknowledgement of the potential for the slope and the adjacent hard surface to result in flooding from surface water run off. Its requirement in this location is an acknowledgement of the unsuitable proximity of the raised ground to the existing gardens

- The need for such engineering works will have a further impact on the ability to provide any landscaping scheme, either within the site or by the adjacent neighbours. This together with the proposed gabions will prohibit the provision of the "naturalistic native buffer" which the D&A relies heavily upon. There is insufficient space to provide a dense mix of native shrubs which might allow "a diverse and robust yet attractive buffer". It would be unlikely that even a small shrub might be capable of growing within the very narrow area between the gabions and the neighbouring property.

- This narrow area between the proposed stone gabions and the neighbours fencing will result in a security risk and a hidden area available to children seeking to avoid school or supervision during breaks. It will become the classic opportunity for a smoking area, resulting the potential for casual vandalism and perhaps more serious security risks

- To state that the amount of water draining into the existing soakway system will be reduced by the hard surfacing and surface water drainage is spurious. The houses and gardens to the south were not adversely affected by the existing pitch which drained naturally to soak away.

- In conclusion, by trying to squeeze two pitches into the space previously occupied by a single pitch and by trying to save the cost and trouble involved in the removal of excavation material from the site, the raising of the football pitch and the proposed fencing

would have serious and unacceptable impact on the residents to the south of the site. Taking into account the ground raising, the fencing would be almost 7m above the level of their gardens, at some points within a metre of the boundary of their properties

- The orientation of the pitches would result in increase noise disturbance to nearby dwellings. The players would be running and shouting towards the goal mouths, frequently at time when bad language occurs as the enthusiasm of the game takes over
- This ground raising has resulted in an unacceptable loss of privacy to neighbours whose homes are either bungalows or chalet bungalows. Players on the pitch would be able to look into ground and first floor bedrooms and when balls were kicked into gardens would be likely to trespass into private space to collect them.
- To mitigate the harm already caused by this unacceptable land raising, the ground must be fully restored to natural ground level, or the raised area reduced back into the site by a minimum of 40m to provide the currently unacceptable overbearing character of the pitches and fencing.
- In addition, any use of the pitches in this area must be controlled to use only during school hours and during daylight. The close proximity of the pitches to adjacent dwellings would make it wholly inappropriate for any form of lighting or for any use during evenings, weekends or bank holidays. Any permission should be strictly controlled
- Proper attention should be given to remediation of the currently unacceptable situation, which has been exacerbated by the relocation of the pitch closer to the homes
- Failure to address this correctly will result in a complaint to the Local Government Ombudsman. It is likely that such a complaint would be upheld and compensation ordered for the significant harm, intrusion and loss of enjoyment of their homes.

2 further letters of objection have been received making the following points

- To the ordinary lay person the plans are very difficult and vague to read and it is difficult to understand what the intentions of the proposal are.
- Anyone who is at work fulltime and who does not have the opportunity to access the planning department within working hours cannot have the plans explained
- As a result people do not have the opportunity to raise or voice any concerns that they may have regarding the changes
- The local residents have no confidence in the current procedure to register concerns and the whole agenda of South Cheshire College has decimated the whole area with absolutely no respite for the residents
- The retention of material on site was not anticipated at the start of this project and is causing a great deal of concern to the residents affected.
- Surely at the start of this project the building contractors considered another means of disposing of this material, it would now appear that the easiest way has been chosen. This course of action is intrusive and unreasonable and has been taken without it would appear due consideration being given to the impact it makes to the residents affected. Also it would appear it was done without relevant Planning permission

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

- The college operates a fully inclusive policy for users of all facilities and so the access to the all weather MUGA pitch is via a shallow DDA compliant ramp which is linked via level access to all other parts of the campus.
- The pedestrian areas are lit to the relevant British standards.

- The MUGA is to be constructed with a shallow slope from west to east to allow the surface to drain. The water is collected via land drains below the surfaces and discharges into the moat to the northeast of the pitch. Similarly the football pitch is to have a shallow slope from south to north to aid drainage of the surface which will again mean that rainwater is shed from the surface towards the moat to the north. Water will collect in the moat until it reaches the level of the outlet and will then discharge via the hydro brake into the main surface water drainage system
- Surrounding the MUGA is a ball fence of coated steel mesh 3.0m high to the east and west boundary and 5.0m high to the north and south boundaries to prevent stray balls crossing the site boundary behind the goals. An acoustic screen 1.8m high will also be added to the southern boundary fence and will return along the east and west boundary for the first three panels to minimise the sound transfer towards the properties to the south.
- In order to retain on site arisings from the general construction works on the campus (as encouraged under the Planning Policy Guidelines), and to minimize the disruption to residents and highways, it is proposed to raise the level of the MUGA and football pitch by approximately 800mm from the original proposals. This will retain approximately 15,000 cubic metres of earth on the site and reduce the amount of heavy goods vehicle movements in and out of the area by approximately 1900 vehicles. This proposal would remove from the construction process the generation of 63 tons of carbon emissions.
- The ground levels around the pitches will then be graded at approximately 1 in 3 back into the existing levels where space permits. In the areas where there is insufficient space to grade the earth, gabion retaining walls are to be used as shown on the plans. These are designed to compliment the overall aesthetic of the landscaping scheme and match those used within the moat area.
- Another benefit is that there will be no standing water on the football pitch during inclement weather which will therefore be of benefit to both the college and community by increased availability of the pitches. Also the visual improvement of the grass pitches in winter by having the drainage will reduce the likelihood of damage to the playing surface, requiring less maintenance.
- In order to minimize the possibility of surface water from the slope migrating towards the properties to the south, a length of French drain is proposed along the boundary at the foot of the graded ground which will be linked into an existing catch pit in the area which in turn drains into existing soakaways for the playing fields.
- Due to the drainage constructed specifically for the MUGA pitch, the amount of water being shed into the existing soakaway system in this area will be considerably reduced from that which previously discharged into it.
- A naturalistic native buffer mix will be planted between the MUGA pitch and the southern boundary which will create a dense all year round visual and acoustic screen to conceal the MUGA pitch from view of the adjacent houses.
- The planting will also provide a valuable habitat for local fauna and help to increase the bio-diversity of the campus. A row of large ash trees will further increase the density of the screen and add height to minimize the effects of the pitch on the neighbouring gardens. The shrubs within the mix contain native species such as hawthorn, hazel and holly which are large dense shrubs which will create a diverse and robust yet attractive buffer along this boundary.
- For clarity of the information provided within this submission the MUGA is not flood lit and will only be used in daylight hours.

