

Southern Planning Committee

Agenda

Date:	Wednesday 25th January 2012
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or of 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 - 4)

To approve the minutes of the meeting held on 4 January 2012.

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

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.

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

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

5. **11/4222N - PRG Engineering, Lightwood Green Avenue, Audlem: Proposed Extension to Existing Industrial Building and Enlargement of Rear Parking and Vehicle Turning Area for PRG Engineering (Pages 5 - 12)**

To consider the above planning application

6. **11/4466C - Little Moss Farm, Priory Close, Congleton, CW12 3JL: Installation of 21m High Monopole Telecommunication Tower incorporating 6 No. 3G Antennas and Associated Headframe. 1 No. Equipment Cabinet, 1 No. Meter Cabinet and all Ancillary Development for O2 (Pages 13 - 24)**

To consider the above planning application

7. **11/2999C - Land South Of, Portland Drive, Scholar Green, Stoke on Trent: Variation of Conditions 2, 3, 5, 10, 10 and 11 of Planning Permission 08/0712/FUL and Variation of S106 Agreement to Allow Completion and Occupation of 34 Dwellings (including 17 affordable) for Ben Bailey Homes(Part of Gladedale Group) (Pages 25 - 34)**

To consider the above planning application

8. **11/3899N - 52 Pillory Street, Nantwich, Cheshire, CW5 5BG: To Erect Two Storey Extension at Rear to Provide Staff Facilities for the Ground Floor Retail Unit and to Convert the First Floor into a Self-Contained Flat for Mrs V Solan, c/o KDP Architects (Pages 35 - 44)**

To consider the above planning application

9. **11/4295N - Weston Hall, Main Road, Weston, CW2 5ND: Extension to Time Limit of Planning Permission P08/1274 for One Dwelling for Mr R Galloway** (Pages 45 - 50)

To consider the above planning application

10. **11/4371N - Land Off Monks Lane, Hankelow, Cheshire: 2 No. New Build Detached Properties for Mr N Warburton** (Pages 51 - 60)

To consider the above planning application

11. **11/4598C - 3 Shorthorn Close, Middlewich, CW10 9GF: Double Storey Side Extension for Mrs J Van-Korgen** (Pages 61 - 66)

To consider the above planning application

THERE ARE NO PART 2 ITEMS

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 4th January, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor M J Weatherill (Vice-Chairman, in the Chair)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, M Jones, A Kolker,
D Marren, M A Martin, D Newton and M Sherratt

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor J Hammond

OFFICERS PRESENT

Ben Haywood (Principal Planning Officer)
David Malcolm (Southern Area Manager – Development Management)
Alex Strickland (Planning Lawyer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors G Merry, S McGrory, G Wait and A Thwaite

125 DECLARATIONS OF INTEREST

Councillor J Hammond, who was in attendance at the meeting, declared a personal interest in respect of application numbers 11/4228N and 11/3867N on the grounds that he was a member of Haslington Parish Council, which had been consulted on the proposed developments. With respect to application number 11/3867N, Councillor Hammond also declared that he was Chairman of the Gutterscroft Management Committee. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

126 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 7 December 2011 be approved as a correct record and signed by the Chairman, subject to the addition of Councillor M Sherratt's apologies for absence.

**127 11/4228N 202, CREWE ROAD, HASLINGTON, CHESHIRE CW1 5RT:
ERECTION OF THREE DETACHED DWELLINGS FOR CRANFORD
ESTATES**

Note: Councillor J Hammond (Ward Councillor), Mr S Grunner (objector) and Mr P Carr (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral update by the Principal Planning Officer and an oral report of the site inspection.

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

The proposal constitutes new residential development in the Open Countryside contrary to Policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. Due to the size of the site and the number of dwellings proposed it is not considered to constitute the infilling of a small gap with one or two dwellings in an otherwise built up frontage. Notwithstanding the fact that there is an existing dwelling on the site, it is not considered that there is any justification for the proposal under Policy RES.10 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 as all of the proposed dwellings would be materially larger than the one which they replace and the existing dwelling is not in poor structural condition, and has not been altered in such a way that it is not worthy of retention.

