

Southern Planning Committee

Updates

Date:	Wednesday, 18th April, 2012
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

Updates (Pages 1 - 8)

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

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SOUTHERN PLANNING COMMITTEE – 18th April 2012

UPDATE TO AGENDA

APPLICATION No.

12/0344N

LOCATION

Church Bank Cottage, Wyche Road, Bunbury, Tarporley

UPDATE PREPARED

16th April 2012

UPDATE:

The description of development shall be altered to read single storey side extension and single storey sunroom.

In addition to the above, an informative shall be added stating that Listed Building Consent will also be required.

Bunbury Parish Council strongly objects to this development of a Grade 2 listed building which would impose detrimentally on the adjacent Grade 2 Church Farm. The application is for extensions adjacent to the Parish Church, the only Grade 1 listed building in the village. It is in the conservation area.

The Parish Council considers the proposed extensions to be totally inappropriate.

Policy

The National Planning Policy Framework (NPPF) was published on 27th March 2012. This document supersedes other national planning guidance referred to in the committee report. The guidance for applying a flexible and proportionate approach to applications for extensions of time limits to planning permissions remains. The new NPPF is a material consideration in the decision making process. At the heart of the NPPF is a presumption in favour of sustainable development.

The NPPF includes policies on conserving the historic and natural environment, and places an emphasis on good inclusive design. These policies are consistent with earlier national guidance on these subjects and there is no policy that should lead to a different conclusion than has previously been reached on this proposal. The proposal is in accordance with the aims of the NPPF and as such there is a presumption in favour of this development.

RECOMMENDATION:

The recommendation for approval subject to conditions still stands.

SOUTHERN PLANNING COMMITTEE –18TH APRIL 2012

UPDATE TO AGENDA

APPLICATION NO.

12/0650

LOCATION

Land South of Meadow Rise, Holmshaw Lane, Haslington.

UPDATE PREPARED

16th April 2012

Typographical Error

The Committee report published for this application did not contain the full section on the principle of the development. This is laid out below.

Principle of Development

The site is designated as being within the open countryside where Policies NE.2 and RES.5 apply. These policies state that new dwellings in the open countryside will only be allowed if they are essential for the purposes of agriculture, forestry or outdoor recreation, or involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

This proposal is for a new dwelling to accommodate the applicants and their disabled daughter and therefore does not meet the requirements of the policies outlined above. The applicants have submitted supporting information as justification for making an exception to the relevant policies. These documents have been given careful consideration and whilst officers understand the difficulties faced by the applicant's daughter, it is not considered that these circumstances justify the creation of a new dwelling in the open countryside.

This issue was considered at a Public Inquiry in 2006, relating to a similar case, at Mill Run, in the former Congleton Borough. In this case the applicant's daughter's disability and housing needs were considered to be a material consideration, which had to be weighed in the balance against the planning policy presumption against residential development in the Open Countryside. However, in order to determine the weight to be given to those personal circumstances it was necessary to examine the reasonableness of the housing needs which were claimed by the Appellants and the criteria and the efforts employed by them to find suitable accommodation elsewhere.

The Appeal turned on whether the features of the proposed dwelling proposed by the Appellants were "essential" or "desirable" for their disabled daughter. Having considered this issue the inspector determined that, having regard to

grants and other assistance which were available to help the family to adapt a dwelling, the needs of the disabled person could be adequately met by an existing property.

The supporting information submitted with the application indicates that the applicant's daughter suffers from mixed anxiety / depression and moderate learning difficulties / disabilities rather than severe physical disabilities which would necessitate more major structural alterations to the property or a bespoke design of dwelling. The justification for the applicants existing property not being suitable, largely relates to Building Regulations (e.g. energy efficiency measures) and general maintenance / repair and does not give any satisfactory reason why the form and fabric of the property is unsuitable or could not be adequately adapted for her special needs. The applicant's argue that the works considered necessary to bring the existing dwelling up to a suitable standard for their daughter's future care, would cause disruption to her, which may be distressing. Whilst it is acknowledged that avoidance of such disruption would be "desirable" it is not considered to be "essential", given that such impacts would only be short term. It is therefore not considered that these are sufficient reasons to allow a new dwelling in the open countryside contrary to the policies in the adopted local plan.

No supporting evidence appears to have been submitted that the applicants have carried out a search for an alternative dwelling or building plot in a planning policy compliant location. The applicant's argue that they wish to stay in the Holmshaw Lane area to be close to the paddock where they keep their animals. However, this is also considered to be "desirable" rather than "essential".