10. OFFICER APPRAISAL

Principle

The land is designated within the Local Plan as Protected Open Space under Policy RT1, seeks to restrict development on such land, where it would result in the loss of sports pitches. However, as this proposal would result in the enhancement of sports facilities at the site, it is not considered that there is any conflict with policy RT1. Furthermore, the original planning approval established the acceptability in principle, of the construction of a MUGA pitch and a football pitch on this part of the site. The main issues in the consideration of this application, therefore are the affect of the increase in ground levels in terms of visual impact, sustainability, neighbour amenity and drainage and flood risk.

Neighbour amenity

The part of the campus occupied by the proposed pitches is bounded to the south by the properties fronting on to the north side of Dane Bank Avenue and to the west by school playing fields. To the north and east, the pitches are surrounded by the college campus development. The only residential properties affected by the construction of the pitches, are those located within Dane Bank Avenue. The principal concerns in terms of amenity implications for these properties are privacy, overshadowing, light pollution and noise.

The boundary treatments to the rear of the properties are varied and range from high conifer hedges, which prevent any overlooking gardens or principal windows from the pitch, to low chain link fencing, which provides no screening whatsoever. It should be noted, however, that this would have been the case, even if the ground levels had not been raised.

The developer has proposed to install 1.8m acoustic fencing along the edge of the pitch, which due to its solid nature would prevent any overlooking. In addition, screen planting would be provided between the perimeter of the pitches and the boundary with the residential properties. It is acknowledged, that where the goal area projects out towards the properties, there would be insufficient space for planting to be provided. However, the existing conifers provide good screening at this point and the acoustic fence would also prevent any overlooking. There was no requirement to provide similar acoustic fencing or planting as part of the approved scheme, and consequently the extent to which neighbouring properties are overlooked is likely to be reduced from the levels which would have been experienced under the approved scheme.

With regard to overshadowing, although the proposed mesh fencing around the pitches is 5m in height, light will still be able to pass through it. It is acknowledged that the 1.8m acoustic fencing would be solid and would stand at a ground level approximately 1.4m above that of the neighbouring dwellings. However, due to the fact that the pitches are located to the north of the properties, no loss of direct sunlight, at any time of the day, would occur in gardens or the dwellings themselves.

The applicants have made clear in their submissions that the pitches will not be flood lit and this can be ensured through conditions. This is also consistent with the recommendation of the Environmental Health Officer.

Due to the close proximity of the sports pitch to neighbouring properties, Environmental Health have concerns regarding noise from individuals using the facility affecting the local residents. The multi use games area will increase the use of the site over and above that of previous uses. However, there is an existing consent for a MUGA in this area and hours of use can be controlled via conditions, although they cannot be limited to college opening hours, as suggested by the residents, as the pitches are subject to a "Community Use Scheme" which was a condition of the original planning approval. This makes provision for the use of the pitches by teams from the wider community in the evenings and at weekends. Access is however, by appointment and they are not open to casual access by the public at large.

In the light of the above, in the absence of any objection from Environmental Health, and subject to the imposition of appropriate conditions, it is not considered that a refusal on amenity grounds could be sustained.

It is also necessary to consider the amenity implications of refusing the application, and the subsequent removal of the waste material. 1,900 vehicle movements would have a substantial amenity implication not only for residents living immediately adjacent to the site access but those along the entire route from the college to the landfill site. Even if the 30% lower figure suggested by the residents were applied to reflect the use of larger lorries, this would still amount to 1330 vehicle movements. Whilst it is acknowledged that this would be a temporary impact, it is still considered to be greater in magnitude than the affect on the row of dwellings in Dane Bank Avenue, resulting from the retention of the material on site, which could be adequately mitigated as described above.

Visual Impact

It is a firmly established planning principle, that occupiers of neighbouring properties have no right to a view over private land. Therefore, residents concerns about loss of outlook resulting from the grass pitch being replaced by a tarmac surface are not material considerations.

Notwithstanding this point, Policy BE.1 does state that proposals which compromise amenity due to visual intrusion will not be permitted. In this case, in view of the distance between the proposed pitches and associated retaining structures and fencing, and the intervening landscaping which is proposed, it is not considered that any visual intrusion would be sufficient to sustain a refusal. Particular concerns have been raised about the appearance of the gabion walls, and it is acknowledged that where these have been employed, the space for landscape planting is significantly more limited. However, these are also the points where existing boundary treatments to the properties in Dane Bank Avenue, are more substantial.

The pitches cannot be seen from the public domain, and therefore, there is no impact on the street scene or the character and appearance of the wider area.

Sustainability

The wider sustainability implications of the proposals also need to be considered. 1900 vehicle movements would generate a substantial carbon footprint, which the applicant

quantifies at around 63 tonnes. Although these figures are contested by the residents, it cannot be disputed that if the material is left on site no carbon emissions will be generated as a result of this element of the scheme.

Furthermore, by retaining the material on site, the need for land filling is reduced. Policy EM 11 (Waste Management Principles) of the Regional Spatial Strategy and Policy 11 (Development and Waste Recycling) of the Cheshire Replacement Waste Local Plan encourage the re-use and recycling of construction waste on site, wherever possible. Therefore to refuse the application would be contrary to the principles set down in these important Development Plan documents.

