

Southern Planning Committee

Agenda

Date:	Wednesday, 22nd September, 2010
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 personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 1 - 14)

To approve the minutes of the meeting held on 1 September 2010.

4. Public Speaking

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

Please contact Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individual 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. **10/2131C Reserved matters application to consider the appearance, landscaping, layout and scale of the proposed development of 41 dwellings following outline approval 10/0021C, Proposed housing development off, Crewe Road, Sandbach for Hollins Strategic Land and Taylor Wimpey (Pages 15 - 26)**

To consider the above planning application.

6. **10/2544C First Floor Extension to Form Additional Bedroom with En-Suite Facility, Alteration to Existing Bathroom together with Single Storey Ground Floor Garden Room, 94 Park Lane, Congleton, CW12 3DE for Mr Machin (Pages 27 - 32)**

To consider the above planning application.

7. **10/2645N New Dwelling, Land Off Whites Lane, Weston, Crewe, Cheshire for Mr & Mrs D Whitter (Pages 33 - 48)**

To consider the above planning application.

8. **10/3028N Application for removal or variation of a condition following grant of planning permission, MMU Crewe Campus, Crewe Green Road, Crewe, CW1 5DU for Manchester Metropolitan University (Pages 49 - 58)**

To consider the above planning application.

9. **10/2457N Change of use from horticultural to equestrian. Provision of open air menage, stable block, horse walker, muck midden and hay store. Variation of occupancy of tied dwelling to include occupation for equestrian management, Little Island Nurseries, Haymoor Green Road, Wybunbury, CW5 7HG for Mr G. Heath (Pages 59 - 70)**

To consider the above planning application.

10. **10/2880N New 6m high Buccaneers Towers Play Installation within Queens Park Play Area, Queens Park, Victoria Avenue, Crewe, CW2 7SE for Cheshire East Council (Pages 71 - 74)**

To consider the above planning application.

11. **10/3210N Extension to Time Limit - Ref: P07/1221 (Outline Permission for Demolition of Nursing Home and Construction of Fourteen Dwellings), Minshull Country Nursing Home, Minshull New Road, Crewe, CW1 3PP for Keenrick Nursing Homes Ltd (Pages 75 - 80)**

To consider the above planning application.

12. **10/3191M Erection of New General Storage and Implement Shed. Erection of Horse Walker- Resubmission of 09/3106M, Land At Woodford Lane, Newton, Macclesfield for Mrs T Jackson (Pages 81 - 86)**

To consider the above planning application.

13. **Appeal Summaries (Pages 87 - 88)**

To note the Appeal Summaries.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 1st September, 2010 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor L Gilbert (Vice-Chairman)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brickhill, B Silvester and M Simon

OFFICERS IN ATTENDANCE

Sheila Dillon Senior Solicitor
Rosamund Ellison Principal Planning Officer
Daniel Evans Planning Officer
David Townsend Interim Business Lead Development Management (South)

59 APOLOGIES FOR ABSENCE

Councillors D Bebbington, B Howell and A Kolker.

60 DECLARATIONS OF INTEREST

All Members declared that they had received correspondence in relation to
application number 10/2091N (Blakelow Business Park).

Members of the Committee then made the following declarations –

In respect of application number 10/2222N (5 Petersfield Way, Weston),
Councillor R Walker had, at a previous meeting, declared that he had
previously met Mr Morren with respect to a different matter, and that he
had not expressed a view on the application. For the purposes of
continuity, he again made the same declaration.

Councillor J Jones declared a personal interest in respect of application
10/2091N by virtue of being on the mailing list of a Renewable Energy
Association. He also declared a personal interest in application number
10/2481N (Meadow Bank, Groby Road, Crewe) as he was acquainted with
the applicant's family.

Councillors T Beard, J Jones and J Weatherill each declared a personal
interest in respect of applications 10/2679N and 10/2680N (East and West

Lodge, Queens Park) on the grounds that they were Ward representatives for the Crewe area and were Crewe Charter Trustees.

Non-Members of the Committee were then invited to make their declarations. Councillors B Silvester and M Simon declared a personal interest in application 10/2091N (Blakelow Business Park) as they had been in communication with the local press concerning the application.

61 MINUTES OF PREVIOUS MEETING

RESOLVED -

That the Minutes of the meeting held on 11 August 2010 be approved as a correct record and signed by the Chairman.

62 10/2091N - BLAKELOW BUSINESS PARK, NEWCASTLE ROAD, BLAKELOW, CW5 7ET : PROPOSAL FOR ONE SMALL 11KW GAIA WIND TURBINE WHERE THE WIND TURBINE IS LOCATED AT 27M AGL MOUNTED ON A FREE STANDING TOWER ON A CONCRETE BASE. THE PROPOSED DUAL-BLADE ROTOR HAS A DIAMETER OF 13M FOR G V & E PICKERING

Notes:

(1) Councillors B Silvester and M Simon (Ward Councillors) having called in the application, attended the meeting and addressed the Committee on this matter.

(2) Councillor D Brickhill (Non-Committee Member), Councillor P Yoxhall (Parish Representative), Mr M Letman (objector) and Mr V Pickering (the applicant) also attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding planning application 10/2091N (Blakelow Business Park). An oral report on the site visit together with an update on the application and representations received following publication of the agenda and committee updates were reported to the Committee.

In response to comments made, Councillor Westwood confirmed that he had not pre-determined the application and had come to the meeting with an open mind.

RESOLVED – That the application be REFUSED contrary to officer recommendation for the following reason:

The Local Planning Authority considers that the proposed development by reason of its height and siting would be visually intrusive in this rural area and would adversely affect the visual character of the landscape. Furthermore the development would dominate the village of Shavington

and would be harmful to the character and appearance of the village. As a result the development would be contrary to Policies NE.2 (Open Countryside), NE.4 (Green Gaps) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

63 10/2222N - 5 PETERSFIELD WAY, WESTON, CW2 5SH: FIRST FLOOR EXTENSION FOR MR & MRS I ROGERS AND J TAYLOR

Note: Councillor D Brickhill (Ward Councillor), Councillor J Densem (Parish Representative), Mr H Stebbing (objector/neighbour) and Mr R McGinnes (applicant's representative) attended the meeting and addressed the Committee on the matter.

The Committee considered a report in respect of planning application 10/2222N (Petersfield Way).

Members had inspected the site on Friday 27 August and noted the comments from the Parish Council and residents in the Update Report prepared since the agenda had been distributed. Members noted the size of the existing dwelling and the proximity of the proposed extension to the neighbouring dwelling. The Committee considered that the increase in bulk and mass so close to the site boundary and the adjacent dwelling was unacceptable and would result in a loss of light to the neighbouring dwelling.

RESOLVED – That the application be **REFUSED** contrary to officer recommendation for the following reason:

The Local Planning Authority considers that due to the size of the proposed extension and the area of the application property's existing curtilage, the proposed extension would constitute an overdevelopment of the site. Also, due to the bulk, mass and siting of the proposed extension it would have an overbearing effect on no. 15 Pastures Drive and result in a loss of light to the study and dining room of this neighbouring property. The proposal is contrary to policies BE.1 Amenity, BE.2 Design Standards and RES.11 Improvements and Alterations to Existing Dwellings of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

64 10/2281N - 10 CHEYNE WALK, NANTWICH, CW5 7AT: RESERVED MATTERS FOR OUTLINE APPLICATION FOR ERECTION OF ONE DWELLING (RE-SUBMISSION OF P07/1625) FOR MR C TURNER

Note: Mrs G Thompson (objector) and Mr C Turner (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (together with an oral update on the site visit) regarding planning application 10/2281N (Cheyne Walk, Nantwich).

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

1. Standard time limit
2. Development to be in accordance with the approved plans
3. Submission of samples of materials and surfacing materials
4. Permitted development rights removed for extensions, roof alterations, outbuildings, and renewable energy
5. Submission of details of drainage scheme including Sustainable Urban Drainage Measures
6. Tree protection measures to be erected and in accordance with submitted details
7. Submission of landscaping scheme to include replacement planting
8. Implementation of landscaping scheme
9. Submission of details of boundary treatment
10. Submission of amended layout plan and retention of car parking and turning space
11. Obscure glazing to en-suite window to be installed and retained

Note: in accordance with Part 4B, Paragraph 31.4 of the Council's Constitution Councillor Dykes requested that it be recorded in the Minutes that he abstained from voting on this item.

**65 10/1093N - MEREMOOR FARM, JACK LANE, WESTON, CREWE :
CONVERSION AND CHANGE OF USE OF REDUNDANT
AGRICULTURAL BUILDINGS TO RESIDENTIAL USE, INCLUDING
DEMOLITION OF METAL CLAD BUILDING AND LEAN-TO AND
ERECTION OF COVERED PARKING; INCLUDING ALL EXTERNAL
WORKS FOR THE DUCHY OF LANCASTER**

Note: Councillor D Brickhill (Ward Councillor) and Councillor J Densem (Parish Representative) attended the meeting and addressed the Committee on this matter.

The Committee considered a report (together with an oral report on the site visit) in respect of planning application 10/1093N (Meremoor Farm, Weston).

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

1. Standard time
2. Development in accordance with approved plans
3. Any new materials to be used in the conversion to be submitted for approval first
4. Rebuilding works/repairs to be limited to those areas shown on drawings
5. No works to the building for conversion and no demolition to commence until a scheme detailing the support to be provided has been submitted, approved and implemented

6. Revised landscape scheme to include the types of species recommended in the ecological report to promote foraging by bats to be submitted and approved
7. Implementation and maintenance of landscaping
8. Details of surface materials to be submitted, approved and implemented. Hard surfacing to be formed with permeable construction
9. Scheme for details of access, visibility and formation of passing bays to be submitted for approval and implemented before first occupation
10. Contaminated land survey with remediation if required
11. Details of boundary treatment to be submitted and implemented
12. No works to commence in nesting season unless the site is first checked by suitably qualified ecologist and no nesting birds found. Protection should be afforded to all active nests
13. Scheme for provision of bird nest boxes
14. Hours of deliveries and construction
15. Details of treatment of ventilation features to be implemented
16. All windows and doors to have reveals of 100mm
17. Windows and doors to be formed in timber
18. Car parking and bin stores to be provided before the dwellings are first occupied and thereafter retained
19. Withdraw permitted development rights for extensions, alterations, outbuildings, boundary treatment and Part 40 (domestic microgeneration equipment)
20. Scheme for external lighting to be submitted, approved and implemented with no alterations without prior submission and approval of separate planning application
21. Drainage scheme to be submitted, approved and implemented
22. Details of treatment of agricultural storage building which is to be retained to be submitted, approved and implemented
23. Roof light to be timber/metal and finished flush with the roof plain unless otherwise agreed in writing
24. Advisory sign to be erected concerning right turn at junction
25. Implementation of ecological mitigation measures for bats
26. Screen planting to be erected
27. Screening to existing dwellings to be erected during construction

66 10/2699N - LAND ADJACENT LIMES FARM, DEANS LANE, BARTHOMLEY : AGRICULTURAL ACCESS TRACK FOR MR P ABELL, WALNUT TREE FARM, RADWAY GREEN ROAD, BARTHOMLEY

Notes:

(1) Councillor D Brickhill, having called in the application attended the meeting and addressed the Committee on this matter.

(2) Mr R Bossons (objectors' representative) and Mr M Gilbert (applicant's representative) also attended the meeting and addressed the Committee on this matter. In accordance with Paragraph 2.8 of the Public

Speaking Protocol, Mr Bossons was permitted to speak for 5 minutes with the permission of the Committee, the same courtesy then being extended to Mr Gilbert in the interest of balance.

(3) Following a remark made by Mr Bossons in the course of his address, the Committee was invited to verify individually whether they had pre-determined the application prior to attending the meeting. Each Member present confirmed that this was not the case and that they had come to the table with an open mind.

The Committee considered a report (together with an oral update on the site visit) in respect of planning application 10/2699N (Land adjacent Limes Farm, Barthomley).

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

1. Within 3 months of the date of this permission a schedule of implementation shall be submitted for approval to the Local Planning Authority. The schedule shall include details of the timeframe and the phasing of the development, finished surface treatment and the additional planting. Thereafter, the development shall be carried out in accordance with the agreed details
2. Protection of public footpath
3. Schedule of approved plans
4. Hedge to be reinstated along the line of the improved visibility line; to be protected for a 5 year period

67 10/1659N - BOMBARDIER TRANSPORTATION, WEST STREET, CREWE, CW1 3JB : TO ERECT TWO STOREY 81 BED CARE HOME (CLASS C2: RESIDENTIAL INSTITUTION) FOLLOWING SITE REMOVAL OF AN EXISTING CAR PARK FOR KEENRICK CARE HOMES AND SEDDON

Note: Mr Patkai (applicant's represented) was in attendance and addressed the Committee on this matter.

The Committee considered a report regarding planning application 10/1659N (Bombardier, Crewe) together with an update.

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

1. Standard 3 year time limit
2. Compliance with approved plans
3. Submission and approval of materials
4. Submission and approval of cycle parking within scheme
5. Submission and approval of contaminated land mitigation measures
6. Piling hours to be restricted
7. Construction hours to be restricted

8. Submission and approval of boundary treatment
9. Submission and approval of noise mitigation measures
10. Submission and approval of landscaping
11. Implementation of landscaping
12. Submission and approval of travel plan
13. Provision of parking
14. A footway between the south of the new access which links to the existing shared cycleway/footway near to the roundabout with Morrisons
15. A relocated and improved pedestrian refuge near to the site access which is large enough to accommodate a mobility scooter, complete with drop kerbs and tactile paving onto the footway
16. Markings to advise of the end of the cycleway
17. Access work to be carried out prior to first occupation
18. Fence to be erected and set back by approximately 1.5m to improve visibility for pedestrians

68 10/0924C - LAND OFF JERSEY WAY, MIDDLEWICH : RESIDENTIAL DEVELOPMENT FOR 82 DWELLINGS, PUBLIC OPEN SPACE AND MEANS OF ACCESS FOR RUSSELL HOMES UK LTD

The Committee considered a report regarding planning application 10/0924C (Land off Jersey Way, Middlewich).

RESOLVED – That the application be APPROVED subject to the following conditions and the prior signing of a Section 106 Agreement:

1. The development must be begun not later than the expiration of three years beginning with the date of the permission
2. The development extension hereby permitted shall not be carried out other than in accordance with the amended plans date stamped received by the Local Planning Authority on 19 June 2008
3. No development shall commence until details of a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme of foul and/or water disposal has been implemented to the satisfaction of the Local Planning Authority
4. No development shall commence until details or samples of all external materials and finishes to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details
5. Standard contaminated land condition in accordance with the Department of Communities and Local Government advice
6. No development shall take place until the applicant or his agent or successors in title, has secured the implementation of a programme of archaeological work, which should be carried out in accordance with the scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority

7. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of the development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is sooner; and any trees or plants which within a period of five years from the completion of the development are removed or become seriously damaged, diseased or die shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation
9. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of all hard standing, including hard surfacing, boundary treatments, street lighting and bin/cycle storage. The scheme shall be implemented in accordance with the approved plans prior to the first occupation of the site
10. No development or other operations shall commence until a scheme (hereinafter called the approved protection scheme) which provided for the retention of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place prior to the commencement of the work. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the Local Planning Authority.
11. The bathroom window in the east gable elevation of Plot No.1 shall either be fitted with fixed (i.e. none opening) lights or high opener and shall be installed with obscure glazing. Details of the window type and glazing shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) this window shall not be altered so as to contain any other opening lights or be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in that elevation unless a further planning permission has first been granted on application to the Local Planning Authority
12. If any works (including demolition, site clearance and remediation) are to be undertaken within the bird-breeding season (March to August), development shall not commence on site until survey work has been undertaken to discover the location of nesting birds within that phase or unit of development. If nesting birds are identified, a method statement detailing the measures to be taken in mitigate

against any disturbance to nesting birds and the timescales involved in such mitigation should be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented in full in accordance with the approved timescales.

13. Due to the potential for noise and dust distribution to local residents, the development shall be subject to the following hours of operational restrictions; Monday – Friday 08.00hrs to 18.00hrs, Saturday 09.00hrs to 13.00hrs with no Sunday or Bank Holiday working
14. No development shall commence until a scheme for protecting the proposed dwellings along the western and northern boundary from railway noise and vibration and also noise from the commercial units located adjacent to this proposed development has been submitted to and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before the dwellings are occupied
15. Prior to the commencement of any development on any phase, the scope of a Construction Environmental Management (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence on any one phase unless and until the CEMP for that phase has been submitted to and approved in writing by the Local Planning Authority and all operations undertaken strictly in accordance with those details throughout the construction period of that phase, unless otherwise agreed in writing by the Local Planning Authority
16. As a minimum, the development hereby approved shall achieve a post-construction Building Research Establishment Eco-Homes rating of 'very good' or a 2 star Code for Sustainable Homes rating. A post completion certificate confirming such an outcome shall be submitted to and approved in writing by the Local Planning Authority before any of the buildings hereby approved are first occupied, unless otherwise agreed in writing by the Local Planning Authority.
17. No development shall take place until an air quality impact assessment has been submitted to and approved by the Local Planning Authority. The impact assessment shall address the following issues; i) current air pollution levels around the development site; ii) details of potential sources of air pollutants as a result of development activities; iii) measurable changes (increase and/or decrease) to air pollution concentrations as a result of development activities; iv) comparison of predicted changes in air pollution concentration to current air quality standards; v) precise details of any methodology/guidance used in the assessment of air quality impact; vi) proactive measures to address potential air quality issues where appropriate
18. Prior to commencement of the development hereby approved, a scheme for the creation of a footpath link from the southern end of the site connecting the application site to Holmes Chapel Road shall be submitted to and approved in writing by the Local Planning Authority. Should the land to the south of the application site become available within the applicants control in the future, the scheme shall be fully implemented in accordance with the approved plan and

within an agreed timescale unless otherwise agreed in writing by the Local Planning Authority

19. Prior to commencement of development the applicant shall submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and such proposals shall be agreed in writing by the Local Planning Authority. The approved features shall be fully installed to each dwelling in accordance with the agreed details prior to the first occupation of the dwelling
20. Prior to commencement of the dwelling, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Waste materials arising during the development period shall be managed in accordance with the approved details
21. Scheme for watercourse protection submitted and agreed prior to commencement of development and fully implemented thereafter
22. Scheme for flood storage and mitigation submitted and agreed prior to commencement of development and fully implemented thereafter

69 10/2194N - LITTLE ABBEY FARM, PINSLEY GREEN ROAD, WRENBURY, NANTWICH: TWO AGRICULTURAL BUILDINGS TO EXTEND EXISTING POULTRY REARING UNIT FOR MR A PARKER

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

The Committee considered a report regarding planning application 10/2194N (Little Abbey Farm, Wrenbury).

