

Southern Planning Committee

Agenda

Date:	Wednesday, 31st October, 2012
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 10 October 2012.

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 or requests for further information

Speakingatplanning@cheshireeast.gov.uk 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. **12/3227C - 1 BOUNDARY LANE, CONGLETON, CW12 3JA: Demolition of Existing 3-Bedroom Bungalow and Detached Garage and Development of Four 3-Bedroom Semi-Detached Houses for J Hayes, Northmeadow LTD**
(Pages 9 - 18)

To consider the above planning application.

6. **12/2936N - WRIGHTS LOW TEMPERATURE COLD STORE, FIRST AVENUE, CREWE, CW1 6BG: Demolition of Commercial Premises and Extension of Existing Cold Store onto Adjoining Site. Inclusion of 2 New Marshalling Bays and Additional Cold Storage for Peter Wright, Wrights** (Pages 19 - 24)

To consider the above planning application.

7. **12/2869C - LAND SOUTH OF PORTLAND DRIVE, SCHOLAR GREEN: Variations to Elevations of Dwelling Plots 1-6, 53-56 of Previously Approved Application 08/0712/FUL for Ben Bailey Homes** (Pages 25 - 30)

To consider the above planning application.

8. **P09/0014 - LAND AT 2 & 4 HEATHFIELD AVENUE AND 29, 29A & 31 HIGHTOWN, CREWE: Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure for R.G. Harris Ltd** (Pages 31 - 44)

To consider the above planning application.

9. **Proposed Deed of Variation to the Section 106 Agreement to Allow for a Reduction in the Number of Affordable Units at Marsh Farm, Newcastle Road, Congleton** (Pages 45 - 48)

To consider a proposed Deed of Variation to the Section 106 Agreement in respect of application 09/4240C.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 10th October, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors D Bebbington, P Butterill, R Cartlidge, J Clowes, W S Davies,
P Groves, A Kolker, D Marren, M A Martin, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors G Baxendale, R Domleo and J Hammond

OFFICERS PRESENT

Patricia Evans (Planning Lawyer)
Rachel Goddard (Senior Lawyer)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors Rhoda Bailey and S McGrory

65 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

- With regard to application number 12/1023N, Councillor S Davies declared that he knew the applicant. In accordance with the code of conduct, Councillor Davies withdrew from the meeting during consideration of this item.
- Councillor P Butterill declared that, notwithstanding the publication in the press of a letter from her regarding development on greenfield sites, she had kept an open mind with respect to all the applications on the agenda for the current meeting, and that she would consider each item on its merits, having heard the debate and all the information. Councillor Butterill also declared that she was a member of Nantwich Town Council and Nantwich Civic Society.
- With regard to application number 12/3548N, Councillor A Thwaite declared that he had previously had a close working relationship with one of the senior managers at Reaseheath College.

- With regard to application number 12/3464N, Councillor P Groves declared that he had been to Stapeley School on the previous Friday morning with his fellow Ward Councillor and the Leader of the Council in order to view the traffic. He had not taken part in any discussions in respect of the application and had kept an open mind.
- With regard to application number 12/3464N, Councillor J Clowes declared that her child had previously attended the school.
- Councillor D Bebbington declared that, notwithstanding the publication in the press of a letter from him regarding the Keep it Green Campaign, he had kept an open mind with respect to all the applications on the agenda for the current meeting, and that he would consider each item on its merits, having heard the debate and all the information.
- With regard to application number 12/1073N, Rachel Goddard, Senior Lawyer, declared that she knew the applicant. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.
- All Members of the Committee declared that they had received correspondence regarding application number 12/3548N.

66 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 September 2012 be approved as a correct record and signed by the Chairman.

67 **12/3464N LAND TO THE REAR OF 72 BROAD LANE, STAPELEY: CONSTRUCTION OF A NEW CAR PARK ADJACENT TO THE SCHOOL INCLUDING RELOCATION OF THE EXISTING HIGHWAY ACCESS FOR TRUSTEES OF STAPELEY SCHOOL**

Note: Mr T Marsden (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, a written update and an oral update by the Southern Area Manager – Development Management.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure a financial contribution of £4,000 for traffic management and the following conditions:

1. Standard time
2. Approved plans
3. Materials as application or otherwise agreed by the LPA
4. Details of lighting columns and hours of use

5. Visibility Splays
6. Internal access gate to be set back as per submitted plan
7. Submission of School Travel Plan
8. Boundary treatments

68 12/1023N CHURCH FARM, CHESTER ROAD, ACTON, NANTWICH, CHESHIRE CW5 8LG: PROPOSED RESIDENTIAL DEVELOPMENT TO PROVIDE 11 NEW DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS, GARAGING AND PARKING FOR J TOMLINSON

Note: Having declared that he knew the applicant, Councillor S Davies withdrew from the meeting during consideration of this item.

Note: Mr C Bowen (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, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management in which he advised them that the application was a departure from Policy NE2.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (i) Receipt of updated ecological survey.
- (ii) No objection from the Council's Landscape Officer/Ecologist to the additional submission.
- (iii) No objection from Greenspaces officer.
- (iv) The signing of a Section 106 agreement making provision for 4 units of Affordable Housing. The type of units to be the subject of negotiation between the Development Management and Building Control Manager and the applicant.
- (v) The following conditions:
 1. Standard Time
 2. Approved Plans
 3. Submission of details of bricks and roof tiles;
 4. Submission of details of all gates;
 5. Submission of details of boundary treatments;
 6. Doors and windows to be in wood;
 7. All gutters and fall pipes to be in black metal;
 8. All external vents to be in black;
 9. Submission of details of the proposed lighting scheme;
 10. Submission of hard and soft landscape scheme;

11. Implementation of landscaping
12. Replacement hedgerow planting
13. Retention of hedgerow to church yard
14. Tree protection
15. Implementation of tree protection
16. Removal of permitted development rights.
17. Programme of archaeological mitigation
18. Contaminated land report
19. Hours of construction Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
20. Pile driving Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
21. Pile driving method statement
22. Submission of details of external lighting
23. Details of bin storage to be agreed

69 12/1073N TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE CW2 5NT: RETENTION OF EXTENSIONS TO AGRICULTURAL BUILDINGS FOR MR MARK ABELL

Note: Having declared that she knew the applicant, Rachel Goddard, Senior Lawyer, withdrew from the meeting during consideration of this item and Patricia Evans, Planning Lawyer, took her place.

Note: All Members of the Committee declared that they had been sent photographs by an objector.

Note: Councillor J Hammond (Ward Councillor) and Mr M Coyne (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The extensions are not necessary to support the existing or proposed agricultural business on the site as identified within the Reading Agricultural Consultants appraisal. The extensions therefore represent inappropriate development within the Green Belt, which will have an adverse impact on the openness of the Green Belt contrary to Crewe & Nantwich Local Plan Policy NE1 and paragraphs 87 and 89 of the NPPF.
2. Notwithstanding the requirements of the recent appeal decision (APP/R0660/C/11/2161944) the Council considers that the appeal decision did not take account of the Reading Agricultural Consultants appraisal and as such planning permission for the extensions should not be granted.

70 12/2437N F J NEED FOODS LTD, SPINNEYFIELDS FARM, MAIN ROAD, WORLESTON CW5 6DN: 'L' SHAPED PORTAL STEEL FRAMED BUILDING FOR MR P NEED

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials to be submitted and agreed in writing
4. Details of any external lighting to be submitted and approved
5. Landscaping Submitted
6. Landscaping Implemented
7. Details of boundary treatment to be submitted and approved in writing
8. Surfacing materials
9. Drainage scheme to be submitted and approved in writing
10. Details of secured covered cycle parking to be submitted and agreed in writing
11. Incorporation of sustainable features to be submitted and approved in writing
12. Hours of use of the unit to be submitted and agreed in writing
13. Details of noise reduction measures for the unit to be submitted and approved in writing
14. Travel Plan
15. No outside storage
16. Hours of Construction
17. Hours of Pile Foundation
18. Restrict Use to B2 and B8 for the storage and processing of cheese only
19. Details of the Warning signs to be submitted and agreed
20. Nesting Birds

71 12/2794C SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON CW12 4SW: ERECTION OF VETERINARY BUILDING FOR MR SIMON KING

Note: Prior to consideration of this application, the meeting was adjourned for five minutes for a break.