Drainage and Flood Risk

The original redevelopment proposals were subject to a comprehensive Flood Risk Assessment, and extensive attenuation measures were secured by condition, including Sustainable Urban Drainage schemes. These have been updated in the light of the proposed changes to the ground levels, hence the need to vary the drainage conditions attached to the original permission. The Environment Agency has been consulted on the revised proposal and their comments will be reported at the Committee meeting.

Residents have stated that the increase in impermeable surfacing is inconsistent with government policies for dealing with flood risk. However, it must be stressed that as approval already exists for a MUGA of similar size in this location, and the extent of hard surfacing will not increase. Furthermore, as stated above, the original scheme was subject to a full Flood Risk Assessment with resulting mitigation measures.

Other Matters

Residents have expressed concern that the enlargement of the pitch was approved as a non material amendment. Consent was sought last year under the non material amendment procedure to increase the size of the MUGA by 3m in length and 2m in width. The extension to the length was in the direction of the college building and did not result in the pitch being any closer to the properties in Dane Bank Avenue. The increase in width resulted in the pitch extending a further 2m along the rear boundary of one of the properties in Danebank Avenue. However, it was considered that this change would have a minimal additional impact on the amenities of that property. It was therefore considered to be non material.

Concern has also been raised about the fact that previously the direction of game play had been east – west, whereas now it will be north-south, resulting in more stray balls landing in gardens. However, the pitches will not always be used in the north – south formation, it will depend upon the sport being played. Furthermore, fencing will be provided around the pitch which was not the case previously.

Neighbours have correctly pointed out that the area of landscaping between the pitch and the boundary of the site, provides a narrow, secluded “corridor” which could be a focus for anti-social behaviour. However, this area will be secured by the perimeter fencing to the MUGA to the north, the boundaries of the residential properties to the south, and gates will be provided to the east and west ends, to ensure that access is restricted to maintenance staff. This can be secured by condition.

11. CONCLUSION

The principle of a football pitch and MUGA in this area has been established by the previous permission. Whilst the raising of the ground levels has the potential to impact upon the amenity of neighbouring properties, it is considered this can be adequately mitigated through the use of appropriate conditions. The result would be that residents would be better protected from any negative externalities than would have been the case prior to the development taking place, or had it have been constructed in accordance with the approved plans.

Furthermore, to remove the material from the site would have greater amenity implications for the wider area, which although temporary, could not be mitigated to the same extent. It would also increase pressure on landfilling and would be contrary to development plan policy relating to re-use and recycling of construction materials.

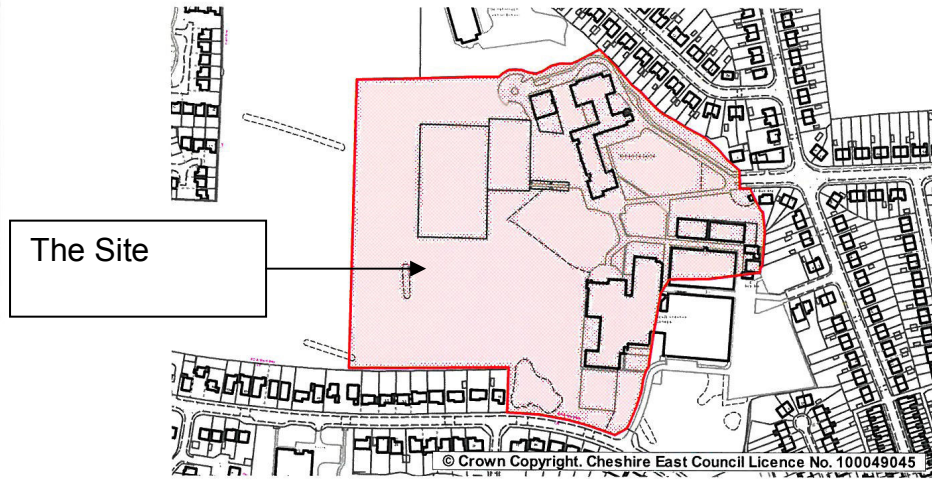
Therefore, having considered the matter carefully and having due regard to all the other matters raised, it is concluded that the proposal is in accordance with the relevant development plan policies and accordingly it is recommended for approval.

12. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Plans**
- 2. Landscaping scheme**
- 3. Implementation of landscaping**
- 4. Provision of acoustic fencing**
- 5. Hours of use**
- 6. No floodlighting**
- 7. Provision of gates to each end of the space between the pitch and the property boundaries.**

Location Plan



Planning Reference No:	10/1094N
Application Address:	Oakhanger Riding Centre, Holmshaw Lane, Haslington CW1 5XE
Proposal:	Change of Use of Existing Mess Room to Form Living Accommodation for Staff for the Sole Purpose of Looking After the Existing 24 Horse Stables & Riding School Operated by Ms Ecclestone
Applicant:	Ms Ecclestone
Application Type:	Full Planning Permission
Grid Reference:	376288 354857
Ward:	Doddington
Earliest Determination Date:	3 May 2010
Expiry Dated:	18 May 2010
Date of Officer's Site Visit:	26 May 2010
Date Report Prepared:	26 May 2010
Constraints:	Wind Turbine Dev consultation area

SUMMARY RECOMMENDATION:**APPROVE** (subject to conditions)**MAIN ISSUES:**

- impact upon the character of the area
- amenity
- highway safety

1. REASON FOR REPORT

This application is included on the agenda of the Cheshire East Council Southern Planning Committee as the application has been called in by Councillor Walker due to concerns that there is not sufficient evidence for the need for the change of use to meet policy NE.16.