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

1. Commence development within three years
2. Development in accordance with approved plans
3. Samples of materials to be submitted, approved and implemented
4. No feed lorries to arrive at the site, deliver feed and leave during the period 20.00 hours and 0.700 hours the following day
5. Implementation of landscaping scheme within 12 months of the provision of the first building
6. Submission of a scheme for the maintenance of the landscaping and implementation of it
7. Use of Reasonable Avoidance Measures for the duration of construction
8. Hours of construction shall be restricted to 08.00 hours to 18.00 hours on Monday to Friday, 08.00 hours to 13.00 hours Saturday with no working at any other time including Sunday and Public Holidays
9. Details of any pile driving operations (if required) to be submitted, approved and implemented

10. Details of noise generated by any other externally mounted equipment (excluding development which requires the submission of a further planning application) should be submitted to the Local Planning Authority and approved in writing before the equipment is provided

**70 10/2481N - MEADOW BANK, GROBY ROAD, CREWE, CW1 4NA:
PROPOSED REBUILDING OF INDUSTRIAL UNITS FOLLOWING FIRE
DAMAGE TO THE EXISTING UNITS FOR MR BEESON**

The Committee considered a report regarding planning application 10/2481N (Meadow Bank, Crewe) together with an update.

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

1. Standard time limit
2. Approved plans
3. Materials to be submitted and agreed
4. Plan showing area of external storage to be submitted and agreed
5. Any external storage not to exceed 3m in height
6. Details of landscaping to be submitted, details to include landscaping screening for eastern boundary
7. Landscape implementation
8. Removal of permitted development rights for industrial and warehouse development (Part 8 Class A)
9. Operating hours restricted to 8.00am to 6.00pm and shall not be open on Sundays or Bank Holiday Mondays
10. Scheme of acoustic attenuation for building and equipment to be submitted and agreed
11. No noisy works to be carried out externally
12. All windows and doors shall be shut when noisy works are being carried out internally
13. Prior to installation of any external lighting details shall be submitted and agreed by the Local Planning Authority
14. Hours of construction of proposed development restricted to 8.00am to 6.00pm Monday to Friday and 9.00am to 2.00pm Saturday and not at all on a Sunday or Bank Holiday Monday
15. Prior to the commencement of development a full gas survey to be carried out and be submitted and agreed by the Local Planning Authority. Protection measures to be carried out.
16. Within three months of the building first becoming occupied the existing portacabins to be removed from the site. No further cabins shall be erected without the express consent of the Local Planning Authority.
17. Details of loading, unloading and turning area to be carried out within the site to be submitted and approved.

71 10/2678N - EAST & WEST LODGE, QUEENS PARK, VICTORIA AVENUE, CREWE, CW2 7SE: INTERNAL AND EXTERNAL RESTORATION OF 2 NO. GRADE 2 LISTED PARK LODGES. INCLUDING DEMOLITION OF FLAT ROOF EXTENSIONS TO EAST LODGE AND RESTORATION OF ORIGINAL ELEVATION FOR MR A LEACH, CHESHIRE EAST COUNCIL

The Committee considered a report regarding planning application 10/2678N (East and West Lodge, Queens Park).

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

1. Standard time limit
2. Approved plans
3. Materials to be matched – details to be submitted (including brick, stone, roof tiles, pots, leadwork, gutters and downpipes)
4. Use of matching design and style for the features to be repaired and replaced
5. Use of non-chemical cleaning techniques
6. Use of vertical boarding for the doors to the external walls and external space

72 10/2680N - EAST AND WEST LODGE, QUEENS PARK, VICTORIA AVENUE, CREWE, CW2 7SE: LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL RESTORATION OF NO. 2 GRADE LISTED PARK LODGES. INCLUDING DEMOLITION OF FLAT ROOF EXTENSIONS TO EAST LODGE AND RESTORATION OF ORIGINAL ELEVATION

The Committee considered a report regarding planning application 10/2680N (Listed Building Consent, East and West Lodge, Queens Park).

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

1. Standard time limit for Listed Buildings
2. Approved plans
3. Materials to be matched – details to be submitted (including brick, stone, roof tiles, pots, leadwork, gutters and downpipes)
4. Use of matching design and style for the features to be repaired and replaced
5. Use of non-chemical cleaning techniques
6. Use of vertical boarding for the doors to the external walls and external space

73 APPEAL SUMMARIES

The Committee considered a summary of appeal decisions.

RESOLVED – That the appeal summaries be noted.

The meeting commenced at 2.00pm and concluded at 5.15pm

Councillor G Merry (Chairman)

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Planning Reference No:	10/2131C
Application Address:	Proposed housing development off, Crewe Road, Sandbach.
Proposal:	Reserved matters application to consider the appearance, landscaping, layout and scale of the proposed development of 41 dwellings following outline approval 10/0021C.
Applicant:	Hollins Strategic Land and Taylor Wimpey
Application Type:	Reserved Matters Application
Ward:	Sandbach Town
Registration Date:	14 th June 2010
Earliest Determination Date:	22 nd July 2010
Date of Officers Site Visit:	16 th August 2010
Expiry Date:	13 th September 2010
Date report Prepared:	18 th August 2010
Constraints:	Settlement Zone Line Wildlife Corridor Open Countryside

SUMMARY RECOMMENDATION:

Approve with conditions, subject to the signing of a Deed of Variation to the Section 106 Agreement, changing the affordable housing provision from eight 2 bed houses and four 2 bed apartments to twelve 2 bed houses.

MAIN ISSUES:

- Principle of the Development
- Affordable housing
- Amenity
- Design and Layout
- Highways and Parking
- Landscaping and Trees
- Ecology

1. REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee, as the scheme is a major development for more than 10 dwellings.

2. DESCRIPTION AND SITE CONTEXT

The site lies to the south of Sandbach and is currently accessed from a small private track known as Zan Drive off Crewe Road that leads to the Zan Industrial Park.

To the north lies the Wheelock Rail Trail whilst to the east is open countryside and a Wildlife Corridor. To the south of the site is Zan Drive off which lies a number of residential properties, a small parking area in a copse of trees and the industrial estate, whilst to the west are a number of residential properties and beyond that Crewe Road.

The site itself is relatively open comprising a grazing paddock, which is surrounded by trees and hedges. There are also the remnants of a former hedgerow that passes through the centre of the site. Elsewhere the line of this hedgerow is marked by some small trees. The majority of the site to the west is relatively level but falls away to the east where it approaches a belt of trees that bound the site.

The site is also overlooked by a number of residential dwellings off Zan Drive and Crewe Road.

3. DETAILS OF PROPOSAL

This proposal is for reserved matters approval relating to the appearance, landscaping, layout and scale of the development. Details of the access were approved at outline stage. This access is to be created by the demolition of numbers 444 and 446 Crewe Road.

The development would comprise 41 dwellings, of which 23 would be detached, 6 semi-detached and 12 mews. Of the detached properties 20 would be four bedroom and 3 three bedroom, the semi-detached properties would be three bedroom and the mews properties two bedroom. All would be two-storey apart from the semi-detached units on plots 23 and 24, which would be 2.5 storey sited on the right hand side on entering the site.

The mews properties would provide the twelve affordable units for the development and are to be sited, one block at the entrance to the site, one at the northern end and one at the southern end.

At the eastern end of the site where the main access splits, a feature square is proposed with housing facing onto it and beyond this there would be a wildlife pond and ecological transition area which would also contain an informal footpath leading to the disused railway line, that forms part of the Wheelock Rail Trail, which is a multi-user facility and is part of the national cycle network.

4. RELEVANT HISTORY

10/0021C	2010	Outline approval for residential development of 41 dwellings
09/2392C	2009	Outline refusal for residential development of 37 dwellings
31927/1	2000	Outline refusal for residential development of 25 dwellings

5. POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

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
H6 Open Countryside
H13 Affordable and Low Cost Housing
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
GR10 New Development & Travel
GR18 Traffic Generation
NR1 Trees & Woodlands
NR4 Wildlife Corridor
GR22 Open Space Provision

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

6. CONSIDERATIONS

Housing:

The change from four, 2-bed social rented apartments to four, 2-bed social rented houses will require a change to the Section 106 agreement however Housing would be happy to see this change take place, as there is a recognised need for these types of property.

Environmental Health:

Request conditions relating to land contamination, sound insulation and air quality.

United Utilities:

In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A public sewer runs at the rear 432-450 Crewe Road and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer, which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption". Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Highways:

The Strategic Highways Manager has assessed this application and offers the following comments:

Negotiation has been completed with the applicants consultant regarding access design and site layout.

The latest design drawing for the site layout shows an innovative design which aligns with the latest guidance in the DfT document: Manual for Streets and requires just one small adjustment to comply with highway authority requirements:

1. The three culs-de-sac need to have a service strip on both sides, which will form part of the adoptable public highway.

The Strategic Highways Manager therefore recommends that an amended plan be provided prior to determination, which demonstrates the above adjustment to layout detail.

Following submission of the amended layout plan, (Revision J) and verbal discussions with the Highways Department, it was agreed that the service strips shown on the plan were on the whole acceptable, but needed to extend all the way around the turning head and that it was considered that this could be achieved.

Senior Landscape and Tree Officer:

The Senior Landscape and Tree Officer has expressed concerns with the proposals, in particular poor amenity levels to Plots 8, 18 and 19 and impact on root protection zones. Concerns were also expressed about loss of trees, inappropriate boundary treatments and ornamental planting.

Nature Conservation Officer:

The Nature Conservation Officer is satisfied with the majority of the information submitted with the application and does not consider that the development would have any significant adverse impact on the ecology of the area or protected species. It is requested however that further details of how the wildflower meadow will be established and the cutting regimes of these areas be submitted and details of the species of grass to be used within the Transitional Ecological Area.

Natural England:

Natural England is not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. They are satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

It is noted that bat boxes and bat bricks will be installed and that these will be monitored on an annual basis by a licensed ecologist. This is welcomed and it is advised that this should form part of a monitoring plan. Any lighting to be installed should be positioned and directed in away from the transitional ecology area, any trees identified as having roosting potential and any places where bats may fly and forage.

Work should not begin if nesting birds are present on site and should occur outside of the bird nesting season. If building works are undertaken during bird breeding season, a check for any active nest sites should be undertaken by a suitably qualified ecologist. It is noted that bird boxes will be installed and Natural England are supportive of the proposal and satisfied with this provision.

7. VIEWS OF TOWN/PARISH COUNCIL

Members observed that the proposed layout appears over-developed with very little provision for open space within the design, contravening policies GR2 IA and GR2II A and B of the Local Plan. Question was raised of the inclusion of lime trees in the general landscape designs due to the number of historical problems encountered by residents in existing areas bordered with lime trees.

8. OTHER REPRESENTATIONS

Five representations have been received relating to this proposal expressing concern over the following issues:

- Highway Safety
- Parking and loss of a turning area on Zan Drive
- Overdevelopment
- Loss of privacy
- Loss of trees
- Inappropriate boundary treatments and landscaping
- Impact on wildlife
- Impact on local infrastructure
- Discrepancies on the plans relating to land ownership
- Boundary treatments making it difficult to maintain existing properties
- Inappropriate siting of the 2.5 storey dwellings

9. APPLICANT'S SUPPORTING INFORMATION

Planning and Design Statement

This document provides details on the history of the site, the surrounding context of the local area and the policy framework surrounding the development. The statement also seeks to expand on the justification for the development proposed.

Landscape Management Plan

This document provides details on the landscape proposals and opportunities and gives a detailed timetable for the management of the public open spaces on the site, including the Transitional Ecological Area.

Specification for Provisions for Bats and Birds

This document gives details of general recommendations relating to protected species and shows provisions for breeding birds and roosting bats.

10. OFFICER APPRAISAL

Principle of Development

The principle of development on this site was established when the outline application for the scheme was approved. The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town.

Although the NW Regional Spatial Strategy (2008) has recently been revoked, until further notice we will still rely upon the figures contained within it. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures were average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and might be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

National policy guidance states that Local Authorities should manage their housing provision to provide a five year supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

In accordance with PPS3, if the Council does not have a five year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5 year period. Notwithstanding the

existence of a 5 year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

The density of the development has been questioned by some of the objectors and the Town Council, as they consider that the construction of 41 houses would constitute overdevelopment of the site. However, although the outline approval only established the access to the site, the proposal was clearly stated to be for 41 dwellings and committee approved this, as it was considered to be achievable without harm to surrounding occupiers or other interests. As such the principle of this amount of development on the site is considered to be acceptable.

Section 106 Agreement and affordable housing

When the outline application was approved the applicants entered into a Section 106 Agreement relating to a traffic management contribution, the transitional ecology area and wildlife corridor and the affordable housing provision. This will remain the same for the first two issues but a Deed of Variation will be required to the affordable housing section. This will be necessary because the scheme now provides 12 two bedroom houses as opposed to the previously approved scheme which provided 8 two bedroom houses and 4 two bedroom apartments. It should be noted that the Housing Section are satisfied with this provision as there is a recognised need for these types of properties.

Amenity

The development would generally meet the requirements of Supplementary Planning Document 2 (Private Open Space), in that the private amenity space provided to the dwellings would be acceptable as would the separation distances between the individual properties and the existing dwellings adjacent to the site. Whilst some plots have relatively small private garden areas on balance the layout is considered to provide adequate standards for the residential amenities of future occupiers. It is considered however, that Permitted Development Rights should be removed from Plots 1 to 4 inclusive, 8 to 11 inclusive and 38 to 41 inclusive, which are the affordable dwellings. These properties generally have smaller rear gardens and future extensions could have the potential to be detrimental to the residential amenities of the future occupiers.

The illustrative layout submitted at the outline stage provided for buffer planting to the side of the dwelling known as plot 35. This was to protect residential amenities at the existing dwelling at 7 Zan Drive. Some tree planting is proposed at this plot but it is considered that this could be improved and a condition is recommended for additional planting here.

Design and Layout

The layout of the site would take the form of a main spine road entering the site with a feature square, pond and transitional ecological area to the eastern end of the site, the road would then curve round to the south of the site. There would be three offshoots from the main spine road, two to the north and one to the south. Amendments have been made to the scheme in order to address concerns raised by officers and the scheme now allows for the feature square and pond to be overlooked by dwelling frontages. Garages have been removed and dwellings re-

sited in order to avoid blank elevations dominating when entering the site. The affordable units would be spread out within the site in compliance with the advice given in SPD6: Affordable Housing and Mixed Communities.

The dwellings would consist of detached, semi-detached and mews properties. The designs are considered to be acceptable, being of a relatively traditional design and material samples have been submitted which are considered to be appropriate to the design of the dwellings and the character of the area.

Highways and Parking

The original layout submitted by the developers was not considered suitable by the Strategic Highways Manager and the final layout before Committee has evolved through discussions between Officers and the applicants.

The Strategic Highways Manager has assessed the amended layout and considers it to be an innovative design, which complies with Manual for Streets. He did advise that service strips be included and this has been done on the final revision (J). The service strips shown on the layout drawing (Revision J) are now considered to be largely acceptable provided that they are extended around the turning head. The Strategic Highways Manager believes that this would be possible and as such a condition should be imposed requiring drawings to be submitted showing the service strip in full.

The scheme also provides additional linkages to the Wheelock Rail Trail, which lies close to the site, allowing easier access to sustainable modes of travel.

Residents of Zan Drive have expressed concerns regarding the parking and loss of a turning area at the end of this unadopted road. It should be noted that the developers are not responsible for providing parking or turning facilities for the residents of Zan Drive, but have included in the scheme 6 parking spaces for this purpose. In addition the final layout also moves these spaces a further metre into the site to allow more turning space.

Taking into account the issues covered above it is considered that the proposal is in compliance with Policies PPG13, GR9, GR10 and GR18 and acceptable in terms of highway safety, traffic generation and parking provision.

Landscaping and Trees

The Senior Landscape and Tree Officer has expressed concerns about the development and in particular plots 8, 18 and 19 and on the initial plans submitted it did appear that the crown spreads would mean that the plots would be severely over shadowed. The final layout plan shows the extent of the crown spread of trees, including Holly, Hawthorn and Sycamore, which are classified as category C trees, as they will be when tree works have been carried out. In addition the house on plot 18 has been adjusted to move it further away from the trees and on plot 19 the house has also been moved over and the garage sited on the other side of the plot. On plot 8 the Holly is to be cut back which would it is considered

address the issue of overshadowing. With these alterations to layout is now considered acceptable

Whilst the loss of some trees is unfortunate, it is considered that the creation of the transitional ecological area and replacement planting with suitable species will mitigate against any adverse impacts on the landscape character of the area. In order to ensure that the character of the area is maintained, precise details of the species of all new planting are required to ensure that they are appropriate to their position within the site in terms of size and appearance. This is especially important with the planting which will take place in the area of the site which adjoins the wildlife area.

Ecology - Protected Species & Nature Conservation

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 implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 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."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm LPAs will need to be satisfied that the development cannot be reasonably located on any alternative site that would result in less or no harm. In the absence of such alternatives LPAs should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises LPAs to "refuse permission where harm to the species or their

habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

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 or Regulations.