Note: Ms C Payne had registered her intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Materials as stated in the application
4. Development in accordance with the Tree Protection Method Statement
5. Screening materials to protect the Jodrell Bank Telescope

72 12/3234C WAGGON AND HORSES, WEST ROAD, CONGLETON CW12 4HB: ALTERATIONS AND EXTENSION TO EXISTING BUILDING FOR MARSTON'S PLC

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

Note: Councillor R Domleo (Ward Councillor) had registered his intention to address the Committee on this matter but he had left the meeting by the time this item was considered. A statement from Councillor Domleo was read out by Councillor Baxendale.

Note: Mr M Brooke (on behalf of the applicant) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Brooke to speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard time limit
2. Development in accordance with the approved plans
3. Submission and approval of external materials and finishes
4. The maximum weight of vehicles allowed to deliver to the site restricted to a maximum of 7.5 tonnes
5. Deliveries to be to between 0700 to 1900 hours
6. Opening hours to be between 0700 to 2200 hours
7. Details of lighting to be submitted to and approved
8. Details of bin storage to be submitted and approved
9. Details of acoustic enclosure of fans / compressors and noise generating equipment to be submitted and approved
10. Construction hours limited to 0800 to 1800 hours Monday to Friday, 0900 to 1400 hours on Saturdays and no working on Sundays or Public Holidays
11. Submission of a method statement should pile foundations be

required

12. Submission of a method statement for any floor floating taking place and the following informative:

The car park is currently used as a Safer Route to School.

73 12/3548N REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE CW5 6DF: PROPOSED 3 STOREY, 150 BED RESIDENTIAL STUDENT ACCOMMODATION BUILDING AND ASSOCIATED LANDSCAPE WORKS FOR MR MEREDYDD DAVID

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

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

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. Drainage
6. Cycle Shelters
7. Landscaping Submitted
8. Landscaping Implemented
9. Car Parking
10. Travel Plan
11. Roof Cowls
12. Tree Protection Measures
13. Lighting Scheme to be Submitted and Approved
14. Hours of Construction

Monday to Friday	08:00 to 18:00 Hours
Saturdays	09:00 to 14:00 Hours
Sundays and Public Holidays	Nil
15. Pile Foundations

Monday to Friday	08:30 to 17:30 Hours
Saturday	08:30 to 13:00 Hours
Sundays and Public Holidays	Nil
16. Floor Floating

Monday to Friday	07:30 to 20:00 Hours
Saturday	07:30 to 13:00 Hours
Sundays and Public Holidays	Nil
17. Dust Control – in order to minimise dust arising from demolition/construction activities a scheme shall be submitted and approved

18. Features for Breeding Birds
19. No Development within the Bird Breeding Season
20. Additional Green Walls for the elevations facing Wettenhall Road and Crewe Alexander Training Ground.
21. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
22. Detailed Specification of the cycleway to include width, signage, materials used in the surface and to include any temporary arrangements.

The meeting commenced at 2.00 pm and concluded at 5.20 pm

Councillor G Merry (Chairman)

Application No: 12/3227C

Location: 1, BOUNDARY LANE, CONGLETON, CW12 3JA

Proposal: Demolition of Existing 3-Bedroom Bungalow and Detached Garage and Development of Four 3-Bedroom Semi-Detached Houses

Applicant: J Hayes, Northmeadow LTD

Expiry Date: 17-Oct-2012

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Design, Impact on the Character and Appearance of the Locality/Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking
- Impact on Protected Species
- Impact on trees and landscaping
- Impact on contaminated land

1. REASON FOR REFERRAL

This type of application would usually be dealt with under delegated powers, however Councillor David Brown has called the application into Southern Planning Committee on the grounds of Highway Safety and Amenity impact, and the number of objections.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is situated on Boundary Lane, within the Congleton settlement zone line. The existing site comprises a detached single storey bungalow and a single detached garage. The existing access to the site is at a 45 degree angle to the corner of Maxwell Road and Boundary Lane.

3. DETAILS OF PROPOSAL

This proposal seeks full planning permission to demolish the existing dwellinghouse and garage and replace it with 4no semi detached dwellings, with associated access.

4. RELEVANT HISTORY

No planning history

5. POLICIES

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Congleton Local Plan 2005

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

PS4 Towns
H1 & H2 Provision of New Housing Development
GR1 New Development
GR3 Density, Housing Mix and Layout
GR4 Landscaping
GR6 Amenity and Health
GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision

SPG2 Provision of Private Open Space in New Residential Developments

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager – None received at time of writing this report

United Utilities: No objections

Environmental Health – No objections subject to conditions for hours of operation and pile foundations, and a note about contaminated land.

7. VIEWS OF THE TOWN COUNCIL – No objections

8. OTHER REPRESENTATIONS

Letters of representation have been received from the occupiers of 39 residences, Cllr Brown and Cllr Mason. The main issues raised are;

- Over development of the plot,
- Traffic is already very bad in the area this will only make it worse, (mainly at school times),
- Two dwellings would sit much better on the site than four,
- Noise impact due to increase in number of properties,
- Four dwellings will have a detrimental impact on the streetscene,
- On road car parking in the area is already very difficult, (mainly at school times)

- Inadequate amenity and car parking provision,
- Overlooking from the proposed dwelling,
- Devalue property prices in the area,
- Impact on light to rear garden, side windows and driveway of No.3 Maxwell Road,
- Amenity impact on opposing properties,
- Queries about the electricity cable between No.3 Maxwell Road and No.1 Boundary Lane,
- Would be more environmental friendly to retain the bungalow and improve it,
- Increase in traffic, parking and driveway may increase danger to children walking to school,
- The proposal is garden grabbing and Greg Clarke, the Minister for Decentralisation announced recently that private residential garden would no longer be considered as 'Brownfield' and therefore development would not be permitted on such land,
- A risk assessment should be carried out on the proposed drive ways,
- Loss of views of the hills,
- Recent development in the area has caused large lorries to effectively close the road up, the proposed construction would be four times as worse,
- The police have been called on a number of occasions due to congestion issues at school times,
- Concerns raised with the manner the Congleton Town Council reached their consultation response, given no residence were aware of the meeting,
- The legal title states that plots should be used for one or more bungalows, not dwellings,
- The front elevations of the dwellings are not in keeping with the surrounding streetscene and should not include gable projections,
- Bus stop and streetlamp will need moving,
- Impact on drainage
- The separation distance between Plot 4 and 42 Boundary Lane is only 13m which does not meet the 21.3m required for principal windows,
- Plot 4 has an insufficient garden area of less than 65 sqm,
- The proposed building will be sited 5m beyond the frontage of the existing bungalow and No.3 and 5 Boundary Lane, forming an intrusion into the current streetscene,
- Plot 4 does not meet the separation distance between habitable rooms and boundaries,
- No.42 Boundary Lane will overshadow Plot 4,
- Separation distance between the proposed dwelling and those on the opposite side on Maxwell Road is also lower than the standards, however is the same as the current situation,
- The gables proposed will increase overshadowing on the neighbours on Maxwell Drive,
- The contrasting design of the proposed dwelling which appear obtrusive in the streetscene,
- The design and access statement notes that there is a shortage of semi-detached dwellings in the area however there are seven for sale within the ¼ mile of the application site and 17 within ½ mile, in fact bungalows are more in need,
- A footpath should be constructed along Maxwell Road,

A petition containing 106 signatures has also been submitted.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Contaminated Land Questionnaire

10. OFFICER APPRAISAL

Principle of Development

The application site is situated within the Congleton Town settlement boundary where there is a presumption in favour of development. The proposal site lies within a garden plot for an existing bungalow and therefore is considered to be Greenfield land.

Nevertheless, Policy PS4 (Towns) of the Congleton Local Plan does not differentiate between either Brownfield or Greenfield land being more preferable within the settlement boundary and therefore the general principle of development is acceptable.

Paragraph 47 of the National Planning Policy Framework requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
specific policies in the Framework indicate development should be restricted.”*

Consequently, it is considered that the contribution to housing land supply, and the above provisions of the NPPF, the proposal is therefore considered to be acceptable in principle and the application turns on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily access with an appropriate level of parking provision, whether there would be an adverse impact on Protected Species and Landscape features, and whether there are any other issues relating to contaminated land.