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 4684 sq. m and is located within Oakhanger Equestrian Centre. Oakhanger Equestrian Centre measures 14786 sq. m in total and has recently been subdivided into two sections. The first part which includes the application site also comprises the point of access, existing indoor arena and 24 stables, existing manege and various portacabins. The existing house, Olympic manege, horse walker and additional buildings permitted under 09/1037N comprise the second section of the centre located to the east of the application site.

On 20/4/2009 Mr O'Shea sold the riding school element of the business to Mrs Ecclestone who had previously been running the riding school since November 2007.

Residential properties are located to the north and south. The site lies within the designated open countryside and is accessed off Holmshaw Lane in Oakhanger.

Haslington footpath 47 is located adjacent to the building the subject of this application. Oakhanger Moss is located near the site and this is a designated RAMSAR site.

3. DETAILS OF PROPOSAL

The proposals relate to the conversion of an existing brick lean-to café to form residential accommodation. The lean to is sited on the gable end of the indoor riding centre and measures 22.2m in length, 4.1m in depth and reaches a height of 3.5m to eaves and 4.6m to ridge height. A stairway and porch are located on the eastern gable end. This is a single storey building and the accommodation will include a kitchen, living room, bathroom and proposed bedroom. No external alterations to the building are proposed.

The 24 hour supervision organised when the site was in single ownership is no longer available to the application site; therefore there is a need for 24 hour surveillance on security and welfare grounds.

The applicants vet has stated that it is essential that 2 staff are available at all times.

The business consists of 14 riding school horses and a maximum of 11 liveryes. There are three full time and two part time staff.

The lean-to structure was last altered in 2001.

4. RELEVANT HISTORY

In summary, the site had planning permission for the temporary siting of caravans in 1977 which was renewed until 1988 and then permission was granted for a permanent bungalow on the site in 1988. Development associated with the equestrian development at the site including new stables was granted in 1999 and a further manege, blacksmith's shop/store and horse walker were permitted in 2002. Also in 2002 an application was submitted to convert a garage into a granny annexe which was approved and an application to convert the café to residential accommodation was refused on the grounds that the applicant had failed to demonstrate that there was a need for the proposed dwelling. This was retrospective and enforcement action was taken against the use of the building but not the rebuilding undertaken. A subsequent appeal was dismissed. This same building is the subject of these proposals.

Various additional applications for equestrian development have been submitted and approved between 2005-2009.

5. POLICIES

Development Plan Policies

Regional Policy

The following policies within the North West of England Plan Regional Spatial Strategy to 2021 and its partial review (2009)

RT2 Managing Travel Demand

DP2 Promote sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand
DP9 Reduce Emissions and Adapt to Climate Change
EM17 Renewable Energy

Local Plan Policy

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.6 Sites Of International Importance for Nature Conservation
NE.9 Protected Species
NE.16 Re-Use and Adaptation of a Rural Building for Residential Use
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
TRAN.9 Car Parking Standards
RT.6 Recreational Uses in the Open Countryside
RT.9 Footpaths and Bridleways

Other Material Considerations

Planning Policy Statement 1: Delivering Sustainable Development
Draft Planning Policy Statement: Planning for a Natural and Healthy Environment
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 9: Biodiversity and Geological Conservation

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: None received at time of report preparation

Environmental Health: None received at time of report preparation

7. VIEWS OF THE PARISH / TOWN COUNCIL:

None received at time of report preparation

8. OTHER REPRESENTATIONS:

Letters of objection from the occupants of Rose Bank Cottage made the following points:

- appeal in 2002 sets a precedent
- applicants personal circumstances not a material consideration
- failed to demonstrate that development is essential
- application of policy NE.16 is inappropriate
- applicant failed to market the building

- applicant failed to demonstrate building is structurally sound

9. APPLICANT'S SUPPORTING INFORMATION:

In support of the proposal the applicant has submitted the following information; which can be summarised as follows:-

- brief history of the site:- an application to convert the former café to a dwelling was dismissed on appeal in 2002. On 20/4/2009 George O'Shea sold the riding school element to the applicant and now the 24hour supervision organised by George O'Shea no longer exists for this separate business.
- there exists a need for 24 hour surveillance on security grounds for the 24 horses- this is supported by the vet who states that 2 staff should be available.
- the business consists of 14 horses for the riding school and 11 livery three staff are employed full time and two part time
- the building was modified in 2001
- an assessment against policy NE.16 and PPG2

10. OFFICER APPRAISAL

Principle of Development

The site lies within the designated open countryside where there is a presumption against inappropriate forms of development. Both local, regional and national planning policies seek to restrict new dwellings within the open countryside. Policy RES.5 states that new dwellings will be restricted to a person engaged full time in agriculture or forestry. However, in accordance with PPS7 the Council has also applied this to other key workers such as equestrian workers. Both local and national policies include a financial and functional test to demonstrate that the dwelling is essential for the efficient working of the enterprise.

Under the appeal in 2002 the Inspector assessed the proposals against the criteria in policy RES.5. He contended that the business at the time was one business rather than two and that whilst the bungalow on the site may not have been in the ownership of the applicant it nonetheless was associated with the unit and therefore could accommodate the 'need' that existed. The new dwelling was therefore not required and the appeal was dismissed on this basis. However there are fundamental differences between the appeal proposals and the proposals put forward under this application. In the appeal situation the business had not been separated and in addition the proposals were judged against policy RES.5 as the alterations undertaken to the building amounted to a re-build. However, following the appeal enforcement action was not taken against the physical alterations to the building; action was only taken in respect of the use. As a result the built form of the structure is lawful, and the current proposals are therefore to convert the building to a dwelling, and consequently policies NE.15 and NE.16 now apply rather than RES.5.

National and local planning policies also encourage the re-use of redundant rural buildings for alternative purposes including residential development. The re-use of this redundant building for residential use is therefore acceptable in principle, subject to meeting the tests in policies NE.15 and NE.16.