No bats were found in the buildings to be demolished, however they were observed foraging in the area and recommendations were made for the incorporation of features into the development, to allow roosting space for bats. Such features have been incorporated into the development to the satisfaction of Natural England and the Nature Conservation Officer. Having regard to breeding birds, the retained habitat and landscape planting, combined with the provision of bird boxes within the development would ensure that there was no detriment to their well being.

It is considered that sufficient work has been undertaken by the applicants to show that the scheme will not have a detrimental impact on protected species. The development will actually result in the delivery of additional habitat features, which would be a benefit to ecological diversity.

Other Matters

The conditions requested by the Environmental Health Officer were included in the outline permission and do not therefore need to be included on the reserved matters approval.

The submitted layout shows that houses and garages do not impinge on the line of the sewer or its easement.

Conditions were also imposed on the outline permission for the submission of a drainage scheme with details of foul and surface water management to be submitted approved and implemented.

11. CONCLUSIONS

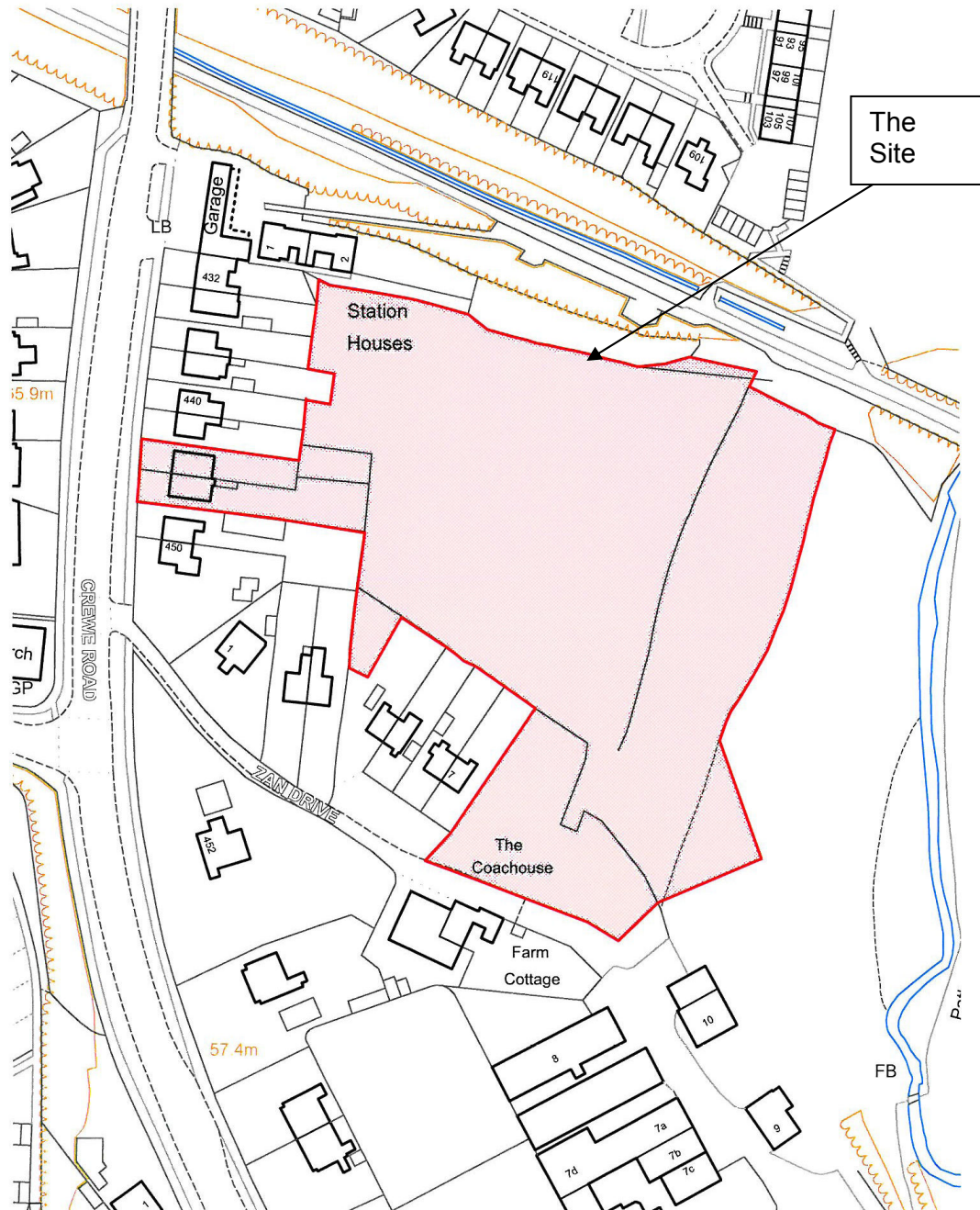
In conclusion, the site is within the settlement zone line of Sandbach in the adopted local plan and the proposed development complies with the relevant policies contained within that document. The proposal is of an appropriate scale and design and includes measures to enhance the biodiversity of the site. It is therefore recommended that the application be approved subject to the developers entering into a Deed of Variation to the Section 106 Agreement linked to the outline approval and the following conditions.

12. RECOMMENDATION:

Approve subject to the signing of a Deed of Variation to the Section 106 Agreement, changing the affordable housing provision from eight 2 bed houses and four 2 bed apartments, to twelve 2 bed houses, and the following conditions:

1. Development carried out in complete accordance with the approved plans
2. Notwithstanding the details shown on the approved plans, prior to commencement of development a revised and fully detailed scheme for the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make adjustments to the planting to account for revisions to the highway service strips. The scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations, such as cutting regimes, associated with tree, shrub, hedge, grass and wildflower meadow establishment) schedules of plants noting species, plant sizes, proposed numbers and densities. The details shall comply with the schedule of works itemised in the Landscape Management Plan submitted with the application dated July 2010.
3. The landscaping shall be carried out in complete accordance with the approved scheme, unless any variation is first agreed in writing by the Local Planning Authority.
4. Prior to the commencement of development, a revised layout scheme shall be submitted to the Local Planning Authority for approval in writing. The revised layout shall include service strips that extend fully around the perimeter of all three cul-de-sacs. The development shall be carried out in complete accordance with the approved details.
5. The bat and bird boxes, as detailed in the Specification of Provisions for Bats and Birds. Bird nest boxes, bat boxes/ bat bricks to be provided on dwellings shall be installed at the time of construction of the dwellings and retained thereafter. Bird boxes to be installed in the wildlife area shall be installed in accordance with a timetable which shall be submitted and agreed before development commences.
6. Notwithstanding the details shown on the proposed fencing layout, all rear garden areas shall be provided with 1.8m high, privacy panel fencing (or similar), details of which will be submitted for written approval. The fencing shall be installed prior to the first occupation of the dwellings to which it relates.
7. Prior to the occupation of the first dwelling, the six parking spaces to Zan Drive shall be laid out and available for use. The parking shall thereafter be retained as car parking for residents in Zan Drive and their visitors.
8. Notwithstanding the details shown on the approved plans, a scheme for buffer planting on the boundary of Plot 35 and number 7, Zan Drive, has been submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be completed in complete accordance with the approved details unless any variation is approved in writing.
9. Removal of permitted development rights to plots 1 to 4 inclusive, 8 to 11 inclusive and 38 to 41 inclusive.

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/2544C
Application Address:	94 Park Lane, Congleton , CW12 3DE
Proposal:	First Floor Extension to Form Additional Bedroom with En-Suite Facility, Alteration to Existing Bathroom together with Single Storey Ground Floor Garden Room.
Applicant:	Mr Machin
Application Type:	Full Planning
Grid Reference:	387079 362362
Ward:	Congleton Town East
Earliest Determination Date:	13 th September 2010
Expiry Dated:	29 th September 2010
Date of Officer's Site Visit:	6 th September 2010
Date Report Prepared:	6 th September 2010
Constraints:	Conservation Area

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design and visual impact of the development
- Neighbouring amenity and privacy
- Highway safety

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme however Councillor Thwaite has requested it is referred to Committee for the following reasons:

- a) It is overbearing;
- b) For much of the day it will have a significant adverse affect on the daylight/sunshine on the rear of the adjacent property (1 Sefton Avenue);
- c) The proposed bedroom window overlooks the adjacent property and will have an adverse affect on the residents privacy.

2. DESCRIPTION OF SITE AND CONTEXT

94 Park Lane is a 20th Century, mid terrace property located within the Congleton Settlement Zone Line and Congleton Conservation Area. The dwelling is an attractive brick and tile built dwellinghouse that benefits from existing rear two storey and single storey outriggers.

Surrounding neighbouring properties including 1 Sefton Avenue and 96 Park Lane are of a similar design and appearance as the existing dwelling. It is noted that neighbouring properties benefit from similar style outriggers of similar scales to the first floor extension proposed within this application.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a first floor extension on the rear of the dwellinghouse. This would be located above an existing mono-pitched single storey outrigger, would accommodate an en-suite and bedroom, and measure 3.2 metres in width, 4.8 metres in depth, and 6.5 metres in height to the ridge of the pitched roof.

Planning permission is also sought for the erection of a rear, single storey garden room which would measure 2.1 metres in width, 4.85 metres in depth, and 3.5 metres in height to the ridge of the roof.

4. RELEVANT HISTORY

There is no relevant planning history for this site.

5. POLICIES

Local Plan policy

PS4 Towns

GR1 General Criteria

GR2 Design

GR6 Amenity

BH9 Conservation Areas

6. CONSULTATIONS (External to Planning)

Conservation Officer:

The Conservation Officer notes that the first floor extension would be visible from side views in Sefton Avenue, but in terms of impact on the Conservation Area, this would have very little significance. There is no objection subject to conditions being attached.

7. VIEWS OF THE TOWN COUNCIL

Congleton Town Council raised no objection to the proposed development.

8. OTHER REPRESENTATIONS

One representation was received from neighbouring property 1 Sefton Avenue which raised the following reasons for objection:

- The proposal would infringe upon privacy by virtue of the window in the proposed first floor extension directly overlooking the rear of 1 Sefton Avenue and it's garden;

- The proposal would result in a loss of light;
- The proposal would result in the loss of a view.

It was highlighted within the objection that the proposal would compromise the value of 1 Sefton Avenue however; this is not a material planning consideration that can be taken into account when determining an application.

The occupants of 1 Sefton Avenue have stipulated that consent would not be given for the development to be attached to the party wall however, this is a civil matter between the parties involved and is not a reason for which the application could be refused.

9. APPLICANTS' SUPPORTING INFORMATION

A Design and Access Statement was submitted with the application which addresses issues relating to site, location, evaluation, design, access, carbon emissions, technical solutions, and future energy provisions.

10. OFFICER APPRAISAL

Principle of Development

The principle of the development is acceptable as the site is located within the Congleton Settlement Zone Line where there is a presumption in favour of residential development providing that it is of an acceptable scale and character and does not conflict with other policies of the Local Plan

Design and Visual Impact

The proposed first floor extension would match the materials and pitch existing two-storey outrigger and would simulate existing cill and lintel details of the property. As such, although visible from Sefton Avenue, the first floor extension would be in keeping with the appearance and character of the existing dwelling and would cause no harm to the surrounding Conservation Area.

The single storey extension would have a limited visual impact as it would be hemmed in by the existing dwellinghouse and neighbouring property and as such would only have one elevation visible. Subject to the use of appropriate materials, it is considered that this element of the proposal would respect the character of the original property.

Neighbouring Amenity and Privacy

Councillor Thwaite and neighbouring occupants have raised concerns in relation to the proposals impact upon 1 Seton Avenue.

1 Sefton Avenue is an adjoining neighbouring property located to the northwest of the application site. The property benefits from an existing two-storey outrigger of approximately 6 metres in depth. The outrigger has no window or door openings within the elevation facing towards the application site but has its windows within the southwestern and northwestern elevations. The windows in the southwestern elevation include a first floor window and ground floor window within the main body

of the dwellinghouse which are adjacent to the common boundary, and large openings within the outrigger which are underneath a first floor overhang.

1 Sefton Avenue has a curtilage which extends approximately 19 metres from the existing two storey outrigger, which is screened from the application site by a combination of fencing and vegetation which ranges in height from approximately 1.5 metres to 1.8 metres.

With regard to assessing the impact of the proposal upon 1 Sefton Avenue consideration should be given to the existing arrangements on the site, the scale of the proposed development, the orientation of the properties, and the location and nature of proposed new windows.

Firstly, both properties are northeast facing, with rear elevations and gardens facing to the southwest. By virtue of this positioning and the depth of the projection it is acknowledged that the proposal would result in overshadowing during morning hours. However, it must be acknowledged that this area would receive little direct sunlight anyway by virtue of the combination of the orientation of the property, the existing neighbouring two storey outrigger at 96 Park Lane, and the existing mono-pitched roof arrangement on the application site. In this respect of this, it is considered that the additional impact from the proposed extension would be limited. Regard must also be had the fact that the extension is replicating a similar outrigger arrangement found at 1 Sefton Avenue.

The proposal would include the installation of a bathroom window within the southwestern elevation and a bedroom window within the northwestern elevation. Whilst concerns in relation to privacy have been raised, it is not considered that the proposal would result in a significant loss of privacy for either property. It is acknowledged that the proposed bathroom window would face southwest towards the garden area of the property however; this is not a principal window and due to the nature of the room would be conditioned to be fitted with obscured glazing. With regard to the proposed bedroom window, it is noted that this faces onto a blank elevation at 1 Sefton Avenue. Whilst it is noted that windows do exist within the rear elevation of 1 Sefton Avenue, due to the proposed window positioning these and any views of No. 1's garden area would be oblique views only.

It is not considered that the proposal would appear significantly overbearing when viewed from 1 Sefton Avenue as the majority of the proposal would not be sited immediately adjacent to the common boundary but would be set back from it by a distance of approximately 2 metres. Regard must also be had to the existing arrangement with the pitched roof and gable at 96 Park Lane which would be visible from 1 Sefton Avenue at present.

Considering all of the above aspects, whilst accepting that there would be an impact upon 1 Sefton Avenue, due to the circumstances of the site and surrounding properties it is not considered that such would be to a level as to sustain a refusal of this application at appeal.

It is noted that no other neighbouring properties would be detrimentally affected by the proposal.

Highway Safety

The proposal would not have any highway safety implications as it would be located to the rear of the property and would not impinge upon any existing parking areas.

Other issues

Objections with regard to loss of views have been raised however, given that there is no legal right to a view of other individuals land, this is not a reason for which the application could be refused.

11. CONCLUSIONS

The proposal would be of an acceptable design and would not impact upon the visual amenity or highway safety of the surrounding area.

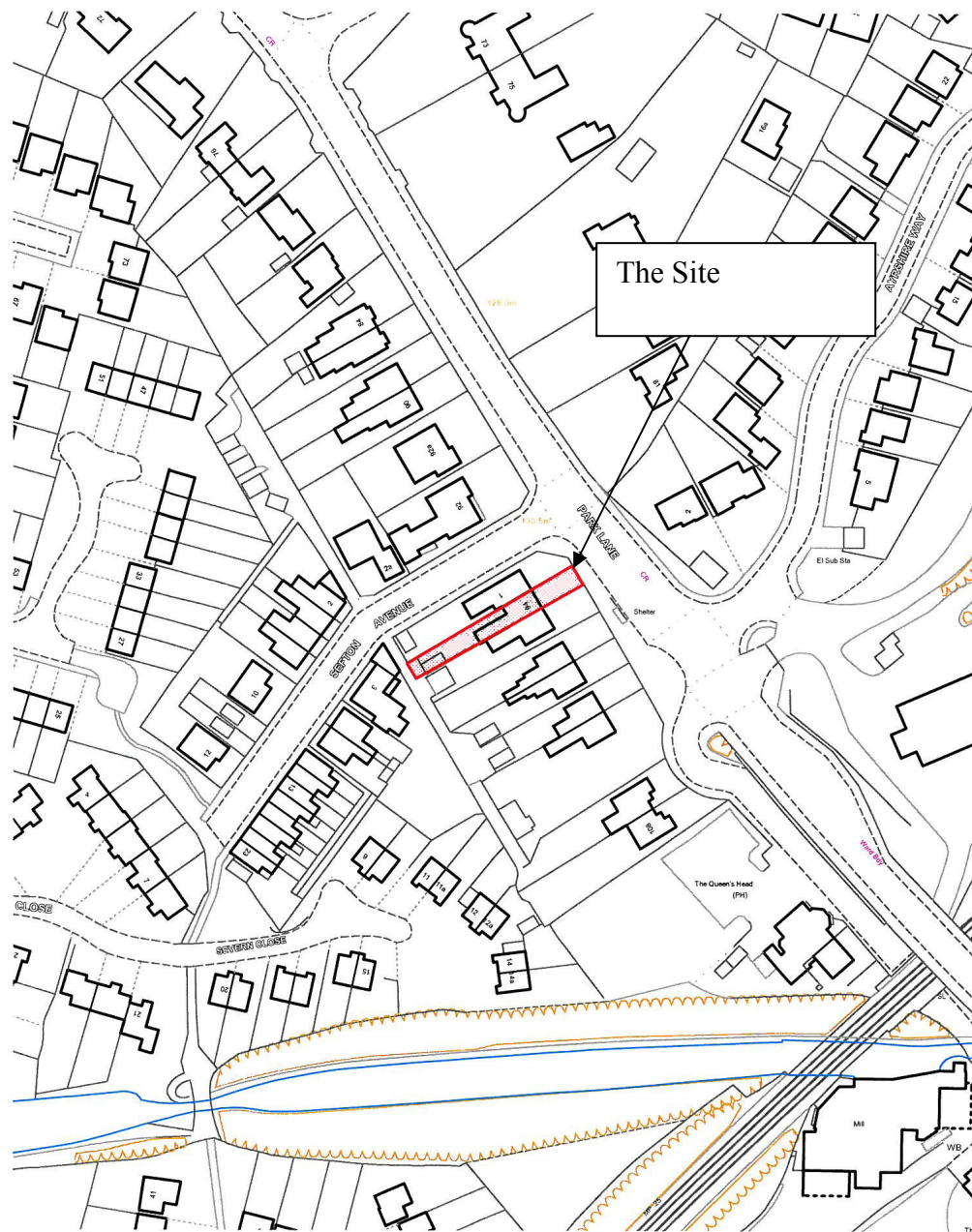
With regard to amenity, concerns are noted however, given the circumstances of the site, it is not considered that there would be a level of detriment to either amenity or privacy which could sustain a refusal of this application.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Material samples to be submitted and approved in writing**
- 4. Rainwater goods to match those on existing building**
- 5. All fenestration shall be set behind a reveal of 100 mm**
- 6. All windows and doors in the external elevations of the proposed development shall be fabricated in timber**
- 7. Bathroom window glazing and opening details to be submitted and approved in writing.**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/2645N
Application Address:	Land Off Whites Lane, Weston, Crewe, Cheshire
Proposal:	New Dwelling
Applicant:	Mr & Mrs D Whitter
Application Type:	Full Planning Permission
Grid Reference:	373100 352580
Ward:	Doddington
Registration Date:	14 th July 2010
Earliest Determination Date:	27 th August 2010
Expiry Dated:	8 th September 2010
Constraints:	Wind Turbine Dev Consultation Area

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- History
- Settlement Boundary
- Principle of Development
- Design
- Private Amenity Space/Density
- Impact on Residential Amenity
- Personal Circumstances
- Highways
- Contamination
- Noise
- Drainage

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Walker has requested it be referred to Committee as Members considered the previous application.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises a triangular shaped plot measuring approximately 915m² and is located wholly within the settlement boundary of the village. The application site is an open field and is located adjacent to a large detached bungalow which is known as 'Elbury'. The boundary treatment separating Elbury from the application site is marked by a patchy hedgerow, which is interspaced with mature conifer trees approximately 5m in height. The application site rises up from the point of access to Whites Lane by approximately 2.3m to higher ground level at a level similar to the adjacent properties which have been constructed. Located immediately to the north and west is open farmland.