Design

The application site currently comprises an empty single storey bungalow in a fairly large curtilage. The surrounding area is a mix of design and styles of dwellings; however the

immediately surrounding properties are largely semi-detached dwellings, with a mix of dwelling on the opposite side of Boundary Lane.

The proposal seeks permission for two pairs of semi-detached dwellings and the demolition of the existing bungalow. The proposed properties are three bedroomed dwellings with a roof height the same as the adjacent dwellings on Maxwell Road. All the proposed dwellings will have gable side elevations except plot 4 which will have a hipped roof. This is at variance with the large majority of dwellings in the surrounding streetscene which have hipped roofs. Furthermore, the gable projections off the front elevations of the dwellings are also different from the surrounding houses. This said the existing dwellings are fairly plain in their appearance and of no particular architectural merit. The proposed dwellings have been designed in such a way as to provide an element of interest to the elevations and therefore although differing from the majority of dwellings in the area it is considered that the design is suitable for the position and will not have a detrimental impact on the character or appearance of the streetscene. The proposed dwelling includes bay windows on the front elevations which are a key design element taken from the properties on Maxwell Road and will help to create an element of continuity within the streetscene.

The dwellings have been designed to sit in the current building line of Maxwell Road, and plot 4 to 'turn the corner' to address Boundary Lane. This creates active frontages facing both roads and it is considered that this will provide a good relationship with the streetscene. Furthermore, traditional detailing such as lintels, eaves details and window and door heads and cills have been proposed which will help to harmonise the dwellings with the more traditional properties on Boundary Lane.

Impact on the Amenity of adjacent properties and future occupants

Loss of Privacy/Overlooking/Overshadowing

The proposed dwellings are to be sited on the existing dwelling plot of No.1 Boundary Lane. The proposed four two storey dwellings will in no doubt appear more imposing on the surrounding neighbours than the existing single storey bungalow. However, the impact of the development needs to be addressed in accordance with the separation guidance and if there is suitable amenity space for the future occupiers of the dwelling.

Supplementary Planning Guidance note 2: Private Open Space suggests that a separation distance of 21.3m is maintained between opposing elevations with principle windows, and 13.8m between elevations with principle windows and flank elevation or elevations with secondary/obscure glazed elevations.

The proposed dwellings will be sited a minimum of 23m away from the front elevations of the dwellings on the opposite side of Maxwell Road and therefore the proposal is considered to be of a suitable distance from the opposing dwelling to maintain the amenity of the neighbouring properties.

Furthermore a separation distance of 4.2m will be achieved between No.3 Maxwell Road and the side elevation of Plot 1. This is a suitable distance between flank elevations with secondary/obscure glazed windows. The width of the property will mimic the width of No.3 Maxwell Road and will be sat on the same build line and therefore the proposed building will not have a significantly detrimental impact on neighbouring amenity.

To the rear, the dwellings will face towards the rear garden and side elevation of No.3 Boundary Lane. The proposed dwelling will have a 9m rear garden and will be 12m away from the side elevation of the No.3. The existing bungalow is sited 7m away from the side elevation of No.3 and also had windows on the side elevation. It is considered that although the separation distance of 13.8m between principal windows and secondary windows is not reached between the rear elevations of Plots 3 and 4 in this instance the dwellings will be sited further away than the existing bungalow and therefore the building will have a negligible impact on over looking and overbearing impact than that which already exists at the site.

There is a separation distance of 12.4m up to 13m between the side elevation of Plot 4 and the front elevation of No.42 Boundary Lane. No.42 Boundary Lane is a two storey dwelling with four principal windows on the front elevation sited adjacent to the path with no front garden. The proposed site plan shows that No.42 is at a slight angle to the proposed side elevation of Plot 4 and therefore the separation distance increases from the west to the east. The side elevation of Plot 4 has been designed to appear as a principal elevation to help integrate the dwelling with both Boundary Lane and Maxwell Drive; it therefore has a number of large windows on all three elevations. At ground floor level the proposed dwelling will have a secondary lounge window, a front door and dining room window. At first floor level the windows will serve an en-suite, a bathroom and a secondary window bedroom window. All the windows on the side elevation either serve no habitable rooms or are secondary windows to habitable rooms. Therefore a separation distance of 13.8m would be acceptable in this instance rather than the 21.3m required between principle windows. Due to the orientation of the dwellings the ground floor dining room windows will not directly over look the ground floor window on No.42, and therefore it is considered unnecessary to require this window to be obscure glazed, however the separation distance reduces to only 12.4m between the secondary lounge window and the ensuite and Bathroom and therefore it is considered acceptable to require these windows to be obscure glazed to protect the amenity of the opposing neighbour. With the addition of an obscure glazing condition it is considered that in this instance the slightly lower separation distance will be acceptable.

Private Amenity Space

SPG 2: Private Open Space requires a minimum of 65m² of private amenity space for each new dwellinghouse. Plots 1, 2, and 3 all have the minimum of amount of private amenity space as required. However, Plot 4 only has a rear garden area of 54m², but does include a front garden area of 63m². It is therefore considered that each of the dwellings does have a suitable amount of private amenity space afforded to them. Albeit, Plot 4 has a slightly lower amount of private amenity space but will achieved an overall suitable amount of amenity space when included the space to the front.

Noise

A series of conditions relating to construction hours, and pile driving are suggested which will control the impact of the proposed development on neighbouring properties during construction.

Impact on Protected Species

Prior to the submission of the application the applicant contacted the Councils Ecologist with regards to the need for a protected species survey due the requirement to demolish the bungalow. The Councils ecologist noted that after assessing the dwelling and the extent of

available habitat for bats in the locality that it would not be necessary to supply a protected species survey with the application. It is therefore considered unlikely that the proposed development would have a significantly detrimental impact on protected species.

Impact on Highway Safety and Parking

A significant amount of concern has been raised in relation to the impact the proposal will have on highway safety in the area. It is acknowledged that the area appears to have a high number of traffic movements at school start and ends times but the majority of the time the area is fairly quiet.

The amended plans received on the 18th October 2012 show a 1.2m footpath created along the boundary of development site on Maxwell Road and Boundary Lane (there is currently no path at this point on the road). Furthermore, the driveway accesses onto Maxwell Road and Boundary Lane have been widened to ensure suitable visibility and width to allow safe entrance and egress onto the highway. At the time of writing, no Highways comments had been received and therefore comments on the amended plans will be made as part of an update report.

The proposal includes the provision of 200% car parking across the four dwelling and this is considered to be a suitable provision for the size of the dwellings.

Other matters

Objections have raised concerns that the proposal will affect property values in the area. The devaluation of properties is not a material planning consideration and therefore cannot be considered within the recommendation.

Furthermore, concerns have been raised regarding moving electricity wires, a lamp post and a bus stop. These issues are not material planning issues and would be considered under different legislation.

A number of objections note that the land has a clause within the deeds stating only bungalows should be constructed on the site. This is legal matter and would need to be dealt with as a private legal matter. Planning permission can be granted on any development site regardless of restriction within deeds.

Issues have been raised regarding the drainage of the site, United Utilities have been consulted on the application and have raised no objections to the proposal and therefore from a planning perspective the proposal is acceptable. Furthermore, the suitability of the drainage will be considered through the building regulations consent and therefore it is considered unnecessary to condition any further information is required.

11. CONCLUSIONS

The application site is situated within the Congleton settlement boundary and therefore the principle of development is acceptable. It is considered that there are no significant amenity or highway safety issues arising from the proposal as conditioned. The proposed development is therefore considered to be in compliance with Policies PS4 Towns, H1 Provision of New Housing

Development, H2 Provision of New Housing Development, GR1 New Development, GR3 Density, Housing Mix and Layout, GR4 Landscaping, GR6 Amenity and Health, GR7 Pollution, GR9 Accessibility, Servicing and Parking Provision and SPG2 Provision of Private Open Space in New Residential Developments of the Congleton Borough Local Plan First Review 2005.

12. RECOMMENDATIONS

APPROVE subject to the following conditions,

Conditions;

- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of landscaping scheme**
- 4. Implementation of the approved landscaping scheme**
- 5. Boundary treatment details to be submitted to the LPA and approved in writing**
- 6. Remove PD Rights for extensions and alterations to the approved dwellings**
- 7. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 8. Windows and doors to be timber and set in 100mm reveals**
- 9. All bathroom, en-suite and landing windows to be obscure glazed and non opening, Plot 4 side elevation lounge and bedroom windows to be obscure glazed**

Note – Contaminated Land



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Application No: 12/2936N

Location: WRIGHTS LOW TEMPERATURE COLD STORE, FIRST AVENUE, CREWE, CW1 6BG

Proposal: Demolition of Commercial Premises and Extension of Existing Cold Store onto Adjoining Site. Inclusion of 2 New Marshalling Bays and Additional Cold Storage.