An objector has stated that the existing building is not a rural building for the purposes of the application of policy NE.16. There is no definition of a rural building within the Local

Plan and therefore a rural building can be considered to be any building within a designated rural area. As such, it is considered that policy NE.16 applies.

An objector correctly indicates that the applicant has been operating the business for the last 3 years and the business appears to have been operating successfully despite the fact that there has not been a separate dwelling on site. It is acknowledged that the development does not fulfil the functional and financial tests within PPS7 and RES.5. However, for the reasons stated above the proposals are now to be judged against the criteria in policy NE.16 which are considered below.

Commercial Re-Use

The existing building is of brick construction with a lean-to roof. It is attached to the existing indoor manege and has a floor area of approximately 91 sq. m.

Such a building by virtue of its size and location would be unsuitable for an industrial or storage use, or indeed a holiday let. It could however provide a small office for a business or additional stables.

In terms of the suitability of the location for the use of the building as an office, as the existing equestrian business operates 8am-6pm Monday- Friday which would be similar to the operating hours associated with a B1 office use, there are concerns that the noise and activity associated with the existing equestrian business would result in an uneasy relationship between the two uses. As such the building would be undesirable as office premises and it is highly likely that the applicant would struggle to sell or let the property long term.

The building is not redundant for the purposes of the existing enterprise and has been used as a mess room. However a holistic approach should be taken; the site has been subdivided and the existing dwelling on the site is no longer available to serve the business the subject of this application. The dwelling will be for an equestrian worker associated with the existing business and therefore if the dwelling is occupied in this capacity the conversion would be a subordinate part of the business use of the site.

Whilst the applicant has not demonstrated that the building is unsuitable for commercial use it is considered that the use of the building as an equestrian workers dwelling to serve the existing business would be linked to the existing business and would therefore represent a subordinate part of the business. A condition could be attached to ensure that this remained the case.

Sound Construction

As stipulated by an objector, the structure does not have foundations; it sits on concrete posts and it is constructed of brickwork with a profile metal roof.

That said the building was largely reconstructed in 2001 and as it has been occupied as a dwelling since this time without detriment to the living standards of the occupants it is considered that the building is of permanent, substantial and sound construction. It is not considered necessary to submit a structural report with the application as it has been reconstructed within the last 10 years.

No external alterations to the building are proposed and therefore conversion is capable without major or complete reconstruction.

Amenity

The existing building is attached to the indoor arena. The existing business at the site operates between 8am-6pm and generates both noise and odours. This is not considered to be compatible with residential use and would result in an amenity issue for future occupants.

That said, Inspectors have accepted that agricultural and equestrian workers expect a lower degree of amenity due to the nature of their work and it is considered that if the use of the building was attached to the existing business there would not be a conflict between the use of the building and the existing business. This will be conditioned accordingly.

In terms of overlooking, a public footpath and the access road into the site both pass by the principal windows on the property. Whilst this would result in some overlooking it would not be a fixed impact in the same way as if the building were located directly opposite another dwelling. As such this is more of a buyer beware issue as it is considered that to refuse planning permission on these grounds alone would be too paternalistic under the circumstances. Moreover the occupants could easily mitigate this issue by erecting curtains.

In terms of garden space, no amenity space is to be provided as part of the proposals nor will there be any designated car parking spaces for the dwelling. As stated above this does make for a substandard level of amenity which would be considered detrimental were this to be an 'open market' dwelling. However as the use will be attached to the existing business and to be occupied by an equestrian worker this is considered to be acceptable.

Highway Safety

The existing vehicular access and egress arrangements already serve the two businesses at the site. It is not considered that the addition of one dwelling which will only generate a maximum of 10 more vehicle movements would increase the chances of a traffic accident and as a result have an adverse impact of highway safety.

Both national and local planning policies seek to promote maximum car parking standards to encourage the use of more sustainable transport choices. The site lies within a rural area where bus and train services are limited; as such there is increased reliance on private motor vehicles. That said, as the dwelling will be restricted to an equestrian worker employed at the site, this will reduce the need to travel which is considered a benefit of the proposals.

It is considered that the existing informal car parking area would provide sufficient space to accommodate the extra spaces required and is unlikely to result in the displacement of parked vehicles onto the road.

Other Matters

The agents submitted supporting statement makes reference to the application of PPG2. However the site is not located within the designated Green Belt.

As there will be no external manifestations or external alterations to the building it is considered that the proposals would not have any impact on the character and appearance of the area.