The surrounding properties have been constructed over approximately the last 30 to 100 years and provide a real eclectic mix of architectural styles, forms and differing scales of dwellings. Located to the south of the application site are five large detached bungalows which are set within large plots and well set back from Whites Lane. These relatively modern properties have extensive footprints and form a ribbon style development and their orientation and juxtaposition are very similar, apart from Elbury which is set much further back into its plot. The next properties are located approximately 120m away to the north (as the crow flies) and are a pair of semi detached 2 storey dwellinghouses. Both of these properties are brick constructed under a slate roof and have been extended in the past to make substantial properties.

3. DETAILS OF PROPOSAL

This is a full application for the erection of a large detached dwellinghouse on land adjacent to Elbury, Whites Lane, Weston. The proposed dwellinghouse will incorporate a basement and will be of similar ridge height and footprint to other properties in the immediate locality. The building will be constructed on a triangular parcel of land which is located wholly within the settlement boundary.

4. RELEVANT HISTORY

10/0997N – Proposed New Dwelling – Withdrawn – 16th July 2010

5. POLICIES

Local Plan Policy - Crewe & Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
RES.3 (Housing Densities)
RES.4 (Housing in Villages with Settlement Boundaries)
TRAN.9 (Car Parking Standards)

Other Material Considerations:

PPS1 - Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPS25 – Development and Flood Risk
C & NBC Supplementary Planning Document – Development on Backland & Gardens

6. CONSULTATIONS (External to Planning)

Spatial Planning: No objections

The site lies within the settlement boundary of Weston. Policy RES.4 states that residential development in the settlement boundary of Weston is acceptable if commensurate with the character of the village and in accordance with policies BE.1 - BE.5.

Highways: No objections subject to plans showing the access arrangement being submitted and approved by LPA.

United Utilities: No comments received at the time of writing this report

Environmental Health: No objections subject to the following being conditioned – Contaminated land survey, Protection of noise during construction and details of pile driving if required to be submitted.

7. VIEWS OF THE PARISH / TOWN COUNCIL

No objections subject to the following being conditioned

- Full details of the boundary and landscaping treatment around the curtilage of the site (including the boundary abutting the rear garden to Elbury) including the type and maturity of species to be planted are submitted. This is to protect the amenities and privacy of the occupants of Elbury. It is recognized in this context that given the occupation of the applicant there will need to be comings and goings very early in the morning and late at night;
- Assurances to be given to the occupier of Elbury that the excavations, which will be considerable, will in no way be prejudicial to Elbury from a structural point of view;
- A condition be imposed to ensure that agricultural vehicles e.g. tractors cannot be parked in the driveway, again to protect residential amenity relative to Elbury. This is an application for a conventional residential dwelling, not one for an agricultural worker;
- Patio doors which appear to open on to a balcony over the garage and face towards Elbury be replaced with windows which would increase the privacy of the occupier of Elbury and reduce the possibility of any overlooking.

8. OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of Flash Cottage, Elbury and The Warren raising the following issues:

- Flash Cottage is sited to the opposite side of the proposed development to Elbury on a sharp bend, this bend at times of heavy rain is regularly subject to flooding as are a number of other locations in close proximity to this area. I feel that another property of this scale and no mains drainage will increase the load on the local water table and would like to see sufficient measures taken, maybe a waste water tank to be emptied periodically to address this matter.

This situation is in part increased by the surprisingly large clay seam that is running through the locality;

- Whites Lane is at certain times of the day a busy "rat-run" and just after the proposed entry to the development becomes a National Speed Limit zone. It is considered that in allowing this proposal will significantly increase the number and type of vehicles using this lane and vastly increase risk in the area;

- The height of the basement as shown on the plans is at ground level and therefore cannot be seen when viewed from Elbury. Request confirmation that this will be the case and that the construction of the proposal will be built in strict compliance to the submitted plans;

- The ridge of the proposed dwelling is shown as being the same as that of the higher part of Elbury. Request that this to be confirmed;

- The proposal will still have a detrimental impact on our privacy and amenity (Elbury). Conditions should be imposed regarding boundary treatment and landscaping;

- The highways department had concerns with the previous application (10/0997N) as there was provision for the parking of 7 vehicles. Because of this the applicants then reduced this by two. Even five parked vehicles are regarded as excessive for a domestic dwelling. However, application 10/2645N is back to seven vehicles on the site i.e. a double garage and five marked spaces outside. Whites Lane is narrow and very busy at certain times of the day, and the proposal is very close to a severe bend in the road. Seven vehicles for a domestic dwelling is excessive;

- Due to the nature of employment of the applicant should be a condition imposed which refuses the parking of agricultural vehicles on the site;

- Excavation for the basement of the proposal will be very extensive and close to the boundary of Elbury. It is imperative that this ground work does not cause any instability or erosion to the remaining land mass, as this could eventually lead subsidence and structural damage;

- The patio door to the kitchen/dining room, and the window in the kitchen/dining room should be changed over as this gives improved privacy for both us and the occupants of the proposal. There appears to be no mention of the intended treatment of the area directly above the garage roof. If this is to be a hard surface for a patio then access could still be gained even if the door and window are changed over.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The family home is a rented property and they are full Agricultural Holdings Act tenants of a farm owned by the Duchy. They have outgrown their present accommodation and need specialised facilities;

- The applicants state that they require purpose designed facilities with additional space to utilise lifting equipment, hoists and motorised chairs. The new dwelling will provide circulation space and storage for wheelchairs and allow transfer and access for the applicant's daughter who is mentally and physically disabled;

- A separate bedroom is required for the carers which will allow for support during difficult periods, including the night time;
- The lift within the house will allow circulation down to the lower ground floor level which is at the same level as the existing access point to the highway in Whites Lane;
- Whites Lane is a country lane on the outskirts of the village of Weston. The plot of land for the proposed dwelling lies within the settlement boundary of the village. The adjoining farmland is designated as open countryside and Green Gap. The land is wholly under the ownership of the applicant;
- Along Whites Lane the last dwelling on the right is a traditional two storey 'Delves Broughton' cottage. Immediately opposite on the left hand side of the road are five large detached bungalows that appear to have accommodation within the roof space. The subject plot of land is adjacent to Elbury which is set further back from Whites Lane than the adjacent dwellings;
- The next properties are located approximately 120m away (as the crow flies) are the two storey, semi detached dwellings, known as 'Flash Cottage' and 'Marlon';
- Due to the requirements of the applicant's daughter the proposal will produce a level of accommodation which will enable ease of care, which inevitably produces a larger plan area, similar to the adjacent bungalows. However, the design of the new dwelling has produced a footprint smaller than the adjoining bungalows;
- To achieve the smaller footprint for the building, advantage has been taken of the existing topography of the site. A large lower ground floor plan and part basement are provided;
- The redesign based on the actual settlement boundary position is of a narrower house type (than the previous submission) and also places it further away from Elbury;
- The narrow house design allows it to be positioned on building line as Montrose but slightly adjusted;
- The new proposal been set back and has a considerably smaller footprint;
- The ground floor area of the footprint of the original proposal was 176sq. m;
- For comparison purposes the adjacent footprints are:

Elbury	244 sq. m
Montrose	176 sq. m
Worlebury	186 sq m
Alanora	134 sq m
The Warren	254 sq m

- The redesigned new dwelling now has a footprint of 139 sq m;
- The previous application overall floor area was 266 sq m for ground and first floor;
- The Ground and First Floor area has been reduced to a new proposed floor area of 215 sq m.

10. OFFICER APPRAISAL

History

Members may recall that the applicant previously submitted an application (P08/0583) for an agricultural workers dwelling, which was to be located fronting Cemetery Road within the open countryside and green gap. The application was refused for the following reasons:

'There is no functional need for the agricultural workers dwelling as there are already two dwellings at Carters Green Farm. The proposed dwelling is not essential for the efficient working of the enterprise by reason of its isolated siting 960m from Carters Green Farm (as the crow flies) and as such is contrary to guidance given in PPS7. Furthermore, it has not been demonstrated that one of the three farm workers cannot be accommodated within a nearby settlement and the proposal is therefore contrary to Annex A of PPS 7 and Policies NE.2 (Open Countryside), RES.5 (Housing in the Open Countryside) and RES.6 (Agricultural and Forestry Occupancy Conditions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'.

'In the opinion of the Local Planning Authority it is considered that the proposed dwelling by reason of its isolated position in the open countryside and the green gap would be visually detached from the surrounding built form. In this position it would be detrimental to the character and appearance of the open countryside and would result in the erosion of the physical gap between the built up areas. The proposed development is therefore contrary to Policies NE.2 (Open Countryside), NE.4 (Green Gaps), BE.2 (Design Standards) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011'.

'In the opinion of the Local Planning Authority the proposed dwellinghouse is exceptionally large with a floor area of 203sq metres. A property of this size would be more expensive to construct and would prejudice the effectiveness of the agricultural workers occupancy condition, creating a dwelling which would not be affordable to the local agricultural workforce. The proposal is therefore contrary to Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions of Annex A of Planning Policy Statement 7'.

The applicants own the land on which the current application is located and following the refusal of the previous application, commenced negotiations in relation to application 10/0997N. Members deferred the determination of that application for further discussions with the applicant with respect to the size, scale, siting and impact on residential amenity of the proposed development particularly in relation to the neighbouring property. The applicant decided to withdraw that application and submit this current application.

Settlement Boundary

Following the concerns of Members at the previous Southern Planning Committee the applicant decided to accurately plot the settlement boundary. According to the applicants Design and Access Statement 'The small scale nature of the Local Plan makes it difficult to be authoritative on its exact position when no physical boundary exists'. The applicant goes on to state that 'The previous application deliberately erred on the side of caution to ensure that there was no dispute and that the proposal was wholly within the settlement boundary'. However, the occupier of the neighbouring property claimed that they owned the access (to the land in question) and in order to clarify the situation the applicant obtained the Land Registry Title deeds, which demonstrated that the land in dispute was clearly owned by the applicant. Furthermore, this plan indicated a small field whose boundary when extended joins the most northern end of 'Elbury' that projects into the applicants field. Therefore, it does provide some logic to why the settlement boundary was drawn the way it is. The applicant goes on to stipulate that 'Further research with the Council's Local Planning department established at a larger scale the accurate position of the settlement boundary. It follows physical boundaries and overlaps the previous field boundary of the small parcel of land revealed on the land registry title plan'. Colleagues in Spatial Planning have been consulted regarding the application as to ascertain whether the proposal is located wholly within the settlement boundary and they have determined that it is and have no objections to the proposal.

Principle of Development

The application site lies within the village of Weston as defined by the Local Plan, and therefore the principle of residential development on this site is acceptable. The justification to Policy RES.4 (Housing in Villages with Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 states that, the development of unallocated or 'windfall' housing sites can make an important contribution to the total housing provision in the Borough, especially where previously-developed, derelict, vacant or under-used sites are utilised. Development on small sites and infill sites can also enhance the range of housing opportunities. However, the Local Plan recognises that a balance must be struck, between taking the opportunity to provide houses on unallocated land and the need to protect the quality of the environment.

This approach is advocated by National Planning Policy (PPS 3: Housing) which states that most additional housing development should be concentrated in urban areas and that the Planning Authority should facilitate the efficient use of brownfield land to minimise the amount of greenfield land being taken for new development. The site has not been previously developed and as such is regarded as Greenfield. However, it is considered that as the proposal is only for a single plot which is wholly within the settlement boundary, and as such the proposal is in accordance with policy RES.4. Furthermore, the plot has an irregular shape making it difficult to farm and the proposal will make best use of the land. In any event, each application must

be determined on its own individual merits. In light of this, and considering the proximity of this site, local services and factors cited above, the broad principle of residential development in this location is considered acceptable.

Furthermore, the principle of residential development on this site must be balanced against other considerations including the impact of the development on the character and visual amenity of the area, highway safety issues and any other material planning considerations.

Design

The design of the proposal has been subject to extensive pre-application negotiations. The area is characterised by a mixed character and appearance and contains buildings of different styles and ages. The proposal would be set back by a distance of approximately 40m from Whites Lane and would be sited on land adjacent to Elbury. The application site is currently part of an open field which is confirmed above is in the settlement boundary. Therefore, the development of the site would be seen in the context of the properties along Whites Lane. The proposal would be located in a prominent position standing slightly forward of Elbury but in line with the other bungalows on this stretch of Whites Lane and as such the proposal would be clearly visible at both short and long ranges. Looking at the full length of Whites Lane there is no strong building line in the area, and a number of other properties are located much closer to the highway than the proposal, for example, Flash Cottage and Marlon, whereas, others are set further back into their plot, i.e. Elbury and Montrose. The applicant's property would be located to the north of a group of relatively modern large detached bungalows which are linear in appearance and front onto Whites Lane. It is noted that the proposal would stand forward of Elbury (which is set much further back into its plot than the other bungalows on this stretch of Whites Lane) and would be at a slight angle. As Elbury does not align with the other dwellings in the group it is considered that the proposal would not disrupt the urban grain and would act as end stop. Overall, it is considered that the siting of the property slightly further forward than Elbury would not appear overly obtrusive.

The scale of development in the general area is a mixture of detached bungalows and two storey semi detached and detached properties. The dwelling would be read against its immediate neighbour Elbury which is a large detached bungalow. The ridge height on the southern side of Elbury is raised above the level of more recent extensions on the northern side. The level of ridge height of the proposed dwelling would be similar to Elbury and the other bungalows along this stretch of Whites Lane. Furthermore, the applicant has submitted a streetscene plan which shows the ridge of the highest section of the building being similar in height to its neighbour. According to the submitted plans and the applicants Design and Access Statement stating that the building utilises the natural fall and level of the site and a condition relating to floor levels would be attached to the decision notice, if planning permission is to be approved.

According to the Design and Access Statement the basement level of accommodation would be set at the level of Whites Lane. Therefore, it would produce a flat, level entry into this part of the building. There would be five car parking spaces located to the front of the building. The ground gently slopes upwards away from Whites Lane and consequently a retaining wall would need to be constructed, details of which would be conditioned accordingly. According to the applicants Design and Access Statement 'The retaining wall is built at a splayed angle and conceals one third of the only basement elevation visible. The remainder is concealed by extensive planting allowed now within the site boundaries possible by clarification of the settlement boundary'. It is considered the majority of the basement would be screened by landscaping and the retaining wall when viewed from Whites Lane and as such would not have a detrimental impact on the character and appearance of the streetscene.

The footprint of the proposed dwellinghouse would be roughly rectilinear in form and has a footprint at approximately 139 square metres (excluding the garage) would be considerably smaller than the footprints of some of the adjacent properties, for example, Elbury 244 sq m, Montrose 176 sq m, Worlebury 186 sq m, The Warren 254 sq m. Alanora has a slightly smaller footprint than the applicants measuring approximately 134 sq. m. However, the applicants proposed property would have a total floor area which measures approximately 354m sq (excluding the garage). Approximately a third of this accommodation would be located in the basement. The previous application floor area at ground and first floor level was 266 sq metres. It is noted that the current application has reduced the overall ground and first floor area to 215sq metres, which is a significant reduction and is more in keeping with the neighbouring properties.

The proposal would measure approximately 15m deep by 9.3m wide and 8.8m high to the highest part of the roof and would be located approximately 3m off the boundary with Elbury. The building fronting onto Whites Lane would be 2 storey and would include a basement. The proposal would include pitched roofs and gable elements, which all help to break up the otherwise stolid appearance of the building. According to the application forms the building would be constructed out of facing brick under a slate roof and a condition relating to materials would be attached to the decision notice. The property would incorporate two chimneys on the rear elevation which would help to give the property a vertical emphasis and draw the eye. The windows would retain the visual hierarchy with larger windows located at ground floor level and smaller ones above them. It is considered that the fenestration would be relatively simple. Located on the front of the property would be a balcony at ground floor level which would enable access to the paved patio area located at the side of the applicants property. It is considered that the proposal would not appear out of keeping with the local vernacular and would not appear as a discordant and incongruous feature out of keeping with the locality. Furthermore, the scale, bulk and massing would be in keeping with the character for the area.