Applicant: Peter Wright, Wrights

Expiry Date: 12-Nov-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of the development
- Design, Siting and Scale
- Appearance
- Amenity

REASON FOR REFERRAL

The application is before Committee as it is for the creation of in excess of 1000sqm of commercial floorspace.

DESCRIPTION AND SITE CONTEXT

The application relates to an existing business (Wrights Pies) and the neighbouring, single storey building. The site is designated in the local plan as being within the settlement boundary and is on an existing business/industrial park, with commercial properties on all boundaries.

DETAILS OF PROPOSAL

The proposal is for the demolition of the single storey building and its replacement with an extension to the existing Wrights Pies facility. The extension would provide an additional 1251.4sqm of cold storage space, including 129.4sqm of delivery/marshalling area. The extension would mirror the existing building and be constructed from matching materials.

RELEVANT HISTORY

P08/0234 2008 Approval for electricity substation

P07/0613 2007 Approval for new cold store warehouse unit

P04/0431 2004 Approval for increase in roof height

P94/0364 1994 Approval for change of use from B1 And B2

POLICIES

National Guidance

National Planning Policy Framework

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP6 Marry Opportunity and Need

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

Local Plan

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

E.4 – Development on Existing Employment Areas

CONSIDERATIONS (External to Planning)

Environmental Health:

Lighting

Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

Noise & Vibration

Before the use commences the building, together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to in writing and approved by the borough council.

Dust Control

No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.

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

- The application area has a history of commercial/industrial use and therefore the land may be contaminated. As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

Due to the commercial/industrial nature of the site, there is the potential for contamination to be present. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

NOTE NCLC1

- The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Highways:

No objections.

VIEWS OF TOWN/PARISH COUNCIL

N/A

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the settlement boundary of Crewe and is on an existing business/industrial estate.

Policy E.4 allows for the re-use, re-development or intensification of the use of the land within existing employment areas, subject to compliance with Policies BE.1 to BE.5. The proposal is considered to be in compliance with Policy BE.4 and acceptable in principle.

Design and Scale

The proposal is for an extension to the Wrights Pies storage facility, and the design of it would create a mirror image of the existing building, including the use of matching materials. The scale of the building would be acceptable as it would also mirror that of the existing building.

This is an existing commercial area where there a variety of utilitarian buildings of differing sizes and designs and as such it is considered to be acceptable in terms of design and scale and in compliance with Policy BE.2 of the adopted local plan.

Amenity

Policy BE.1 requires that new development should be compatible with surrounding land uses, should not prejudice residential amenity, generate unacceptable levels of traffic or lead to an increase in pollution.

This is a storage facility on an existing commercial estate, which is surrounded on all sides by commercial properties and it is therefore considered that it would meet the requirements of Policy BE.1

Highways

The proposal is for an extension to an existing storage and distribution business on a purpose built commercial estate. As such it is considered that it would not prejudice the safe movement of traffic, would have a safe access and adequate parking provision. It is therefore considered to be acceptable and in compliance with Policies BE.1 and BE.3.

CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan. The proposal is of an appropriate scale and design and is therefore recommended for approval.

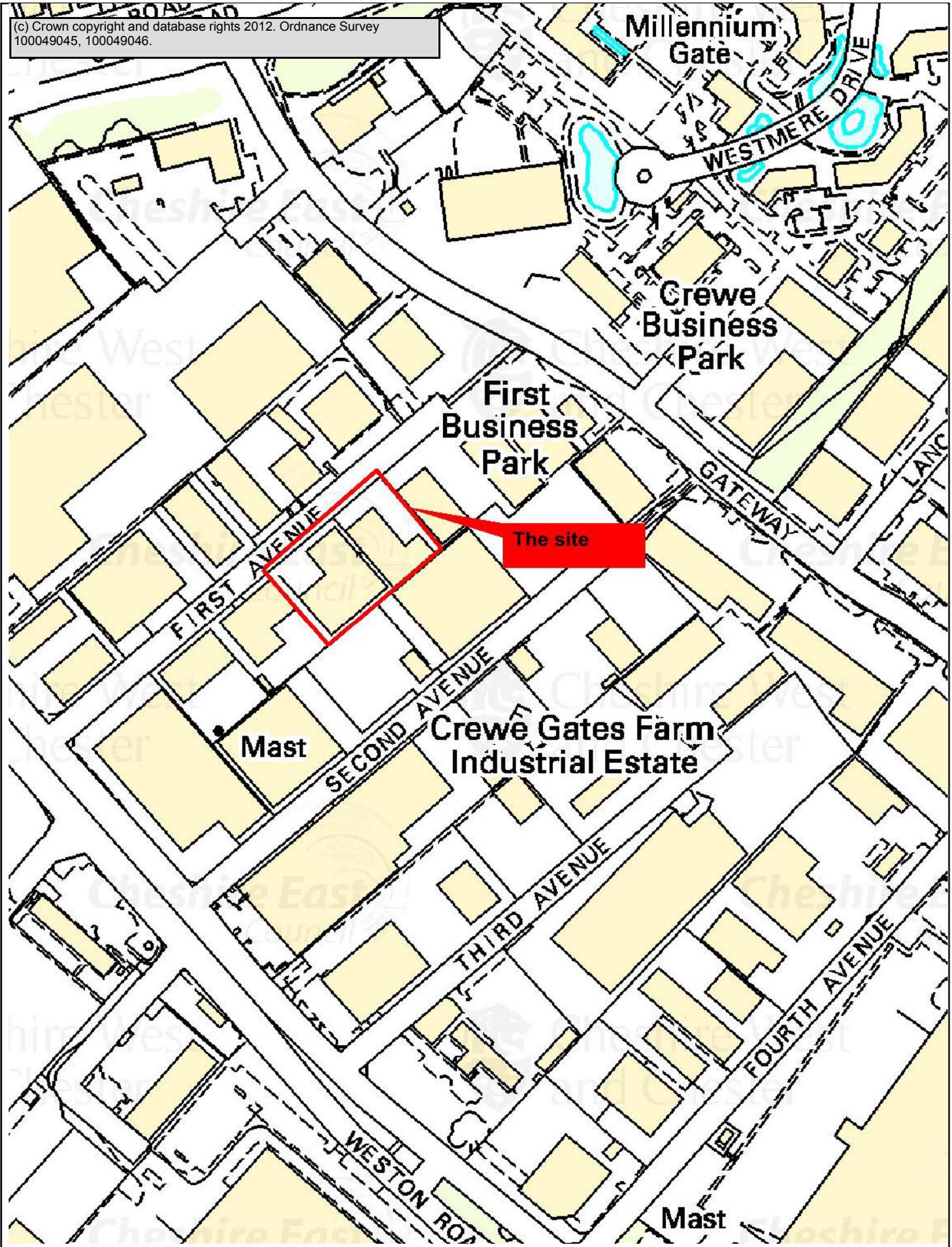
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Materials as stated in the application**
- 4. Submission of details of external lighting**
- 5. Submission of details of the acoustic enclosure of and and other equipment with the potential to create noise**



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Application No: 12/2869C

Location: Land South Of, PORTLAND DRIVE, SCHOLAR GREEN

Proposal: Variations to Elevations of Dwelling Plots 1-6, 53-56 of Previously Approved Application 08/0712/FUL

Applicant: Ben Bailey Homes

Expiry Date: 25-Oct-2012

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **Design - Character and Appearance**
- **Residential Amenity**
- **Other Issues Raised by Representation**

1. REASON FOR REFERRAL

This application is for consideration of an amendment to a major application and has therefore been referred to the Southern Planning Committee for determination.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to Plots 1-6 and 53-56 of the approved development on the south side of Portland Drive, Scholar Green, which consists of a new health care centre & residential development comprising 39 no. open market units & 17no. affordable housing units with associated means of access, landscaping & alterations. The site is designated as being within the settlement zone line of Scholar Green.