11. CONCLUSIONS AND REASONS FOR DECISION

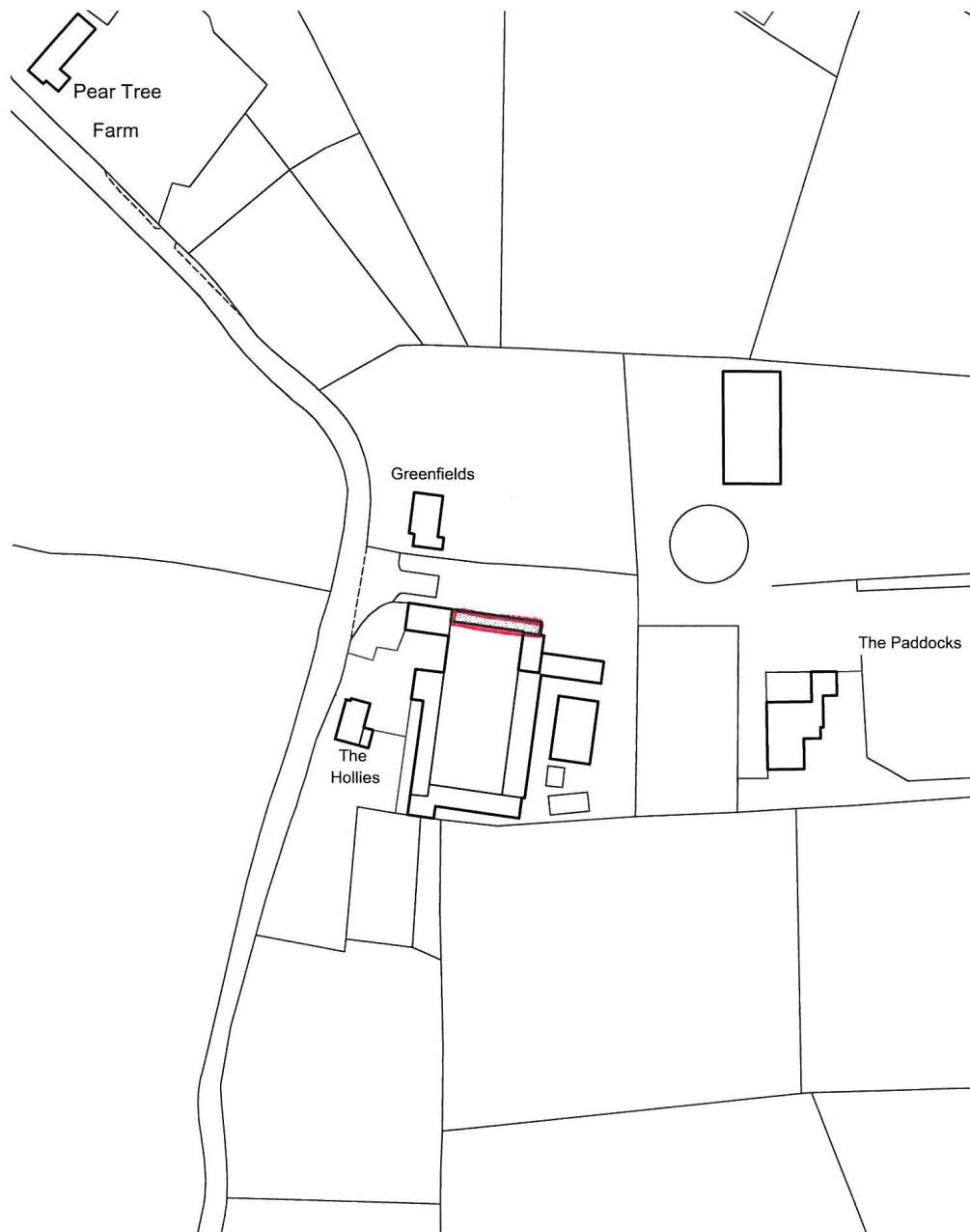
The proposals represent an acceptable form of development; the conversion is a subordinate part of the business use at the site, the building is of permanent and sound construction and the building is capable of conversion without any external alteration to the building. The development as conditioned would not have an adverse impact upon the amenities of future occupants, nature conservation resources, protected species, public rights of way or highway safety.

12. RECOMMENDATION

APPROVE subject to conditions

- 1. Time Limits**
- 2. Approved Plans**
- 3. No Demolition**
- 4. Equestrian Worker and Attached to Existing Business**

LOCATION PLAN:
Licence No. 100049045



Planning Reference No:	10/1446N
Application Address:	47A Barony Road, Nantwich
Proposal:	Change of use from offices to two flats
Applicant:	Mr Palin
Application Type:	Full Planning
Grid Reference:	365370 353040
Ward:	Nantwich
Earliest Determination Date:	31 st May 2010
Expiry Dated:	14 th June 2010
Date of Officer's Site Visit:	14 th May 2010
Date Report Prepared:	27 th May 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Subject to the receipt of amended plans to alter the internal layout of the first floor flat approve subject to the conditions

MAIN ISSUES

Impact of the development on:-

- **The impact upon residential amenity**
- **Parking**

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Thorley has requested it is referred to Committee due to concerns over parking and over-domination.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located within the Nantwich Settlement Boundary and is made up of a two-storey and single-storey building. Although the site address is Barony Road the property fronts onto Davenport Avenue. The buildings are mainly red brick although the two-storey element includes an area which has been painted white. Part of the building has been converted to a funeral parlour following the approval of application 09/3081N.

The area is predominantly residential with flats located to the south and west of the site. To the east of the site is a terrace of properties which are mainly residential apart from a small shop which is located at the junction of Barony Road and Davenport Avenue.

3. DETAILS OF PROPOSAL

The proposal relates to the change of part of the building to 2 flats (the funeral parlour would be retained). The proposed ground floor flat would have 2 bedrooms and the first floor flat would have 1 bedroom.

4. RELEVANT HISTORY

09/3081N - Change of Use from Offices/Dance Studio/Nursery to Offices & Funeral Parlour – Approved 4th December 2009

P08/1338 - Change of Use from Offices to Children Nursery to the Two Storey Section of Property (Mornings Only) – Approved 30th January 2009

P08/1336 - Change of Use from Offices to Dance School to the Two Storey Section of Property Only – Approved 30th January 2009

P07/1278 – Change of use from (B1) office to children's nursery – Refused 8th November 2007

P04/0310 - Change of Use to Car Sales (Re-Submission) – Approved 24th September 2004

P03/0594 - Alterations and extension to builder's workshop – Refused 22nd July 2003

P97/0862 - COU to motor vehicle repairs and sales – Refused 11th December 1997

P94/0563 - Use of garage as additional workshop space – Approved 25th August 1994

P92/0421 - Alterations and extension to builder's workshop – Approved 27th August 1992

5. POLICIES

Local Plan policy

E.7 – Existing Employment Sites

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

TRAN.9 – Car Parking Standards

6. CONSULTATIONS (External to Planning)

Highways Authority: There will be no significant increase in vehicular movements as a result of this application; therefore there are no highway objections.