**128 11/3867N LAND TO REAR OF 157 CREWE ROAD, ACCESSED VIA
GUTTERSCROFT, HASLINGTON CW1 5RJ: CONSTRUCTION OF 11
THREE STOREY DWELLINGS FOR LOTHLORIAN LTD**

Note: Councillor R Hovey (on behalf of Haslington Parish Council), Councillor J Hammond (Ward Councillor) and Mr R Holmes (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: The Chairman had agreed to a request to vary the order of speaking, to enable the Ward Councillor to speak after the representative of Haslington Parish Council.

The Committee considered a report regarding the above planning application and an oral report of the site inspection by the Southern Area Manager - Development Management.

RESOLVED – That the application be DEFERRED for further information, including plans showing details of Gutterscroft access and a contextual plan showing the relationship of the development to surrounding properties, and to enable officers to re-consult on any plans received.

129 **11/3928C 27, HEATH ROAD, SANDBACH CW11 2JD: TWO STOREY EXTENSION TO THE SIDE & REAR OF PROPERTY FOR MS C MASSEY**

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

The Committee considered a report regarding the above planning application.

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

The proposed two storey side and rear extension to the existing semi-detached dwelling is unsympathetic by reason of its scale and bulk, and will have an adverse impact upon the character of the host dwelling and the surrounding area. As such, the extension will have a detrimental impact on the character of the area and the host dwelling contrary to Policy GR.2 (Design) of the Congleton Borough Local Plan First Review 2005.

130 **11/4222N PRG ENGINEERING, LIGHTWOOD GREEN AVENUE, AUDLEM: PROPOSED EXTENSION TO EXISTING INDUSTRIAL BUILDING AND ENLARGEMENT OF REAR PARKING AND VEHICLE TURNING AREA FOR PRG ENGINEERING**

Note: Councillor I Barton (on behalf of Dodcott cum Wilkesley Parish Council) and Mr P Kubis (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity, and to enable officers to consider late representations with respect to the access.

The meeting commenced at 2.00 pm and concluded at 4.25 pm

Councillor M J Weatherill (Vice-Chairman, in the Chair)

This page is intentionally left blank

Application No: 11/4222N

Location: PRG ENGINEERING, LIGHTWOOD GREEN AVENUE, AUDLEM

Proposal: Proposed Extension to Existing Industrial Building and Enlargement of Rear Parking and Vehicle Turning Area

Applicant: PRG Engineering

Expiry Date: 09-Jan-2012

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of Streetscene and Open Countryside
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety

REASON FOR REFERRAL

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Rachel Bailey to ensure that Highways benefits are acceptable and to consider the impact of the loss of open countryside and the impact on the amenity of the neighbouring bungalow. It was deferred from the last meeting for consideration of representations relating to Highways and for members to carry out a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application site is an industrial unit which is located within the Open Countryside as defined by the Local Plan Proposals Map. The building is an L shaped structure of part brick and part metal clad construction with a height of approximately 7m to ridge. Vehicular access is off Lightwood Green Avenue with an existing parking, turning and external storage area to the rear. The application property is an isolated industrial premises located on an otherwise residential cul de sac.

DETAILS OF PROPOSAL

This application proposes the construction of an extension to the existing building which would be sited to the rear of the existing building. The extension would be 11.5m in width, 19.2m in length, 5m to eaves and 6.2m to ridge. The extension would be constructed from part blockwork and part plastic coated steel cladding. The extension would be in General Industrial (B2) use.

The scheme also includes the change of use of paddock land to the rear of the property to allow additional land for HGV turning and parking. The scheme includes an extension of the curtilage into the paddock at a depth of between 8m and 14m at a length of 64m.

In addition to the above, proposals include the widening of the existing point of access by 2m.

RELEVANT HISTORY

P05/0437 – Planning permission approved for Single Storey Extension To Workshop on 24th May 2005.

P99/0962 – Planning permission approved for Extension on 30th March 2000.

P96/0952 – Planning permission approved for Workshop extension on 29th May 1997.

P94/0881 – Positive certificate issued for Certificate of proposed lawful use for general industrial purpose for the manufacture of agricultural and vehicle transportation trailers on 9th March 1995.

7/11498 – Planning permission approved for New spray shop for wood treatment on 18th October 1984.