3. DETAILS OF PROPOSAL

The proposal is for an amendment to the elevations of plots 1-6 and 53-56, which are the plots directly fronting Portland Drive. These plots comprise

4. RELEVANT HISTORY

- 08/0712/FUL – Demolition of dwelling & erection of new health care centre & residential development comprising 39no. open market units & 17no. affordable housing units with associated means of access, landscaping & alterations to Portland Drive, including parking bay & dedicated residents' car park (resubmission of 06/1146/FUL) - Amended Plans – Approved 07.10.2011
- 06/1146/FUL - Demolition of dwelling and erection of new Health Care Centre and enabling residential development comprising 39 No. open market units and 17 No. affordable units with associated means of access, landscaping and alterations to Portland Drive, including parking bay and dedicated residents' car park. Amended Plans - re-plan of south end of site; additional financial and legal info; tree survey; habitat survey. – Withdrawn - 17.04.2011
- 11/2999C - Variation of Conditions 2,3,5,10 & 11 of Planning Permission 08/0712/FUL – Approved 30-Apr-2012

5. POLICIES

Local Plan Policy

PS5	Villages in the Open Countryside and Inset in the Green Belt
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Other Material Considerations

National Planning Policy Framework

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objection

7. VIEWS OF THE ODD ROAD PARISH COUNCIL

Object to the proposed colour scheme

8. OTHER REPRESENTATIONS

Representations from 2 properties have been received objecting to this application on the following grounds:

- Encroachment of boundary onto properties on North side of Portland Drive
- This is a breach of human rights and deeds
- The developers have not contacted or served notice on the properties on Portland Drive
- Movement of boundary line is to benefit of developer
- The brickwork to the porch of Plot 53 is to be painted white is out of keeping with the area and development
- Brick wall frontages will be built. These should be kept behind the original boundary hedge and the highway verge should be retained
- The footprint of the plots have been increased
- An ancient pathway is to be moved
- The proposal will affect the root protection zones of adjacent trees
- The grass verge at the top of Portland Drive should be retained

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

10. OFFICER APPRAISAL

The principle of the development has already been accepted. This application seeks permission to amend the elevations of the proposed terraced properties which will front the development along Portland Drive. As such, the key issues for Members to consider are the impact of the changes on the design of the scheme, the character and appearance of the area and residential amenity. The numbers of units access arrangements and position of the plots would remain unchanged and therefore there are no highways or parking issues.

Design, Character and Appearance

The proposed terraced properties would front Portland Drive and would be arranged in 2 blocks, each positioned either side of the vehicular access to the proposed housing development. The proposed terraced properties would occupy the same position as approved, albeit plots 1-4 and 53-56 (inclusive) would have larger more traditional porch projections. These would comprise a mix of modest lean-to and gable fronted porches which would add interest and punctuation along the row of terraced properties.

More generally, the fenestration would be more uniform and simplistic and variations in the facing materials and finishes would provide for a higher quality development. The proposed changes would improve the quality and design of the scheme compared to the original consented scheme and therefore the impact on the character and appearance of the street scene would be acceptable. The use of white painted brickwork to some of the units would add contrast and visual interest, without causing detriment to the visual amenity of the area.

Residential Amenity

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings. Between principal elevations, the distance is 21.3 metres would be met. The proposed changes would not lead to increased overlooking, visual intrusion or loss of light.

Other Issues Raised by Representation

Issues relating to deeds and landownership are not a material planning consideration. The boundary lines and plots would not deviate significantly from what was approved and would tie in with the alterations to the highway and footpaths at the front of the site.

Details relating to landscaping and boundary treatments could be secured by condition. The proposal would still respect the root protection zones of the nearest adjacent retained trees. The council's Landscape Officer has no objection to the proposal. The proposals would not affect the adjacent public footpath (footpath 21) which runs along Portland Drive.

11. CONCLUSIONS

This application is for the consideration of minor changes to the elevations of the proposed terraced properties fronting Portland Drive. The changes would be minor but would improve the design and quality of this part of the scheme and would not harm the character or appearance of the area. There are no highways or parking issues to consider and neighbouring residential amenity would be respected. The proposed development variations are therefore acceptable and are considered to be in compliance with the relevant local plan policies and guidance contained within the National Planning Policy Framework.

12. RECOMMENDATIONS

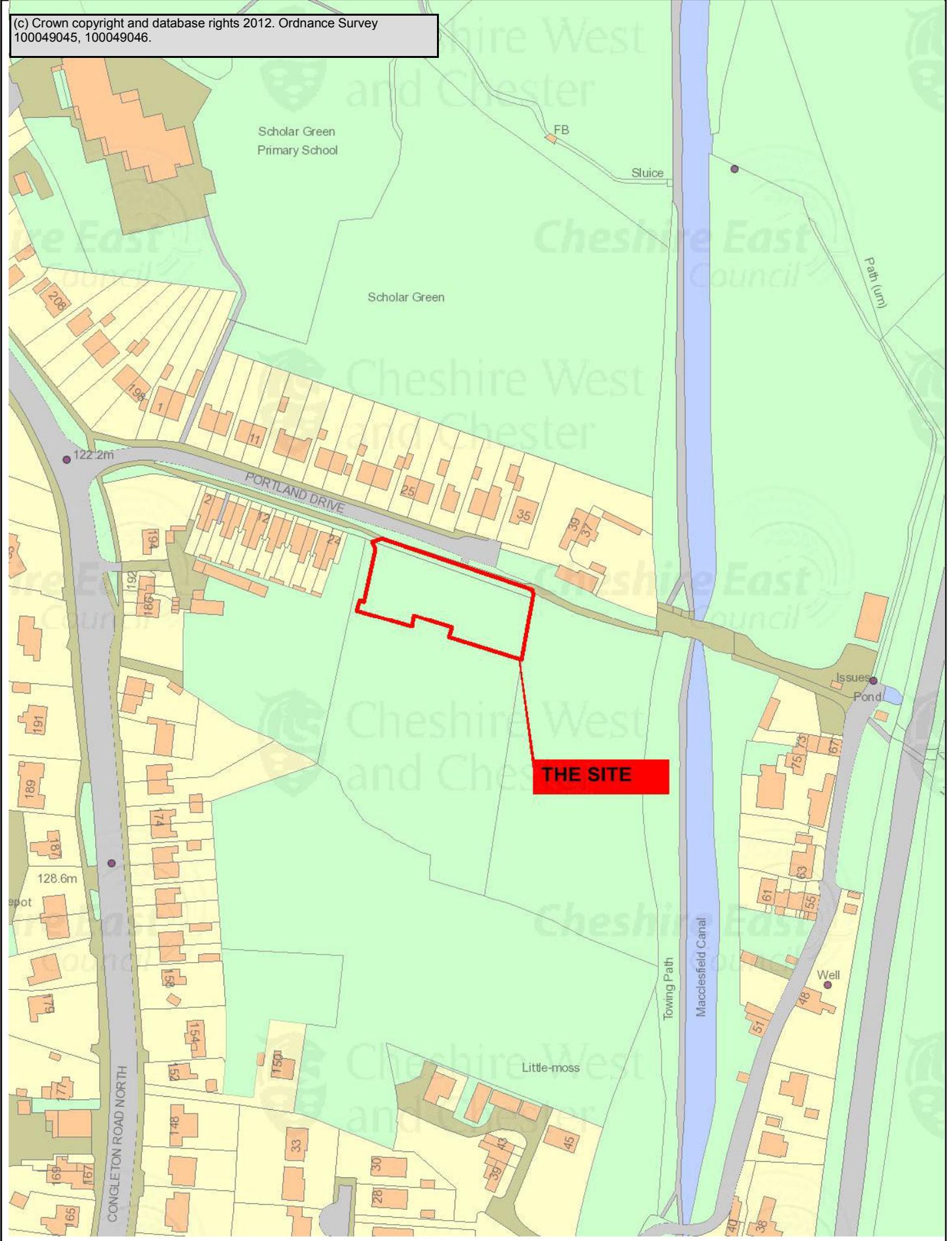
APPROVE with conditions

1. Standard time limit
2. Development in accordance with the approved plans
3. Submission and approval of external materials and finishes
4. Submission of details of landscaping to include details of boundary treatments
5. Submission of arboricultural statement for retained trees
6. Details of drainage
7. Hours of piling restricted
8. Hours of construction restricted
9. Gas monitoring
10. Protected species

11. No works within bird breeding season without survey
12. Submission of details of levels



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Application No: P09/0014

Location: LAND AT 2 & 4 HEATHFIELD AVENUE AND 29, 29A & 31 HIGHTOWN

Proposal: Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure

Applicant: R.G. Harris Ltd

Expiry Date: 17-Aug-2009

SUMMARY RECOMMENDATION: Approve subject to planning obligation relating to a commuted sums payment for open space provision and to secure the delivery of 11 affordable units

MAIN ISSUES

- **Principle of Development**
- **Affordable Housing**
- **Public Open Space**
- **Amenity**
- **Protected Species**
- **Design**
- **Highway Safety**
- **Sustainability**
- **Regeneration**

REASON FOR REPORT

The application has been referred to the Southern Planning Committee as the applicant would like to vary the terms of the planning obligation.