Environmental Health: No comments received at the time of writing this report

7. VIEWS OF THE PARRISH 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

Supporting Statement

- The building which is subject to this application is in a sound condition given its age and past uses. The building does not contain any architectural features

- The building started life as the Chatwin's bakery, followed by various uses such as light industrial, a builder's yard, car sales, a dance studio and children's nursery

The funeral parlour would be retained and the office element would be converted to flats

- Parking for the funeral cars is within the existing garaging. Visitors to both the funeral parlour and flats will use the car park on Davenport Avenue
- Car parking for the flats will be off Davenport Avenue as agreed on the last application
- The property is on all the major bus routes.

10. OFFICER APPRAISAL

Principal of Development

The application site is located within the settlement boundary of Nantwich and the principle issues in the determination of this application will be whether the proposal is acceptable in terms of its impact upon residential amenity and the highway/parking implication of the proposed change of use. The proposed development will need to comply with policies BE.1, BE.2, BE.3, BE.4 and TRAN.9.

This part of the building has been converted to offices as part of the previous approval on the site 09/3081N and as a result the development will result in the loss of an employment use and will need to be considered with reference to Policy E.7. In this instance the loss of employment use will be relatively minor and it is not considered that allowing the proposal would have a detrimental impact upon the supply of employment premises in the Borough. Furthermore the area is predominantly residential and it is considered that there would be overriding local benefits in the change of use of the building to residential use.

Amenity

The existing building has 2 first floor windows to its eastern elevation facing 46-48 Barony Road. There would be a separation distance of approximately 11.5 metres from the first floor principal windows at 46-48 Barony Road and the first floor windows to the side of the application property. It is considered that this relationship would cause a significant level of loss of privacy to the principal windows to the rear elevations of 46-48 Barony Road and is therefore unacceptable. This separation distance would also be contrary to the spacing standards set out in the Councils Supplementary Planning Document on Development on Backland and Gardens which states that ideally there should be a separation distance of 21 metres between principal elevations.

In order to address this issue the agent has agreed to alter the internal layout of the first floor flat so that the windows to the side elevation facing 46-48 Barony Road would be secondary windows and could be obscure glazed. The agent has stated that these amendments have been done but at the time of writing this report the case officer was yet to receive the amended plans, further clarification on this issue will be provided as part of the update report.

Due to the separation distances it is not considered that the change of use would have a detrimental impact upon any other properties.

Design

This is an application for the change of use of the building only and no external alterations are proposed.

Highways

The site has a long planning history and it is important that this is brought to the attention of the committee in determining this application. The site has 3 refusals relating to a lack of parking provision on the site. Prior to 1992 the use of the site was as a builder's workshop and planning application P92/0421 allowed an extension to this builders workshop which resulted in the loss of the sites off-street car-parking provision however the extension provided large garages and would have no impact upon the car parking provision for the site, a condition was attached to ensure that this was retained for the parking of vehicles and no other purpose.

In 1994 a planning application P94/0563 was submitted to allow this garage to be used as additional storage space, this was approved following the submission of a legal agreement in the form of a 'license to occupy' 6 parking spaces within the forecourt of the adjacent tyre depot, this application was approved with a condition limiting the use to the period of the 'license to occupy'.

In 1997 a further application P97/0862 was submitted to change the use of the site to motor vehicle repairs and sales. This application was refused for 2 reasons;

1. Unacceptable increase in on on-street parking detrimental to highway safety and residential amenity
2. Unacceptable increase in noise and disturbance detrimental to the living conditions of local residents

Following an enforcement investigation a retrospective application was submitted for part of the site (the 2 garage units) for a change of use to car sales. This application was refused due to a lack of off-street car parking which would be detrimental to residential amenity.

The applicants resubmitted this application under application P04/0310 after securing 2 off-street parking spaces in the forecourt of the adjacent site. This application was allowed with conditions for the provision of 2 off-street parking spaces and signage for customers and staff to these car parking spaces.

In November 2007 planning permission for the change of use of two-storey part of the building to a children's day nursery was refused due to the lack of off-street car-parking and the lack of any safe picking up and setting down of children within the site

It should be noted that the adjacent site has been developed for a residential use and there is no possibility of off-street parking being provided in the adjacent site as per planning permissions P04/0310 and P94/0563.

In 2008 planning permission was granted for the use of the site as a children's day nursery and dance school. As part of this permission there was an agreement that the parents and staff using the site would use the Scout Hut car park further down Davenport Avenue. A similar agreement was made in 2009 when planning permission was granted for the use of the site as a funeral parlour and office (the funeral parlour element of this proposal has now been implemented).

The site is in close proximity to the shop at the junction of Barony Road and Davenport Avenue and it is accepted that there may be some times of the day when on-street parking is a problem in the area. However the proposed change of use would create the

demand for 2 on-street car parking spaces only, and given that the Highways Authority has raised no objection it is not considered that the application can be refused due to the lack of off-street parking.

11. CONCLUSIONS

The proposal involves no external alterations to the building and subject to the receipt of amended plans to alter the internal layout of the first floor flat it is considered that the proposal would not have a detrimental impact upon residential amenity. Although no off-street parking would be provided the Highway Authority as raised no objection to the proposal given the scale of the proposal and as a result the development is considered to be acceptable in terms of its highways implications.

12. RECOMMENDATIONS

Subject to the receipt of amended plans to alter the internal layout of the first floor flat Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Amended plans**
- 3. Obscure glazing to the 2 first floor windows to the eastern elevation**
- 4. No use of the single storey flat roofed area as a balcony or roof terrace**

Location Plan:
Licence No: 100049045



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 9th June 2010

Report of: Adrian Fisher, Head of Planning and Policy

Title: Land at 2 & 4 Heathfield Avenue and 29, 29A & 31
Hightown Crewe

1.0 Purpose of Report

- 1.1 To consider a proposed variation to the draft Section 106 Agreement attached to planning permission 09/1325N for Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure approved by Cheshire East Borough Council.