POLICIES

Local Plan Policy

- NE.2 (Open Countryside)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- E.6 (Employment Development with Open Countryside)
- TRAN.9 (Car Parking Standards)

Other Considerations

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

Draft National Planning Policy Framework (2011)

CONSULTATIONS (External to Planning)

Environmental Health – No objection subject to conditions

Strategic Highways Manager – No comments received at the time of writing report

VIEWS OF THE PARISH COUNCIL

Two sets of comments received. Initial response states that they would like to raise concerns about access. Currently HGV's trying to enter/exit the site. Suggest a site meeting and a condition put into any approval to ensure that the applicant widens the access.

Second set of comments raise objection that:

- Concern over deliveries and site access
- Existing road very narrow and HGV's using Wood Avens Road to turn
- Damage to road surface
- Business expanded to HGV trailer construction and causing noise nuisance
- Concerns over flooding
- Odour issues
- Site unsuitable for further development

OTHER REPRESENTATIONS

6 letters of objections received from 5 Lightwood Green Avenue, The Swallows, Aven House, The Holdings, Parish Council and Glenstone House (x2, one prepared by Geoff Allen Associates). The salient points being:

- Existing on street parking
- Existing road poor and HGV's use other roads to turn
- Further increase in activity would damage the road further
- Too many deliveries for road
- No footpath
- Site operates longer working hours than previously approved
- Noise has increased excessively due to nature of business
- Flooding in local area, more development would worsen this
- Nature of business causing smell and breathing problems from spraying.
- Site is unsuitable – would cause development on Green Belt
- No indication given on plans about the widening of the access
- More suitable sites for business in the area
- Development would be clearly visible from Lightwood Green Avenue and from The Holdings and adjoining field
- Proposals would lead to further loss of amenity
- Proposals contrary to Policy E.6 as Policies BE.1, BE.2, BE.3 and BE.4 would not be satisfied.
- Proposed use is incompatible with neighbouring residential uses in principle
- Proposals would bring turning movements close to the side boundary of the property and increase in noise and fumes

- Spare bedroom of Glenstone faces the site at a distance of 600mm from a conifer hedge. Proposals would increase the already unacceptable noise disturbance.
- Pollution of local drainage systems from vehicles
- Proposals would not make a positive contribution or enhance built environment. Would not be of high standard design, does not respect the pattern and form of development.
- Significant incursion into open countryside and extended curtilage unrelated to any physical or existing boundary
- Without landscaping details it would be difficult to determine whether the visual impact could be ameliorated
- Proposals use substandard point of access and junction onto Whitchurch Road and therefore will not provide for public safety.
- Concern over impact to Great Crested Newts and loss of foraging land
- In terms of DNPPF the proposals do not re-use an existing resource but extend onto a non renewable resource
- Site not sustainably located near to existing facilities or public transport
- Increasing the usage of the site would increase number of journeys

Further Objection received from Landform Highways Planning Consultants (on behalf of Glenstone). The salient points being:

- Visibility splays onto Whitchurch Road should be 160m x 2.4m in each direction. Distances of 59m (and only 70m to centreline) can be achieved in the Whitchurch direction
- Junction radii (onto Whitchurch Road) are significantly below the 15m normally required for HGV manoeuvres
- Lightwood Green Avenue is 4.8m in length for 90m reducing to 4.2m for 35m fronting the site. A 4.2m wide carriageway is too narrow to allow a HGV and car to pass. Road therefore unsuitable.
- No footways
- Tracks submitted with application show a tighter turn than is possible for a HGV of this size to show that no access improvement is required. No outbound tracks shown
- The access will need to be widened by 6m and the vehicle crossing by 15m making a total crossing width of 23m.
- The area needed to provide the turning area is less than shown on the plans and requires only a small incursion into the Open Countryside
- Site is too small for current operation

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

OFFICER APPRAISAL

Principle of development

This application site is located within the Open Countryside. Policy NE.2 of the Local Plan only allows for appropriate development in such locations. However, Policy E.6, which relates to employment development in the Open Countryside states that employment development

will be restricted to appropriate small industries and developments which are within or adjacent to existing employment areas.

The proposed development is of a relatively modest scale, in relation to the existing development on the site, and would be sited within/adjacent to an existing employment site. Therefore the proposed development is considered to be acceptable in principle. The main considerations therefore, are whether the proposed development is of acceptable design as to not cause any harm to the character and appearance of the open countryside/streetscene, and whether the proposals would result in any demonstrable harm on the amenities of nearby residential properties or highway safety issues.