Members were concerned about the main entrance to the property on the previous application which was in close proximity to the boundary with Elbury. It was considered that the comings and goings at this entrance so close to the boundary with Elbury would have a detrimental impact on the residential amenities of the occupiers of this property. The ground floor entrance has been omitted and access will be via the basement. It is considered that this access arrangement will reduce the impact on the adjacent properties. In addition to the above, Members were concerned about vehicles parking close to the boundary with Elbury. According to the submitted plans all the vehicles would be parked at basement level and the retaining wall, landscaping and boundary treatment would help to mitigate any impact from glare from headlights as vehicles enter the site.

Internally the basement level would comprise main entrance hall, wet room, boot room, double garage, careers bedroom with en-suite bathroom, plant room, laundry room, utility/wheelchair storage and lift. The ground floor would comprise bedroom with en-suite bathroom, medicine cupboard, lift, kitchen, hallway, living room, cloak room and drawing room. Whilst the first floor accommodation would include 3 no. bedrooms one with en-suite and a bathroom.

It is considered that it would be necessary to remove permitted development rights for the dwelling. Under existing PD rights the dwelling could be extended by 4m to the rear meaning that the dwelling could be left with insufficient private amenity space. Overall, it is considered that the proposal would not disrupt the rhythm of the streetscene and would not be seen as being an obtrusive or alien design, which would otherwise detract from its surroundings.

Private Amenity Space/Density

According to the submitted plans the dwellinghouse would have a proportion of private amenity space located to the rear. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m² per dwelling. The 50m² garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed layout would not represent an over-intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m² and would be commensurate with other properties in the immediate locality. It is noted that the site is prominent within the streetscene due to its location at the end of the row bungalows and being

immediately adjacent to open fields, the proposal has a similar roof area to other properties in the locality. It is considered prudent to attach conditions relating to boundary treatment and landscaping, in order to help assimilate the proposal into the local environment.

Impact on Residential Amenity

The physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration. This primarily includes the detached dwellinghouse located to the south of the application site, known as 'Elbury'. This property is most intimately related to the application site as it shares a common boundary. To the north of the application site are a pair of semi detached dwellinghouses which are known as 'Flash Cottage' and 'Marton'.

According to the submitted plans, on the side elevation (south aspect) of the proposed building facing Elbury at ground floor level would be several windows and doors, some of which would serve habitable rooms. The objector is concerned about the patio doors in this elevation which would lead out on to the paved patio area. However, it is considered that the boundary treatment and landscaping (which will be conditioned) would help to mitigate any negative externalities. At first floor level there would be a gable element incorporating a window which would serve a staircase. It is not considered that this window would result in any loss of privacy etc for the occupiers of Elbury. Located on the rear elevation of the proposed dwelling (west aspect) would be several windows and a set of French doors at ground floor level and one window at first floor level. All of these apertures serve habitable rooms. Again it is considered boundary treatment and landscaping would help to alleviate any problems associated with the proposal. The bedroom window at first floor level would be centralised and given the orientation of the proposed dwellinghouse will not result in any direct overlooking of the private amenity space of Elbury.

Located to the north of the application site are a pair of semi detached cottages, given the distance separating these properties is in excess of 100m, no significant amenity issues are raised. As such the proposal is in accordance with Policy BE.1 (Amenity).

Personal Circumstances

The agent has stated that the proposed dwelling is required to meet the future needs of the applicant's daughter who is severely mentally and physically disabled. The agent goes on to state that the applicant's daughter requires constant 24 hour care. This includes a single carer helping the applicant's daughter with her day to day needs. In addition, the NHS provides additional 'Complex Care' which is provided by two carers in 5 hour shifts. Furthermore, two managers can visit the property up to 4 times a week to bring stock and

medical supplies and deal with the administration paperwork. In addition to all of the above, a supervisor will call on an ad hoc basis to make spot checks.

It is considered that the purpose designed facilities would provide additional space to utilize lifting equipment, hoists and motorised chairs. The agent contends that the building of this size is necessary to meet all the care needs. The accommodation would also incorporate a lift which would give access to the various floors and egress at the same level as the existing access point to the highway. It is considered that the proposal would enable the applicants to provide continued care for their daughter whilst addressing her medical needs and retaining close links to familiar surroundings. However, personal circumstances are not a material reason for allowing the proposal, as the development would exist long after the personal circumstances have ceased to be material. Therefore, the application must be assessed on the relevant material planning considerations, which are cited in this report.

Highways

According to the submitted plans and application forms there would be 7 car parking spaces in total (2 no. inside the garage and 5 located outside). The agent has stated that this number of spaces would be required due to the amount of medical practitioner's which visit the applicants daughter. However, he does concede that it is unlikely that they all turn up at the same time. Consequently, the case officer considers 7 no. car parking spaces is excessive and has requested amended plans omitting two of the spaces, which have not yet been received at the time of writing this report. Colleagues in Highways have been consulted regarding the application and do not have any objections subject detailed drawing outlining the site's access arrangements. It is considered that the proposal complies with policy BE.3 (Access and Parking).

Contamination

Paragraph 2.42 of PPS23 'Planning & Pollution Control' states that sufficient information should be required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. This will require a risk assessment that identifies the sources, pathways and receptors (pollutant linkages) and as such a condition requiring a contaminated land survey is recommended.

Noise

Colleagues in Environmental Health have been consulted regarding the application and they have requested that a noise survey be conditioned, this is due to the application site being in close proximity to the A500. If following the survey, noise mitigation measures are required, these can be designed into the construction of the dwelling.

Drainage

The proposed method for drainage would be via a septic tank. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

11. CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site is located within the settlement boundary of Weston and the principle of residential development is acceptable. The proposal would have minimal impact upon the amenities of surrounding residential properties and would not raise any highway issues. It is considered that the development would not appear out of character in this location and is therefore acceptable. The proposal therefore complies with policies RES.3 (Housing Density), RES.4 (Housing in Villages with Settlement Boundaries), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.4 (Drainage, Utilities and Resources) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATION

Approve subject to the following conditions

- 1. Standard time limit**
- 2. Plans Reference**
- 3. Details of finished floor levels to be submitted, approved and implemented**
- 4. Details of surfacing materials to be submitted, approved and implemented**
- 5. Details of materials to be submitted, approved and implemented**
- 6. Details of boundary treatment to be submitted, approved and implemented**
- 7. Details of landscaping to be submitted including the boundary separating the application site from Elbury and the site frontage**
- 8. Landscaping to be implemented and maintained for a 5 Year period**
- 9. Remove PD Rights for all alterations, extensions and outbuildings**
- 10. All services to be located underground**
- 11. Provision shall be made for car parking spaces at all times**
- 12. Details of the method, timing and duration of any pile driving shall be approved and implemented.**
- 13. Contaminated Land Survey phase I report to assess potential/actual contamination risks to be submitted and approved. Should the phase I report recommend that a phase II investigation is required, the phase II**

investigation shall be carried out and the results submitted and approved. Should the phase II report indicate remediation is required, a Remediation Statement shall be submitted and approved. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted and approved prior to the first use or occupation of any part of the development

14. No development shall commence until an assessment of traffic noise (and vibration) has been submitted and approved. The recommendations in the report shall be implemented in accordance with the approved details.

15. The hours of construction and associated deliveries to the site shall be restricted to 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturday, with no work at any other time

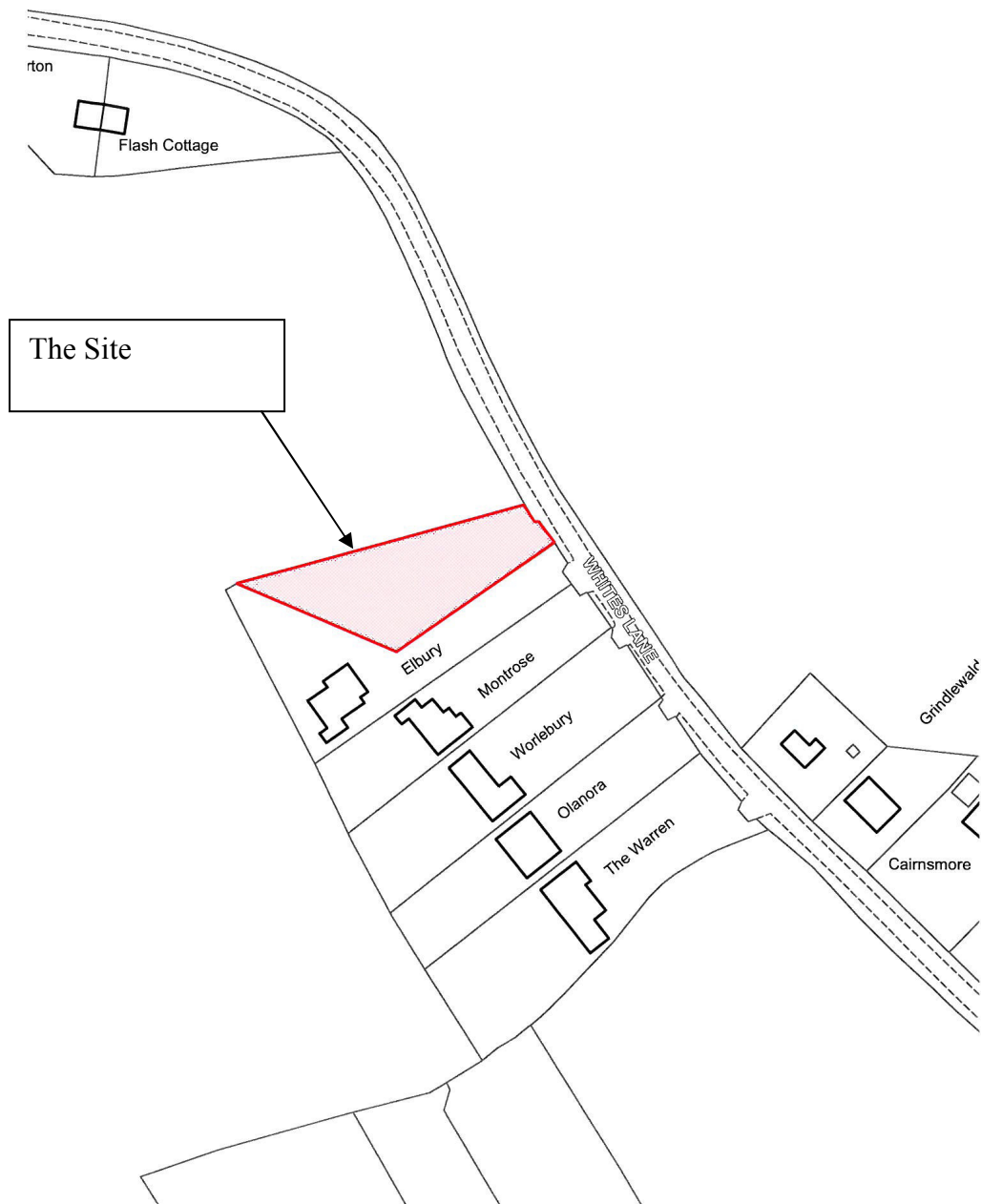
16. Details of drainage system including septic tanks, soakaways, permeable surfaces to be submitted, approved and implemented.

17. All proposed doors/windows and any subsequent replacements shall have a Minimum 55mm Reveal

18. No agricultural vehicles to park within the curtilage of the proposed development

19. No development shall take place until detailed drawings outlining the site's access arrangements have been submitted to and approved by the LPA and no part of the development shall be occupied until the access has been constructed in accordance with approved drawings.

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/3028N
Application Address:	MMU Crewe Campus, Crewe Green Road, Crewe, CW1 5DU
Proposal:	Application for removal or variation of a condition following grant of planning permission
Applicant:	Manchester Metropolitan University
Application Type:	Full Planning Permission
Grid Reference:	371766 355205
Ward:	Crewe East
Consultation Expiry Date:	7 th September 2010
Date for determination:	30 th September 2010

SUMMARY RECOMMENDATION

REFUSE.

MAIN ISSUES

Whether the condition is

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

REASON FOR REFERRAL

The application has been referred because the original application was dealt with by committee.

1. SITE DESCRIPTION

The application relates to part of the existing MMU campus on Crewe Green Road in Crewe.

The wider campus consists of a mixture of buildings ranging from the original red brick and slate College buildings dating from 1908 to flat roofed buildings from the 60's and 70's that are generally now in poor condition and not fit for purpose. The best buildings are generally at the front of the campus, creating a quality frontage on entering the site.

The buildings at Crewe campus range from single storey to three storeys in height, with the older buildings generally being three storeys and the newer additions being a collection of single and two storey buildings. The rest of the site is made up of several single storey flat-roofed buildings, mostly to the centre of the main campus, and the taller, older buildings are visible on entering the site and have a strong visual impact, which helps to identify the main entrance.

The most recent development has taken place to the west of the site and includes a new Performing Arts Centre, which opened last year and the Exercise and Sports Science (ESS) Building with associated all-weather sports pitch and car parking, which is nearing completion. The ESS building incorporates a sports hall, changing suites, fitness suites, offices and laboratories.

The campus has an abundantly green setting. It is surrounded on three sides by strips of dense woodland, and the majority of the campus is undeveloped open parkland, groups of trees or sports pitches, with the main cluster of buildings sitting centrally. The front of the site is protected from the busy main road by a layer of mature trees and hedges. A stream runs through the site from the North West corner to the South and continues the other side of the main road. This stream is flanked by a strip of trees and shrubs, beyond which lie the halls of residence to the East and the public open space known as Macon Meadows to the north.

Macon Meadows is traversed by a network of footpaths which link Macon Way to the surrounding residential streets such as Hungerford Terrace, Ludlow Avenue and Mill bridge close. There is also an existing link into the university campus via a gate and footbridge in the north east corner of the campus from Lyncroft Close

2. DETAILS OF PROPOSAL

Planning permission was granted on 8th October 2009 for the construction of the ESS building (09/1586N refers). Condition 21 of the permission states that:

Prior to the first occupation of the development hereby permitted a scheme of improvement works to be carried out to the network of paths on the land to the rear of the site and the Macon Way Puffin Crossing, to make provision for use by cyclists (including details of the extent of the works and the proposed specification) have been submitted to and approved in writing by the Local Planning Authority. The approved improvements shall be carried out prior to the first use of the development hereby permitted.

The reason given for the condition was “To ensure that the development is accessible by cyclists in accordance with Policy TRAN.5 (Provision for Cyclists) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.”

This application is seeking to remove that condition.

3. RELEVANT PLANNING HISTORY

09/1586N – Erection of an Exercise Sports Science Facility, a Synthetic All Weather Pitch, Associated Car Parking and Access Works –Approved 8th October 2009

4. PLANNING POLICIES

National Policy

PPS 1: Delivering Sustainable Development
PPG 13: Transport

Local Plan Policy

BE.1 (Amenity)
BE.3 (Access and Parking)
TRAN.3: (Pedestrians)
TRAN.5 (Provision for Cyclists)
TRAN.9 (Car Parking)

5. OBSERVATIONS OF CONSULTEES

Highways

There have been considerable negotiations between the developer and the highways authority regarding these works, with an agreed reduction to the quantity earlier this year due to funding issues.

These works are fundamental in reducing associated traffic flows that the MMU will create as a direct result of this development.

Without any improvements to this network of paths the highways authority would have previously recommended refusal on highways safety reasons, and as such will take the same decision regarding this application.

6. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

7. OTHER REPRESENTATIONS

None received at the time of report preparation.

8. APPLICANT'S SUPPORTING INFORMATION:

Planning Statement

In the context of severe Higher Education funding cuts the implementation of this condition is no longer viable in the current financial climate. To that end, this application seeks to remove the condition to allow the University to occupy the building in September 2010 ready for the 2010/11 academic year begins

This application should be considered in the context of the significant wider benefit the University brings to the town of Crewe and wider District both in terms of community access and the wider economic benefits the University brings to the District in Diving Knowledge Capital.

It is considered that the severe funding cuts and the implications this has on the university's business should be treated as a material planning consideration.

Letter of representation from the Pro Vice Chancellor

- The Sports building will be completed on time for late September;
- It will be a bumper recruitment year in Cheshire with the University taking 150 students more than anticipated;
- There are some finishing works to complete;

- There are 2 grounds for requesting that the condition is removed;
 1. Local residents have made clear that they do not wish to have this access throughway for students as the noise late at night / early morning from returning students to the campus is disturbing them;
 2. The economic downturn is hitting the university hard, as it is Cheshire East Council and the expense to reinstate the pathway is prohibitive, especially so given the above;
- The university has completed a £70m programme of investment at Crewe which is remarkable at the current time.

9. OFFICER APPRAISAL

Advice on the use of conditions can be found in "Circular 11/95: Use of Conditions in Planning Permission". According to the circular, *"Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be:*

- i. necessary;*
- ii. relevant to planning;*
- iii. relevant to the development to be permitted;*
- iv. enforceable;*
- v. precise; and*
- vi. reasonable in all other respects."*

The Circular continues by stating at para.15 that *"the same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear-cut reasons for doing so."*

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

Necessary

In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. Therefore the starting point is usually the relevant Development Plan policies.

In this case the highways department has indicated that the application would have been refused had the condition not been imposed. Policy BE.3: "access and parking" states that proposals for new development will be permitted provided that a number of criteria are met including, inter alia, the provision of safe pedestrian access.

Policy TRAN.3: states that proposals for new development will only be permitted where appropriate provision is made for pedestrians. The borough council will, where appropriate, seek to improve conditions for pedestrians through the following measures, including, inter alia:

- improving an existing footpath where it is relevant to the development proposed;
- creating pedestrian routes between the town centres, car parks and transport interchanges;

- creating pedestrian routes through housing and employment areas.