2.0 Decision Required

- 2.1 The report is seeking to amend the terms for a s106 agreement and the recommendation should be to approve amendments to the terms for a s106 agreement as set out in the report and to issue the permission for Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure subject to the conditions set out in the decision made by the committee on 15 July 2009 and subject to the completion of a s106 agreement on the amended terms set out in the report .
- 2.2 The recommendation is therefore to agree to the proposed amendments and to instruct the Borough Solicitor to prepare an amended Section 106 Agreement.

3.0 Background

- 3.1 Members will recall that in July 2009 the Southern Planning Committee resolved to grant planning permission for the demolition of existing buildings and erection of new buildings and redevelopment of link house to provide 35 apartments and two retail units with associated infrastructure on land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown Crewe, subject to the completion of a Section 106 Agreement to secure affordable housing and a commuted sums payment in respect of open space provision and subject to a number of conditions (Application 09/1325N refers)

- 3.2 Since that resolution was made discussions have been on-going with the applicant and their agents in respect of the number of affordable housing units to be provided:- the number of affordable units to be provided as part of the overall scheme will be increased from 12 to 14 and accordingly the number of open market units would reduce from 23 to 21. In all other respects the development would remain the same as approved by the Committee.
- 3.3 The 12 units were to be provided in the form of 11 on the southern (Link House) side of Heathfield Avenue, and the remaining one unit was to be the ground floor flat situated at the western end of the three storey block located on the opposite side of Heathfield Avenue.
- 3.4 The proposal is that the additional affordable units now proposed should be the two flats situated immediately above, and within the same block as, the ground floor flat referred to. The new affordable units would be both 2 bed units.

4.0 Proposals

- 4.1 Wulvern Housing is very keen to progress and get this scheme started on site within the coming year. Discussions with the HCA suggest that they remain very keen to see this scheme come forward.
- 4.2 The main issue is the impact of the mix of affordable housing and market housing on meeting housing need. The purpose of this report is to discuss the change of two market units to affordable units. There are no changes to the layout as a result of the proposal and this report does not re-open any other issues.

Affordable Housing

- 4.3 Policy RES.7 as modified states that affordable housing targets on windfall sites will be 35%. The scheme proposed shows 35 units. 35% of 35 is 12.25 equating to 12 units. As a result of negotiations between Wulvern Housing and the developer, the developer now wishes to provide 14 affordable units on site which equates to 40% affordable housing. The policy also requires that account is taken of the need to provide rental and subsidised units.
- 4.4 The developer has indicated that all the units to be provided will be for rent. This was considered acceptable in the original report because the Design & Access Statement provides evidence that subsidised units are 'out of reach' of many people in housing need living in Crewe due to the rising cost of living, incomes and the recent downturn in the economy. This has been verified by Housing Officers.
- 4.5 Wulvern Housing has been involved at the outset and it is envisaged that they will be a signatory to the section 106 Agreement.

- 4.6 The developer has shown site 2 accommodating the majority of the affordable units. There are 9 two bed and 5 one bed units which provides a mix of different accommodation types which accords with the Housing Needs Survey 2005.
- 4.7 11 affordable units are provided in one block on site 2 with three additional units on site 1. Whilst the Local Authority would normally encourage a mix of private and social housing in the interests of sustainable communities, the majority of the affordable housing is to be provided in one block as the developer wishes to 'phase' the development:- the affordable units on site 2 will be built first as there is a demand for affordable housing where Housing Associations have secured funding. The downturn in the economy has affected both house prices and the demand for shared ownership housing and therefore the building of the private housing at site 1 is dependent on the increase in demand for housing.
- 4.8 The section 106 agreement will require the provision of the 14 affordable units for rent, on the site as detailed above along with the following;
- A trigger for delivery of the affordable housing which will be that the affordable block on site 2 be completed first and that the 12th, 13th and 14th affordable units be provided prior to the first occupation of the private market housing at site 1;
 - A 'cascade' will need to be included to ensure that first priority is given to those in housing need who are resident in or who have connections to the wards of Crewe (wards of Alexandra, Coppenhall, Delamere, Grosvenor, Leighton, Maw Green, St Barnabas, St Johns, St Marys, Valley, Waldron, Wells Green, Willaston, Wistaston Green) followed by the whole of the area covered by the former Borough of Crewe and Nantwich;
 - Provision for nomination rights to be given to Cheshire East Borough Council;
 - The affordable units shall be units to rent, subject to a rent which is accepted as affordable by the Homes and Communities Agency for the Borough area and shall be retained as social rented units.
- 4.9 It is considered that the provision of additional units will further contribute to meeting housing needs within the locality. In this regard, the Housing section is supportive of the application.

5.0 Conclusion

- 5.1 The alterations to the development represent an improvement over the scheme as previously approved as the scheme provides additional affordable units within the locality.
- 5.2 On the basis of the above, the proposed changes to the Section 106 are considered to be appropriate and acceptable.

6.0 Recommendation

- 6.1 That the Committee resolve to instruct the Borough Solicitor to prepare an amended Section 106 Agreement attached to planning permission 09/1325N to modify the mix of tenure on the site from 12 affordable rented units to provide 14 affordable rented units.

7.0 Financial Implications

- 7.1 There are no financial implications.

8.0 Consultations

Borough Solicitor

- 8.1 The Borough Solicitor has been consulted on the proposals and raised no objections

Housing Section

- 8.2 The housing section has commented that they are supportive of the proposals.

9.0 Risk Assessment

- 9.1 There are no risks associated with this decision.

10.0 Reasons for Recommendation

- 10.1 To ensure that an approved scheme for additional affordable housing within the local area is delivered.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Lauren Thompson –Planning Officer
Tel No: 01270 537067
Email: lauren.thompson@cheshireeast.gov.uk

Background Documents:

Application 09/1325N