DESCRIPTION OF SITE AND CONTEXT

The application site boundary comprises two unallocated brownfield sites within the settlement boundary of Crewe.

The two parcels of land are located at the junction of Hightown and Heathfield Avenue:- the larger site is located on the northern side of Heathfield Avenue. This measures 1846 sq. m and comprises a vacant row of shops with lock up garages to the rear. This is referred to as "site 1". The smaller site measures 360sq. m and is occupied by the Link House and an undeveloped area adjacent to it. This site is located to the south of Heathfield Avenue with its junction with Hightown and is referred to as "site 2".

The surroundings are predominantly residential although there are some small scale retail and other commercial premises nearby.

DETAILS OF PROPOSAL

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 planning obligation to secure affordable housing and a commuted sums payment in lieu of open space provision (Application 09/1325N)

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 was increased from 12 to 14.

It is now proposed to reduce this down to 11 units. The number of open market units would increase from 21 to 24 but the total number of units would remain the same. In all other respects the development would remain the same as approved by the Committee.

The affordable units originally approved and as increased by a variation of the planning obligation were to be provided in the form of 11 on the southern (Link House) side of Heathfield Avenue, and the remaining units were to be situated at the western end of the three storey block located on the opposite side of Heathfield Avenue.

It is proposed that the affordable units are restricted to those on site 2 and that the development on the opposite side of Heathfield Avenue remains as open market units in its entirety.

RELEVANT HISTORY

There was a resolution to approve this application in July 2009:- the application was reconsidered by Southern Planning Committee in May 2010 as the applicant sought to vary the planning obligation in order to increase the amount of affordable housing within the scheme. The planning obligation has yet to be signed and the decision notice has not been issued.

POLICIES

Regional Spatial Strategy

DP 1 (Spatial Principles)
EM18 (Renewable Energy)
L5 (Affordable Housing)
DP2 (Promoting Sustainable Communities)
MCR4 (South Cheshire)

Local Plan Policy

NE.5 (Nature Conservation)

NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage Utilities and Resources)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.8 (Existing Car Parks)
TRAN.9 (Car Parking Standards)
TRAN.5 (Provision for Cyclists)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.7 (Affordable Housing)
BE.18 (Shop Fronts and Advertisements)
NE.19 (Renewable Energy)
S.8 (Existing District and Local Shopping Centres)

Other Material Considerations

National Planning Policy Framework (The Framework)
SPD Development on Backland and Gardens
Draft Planning Obligations SPD
Interim Planning Statement on Affordable Housing 2011
Interim Planning Policy on the Release of Housing Land 2011
Ministerial Statement – Planning for Growth 2011
Draft Crewe Town Strategy Consultation 2012
Establishment of a New Renewable Energy Policy
Open Spaces Assessment

CONSULTATIONS

Highways: Requires 150% car parking provision, details of retail parking provision and transport assessment

Environmental Health: Requests lighting scheme and noise assessment to be conditioned

Cheshire Fire and Rescue Service: comments:

- access to building regulations standards
- require details of the water main installations
- means of escape in accordance with building regulations
- recommended inclusion of an automatic water suppression system.

United Utilities: No objections.

Cheshire Wildlife Trust: recommends native species are specified for tree and shrub planting throughout the site. Bird nesting boxes could be installed in retained mature trees. This could be conditioned

Natural England: No objections

Environment Agency: No response required

Housing: Would accept reduction to 11 units

OTHER REPRESENTATIONS

Letters of objection from 1, 5, 7, 8, 10, 11, 12, 14, 17, 18,19, 20, 21, 26, 30 Heathfield Avenue 10, 14 Samuel Street Heathfield Gospel Hall, Crewe.

Petition with 108 signatures on it.

The grounds of objection can be summarised:-

- insufficient car parking spaces and access issues and pedestrian safety issues
- design
- protected species
- trees
- pollution and asbestos during construction works
- impact on foundations
- drainage/ flooding issues
- lack of consultation with neighbours
- impact on existing shops
- concern building will not be finished
- social implications
- insufficient bin storage
- private access rights/ security issues
- amenity issues
- ownership issues

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement and Bat Species Survey were submitted with the planning application.

OFFICER APPRAISAL

Development Plan Policies and Other Material Considerations

Since the original application was determined by the Southern Planning Committee in 2009 circumstances have changed. Therefore it is necessary to reconsider the application in light of the current Development Plan.

The Government has since confirmed its intention to abolish Regional Strategies following a review of the sustainability implications of doing so. Once the Strategic Environmental Assessment of this has been completed, the North West of England Plan Regional Spatial Strategy to 2021 will no longer comprise part of the Development Plan. Whilst this is imminent, the policies still form part of the Development Plan for the time being.

There has been a number of emerging Local Plan policy documents since 2009 the most relevant of which are the Interim Planning Statement on Affordable Housing and Interim Planning Policy on the Release of Housing Land.

It should also be noted that the National Planning Policy Framework referred to as 'The Framework' replaced all national planning policy guidance notes and planning policy statements and a number of other policy documents including companion guides, circulars and ministerial statements.

Principle of Development

At the heart of The Framework is a presumption in favour of 'sustainable development', which should be seen as a "thread" running through both plan-making and decision-taking. For decision-taking this means:

- i) approving development proposals that accord with the development plan without delay; and
- ii) where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework or specific policies in The Framework indicate development should be restricted.

Retail

Policy S8 within the Local Plan relates to existing local shopping centres is compliant with chapter 2 within The Framework which also provides guidance on the principle of development in town centres.

The Framework indicates that LPAs should require applications for main town centre uses to be located in town centres. The proposals relate to a combination of A1 retail and residential development in a designated local centre. Para 24 of The Framework promotes retail development in existing centres and para 23 encourages residential development within town centres.

Turning to the appropriateness of the proposals in relation to the character of Hightown local centre, the proposals would result in the creation of two small retail units which are of a size and scale appropriate to the size and nature of the local centre - this would improve competition and choice and enhance its vitality and viability.

Given that the site is within the designated local centre where town centre uses are actively encouraged, and is on a scale appropriate to the character and function of the centre the proposals accord with policy S8 within the Local Plan and guidance within The Framework.

Residential

The site lies within the settlement boundary of Crewe - RES.2 states that development on such sites will be permitted and is therefore acceptable in principle.

As the Council cannot demonstrate a five year land supply, this strengthens the case in favour of residential development. In addition, the current Interim Planning Policy on the Release of Housing Land seeks to steer development towards mixed use redevelopment schemes in Crewe in order to support sustainability objectives.

This is a Brownfield site within a sustainable location within a defined local centre, in short walking distance of Crewe town centre, Crewe bus station and Crewe railway station. In addition there is a

bus stop on the opposite side of Hightown. The site is also within walking distance of a range of goods and services available within the town centre and is accessible by a range of means of transport. This is therefore one of the most appropriate locations for residential development. In addition the redevelopment of the site for a mixed use scheme would support the objectives of the current Interim Planning Policy on the Release of Housing Land.

Whilst the development would exceed the residential densities suggested by policy RES.3 this policy is out of date and is not consistent with The Framework - Para 214 of The Framework indicates that where policies have not been adopted under the Planning and Compulsory Purchase Act 2004 due weight should be given to policies according to their degree of consistency with The Framework. As this policy is not consistent, limited weight is afforded to it.

Affordable Housing

Policy RES.7 as modified states that affordable housing targets on windfall sites will be 35%. The scheme as original considered by committee was providing 12 affordable units equating to 35% provision. The scheme as amended would have 11 affordable units which would represent 31% affordable housing.