Policy TRAN.5: states that major new development will be expected to provide, where appropriate, cycle routes which can form safe links between town centres, employment areas, housing areas, educational establishments and leisure facilities.

It is clear therefore, that local plan policies require the provision of safe pedestrian and cycle access to new development. In addition, in respect of major developments, policies require that, where appropriate, improvements are carried out to existing pedestrian and cycle routes.

The construction of the ESS building is a major development and will permit the relocation of facilities from the Alsager campus, which will result in an increase in the overall numbers of students and staff on site. This in turn will increase traffic generation and parking requirements. The Highway Authority examined the original application and raised no objections to the increased traffic generation subject to a number of mitigation measures, to off-set the impact of the additional travel demand.

One way in which the additional car-borne traffic can be reduced is the provision of easy and convenient pedestrian and cycle access, and therefore one of the mitigation measures recommended by the highway authority was a scheme of improvement works to be carried out to the network of paths on Macon Way to the rear of the site, the provision of a link into the Campus and the improvement of the Macon Way Puffin Crossing.

It is therefore considered that without the condition the proposal would not have complied with the relevant development plan policies, as it would not make adequate provision for pedestrians and cyclists. Furthermore, the lack of such provision would discourage the use of sustainable modes of transport, thereby increasing the amount of car-borne traffic generation from the site which would place an unacceptable additional burden on the local highway network and the off-street and on-street parking resource. This would also be contrary to Local Plan policy.

Where developments are not in accordance with the provisions of the development plan, the Planning Acts dictate that they should be refused, unless material considerations indicate otherwise.

Relevant to Planning

The traffic implications of a development and their mitigation are a well established planning consideration as set out in both local plan policy and national guidance contained in PPG13.

Relevant to the development to be permitted

Given that the condition was imposed as part of a package of mitigation measures to compensate for an increase in travel demand related specifically to the relocation of students from the Alsager campus it is considered that the condition is relevant to the development in question.

Enforceable

It would be easy to determine whether or not the necessary work had been carried out prior to the premises were being occupied by the University and therefore condition is considered to be enforceable.

Precise

The condition is specific and clear in its requirements and it is therefore considered to be in accordance with the precision test.

Reasonable in all other respects

The crux of the University's case is that the condition would place an unacceptable financial burden on the University and that local residents are concerned about noise and disturbance resulting from students using the link. Although the planning statement by the university does not explicitly state which of the 6 tests it considers that the condition does not meet, these arguments do not appear to be related to the necessity, relevance, enforceability or precision of the condition, and therefore fall to be considered under the test of being "reasonable in all other respects".

Financial Hardship

With regard to the issue of financial hardship, Ministerial Advice is mainly to be found in The Planning System: General Principles, which accompanies PPS1. Para. 21 states that exceptionally the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. However, the guidance warns that such arguments will seldom outweigh more general planning considerations, which would include the well established planning policies relating to traffic generation and provision of access for pedestrians and cyclists quoted above.

Notwithstanding this point the University would have been aware of the cost implications of the condition prior to development commencing. The usual practice is to take into consideration the costs of meeting the requirements of any planning conditions when costing a project, letting a contract and making decisions as to whether to proceed. It is also noted that the University did not lodge an Appeal against the condition, within the 6 months following the issuing of the permission, and it is therefore assumed that it was considered to be reasonable at that time.

Furthermore, the highway authority has been sympathetic to the University's position and has agreed to compromise in terms of the extent of the works that it is requesting. Initially the scheme of works were to include, widening and upgrading of all the paths within the open space to 2 lane, pedestrian and cycle routes and the upgrading of the crossing on Macon Way. That has now been reduced to clearance of the existing paths, where grass has encroached onto the edges over the years, the provision of a gate into the campus at the northwest corner and the provision of 15m of new path to link that gate into the existing network of paths on the open space. Approximately 100m of new path would also be required to link the gate to the existing path network within the campus. This is now considered to be the bare minimum that can be undertaken in order to secure adequate pedestrian and cycle access.

As a percentage of the £70 million which the University has invested in the campus over the last 2 years, this amount is considered to be minimal, particularly as the contractors are already present on site, and given the economies of scale which can be achieved, for example from surfacing the 115sq.m of new paths at the same time as the 7,700 sq.m. of new carparking.

Unlike many viability arguments which have been presented to Committee over the last few months as a result of the economic downturn, where developers have stated that unless the terms of planning permissions are varied the development will not go ahead and the resulting benefits to the community in terms of new development or regeneration will not be realised, the new university building is nearing completion, and will be ready to open this September, regardless of whether or not the new paths are constructed.

As a result, it is not considered that the University's argument about the financial burden of the condition is a sufficient material planning consideration, to outweigh the development plan policies which require the imposition of the condition.

Residential Amenity

In considering the issue of residential amenity, it is important to note that the network of paths across the open space are already in existence and well used. They are unsecured and can be used at anytime of the day or night. The addition of a new link to the University campus will not change that situation. Similarly, within the campus the path would run from the boundary to the existing path adjacent to the new MUGA pitch and car park. This area will be intensively used, with resulting noise and activity, both during the day and in the evenings, as it is floodlit. It is therefore considered that any additional disturbance from users of the paths would be unnoticeable.

The new length of footpath would be approximately 45m from the boundary of the nearest residential property, which is in Ludlow Avenue to the West of the Site, and approximately 65m from the dwelling itself.

The provision of the new link would reduce the extent to which students travelling by foot or bicycle use other surrounding residential streets such as Stanhope Avenue, Lea Avenue, Holmlea Road, Hungerford Road and Hungerford Terrace, to access the campus, thereby reducing disturbance to those residents.

It is also noted that whilst the university have raised the issue of residential amenity, no evidence has been produced to substantiate their claims and no representations have been received in respect of the planning application.

Nevertheless, if Members were concerned about the use of the new pedestrian and cycle access late at night or early in the morning the terms of the condition could be varied to require it to be secured outside ESS building opening hours.

Furthermore, the provision of improved cycle and pedestrian access will discourage car use, which will reduced the extent of on-street parking within the surrounding areas, which will improve the level of amenity afforded to residents.

Therefore, it is not considered that the residential amenity argument is sufficient to outweigh the requirement for the condition.

10. CONCLUSIONS

For the reasons set out above it is considered that the condition is necessary, and that without it the application would not have complied with the relevant development plan policies and would have been refused. The applicant has not challenged the necessity of the condition. The condition is also considered to be, relevant to planning; relevant to the development to be permitted; enforceable and precise.

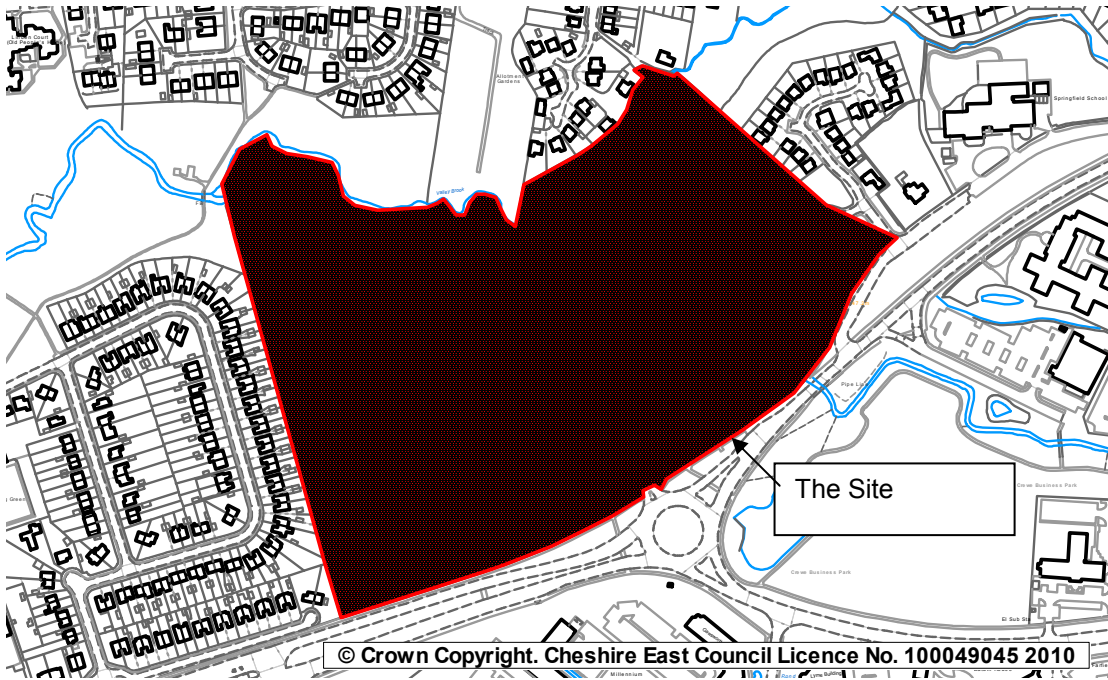
Whilst the University's financial position is noted, having regard to the advice in PSP1 relating to financial hardship, and the extent of the works required it is not considered that the condition places an unreasonable burden on the University.

With regard to the amenity arguments, is considered that the impact of the new cycle and pedestrian path would be minimal and it may even result in an improvement in the standard of residential amenity afforded to many of the neighbouring properties. For this reason it is considered to be reasonable in all other respects. The condition therefore complies with all 6 tests as set out in Circular 11/95 and should be retained. Accordingly the application is recommended for refusal.

11. RECOMMENDATION

REFUSE for the following reason:

In the opinion of the Local Planning Authority the condition is necessary, and without it the application would not have complied with the relevant development plan policies BE.3 (Access and Parking), TRAN.3: (Pedestrians), TRAN.5 (Provision for Cyclists) and would have been refused. The condition is also considered to be, relevant to planning; relevant to the development to be permitted; enforceable and precise. Whilst the University's financial position is noted, having regard to the advice in PPS1 in respect of financial hardship, and the extent of the works required it is not considered that the condition places an unreasonable burden on the University. It considered that the amenity impact of the new cycle and pedestrian path would be minimal and for these reasons the condition is considered to be reasonable in all other respects. The condition therefore complies with all 6 tests as set out in Circular 11/95 and should be retained.



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Planning Reference No:	10/2457N
Application Address:	Little Island Nurseries, Haymoor Green Road, Wybunbury, CW5 7HG
Proposal:	Change of use from horticultural to equestrian. Provision of open air menage, stable block, horse walker, muck midden and hay store. Variation of occupancy of tied dwelling to include occupation for equestrian management.
Applicant:	Mr G. Heath
Application Type:	Full Planning
Grid Reference:	368391 350926
Ward:	Doddington
Earliest Determination Date:	30 th August 2010
Expiry Dated:	22 nd September 2010
Date of Officer's Site Visit:	25 th August 2010
Date Report Prepared:	8 th September 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Impact of the development on:-

- The impact upon the character and appearance of the Open Countryside
- Whether there is a functional and financial need for an equine workers dwelling
- Protected Species
- Highways implications

SUMMARY RECOMMENDATION:

REFUSE for two reasons;

- The lack of information in relation to the ability of the applicant and failure to demonstrate that the functional and financial tests of Annex A of PPS7 have been met in terms of the variation of condition
- The impact of the development on the character and appearance of the open countryside.

1. REASON FOR REFERRAL

This application is referred to the Southern Area Planning Committee at the request of Cllr Walker for the following reason *'I believe the Committee should discuss the impact of the application on the Open Countryside (Policy NE.2)'*

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the eastern side of Haymoor Green Road within the Open Countryside. To the front of the site is a detached two-storey red brick dwelling which has an agricultural tie. To the east of the dwelling the majority of the greenhouses and buildings which were associated with the former nursery have now been demolished and work has commenced on the manege which is part of this application. To the northern boundary of the site two buildings associated with the former nursery have been retained.

A small brook runs along the northern boundary of the site and the site is enclosed by mature hedgerows and a number of trees of varying sizes.

3. DETAILS OF PROPOSAL

This is a full planning application for the following developments;

- The erection of a stable building which would have a width of 12 metres, a length of 60 metres and a ridge height of 5.5 metres. The stable would have a concrete base with Yorkshire Boarding above and would accommodate 20 horses
- The construction of a manege which would have a length of 60 metres, a width of 30 metres and would be enclosed by 1 metre high post and rail fencing
- The provision of a muck midden and hay store which would have a width of 6 metres, a length of 6.6 metres and a sloping roof with a maximum height of 4.2 metres. This would have a concrete base with Yorkshire Boarding above
- The provision of a horse walker

The application also includes a request to vary condition 3 attached to planning permission P03/0291 to allow the dwelling to be occupied by the applicants in operating the proposed livery. This condition states that;

The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason :- The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the land for agriculture or forestry, and the condition is imposed to ensure the development complies with National and Local Policies for the protection of the countryside.

4. RELEVANT HISTORY

P03/0291 - Agricultural Workers Dwelling – Approved 21st November 2003

P01/0796 - Agricultural Workers Dwelling – Refused – Appeal Lodged

P01/362 - Detached Dwelling – Refused 4th June 2001

7/20012 - Renewal of temporary permission 7/15572 for mobile home – Approved 26th September 1991

7/19375 - Erection of glass housing – Approved 7th February 1991

7/15572 - Erection of mobile home on existing agricultural land – Approved 11th July 1988

5. POLICIES

Local Plan Policy

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

RT.6 – Recreational Uses in the Open Countryside

RES.5 – Housing in the Open Countryside

RES.6 – Agricultural and Forestry Occupancy Conditions

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 4 (Planning for Sustainable Economic Growth)

Planning Policy Statement 7 (Rural Areas)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

Planning Policy Guidance Note 17 (Planning for Open Space, Sport and Recreation)

6. CONSULTATIONS (External to Planning)

Environmental Health: This site has recently been investigated by Environmental Health following complaints of burning thereby resulting in smoke nuisance. This Division did serve an Abatement Notice on Mr Graham Heath requiring the activities of burning to be ceased immediately with no burning to be undertaken in the future. A recently completed detailed study into local air quality has found exceedences of Air Quality Standards and Objectives for nitrogen dioxide. The Council therefore has a statutory duty to declare Air Quality Management Areas. There is now a focus on air quality in the Borough as a whole and to maintain a Healthy and Desirable Borough in which to live in, alongside aiding the improvement of Air Quality, the burning of materials is to be discouraged. Thus the Burning of manure and general stable waste should be prohibited. Conditions requested in terms of external lighting, pile driving, hours of construction and hours of operation.

Strategic Highways Engineer: Visibility at this location is below standard but because equestrian use generates less traffic than horticultural, there will be no formal requirement to improve the visibility splays. The highways authority recommends that the visibility splays be improved to allow better access to and from this site. The existing gates are in poor condition and must be set back 10.5 meters and open inwards to prevent queuing vehicles along Haymoor Green Road. A plan must be provided demonstrating the above changes before the highways authority can consider this application.

Ecology: Originally raised concern over the impact upon Great Crested Newts, Badgers and Water Vole. Following receipt of further information now satisfied that neither badger or water voles present a constraint upon the proposed development (The two ponds which had potential for GCN have now been removed)

7. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS:

Letters of objection received from the occupants of Rosemead, The Moorlands, Stapeley House and Sunnyside, Wybunbury Lane and Fairfields, Haymoor Green Road raising the following points;

- Keeping the tie on the property would help protect the site from any future development
- Noise from people on the site and the horses
- The building is too large to serve as a stables
- The stable will be a blot on the landscape
- Traffic generation caused by the requirement to empty the muck midden and deliver food and hay
- The proposed hours of operation would cause disturbance

- Any floodlighting would be intrusive and cause numerous problems
- No pre-application discussion has been carried out with local residents
- Works have already commenced on the site
- Burning of waste on the site
- Increase in traffic
- Visibility at the site entrance
- Together with the approved Gypsy site and Rugby pitches the development would be an overdevelopment of Wybunbury Lane
- No internal layout of the stable building
- The site will not support the number of horses which the applicant is suggesting

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The site extends to 8 acres with a tied agricultural dwelling
- The applicant purchased the site in May 2010 after it had been on the market for some time. It was clear from the accounts obtained from the agricultural business that this would not sustain a sufficient livelihood for them to occupy the site on this basis. The applicant is a farmer with an agricultural holding in Staffordshire and his wife and children all ride horses. Mr Heath wishes to establish an equestrian use for the site providing livery facilities and for his wife to manage the equestrian business based on the site
- There is a strong equestrian demand in the locality and with horse riding and ownership on the increase nationally (4.3 million people having ridden once in the last 12 months showing considerable growth since 1999 which gave the number at 2.4 million)
- Mr Heath has numerous equine contacts and clients and following research he sees a market for a high class livery with quality stables on a secure site with intrinsic paddocks and exercise facilities
- The access to the site will utilise existing infrastructure. No alteration is needed for the site entrance other than new gates and tidying up of the frontage and it is anticipated that traffic will not be increased by this use.
- An appendix to the Design and Access Statement includes a Business Plan for the business

Ecological Appraisal produced by Ecology First and dated 19th June 2010

- The development could proceed without significant impact upon local amphibian populations which do not appear to include Great Crested Newts
- Several 'Reasonable Avoidance Measures' are suggested to minimise the risk to other amphibians, particularly during the removal of materials stored near the newt pond
- No other wildlife interests will be affected by the development

Addendum to the Ecological Appraisal produced by Ecology First and dated 2nd September 2010

- Signs of Badger activity were searched for during the 19th June walkover survey and the nil findings were recorded in the original report (page 2, last line). A repeat check of the site perimeter was carried out on 2nd September and again no evidence of activity was found. Between surveys, the perimeter of the site has been sheep-fenced. There were no signs of Badgers having tried to dig under the fence to access the reseeded interior (or to get out).
- No assessment was made of Water Vole activity during the original survey, nor was such an assessment considered important, given the very shallow and intermittent

nature of standing water in the ditch along the northeast edge of the site. Proposals to site a small midden, in which to store manure, near this ditch required a closer inspection to ensure there was no Water Vole activity. When the ditch was revisited on 2nd September, much of its length had been carefully cleared of vegetation, exposing the very small amount of stagnant water. There is currently no inflow and the downstream end is almost completely blocked with twigs and leaves. This ditch will provide a valuable refuge for amphibians displaced from the former nursery area. A careful search was made along its undisturbed banks, but no signs of Water Vole activity (burrows, latrines or feeding stations) could be found.