Emerging Policy contained within The Draft National Planning Policy Framework states that a positive approach should be adopted towards economic growth within rural areas, through supporting the sustainable growth of rural businesses.

Impact on the character and appearance of the streetscene and Open Countryside

The proposals would include the construction of an extension to the rear of the existing building. The extension would be 11.5m in width, 19.2m in length, 5m to eaves and 6.2m to ridge. Its height would match the adjacent building. As the proposed development would be sited to the rear of the property views would be limited, however there would be glimpses of the proposed development from Lightwood Green Avenue. Notwithstanding this, it would be seen in the context of the existing industrial development and would not be prominent causing no significant demonstrable harm to the character and appearance of the streetscene.

The design of the proposed extension would be block work and plastic coated metal cladding. This would be of the same appearance as the existing building and is therefore considered to be of appropriate design.

The scheme also includes an increase of the overall curtilage of the industrial building. The curtilage would be extended into an existing paddock at a distance varying from 8m to 14m at a length of 64m. This would represent a significant incursion into the Open Countryside. Policy E.6 of the Local Plan does however allow for employment development adjacent to existing employment sites which this development would be. Furthermore, the proposals would not extend beyond an established boundary line further to the west and as such would not project significantly into the wider open countryside to cause adverse harm. In addition to this, it is considered that there are other highways benefits brought by the scheme which would outweigh any harm caused to the open countryside through the loss of part of the paddock as explored below.

However, it is considered that further details would be required to ensure that the proposed change of use of land is acceptable. This includes details to be submitted to show what the new boundary treatment would be, along with full details of an appropriate landscaping scheme to help to soften the impact of the proposals. Further conditions for details to be submitted of where any external storage and parking would be sited are also considered to be necessary.

Impact on the Amenity of Nearby Properties

The proposed development would bring built form closer to an existing bungalow to the rear of the site. This dwelling is within the ownership of the applicants but understood to be privately rented out. The proposed building would be sited at a distance of 15m from windows at the front of the bungalow, however it would not be set immediately to its front. In terms of spacing standards (which are generally applied between dwellings) there is an accepted spacing standard of 13.5m between principal windows and blank elevations. This proposal would therefore satisfy that accepted spacing standard and would not result in any significant harm on the amenities of that property through loss of daylight.

The proposed development would be sited 5m from the boundary with the dwelling to the rear, between which would be an existing single storey structure. The proposed development is therefore unlikely to cause any demonstrable harm through overbearing. The proposed built development would not cause any harm to the amenities of the properties to the north and south of the site through overbearing or loss of daylight.

Concern has been raised from the property to the south, Glenstone House, that the proposals would cause further harm to their amenities. This property is sited very close to the boundary of the application site (at a distance of 600mm), and it is understood that there is a bedroom window facing the boundary. This is an existing relationship between that property and the application site. There is an existing hours of operation condition on the site which restricts the site operating at unsociable hours. Whilst there likely to be an increase in activity at the site resulting from the proposed development, the additional impact would not be so significant to justify a refusal of this scheme do to the existing relationship, scale of proposals and restriction of hours of operation.

Furthermore, no objections have been raised from Environmental Health and have not suggested noise mitigation measures. This is because this is an existing noise generating employment site. As this is only an extension to an existing premises it is considered that it would be unreasonable to alter the operations of the whole unit in terms of hours of operation or hours of deliveries.

Impact on Highway Safety

The application proposals include the widening of the existing access to allow greater ease of access for HGV's visiting the site. The scheme also includes an increase in the level of turning space within the site so that HGV's can enter and exit the site in a forward gear. It is understood that at present HGV's when making deliveries often block Lightwood Green Avenue. This appears to be a significant benefit to the scheme and could be considered to provide weight against any harm that may be caused on the character and appearance of the Open Countryside.

The Strategic Highways Manager has raised no objection to the proposed development. They consider that the access should be widened to maximise HGV movements into/from the site. In terms of the impact that HGV's have on the surrounding network the Strategic Highways Manager acknowledges that the road narrows but they consider that movements are very low and pose little risk to slow moving vehicles. They also consider that visibility at the site is good.