However this reduction is considered acceptable in the context of existing policies within the Development Plan. The direction to save policies under the Planning and Compulsory Purchase Act 2004 only applies to those policies adopted within the original version of the Adopted Replacement Local Plan 2011. RES.7 as modified was not part of the original version of the Local Plan and could not be included within the saved policies direction. It therefore carries no weight as a policy consideration.

The Interim Planning Statement on Affordable Housing 2011 states that the affordable housing targets on windfall sites would be 30%. The scheme as amended would result in 11 affordable units which would represent 31% affordable housing. As the Interim Planning Statement on Affordable Housing 2011 represents the most up to date guidance in respect of affordable housing it is a material consideration.

The policy also requires that account is taken of the need to provide social rented and intermediate housing. This scheme is 100% for affordable rent with local people on the current Homechoice waiting list being the likely occupiers.

This is considered acceptable because evidence suggests that intermediate housing is 'out of reach' of many people in housing need living in Crewe due to the rising cost of living, incomes and the recession. The SHMA 2010 indicates that Crewe has the highest preference for social rented and the lowest preference for intermediate housing across the borough which supports the conclusions made in 2009. This has been verified by Housing Officers.

There are 6 two bed and 5 one bed units which provides a mix of different accommodation types which accords with the Housing Needs Survey 2005:- The SHMA 2010 shows that for the sub-area of Crewe, there is a requirement for 256 new affordable units per year, made up of a need for 123 x one bed units, 20x two bed units, 47 x three bed units and 26 x one/two bed older persons units.

The Local Authority would normally encourage a mix of private and social housing i.e. pepper potting rather than in one block as proposed here. Whilst this is not ideal, this was accepted under

the previous application because the applicant wished to 'phase' the development with the affordable units being built first given that the RSL had secured funding. The continued downturn in the economy has affected both house prices and the demand for housing and the construction of the housing at site 1 is dependent on an upturn in the economy. Three years on these considerations are still relevant as the economic climate has not changed.

It is considered that the provision of additional affordable units which would contribute towards meeting housing needs within the locality would accord with the spatial objectives for the area.

Public Open Space

Policy RT.3 requires that where development would be likely to be occupied by less than 50 people, contributions would be required towards the provision of children's play equipment and casual recreational open space. This should be reasonably related to the nature of the development proposed, provided that such contributions would secure provision in an easily accessible location and where it would directly benefit the occupiers of the new development. The emerging SPD – Planning Obligations, reaffirms the requirement for contributions towards recreation and open space facilities.

Both policy RT.3 and the Open Space Assessment indicates that improvements to open space is necessary in Crewe. Major developments would generate demand for such facilities and it is considered that mitigation through either off site provision or a financial contribution towards open space would fairly and reasonably relate in scale and kind to the development.

On site provision is normally preferable to a commuted sum payment. However this cannot be accommodated within the site given the size of the site and the number of units provided. As there are other positive benefits associated with a high density mixed use development, a commuted sums payment would be appropriate.

There are a number of public open spaces within walking distance (2km) of the site, and a commuted sum payment would be used to secure improvements to one of these existing areas. This would be the most appropriate way of improving the quality and provision of open space in an easily accessible location where it would directly benefit the occupiers of the new development.

Such a financial contribution would therefore meet the tests set out in The Framework. Subject to securing a financial contribution, the proposals would accord with policy RT.3 within the Local Plan.

Amenity

The main issue in respect of amenity is overlooking between units – the impact to neighbours would be limited due to a combination of blank walls, facing commercial premises and the location of car parking and amenity space areas.

The proposed buildings on opposite sides of Heathfield Avenue are 13m apart which is below the spacing guidelines within the SPD Development on Backland and Gardens. However this is consistent with the existing terraces along Heathfield Avenue and as these properties co-exist without detriment to the amenities of occupants it is considered unreasonable to impose greater

separation distances in this location given the established tight knit pattern of development within the locality.

The proposed buildings would not result in loss of light to neighbours by virtue of the orientation and location of buildings.

The proposals relate to an apartment scheme in an inner urban location where development densities are high. This development is consistent with the character of the area and would not significantly adversely impact upon existing levels of amenity for neighbours.

It is accepted that the private open space within the site for the future residents of the development is limited. Balconies would provide the only private amenity space. However a development of flats would appeal to individuals and couples rather than families. Although the lack of private amenity space is a shortcoming, it would be obvious to anyone considering living there. To some it may be of little, if any, consequence. In all other respects the units would make attractive properties and the lack of private garden would be off-set by other more positive and attractive aspects of the flats.

Protected Species

The existing buildings are potentially suitable habitats for bats which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

Para 118 and 119 of the Framework advises LPAs that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered. In addition it indicates if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

The Framework encourages the use of planning conditions or obligations where appropriate. The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The protected species survey indicates that there would be no impact upon Bats, or nesting birds however as this was undertaken in 2008 it is now out of date. The applicant has supplied an addendum to this which has indicated that bats are not currently using the buildings as a roosting place and this scenario would be unlikely given the noisy urban nature of the surroundings which would discourage bat presence. Best practice measures are nevertheless suggested and this would be conditioned accordingly.

As bird nests were present in the buildings it would be necessary to condition that demolition works would only take place outside of the bird breeding season or else the site is checked by an ecologist prior to demolition. This is to ensure that nesting birds are not disturbed during construction.

It is therefore considered that the proposals would accord with policy NE11 and guidance within the Framework.

Design Standards

The area comprises a mix of tight knit Victorian terraces and some run down commercial properties with limited architectural merit. However the Link House at site 2 would constitute an undesignated heritage asset:- it is a Victorian building with architectural features such as bay windows, an articulated porch feature and bargeboard detailing.

The scheme proposed two buildings at the junction of Hightown and Heathfield Avenue forming book ends to the street – as this is a gateway site towards the town centre the scheme provides legibility, a focal point and improves vistas across the townscape.

The scheme would build on existing strengths by incorporating the Link House which is an attractive example of Victorian architecture and in so doing the proposals would preserve local distinctiveness in accordance with para 60 of The Framework.

This is a highly innovative and imaginative design which respects the character of the area, represents a design very much of its time and takes the opportunity to significantly improve the character of the area. This would help to raise the standard of design more generally in the area in accordance with para 63 of The Framework.

Bulk and Massing

The scale, design and detailing for the new buildings on both sites is highly symmetrical to give the appearance of bookends to the street. This creates a sense of entrance into the area and replicates the formulaic symmetry utilized in Victorian architecture which is a prevailing feature of the area.

Given that the south elevation facing Heathfield Avenue is substantially longer than the northern elevation along site 2, the bulk and massing of the building has been reduced by including projecting sections with balconies which give the appearance of bay windows, variation in the eaves heights and variation in render and facing brickwork. This is a modern interpretation of a Victorian terrace.

The proportions and scale of the building also complement Link House due to the contrast in materials and additional gazing provided at the third and fourth floors. The regular arrangement of the balconies also mimics the Victorian bay windows.

Architectural Design

The visual interest within the fenestration of the new build element is reserved to the front elevations. The new build element represents a modern interpretation of Victorian fenestration such as the bay windows and replicating existing features on the Link House. There are some modern features on the building such as the solar panels, the provision of wavy and mono pitched roof forms and the use of stainless steel, glazing and render make for an exciting contrast with the traditional brick and slate buildings within the locality and yet the crunchy and tight knit appearance of the roof respects the compact nature of the surroundings.

Turning to the elevation facing Hightown, it is from these views that the significance of the symmetry and modernity is fully felt. The scheme provides two identical book ends to the junction between Heathfield Avenue and Hightown which sits comfortably with the existing eclectic mix of commercial and residential properties. The recessed entrance which comprises predominantly glazing promotes legibility and the modest shop fronts which are of a similar size and scale to those in the locality ensure that the building remains human in scale.

Spaces

The rear elevations contain communal walkways and stairwells, however as public access to the site is prevented through the provision of secure entrance points, this would remediate some of the social problems associated with such a design. The low boundary wall provided to the gardens also seeks to distinguish between public and private spaces.

In terms of layout, the buildings frame the public realm and the car parking areas are deliberately kept to the rear of the site and facing the existing properties along Heathfield Avenue – the car park would therefore take advantage of the existing landscaping on the site and benefit from natural surveillance.

Highway Safety

The proposals provide 27 parking spaces which is 77% provision. As no spaces would be provided for the affordable units, the 27 spaces will be for the 24 units which would be over 100% provision.