10. OFFICER APPRAISAL

Principle of Development

The principal issues surrounding the determination of this application are the impact of the proposed development upon surrounding residential amenity, highway issues, the impact upon the character and appearance of the surrounding countryside and the potential impact upon protected species. Furthermore, it must be assessed whether the functional and financial test outlined in PPS7 have been met with regard to the variation of the tie attached to the agricultural worker's dwelling on the site.

The policies most relevant to the determination of the principal of this scheme are NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site falls within the open countryside as defined in the Local Plan and NE.2 (Open Countryside) states that only development essential to agriculture, forestry or outdoor recreation that are appropriate to a rural area will be permitted, to preserve the surrounding rural character. Policy RT.6 allows recreational uses in the open countryside where they meet a number of criteria including that they do not harm the character or appearance of the area.

The site was a former nursery and guidance given within PPS4 states that Local Planning Authority's should support *'small-scale economic development where it provides the most sustainable option in villages or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport'*

PPG17 suggests that sports and recreational activities should be given favourable consideration in rural locations it also that they will require *'special justification to be located in the open countryside'* and *'All diversification in rural areas should be designed and sited with great care and sensitivity to its rural location.'*

Open Countryside and Equine Uses

Policy NE.2 restricts development within the open countryside to that which is essential to agriculture or other appropriate activities. Proposals relating to equestrian uses are usually accommodated under the outdoor recreational exception (Policy RT.6). Therefore the use of the land for the keeping of horses including the construction of appropriately sized/located stables is supported by policy.

Policy Requirements of Rural Workers Dwellings

The approval for the dwelling on the site has a condition and legal agreement which restrict the dwelling to being occupied by a person solely or last working in agriculture. The proposed equine use would not fall within the definition of agriculture and a person operating a livery could not occupy the dwelling in accordance with the condition and legal agreement. It is therefore necessary for the applicant to apply to vary the condition and legal agreement (variation of the condition is sought as part of this application).

Policy RES.6 (Agricultural and Forestry Occupancy Conditions) states that agricultural occupancy conditions will not be removed unless a number of criteria can be met. In this case it is clear that the dwelling is no longer needed in connection with the enterprise which generated the need for its construction as the nursery operation has ceased on the site and the glasshouses required in connection with the business have now been demolished. The policy also requires the applicant to demonstrate that there is no long term need for the dwelling to accommodate agricultural workers and for the property to be marketed. In this case it is considered that the principal of a variation in the occupancy condition so that it can be occupied by an equine worker is acceptable because equine development at this site can only be located in the open countryside.

As the varied condition would allow somebody currently or last employed in equine working to occupy the dwelling (no matter how long they were employed) it is necessary to apply the tests contained within PPS7, specifically Annex A, and RES.5 (Housing in the Open Countryside). This is to ensure the development is fully scrutinised as it is important to establish whether the stated intentions to engage in the equine business are genuine, are reasonably likely to materialise and capable of being sustained for a reasonable period of time.

As this is newly created rural businesses if a variation of condition is to be granted it is considered that this should be for a 3 year temporary period only in line with Annex A of PPS7. This is to ensure that the proposed business is fully scrutinised as stated above. The following tests therefore need to be met to show that a variation in the condition to allow it to be occupied by an equine worker is essential to the new rural enterprise;

i) *'Clear evidence of a firm intention and ability to develop the enterprise'* – The applicant intends to invest in the business through the provision of a manege, stables, and horse walker it is considered that this proposed investment is an indication of the owners intentions. In terms of the owners abilities the Design and Access Statement states that the enterprise would be run by Mr Heath's wife and that she rides horses. The statement does not elaborate on this point further and it is not clear how long Mr Heath's wife has been riding or as to whether she owns any horses, has kept horses or has any qualifications in relation to keeping of horses. As a result it is considered that insufficient information has been provided to meet the second part of this criterion.

ii) *'A functional need – that it is essential for the operation of the enterprise to have a worker readily available'* – No assessment has been provided to show that there is a functional need for a dwelling to serve the proposed livery such as a calculation for the labour requirement to serve the enterprise.

The applicant has 8 acres of pasture land for horse grazing, and intends to stable 20 horses. The British Horse Society recommended acreage requirement per horse or pony is 1 - 1.5 acres per horse. Using this guidance the land could only support 8 horses and not the 20 horses which are proposed as part of this business. As a result the proposed use of the site could potentially raise welfare problems due to the over-

intensive use of the site. To support a rural workers dwelling the land is usually required to support 20 horses which is clearly not possible at this site when using the British Horse Society guidance. It is therefore considered that the functional need for a temporary equine workers dwelling on the site has not been proved.

iii) 'Clear evidence that the enterprise has been planned on a sound financial basis – As part of this application a business plan has been provided. However the results of this business plan are not considered to be acceptable. This business plan concludes that the average price for a DIY livery is £50 - £65 per week, but no justification has been provided for this figure. Furthermore the business forecast does not include the following costs; the cost of the buildings, cost of acquiring the site, any loans, depreciation, and returns on capital, labour and land. It is therefore considered that insufficient information has been provided in relation to the financial test.

'The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned' – This proposal relates to an existing dwelling on the unit not a proposed dwelling and this criterion has been met.

iv) 'Other planning requirements, e.g. in relation to access or impact upon the countryside are satisfied' – This issue will be addressed separately below.

Design

The proposed stable block would be of a rectangular form with a shallow pitched roof. The stables would have a width of 12 metres, a length of 60 metres and a ridge height of 5.5 metres. The proposal is considered to be of a simple design and materials in this open countryside location. However the amount of land which the applicant owns would not support the 20 horses which the stable block would accommodate when using the British Horse Society guidance as referred to above. It is therefore considered that a stable block of this size would be an overdevelopment of the site and the submission fails to demonstrate that it is essential for outdoor recreation as required by Policy NE.2. As a result a stable block of this size would be harmful to the character and appearance of the open countryside and would be contrary to Policies NE.2 and RT.6.

Although the proposed manege is large in size it is considered to be a relatively small scale development that is of a temporary nature and that could easily be removed from the site. The proposal would be enclosed by a simple post and rail fence and given its scale it would not have a detrimental impact upon the character and appearance of the open countryside.

The muck midden/haystore and horse walker are minor forms of development and it is considered that they siting and scale of these is appropriate.

A number of the letters of objection have referred to floodlights and the impact that they may cause. However no floodlights have been applied for as part of this application.

Amenity

The principal impact on amenity arising from the development is likely to be the noise arising from the stabling of horses on the site and the compatibility of this use with surrounding uses; namely the nearby residential property.

Horses that are stabled tend to make more noise due to banging at feeding times. This can have an impact on neighbouring amenity. However this impact is likely to be intermittent, minor in its impact due to the limited number of horses at the site, particularly since the nearest residential property is approximately 70m away from the proposed ménage. Furthermore the Council's Environmental Health Officer had no objection to the proposed development in relation to noise.

The proposals would be unlikely to have a significant impact on neighbouring amenity. In relation to the proposed use compatibility with surrounding land uses, equine facilities require rural locations and the proposal will not appear out of character or an incongruous feature within the open countryside.

Highways

Concerns have been raised over the highway safety implications and traffic generation issues raised by the proposed development. The Strategic Highways Engineer has raised no objection to this proposal and states that the equestrian use would generate less traffic than the previous horticultural use. Although the Strategic Highways Engineer suggests visibility improvements he does state that there would be no formal requirement to improve the visibility splays. It is considered that traffic speeds at the point of the access onto Haymoor Green Road are relatively slow as vehicles will reduce speed as they approach the junction with Wybunbury Lane. As a result it is not considered that the visibility improvements suggested by the Strategic Highways Engineer are required and the development is acceptable in terms of its highway safety/traffic generation implications.

Protected Species

In terms of protected species the main species that could be affected by the development are Great Crested Newts, Badgers and Water Voles. The protected species survey indicates that Great Crested Newts, Badgers and Water Voles are unlikely to be affected by the development and these conclusions are accepted by the Council's Ecologist.

As part of the site clearance works two ponds which were suitable for Great Crested Newts and were used by Smooth Newts and Common Frog have been removed from the site. If the application was recommended for approval a condition requiring replacement ponds would be attached to any permission.

Other Issues

Concern has been raised over the cumulative impact of the proposed development together with the approved Gypsy site and Rugby Pitches. In response to this each application is determined on its own merits and the scale of these developments is considered to be relatively minor and when combined they would not have a detrimental impact upon the character and appearance of Wybunbury Lane.

Concern has been raised over the burning of waste on the site. This is not considered to be a planning issue and is controlled under Environmental Health Regulations. Furthermore the majority of the site clearance had been carried out at the time of the site visit.

It is accepted that works have already commenced on the site. This is at the applicants own risk and is not a reason to refuse the application.

The plans do not include an internal layout of the stable building. This could be controlled by condition should the application be approved.

11. CONCLUSIONS

It is proposed to vary the occupancy condition so that the existing dwelling on site can be occupied by the applicant as part of the proposed equine business. In order to ensure that the enterprise is genuine, is reasonably likely to materialise and is capable of being sustained for a reasonable period of time it is necessary to apply the criterion of Annex A to PPS7. The supporting information does not demonstrate that the development would meet the functional and financial tests of Annex A PPS7 and the submission has failed to demonstrate that the applicant has an ability to develop the enterprise.

The applicant owns 8 acres of land at this site and proposes to stable 20 horses. This number of horses on the land available to the applicant does not meet standards given by the British Horse Society. As a result it is considered that, in the absence of any detailed justification to explain how the business would operate in such circumstances a stable building of this size would result in an unwarranted intrusion that would be harmful to the character and appearance of the open countryside.

The proposed ménage, horse walker, and muck midden/hay store are considered to be acceptable in principle and would not raise any implications in relations to residential amenity, protected species, highway safety and are of an acceptable design.

12. RECOMMENDATIONS

REFUSE

- 1. The proposed development relates to a newly created rural business and the Local Planning Authority considers that the applicant has failed to demonstrate that there is a clearly established functional need, that the development meets the financial test specified within Annex A of PPS7 and that the applicant has the ability to develop the enterprise. As a result the variation of the condition would not be acceptable as it has not been possible to establish that the stated intentions are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. To allow the development would be contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies RES.5 (Housing in the Open Countryside) and RES.6 (Agricultural and Forestry Occupancy Conditions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 2. The Local Planning Authority considers that there is insufficient land to serve a stable block of the size proposed for this enterprise in accordance with guidance given by the British Horse Society. In the absence of a detailed justification to explain how the enterprise would operate under such circumstances the proposed stable block by reason of its size and**

scale would result in an overdevelopment of the site and an unwarranted intrusion into the open countryside that would harm its character and appearance. The proposed development would therefore be contrary to Policies NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/2880N
Application Address:	Queens Park, Victoria Avenue, Crewe, CW2 7SE
Proposal:	New 6m high Buccaneers Towers Play Installation within Queens Park Play Area
Applicant:	Cheshire East Council
Application Type:	Full Planning
Grid Reference:	368920 355668
Ward:	Crewe South
Earliest Determination Date:	15 th September 2010
Expiry Dated:	24 th September 2010
Date of Officer's Site Visit:	16 th August 2010
Date Report Prepared:	9 th September 2010
Constraints:	Historic Parks and Gardens

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Historic Park
- Impact on Character and Appearance of Streetscene
- Impact on Amenity of adjacent properties

1. REASON FOR REFERRAL

This application has been referred to Committee because the applicant is Cheshire East Council.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located within Queens Park which is located to the west of Crewe town centre. The park is within the Crewe settlement boundary and is designated as being a Historic Park and Garden as identified in the Local Plan Proposals Map. Queens Park is undergoing significant restoration as part of a Heritage Lottery project. The application site itself is located to the northeast of the park within a new play ground. An internal footpath is sited adjacent to the application site. There are a number of trees within close proximity to the site with much of the land being open park land.

3. DETAILS OF PROPOSAL

This application forms one of a series of applications relating to the wider restoration of Queens Park. This particular application proposes the construction of a 6m high "Buccaneers Tower". This comprises a main stainless steel upright with beam at the top of the tower supporting cargo nets which connect to the ground. There are also a series of play baskets connected to the structure.

4. RELEVANT HISTORY

No relevant history

5. POLICIES

The development plan includes the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Local Plan Policy

BE.1 Amenity

BE.2 Design Standards

BE.14 Development Affecting Historic Parks and Gardens

National Policy

PPS1: Delivering Sustainable Development

PPS5: Planning for the Historic Environment

- *HE.7 Policy Principles Guiding All Heritage Applications*
- *HE.9 Additional Policy Principles for Designated Assets*

6. CONSULTATIONS (External to Planning)

None

7. VIEWS OF THE PARISH COUNCIL

N/A

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Short Design and Access Statement submitted for the proposed development.

10. OFFICER APPRAISAL

Principle of Development

The application site is located within a Historic Park and is acceptable in principle providing that the proposed development would respect the character and appearance of the park, and whether they harm features of architectural and historic interest.

Impact on Listed Building/Historic Park

The "Buccaneers Tower" would have a maximum height of 6m and will comprise of a central pole, nets, baskets and support beams. The structure is designed so that its mass

is reduced. The structure would be located within a play park which comprises other play structures/equipment, the site is screened by trees to the north and a large oak tree to the south.

There are four listed structures within Queens Park, these include the two entrance lodges, the war memorial and the clock tower. The proposed structure would be sited in a location which would be away from these listed buildings and therefore would not harm any feature of architectural and historic interest.

For these reasons it is considered that the proposal would not be visually intrusive within the park or have a detrimental impact on the setting of the Historic Park and Garden or its listed buildings.

Impact on the Character and Appearance of the Streetscene

Views of the proposed development from the public highway would be limited due to the internal positioning of the structure within the park and the level of existing boundary treatment. There would therefore be no detrimental impact on the character and appearance of the streetscene.

Impact on the Amenity of adjacent properties

The site is located within a playground which is currently under construction. The playground itself is located 200m from the nearest residential property. Given this distance it is therefore considered that there would be no additional harm caused to the amenities of nearby properties as a result of this proposed development.

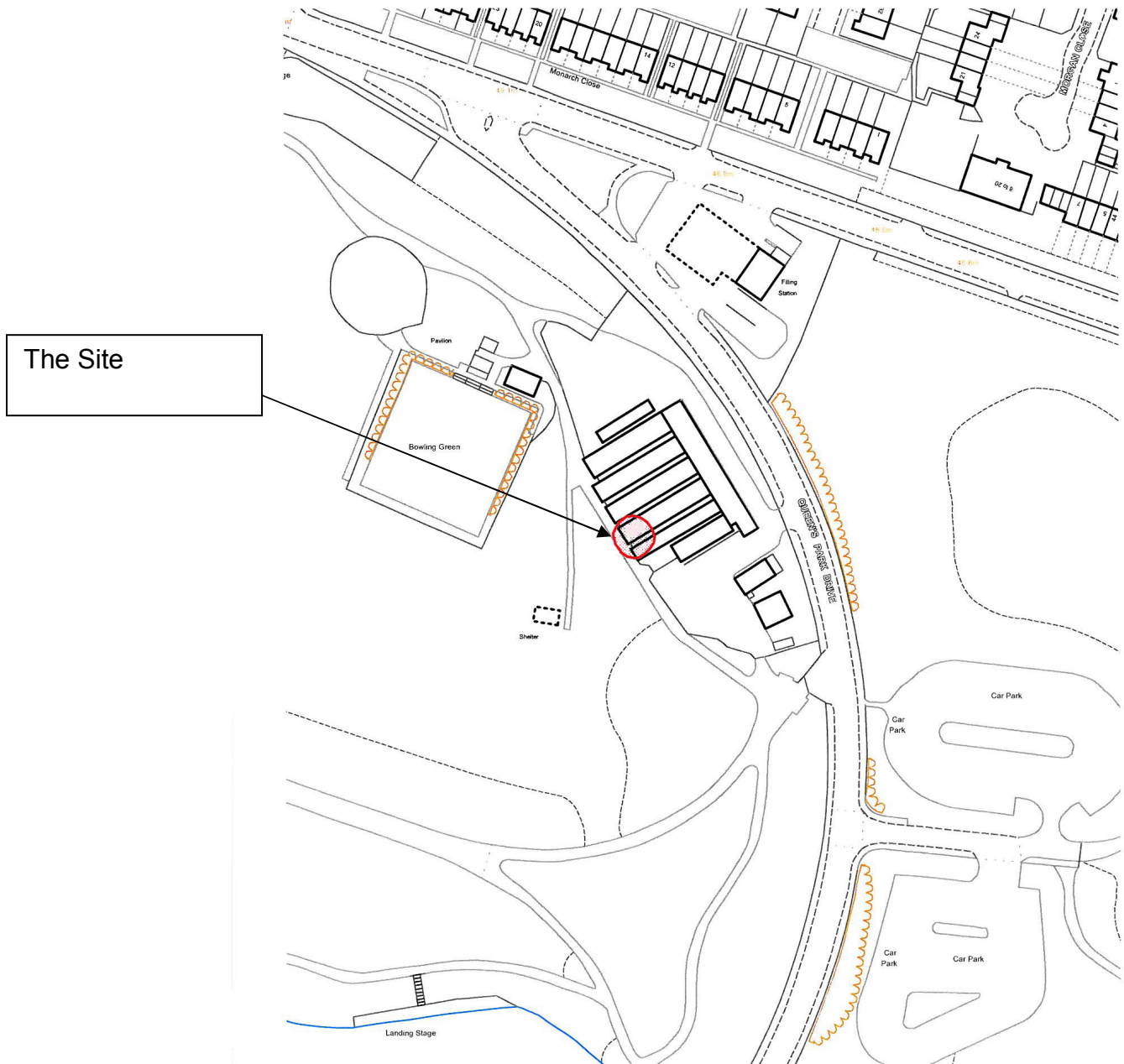
11. CONCLUSIONS

The proposed development is of subtle design which would be well screened and sited so that it is located away from the structures of historical and architectural interest. The proposals would therefore have no detrimental impact on the setting of the Historic Park and Garden. There would be no impact of the streetscene or the amenities of nearby properties.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials as submitted**



Planning Reference No:	10/3210N
Application Address:	Minshull Country Nursing Home, Minshull New Road, Crewe, CW1 3PP
Proposal:	Extension to Time Limit - Ref: P07/1221 (Outline Permission for Demolition of Nursing Home and Construction of Fourteen Dwellings)
Applicant:	Keenrick Nursing Homes Ltd
Application Type:	Extension to time limit
Grid Reference:	368794 357415
Ward:	Crewe North
Registration Date:	17 th August 2010
Earliest Determination Date:	21 st September 2010
Expiry Dated:	16 th November 2010
Date of Officer's Site Visit:	7 th September 2010
Date Report Prepared:	8 th September 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the development relates to the extension in time to a major planning application.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the eastern side of Minshull New Road and is currently occupied by Minshull Court Nursing Home. Minshull Court Nursing Home is a two-storey brown brick nursing home with a grey tiled roof. There is a large single storey flat roof extension to the south of the site and a 2 metre hedgerow and a row of trees form the front boundary to the site. Modern detached dwellings are located to the south and west of the application site, while a block of 2 apartments is located to the north of the site. The site is located within the Crewe Settlement Boundary with the open countryside located on the opposite side of the road.