It is therefore considered that the applicants have failed to demonstrate, with reference to authoritative advice on the subject, that their daughter's needs are "essential" rather than merely "desirable" and that the existing property could not be adapted or that there are no suitable existing properties, or building plots in locations which are compliant with planning policy, which could fulfil these requirements.

This is in contrast to a similar case, which Members may recall was considered by Strategic Planning Board in 2011. In this case it was considered that the specification for the property drawn up by the applicant related to basic necessities such as being able to wash, dress, eat, sleep and access the property and had been drawn up based upon details in the Muscular Dystrophy Campaign's Adaptations Manual 2003. On this basis they were considered to be "essential" requirements of the dwelling rather than "desirable" luxuries. The applicant had also carried out an extensive property search and adequately demonstrated that there was no suitable alternative accommodation available in the vicinity that could meet the applicant's requirements and that the only way in which his needs can be adequately catered for this through the construction of a new-build property adjacent to his parent's house in Chapel Lane, Ravensmoor. Exceptionally, in this case, therefore, the appellants personal circumstances are considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

As stated above, officers understand the aspirations of the applicants to provide a dwelling in the paddock for their daughter, however the information submitted has not given sufficient justification that it is “essential” rather than “desirable” in order to make an exception to Policies NE.2 and RES.5.

Having regard to Policy NE.2, the site is not considered to constitute the infilling of a small gap in an otherwise built up frontage and this view was supported by the Inspector on the appeal decision for the previous application.

The proposal is therefore considered to be contrary to Policies NE.2 and RES.5 and unacceptable in principle and the personal circumstances of the applicants do not outweigh this.

RECOMMENDATION

No change to the recommendation.

SOUTHERN PLANNING COMMITTEE – 18th April 2012

UPDATE TO AGENDA

APPLICATION No.

12/0714C

LOCATION

LITTLE MOSS FARM, PRIORY CLOSE, CONGLETON, CW12 3JL

UPDATE PREPARED

16th April 2012

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted an Operators' radio frequency assessment; this states that the highest level of emission within the local area will be 0.17% of the levels allowed under the ICNIRP certification.

The applicant has also suggested that if approved the most appropriate colouring for the mast and associated equipment would be RAL 6009 – Fir Green.

OFFICER COMMENTS

As noted within the main officers report, the most recent guidance from the Government regarding mobile phone technology and health issues is outlined in the NPPF that '*Local planning authorities must determine applications on planning grounds.*' The paragraph then goes on to say, '*(LPA's) should not.... Determine (applications on) health safeguards if the proposal meets International Commission guidelines for public exposure*' (para.46). It remains central government's responsibility to decide what measures are necessary to protect public health. In the Governments view, if a proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. The operator's radio frequency assessment clearly shows that the level of emissions will be significantly below that allowed under ICNIRP certification and therefore is acceptable.

A photomontage has been submitted showing the proposed mast in RAL 6009 Fir Green. (As shown in the electronic presentation) It is considered that this would help to reduce the impact of the mast and associated equipment when seen within the views of the site. The main officers report recommended details of either a Green or Brown colour to be submitted. It is considered that the use of RAL 6009 Fir Green will help to harmonise and camouflage the mast and associated equipment and therefore by altering the condition to ensure that RAL 6009 Fir Green is used it is considered that the proposed

development will not have a significantly detrimental impact on the Green Belt or the surrounding area.

Recommendation for approval subject to condition remains

Condition 2 – amended to require mast and associated equipment to be coloured RAL 6009 Fir Green unless otherwise first approved in writing by the Local Planning Authority.

SOUTHERN PLANNING COMMITTEE – 18th April 2012

UPDATE TO AGENDA

APPLICATION No.

12/0804C

LOCATION

Silver Birches, Croxton Lane, Middlewich, Cheshire, CW10 9EZ

UPDATE PREPARED

16th April 2012

REPRESENTATIONS

Since completion of the Committee Report, the consultation period on this application has expired. As such, a number of additional consultations have been received. These consultations have been received from statutory consultees external to planning and from the occupiers of neighbouring properties.

Consultations external to planning

Cheshire Brine Subsidence Compensation Board – No change from comments made on original application

British Waterways – No objections

Neighbours

33 Chestnut Close – Object to the proposal on the following grounds; already sufficient housing in Middlewich, insufficient infrastructure, proximity to tip, highway safety

22 Chestnut Close – Object to the proposal on the following grounds; overlooking / loss of privacy, devaluation of property, already sufficient housing in Middlewich, environmental impacts & the proposed 5 year timescale

RECOMMENDATION

All of the relevant points raised above have already been covered within the committee report and therefore these updates result in no change to the officer's recommendation.

No change to recommendation

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