Impact on Protected Species

The proposed development does not fall within any of the criteria within the “*Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements*”. Therefore there is no requirement to consider the impact on Protected Species further as the proposals are likely to cause no impact on Protected Species.

Drainage and Flooding Issues

Concern has been raised with regard to the impact that the proposed development could have on Drainage and Flooding issues, the concerns of neighbours is noted. However, it is considered that any additional drainage issues which could arise from this development could be mitigated through a satisfactory drainage condition for surface water run-off. The site is not located within Flood Zone 2 or 3 which are at greater risk of flooding than the application site.

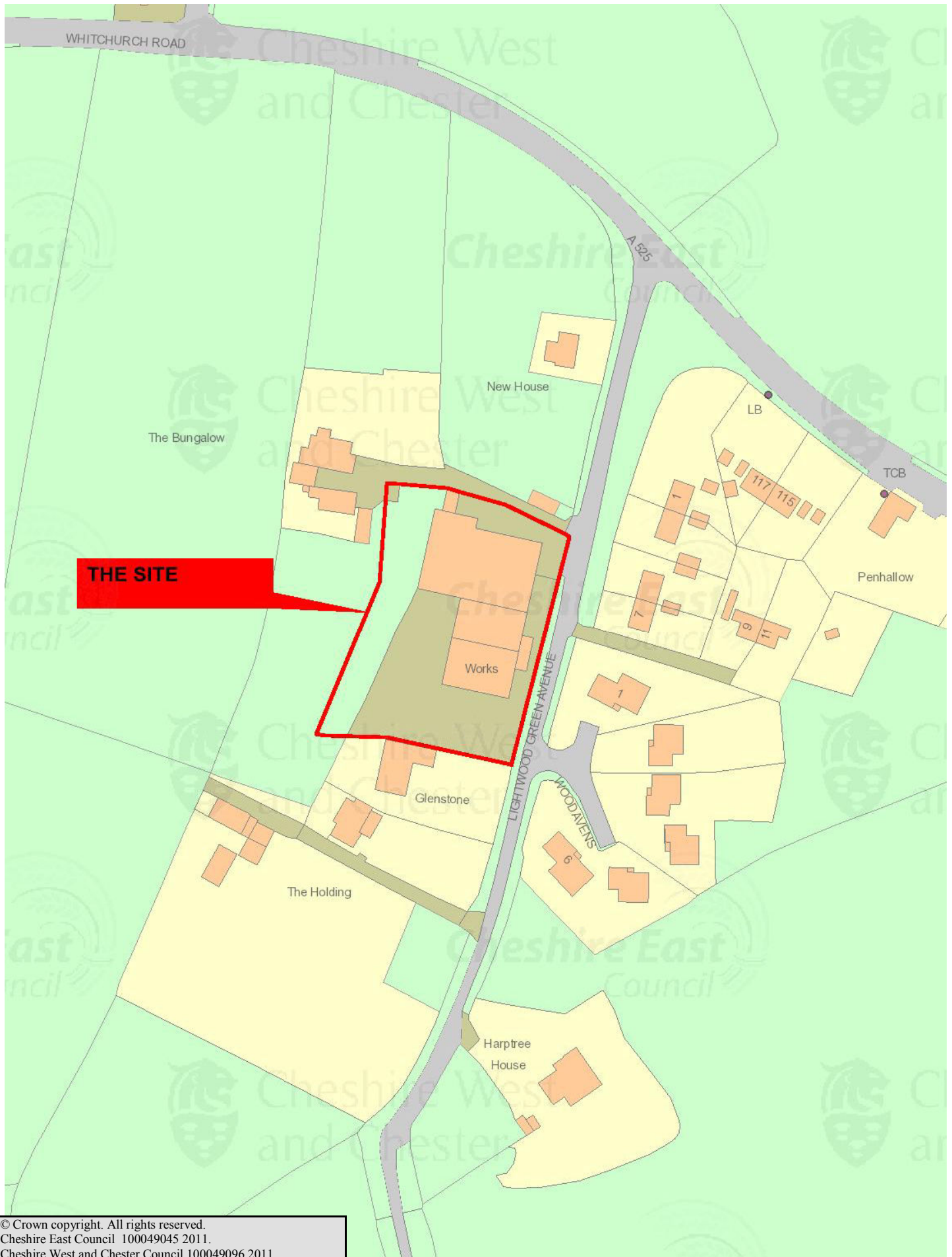
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development forms employment development which is adjacent to an existing employment site within the Open Countryside. The scale of the proposed development is considered to be appropriate and is therefore acceptable. The design of the proposed extension is considered to be acceptable and there would not be any significant harm caused to the amenity of neighbouring properties. It is considered that any harm to the Open Countryside through an increase in curtilage would in this instance be balanced by the benefits which would arise from improvements to Highway safety. The proposal is therefore in compliance with Policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), E.6 (Employment Development with Open Countryside) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