2. DETAILS OF PROPOSAL

This application is for the extension to the time limit condition to planning permission P07/1221. This is an outline permission for 14 residential units on the site with details of the access to be determined and all other matters are reserved for subsequent determination. The indicative site layout shows 14 dwellings in total which comprises of a 3-storey apartment block containing 3 apartments, 3 pairs of two and a half storey semi-detached dwellings, 3 two and a half storey detached

dwelling and 1 two-storey block containing 2 apartments. The dwellings would mainly be served by a central vehicular access to serve the cul-de-sac although some parking would be provided to area to the north of the site via the existing service access to the nursing home.

3. RELEVANT HISTORY

P07/1221 – Outline permission for demolition of nursing home and construction of 14 dwellings – Approved 16th November 2007

P06/1455 – Demolition of nursing home and construction of 14 dwellings - Refused 9th March 2007

P06/0208 – Renewal of existing planning permission P05/0511 (Alterations and extensions to nursing home) - Approved 13th September 2006

P00/0511 – Amendments and extensions and alterations - Approved 7th March 2001

P98/0591 – Renewal of permission for extension to nursing home - Approved 4th February 1999

P94/0316 – Extension to nursing home - Approved 2nd June 1994

7/12323 – Change of use to nursing home - Approved 29th August 1985

4. POLICIES

Local Plan policy

RES.2 (Unallocated Housing Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

NE.9 (Protected Species)

NE.17 (Pollution Control)

National policy

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

PPS23 (Planning and Pollution Control)

Supplementary Planning Document on Development on Backland and Gardens

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

5. CONSULTATIONS (External to Planning)

United Utilities: No comments received at the time of writing this report. However publicity expires on 21st September, an update will be provided.

Highways: No comments received at the time of writing this report. However publicity expires on 21st September, an update will be provided.

Environmental Health: Land contamination condition required

6. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report. However publicity expires on 21st September, an update will be provided.

7. OTHER REPRESENTATIONS

No representations received at the time of writing this report. However publicity expires on 21st September, an update will be provided.

8. APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted. However no requirement as this is an extensions of time application.

9. OFFICER APPRAISAL

Principle of Development

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

Since the original application was determined the Council has adopted a SPD on Development on Backland and Gardens. It is not considered that the proposed

development would cause any significant conflict with the SPD as to warrant the refusal of this application.

In this case the only circumstances on the site that may have changed since the last application is the impact upon protected species, however the Councils Guidance on Biodiversity and Geological Conservation Statements which was adopted in March 2008 does not identify this proposal as requiring any supporting information in relation to protected species. As a result it is not considered that the development would have any impact upon protected species.

The original application was subject to amendments in relation to the layout of the dwellings, access, parking spaces and landscaping on the site. It is considered that the access and indicative layout which was accepted in 2007 is still acceptable in this location and will respect the character and appearance of the site and would not have a detrimental impact upon residential amenity.

11. CONCLUSIONS

There have been no material changes in circumstance which would warrant a different decision on this application since the previous application was determined.

12. RECOMMENDATIONS

Approve subject to conditions

- 1. Standard Outline 1 – the reserved matters**
- 2. Standard Outline 2 – time**
- 3. Standard Outline 3 – implementation /reserved matters submission**
- 4. Materials to be submitted and approved in writing**
- 5. Surfacing materials to be submitted and approved in writing**
- 6. Boundary treatment to be submitted and approved in writing**
- 7. Retention of garage space for the housing of a private motor car**
- 8. Landscape to be submitted and approved in writing**
- 9. Landscape to be completed in accordance with the approved details**
- 10. Tree and hedgerow protection to front boundary**
- 11. Drainage Details to be submitted and approved in writing**
- 12. Removal of trees/hedgerow outside the bird breeding season**
- 13. Contaminated land survey to be submitted and approved**
- 14. A Footway/cycle link shall be provided across the front of the site along the length of the Minshull New Road frontage**
- 15. Access to be carried out in accordance with the approved plans**
- 16. The hedgerow to the front boundary shall be retained and not replaced with fencing/walls or other means of enclosure**
- 17. Remove PD Rights**
- 18. Prior to the commencement of development details of the proposed garden outbuildings shall be submitted and approved in writing**



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Planning Reference No:	10/3191M
Application Address:	Land At, Woodford Lane, Newton, Macclesfield
Proposal:	Erection of New General Storage and Implement Shed. Erection of Horse Walker- Resubmission of 09/3106M
Applicant:	Mrs T Jackson
Application Type:	Full Planning
Grid Reference:	388707 381140
Ward:	Prestbury and Tytherington
Registration Date:	2 nd August 2010
Earliest Determination Date:	22 nd September 2010
Expiry Dated:	27 th September 2010
Date of Officer's Site Visit:	25 th August 2010
Date Report Prepared:	10 th September 2010
Constraints:	Manchester airport safeguarding 45m+, Woodford safeguarding 15m+, Green Belt (MBLP), Main River, Wind turbine Dev consultation area, All apps for dev likely to attract birds, Flood Zone 2

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt

1. REASON FOR REFERRAL

The application is before the Committee as the applicant and site owner is Councillor Thelma Jackson, Ward Member for Prestbury and Tytherington.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises a range of buildings used for equestrian purposes, manege, and hardstanding / parking area. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

The buildings provide stabling / livery for up to 17 horses and it is understood that there is another (linked) equestrian centre to the south west and south east, with further stable accommodation.

3. DETAILS OF PROPOSAL

This application seeks full planning permission to erect a general storage / implement shed and a horse walker.

4. RELEVANT HISTORY

09/3106M - ERECTION OF NEW GENERAL STORAGE AND IMPLEMENT SHED. ERECTION OF HORSE WALKER – Withdrawn 25.03.2010

10/1887M - EXTENSION TO EXISTING MANEGE, ERECTION OF NEW TIMBER STABLE AND NEW ENTRANCE TO YARD (RETROSPECTIVE) – Approved 29.07.2010

5. POLICIES

Macclesfield Borough Local Plan Policy:

BE1 – Design guidance
GC1 – New Buildings (Green Belt)
DC1 – Design (New Build)
DC3 – Amenity
DC6 – Circulation and Access
DC32 – Equestrian facilities

Other Material Planning considerations:

Supplementary Planning Guidance – Equestrian Facilities (Borough of Macclesfield)

6. CONSULTATIONS (External to Planning)

Environmental Health – Comments not received at time of report preparation.

Environment Agency – Comments not received at time of report preparation.

United Utilities – Comments not received at time of report preparation.

Prestbury Parish Council – Comments not received at time of report preparation.

7. OTHER REPRESENTATIONS

None received at time of report preparation. The publicity period for the application continues until 22 September 2010.

8. APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a brief design and access statement providing a written description of the proposal, and a Flood Risk Assessment.

9. OFFICER APPRAISAL

Green Belt

The stable buildings and equestrian use on this site have existed for some considerable time. Application 10/1887M, which sought to retain alterations to the existing stable buildings and manege, was considered and approved by the Southern Planning Committee on 28 July 2010.

The current proposal seeks permission for an implement shed and horse walker. Both will be positioned to the south of the existing stable block.

Paragraph 3.4 of PPG2 identifies that buildings for the purposes of agriculture and essential facilities for outdoor sport and recreation are not inappropriate in the Green Belt. Additionally, paragraph 3.12 of PPG2 indicates that within the Green Belt engineering and other operations, and the making of a material change in use of land will be inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. PPG2 goes on to note that where development is acceptable in principle, the visual amenities of the Green Belt should not be injured.

Policy GC1 of the Macclesfield Borough Local Plan reflects the guidance at paragraph 4 of PPG2. Macclesfield Borough Local Plan policy DC32 and the Supplementary Planning Guidance deal specifically with equestrian facilities (within the former Macclesfield Borough) and state that these will normally be allowed in the countryside provided that the criteria outlined are met. These relate to the need for the development in the interests of animal welfare, its impact on the area and on nearby residents, access and parking provision and the requirement for residential accommodation. Policy EC6.2(g) of PPS4 states that local planning authorities should, where appropriate, support equine enterprises.

The proposed horse walker replaces a similar previous structure that has now been removed to make way for the extended manege. Having regard to the number of horses on the site, the horse walker will allow them to be adequately exercised, particularly during the winter months, and is therefore considered to be required in the interests of animal welfare, and will support an appropriate outdoor recreational use. Whilst the fencing to the horse walker will serve to reduce the openness of the Green Belt to some extent, having regard to the fact that it replaces a previous structure it is not considered to have a significant impact upon the openness of the Green Belt in this case. Consequently, the proposed horse walker is not considered to be inappropriate in the Green Belt, and therefore complies with the objectives of policies GC1 and DC32 of the Macclesfield Borough Local Plan. Furthermore, as noted above, PPS4 requires local planning authorities to support equestrian enterprises where appropriate, and as a facility that will support the operation of the equestrian business on the site, the horse walker is considered to be acceptable.

Turning to the proposed building, this is required for the storage of hay, straw and implements/machinery associated with the use of the site. Additional

written details have been requested from the applicant to outline the precise use of the building. However, it is understood that the land under the applicants control extends to approximately 30 acres. 19 acres are grazed by the horses and the remaining 11 are set aside to produce a hay crop, which will be stored in the building. The building can therefore be considered as an agricultural building, which is not inappropriate in the Green Belt.

Although the ridge of the proposed building will be approximately 2 metres higher than the adjacent stable block, the design of the building is considered to be appropriate for its intended use and it will not be a prominent feature within the local area. The Council's Landscape Architect raises no objections to the proposal noting that the site is well screened by trees and hedgerows and is not prominent from surrounding dwellings, roads or public footpaths. Overall the proposed horse walker and storage building are considered to be acceptable in principle. They are not inappropriate development within the Green Belt, and do not significantly injure the visual amenities of the Green Belt. No additional landscaping is considered to be necessary.

Highways

The existing access and parking and turning arrangements will be retained and utilised for the proposed development. The proposal is unlikely to materially increase traffic movements along Woodford Lane. Therefore, no significant highway safety issues are raised.

Amenity

No significant amenity issues are raised due to the distance to and existing relationship with neighbouring properties.

Ecology

The Nature Conservation Officer does not anticipate there being any significant ecological issues associated with the proposed development.

Flooding

The application site is partially locally within a Flood Zone 2 of the adjacent Lumb Brook, and a Flood Risk Assessment accompanies the application. Comments are awaited from the Environment Agency, however, no objection is anticipated as they raised no concerns to a previous, identical application (09/3106M), which was withdrawn in March 2010.

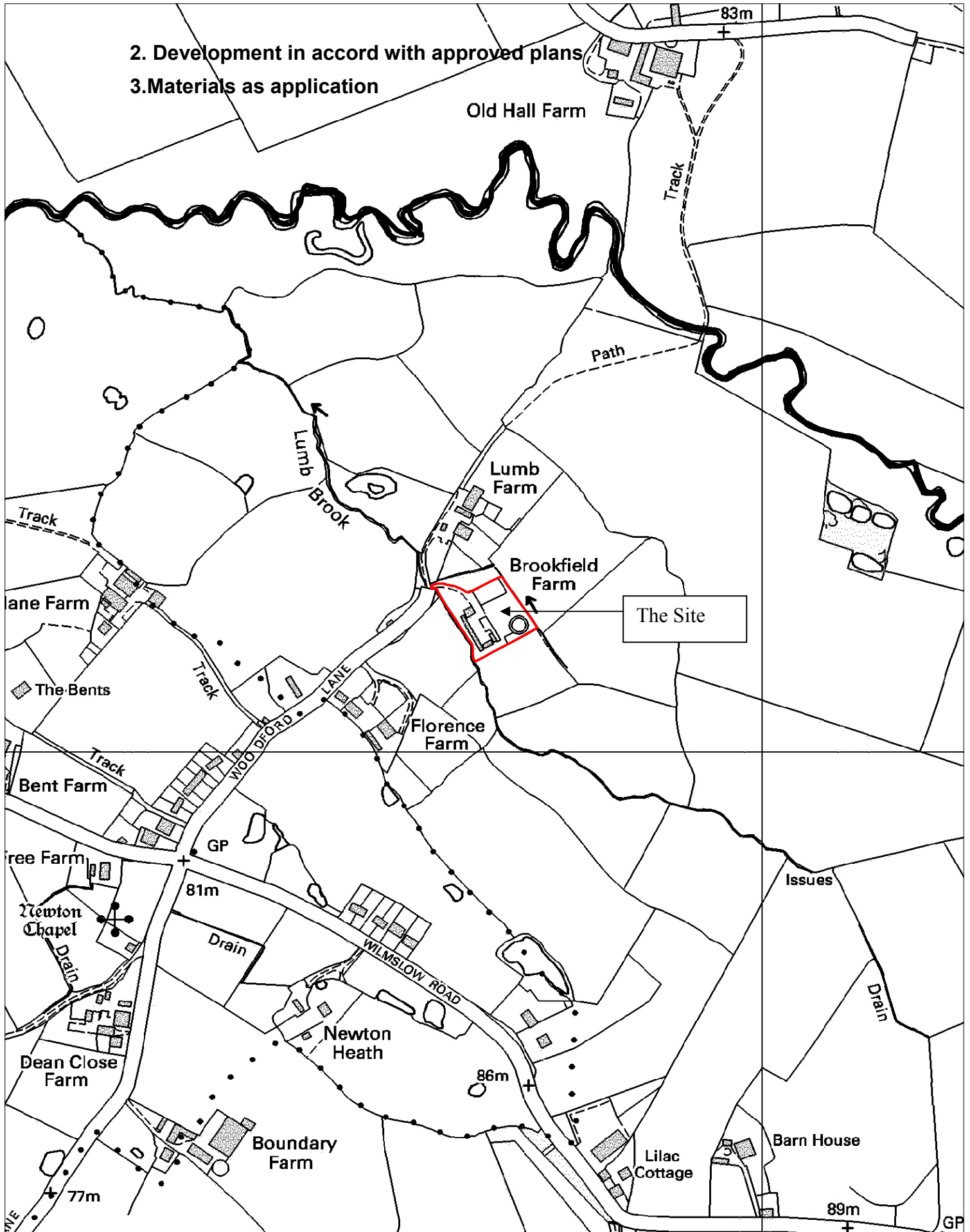
10. CONCLUSIONS

For the reasons outlined above, the proposal is not considered to be inappropriate development in the Green Belt, and the impact upon the character and appearance of the area is acceptable.

11. RECOMMENDATION

Approve subject to conditions

1. Commencement of development (3 years)



LAND AT, WOODFORD LANE, NEWTON, MACCLESFIELD, CHESHIRE
NGR - 388,710 : 381,140

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LIST OF APPEALS DETERMINED

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
09/3535C	LAND SOUTHWEST OF, OLD MILL ROAD, SANDBACH, CHESHIRE	Housing development consisting of forty-three 1,2,3 and 4 bedroom detached dwellings, mews houses and apartments (2, 2.5 & 3 stories) - amendment to previous approval No. 37691/3.	Strategic Planning Board	N	Refused	Allowed 5/08/2010 Cost Appeal Refused 05/08/2010
09/1116C	TALL ASH FARM, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 2DY	THE CONSTRUCTION OF 20 NEW BUILD AFFORDABLE HOUSES AND NEW ACCESS ROAD.	n/a Not determined	n/a	n/a	Dismissed 12/08/2010
09/4148C	30- 32, SHADY GROVE, ALSAGER, CHESHIRE, ST7 2NH	Proposed Radio Aerial	Delegated	n/a	refused	Dismissed 11/08/2010
09/3490C	20, PIKEMERE ROAD, ALSAGER, CHESHIRE, ST7 2SB	PROPOSED SUBDIVISION OF DOMESTIC CURTILAGE TO CREATE ADDITIONAL SEPARATE DWELLING	Southern Planning Committee	N	Refused	Dismissed 20/08/2010
09/3256N	COCOA YARD, NANTWICH, CHESHIRE, CW5 5BL	Erect New (A1) Shop and (A2) Use - Two and Single Storey Building	Southern Planning Committee	N	Refused	Dismissed 27/08/2010 Costs appeal refused 27/08/2010

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