The Highways engineer commented that as on street parking was saturated, 150% parking would be required or a financial contribution towards transport improvements.

In 2009, it was not considered appropriate to require a financial contribution.

Since this time, The Framework has been published which replaces circular 05/05 and CIL has been introduced. Cheshire East has not adopted a CIL charging schedule and until that time, the system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for.

The Framework states at para 203 that

'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

Para 204 sets out the three tests that planning obligations should satisfy:-

'necessary to make the development acceptable in planning terms;
directly related to the development; and
fairly and reasonably related in scale and kind to the development.'

It then goes on to state at para 205 that local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

In this regard, it is noted that an obligation was not sought in 2009. This was because improvements to the bus stops nearby were nearing completion and there was not an alternative highway improvement scheme which would have directly benefited the development where any monies could have been spent.

Since, this time and as noted above, planning obligations have been scaled back. There is no policy within the Development Plan or an adopted SPD/ SPG which indicates that a contribution would be required and the car parking standards within the Development Plan pre-date The Framework.

The Framework indicates that local parking standards should take account of accessibility, type, mix and use of development, public transport, car ownership and reducing emissions. On that basis there is justification for reduced car parking. This is a mixed use development in a highly sustainable location in close proximity to Crewe town centre with good access to the bus network and is walking distance from the train station. Whilst such levels of car parking would certainly not be appropriate in all locations, as there is the opportunity for occupants to travel by alternative means and given the type and level of accommodation proposed, reduced car parking levels are appropriate in this instance. The Highways engineer requested addition cycle parking which can be secured via condition which would also encourage alternative modes of transport.

It is not considered necessary to provide designated parking for the retail units given that the site lies in close proximity to a public car park which could also be used by future occupants and there

are on street parking restrictions within the area which would discourage users from parking on the road.

In addition the access point and visibility splays accord with guidance in Manual for Streets and the access point is wide enough to enable a bin wagon/ servicing and deliveries to enter the site.

Given that a financial contribution was not required in 2009 and given that The Framework does suggest an element of flexibility in deriving car parking levels, it is not considered that the proposed levels of car parking would make this development unacceptable. On that basis a financial contribution would not accord with the tests set out in para 204 of The Framework.

Renewable Energy

Policy EM18 of Regional Spatial Strategy requires that 10% of the developments energy needs are met by renewable energy sources. Six solar panels are provided on the southern elevation at site 2 and 20 at site 1. Whilst there are no calculations to demonstrate that this will provide for the energy needs of the development a condition would be imposed to ensure that either the proposed renewable energy measures would meet 10% of the developments energy need or that any deficit would be offset through a fabric first approach.

The affordable units would be built to Level 3 of the Code for Sustainable Homes which is above the minimum requirements for Building Regulations.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of children's play space and casual recreation space is necessary, fair and reasonable, as the proposed development will provide 35 residential units of different sizes, the occupiers of which will use local facilities as there is no open space being provided as part of the scheme, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with relevant policies within the Local Plan and the relevant tests within para 204 of The Framework.

RECOMMENDATION: Approve subject to a Section 106 Agreement

HEADS OF TERMS

- Provision of commuted sum in lieu of on site provision of children's play equipment and casual recreational open space -£17,500.
- Provision of a Cascade for the occupation of the dwellings -
 - 1 Crewe
 - 2 Cheshire East .

and the following conditions

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with approved plans (numbered)
3. A02EX – Details of Proposed Materials
4. No demolition during bird breeding season or site checked by Ecologist
5. 10/% renewable energy provision
6. Access and car parking to be provided
7. Cycle rack details and to be provided
8. Solar panels to be provided and maintained and method statement
9. Landscaping
10. Landscaping implementation
11. Boundary treatment
12. Waste management plan
13. Sustainable urban drainage measures
14. Noise attenuation
15. Lighting scheme
16. Finished floor levels



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 31 October 212
Report of: Development Management and Building Control Manager
Title: Proposed Deed of Variation to the Section 106 Agreement to Allow for a Reduction in the Number of Affordable Units at Marsh Farm, Newcastle Road, Congleton (09/4240C).

1.0 Purpose of Report

- 1.1 To consider a proposed Deed of Variation to the Section 106 Agreement agreed to by Southern Planning Committee in respect of application 09/4240C.
- 1.2 The report is presented to Southern Planning Committee because the original application for a residential development of 52 houses was approved by the Committee on 21st July 2010.
- 1.3 Members considered the variation on 27th June 2012 and requested that officers undertake further discussions with the developers and the Registered Social Landlord. These discussions have now been concluded.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to a 1.66ha site which was farmland and a farmhouse but now contains the 52 dwellings approved on 21st July 2010.
- 3.2 To the northeast of the site is Astbury Mere Country Park; to the south is a care home, to the north a church and to the west residential properties and a garage.
- 3.3 The site is designated as being within the settlement zone line of Congleton, in the adopted local plan.

4.0 Previous Planning Permission

- 4.1 Members may recall that in July 2010, Southern Planning Committee resolved to grant full planning permission for a residential development of 52 units on Marsh Farm, Congleton.
- 4.2 The resolution to approve on 21st July 2010 was subject to the completion of a Section 106 Agreement making a number of provisions including, the provision of 15 affordable homes comprising 5 two bedroom and 3 three bedroom homes for social rent and 7 three bedroom homes for discounted for sale (30%) sale.
- 4.3 At the meeting on 27th June 2012, the developer was seeking to amend this by reducing the number to 14 by allowing 2 of the discounted for sale (30%) to be changed to shared equity, 1 to be changed to social rent and one to be released for the open market. The proposed changes also included the option for open market sale of the 2 shared equity units, with 30% of the sales proceeds being paid back to the Council upon sales completion, as a commuted sum payment. This coming into being if a buyer has not exchanged contracts after a marketing period of 20 weeks from the completion of the Deed of Variation.
- 4.4 The variation proposed by the developer now comprises the change of tenure of plot 44 from discounted for sale housing to social rented and the loss of plot 35 as discounted for sale housing.

5.0 Officer Comment

- 5.1 The application has come forward after discussions between the Housing Section and the developers.
- 5.2 Bloor Homes began marketing the discounted for sale units in May 2011. This advertising took the form of local press advertisements, several property websites and the Cheshire Homechoice website.
- 5.3 Between May and October the Council were only able to nominate 3 people who had applied as eligible for the scheme.
- 5.4 Bloor Homes approached the Council to discuss the variation to the Section 106 Agreement due to the difficulties they were experiencing in finding buyers. This is due to the fact that discounted for sale mortgages are limited, in this case only one lender will give mortgages for properties on the site. This particular lender requires a 20% deposit, meaning that purchasers would have to be able to provide a deposit of approximately £23,800. For shared equity units, the lender only requires a deposit of 5%.
- 5.5 There is a demonstrable need for social rented housing in Congleton and plot 44 has now been transferred to Plus Dane and is occupied. Plot 35 has been sold under the Governments called 'First Buy' initiative which is funded by an affordable mortgage with help from the Homes and Communities Agency and

the developer. In addition plot 38, which is not part of the s106 Agreement, has been sold under the 'First Buy' initiative.

5.6 The revenue that is achieved by the developer as a percentage of market value is 70% for discounted for sale 3 bed housing and 47% for 3 bed social rented housing.

5.7 The Housing Section is supportive of the variation of the Agreement.

6.0 Conclusion

6.1 On the basis of the above, the proposed Deed of Variation to the Section 106 Agreement is considered to be acceptable.

7.0 Recommendation

7.1 That the Southern Planning Committee resolve to agree to a Deed of Variation the Section 106 Agreement linked to application 09/4240C to allow for the plot 44 to be allocated as social rented housing and plot 35 to be released for open market sale.

8.0 Financial Implications

8.1 There are no financial implications.

9.0 Legal Implications

9.1 The views of the Borough Solicitor have been sought and an update will be provided prior to Committee.

10.0 Risk Assessment

10.1 There are no risks associated with this decision.

11.0 Reasons for Recommendation

11.1 To allow the Deed of Variation to the Section 106 to be progressed as the resultant gain of a social rented unit represents a gain to the Council in terms of meeting affordable housing need.

For further information:

Portfolio Holder: Councillor Rachel Bailey
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Background Documents:

- *Application 09/4240C*

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