Approve subjection to the following conditions:

- 1) Standard Time Limit (3 years)**
- 2) Development to be carried out in accordance with the Approved Plans**
- 3) Materials to be submitted and approved by the Local Planning Authority**
- 4) Details of Surfacing Materials to be submitted**
- 5) Details of any areas of external storage to be submitted**
- 6) Details of Boundary treatment to be submitted and approved**
- 7) Details of Landscaping to be submitted**
- 8) Landscaping scheme to be implemented**
- 9) Details of Car Parking Layout to be submitted and approved**
- 10) Proposed access improvements to be carried out to an adoptable standard and implemented prior to first occupation of extension**
- 11) Details of any lighting to be submitted prior to implementation**
- 12) Details of drainage to be submitted and approved**



Application No: 11/4466C

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

Proposal: Installation of 21m High Monopole Telecommunication Tower Incorporating 6No. 3G Antennas and Associated Headframe. 1No. Equipment Cabinet, 1No. Meter Cabinet and all Ancillary Development

Applicant: O2

Expiry Date: 08-Feb-2012

SUMMARY RECOMMENDATION: Approve with Conditions

MAIN ISSUES

- Principle of development
- The design, siting and external appearance
- Impact on the Green Belt
- Detailed exploration of alternative sites
- Health & Safety considerations
- Other Matters

REFERRAL

This type of application is usually dealt with under delegated powers however this application has been called into planning committee by Councillor David Brown for the following reasons,

'The proposed development by reasoning of its height in this prominent location within a green belt area of outstanding natural beauty and adjacent to a large residential area and large primary school would represent a visually incongruous insertion that would adversely affect the visual amenity of the area. The proposal is therefore contrary to Policies E19 and GR2 of the Congleton Borough Local Plan 2011 First Review 2005. The company should demonstrate social responsibility to the adjacent community and seek further and appropriate position for the mast.'

DESCRIPTION OF SITE AND CONTEXT

The proposal site is to the rear of the property known as Little Moss Farm, Priory Close, Congleton. The site is situated within the Green Belt, on the edge of Congleton settlement boundary. The proposal site has permission for storage of caravans and the hard surfacing to the rear of the site is primarily used for storage purposes. There are several buildings on the site and tree coverage to the rear of the site.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for the installation of a Joint operator, (O2 and Vodafone), 21m High Monopole Telecommunications tower which incorporates 6no. 3G antennas, associated head frame, 1no Equipment Cabinet, 1no. meter cabinet. The monopole mast will have a height of 18m, and a 3m antenna head. At 16.8m there are also 2no. dishes for O2/Vodafone. It is proposed to have a 2.1m palisade fence surrounding mast.

RELEVANT HISTORY

No relevant site history, however this site is proposed as an alternative site to the refused application below. This application was refused on Visual Amenity and Lack of evidence for alternative sites.

11/0750C – 15m High Joint Operator Street type telecommunications Tower, 1no equipment cabinet, 1no meter cabinet and all ancillary development; Land adjacent to Biddulph Road and Boundary Lane Junction, Congleton – Refused 12th April 2011

POLICIES

The relevant policies from the Congleton Borough Local Plan First Review 2005 are;

Local Plan policy

PS7: Green Belt
GR2: Design
GR6: Amenity
E19: Telecommunications
SPG9: Telecommunications.

Other Material Considerations

PPG 2 - Green Belts
PPG8 – Telecommunications
Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

CONSIDERATIONS (External to Planning)

Highways Authority: No objections

Environmental Health:

This department believes that it is the role of national agencies such as the Independent Expert Group on Mobile Phones (IEGMP) and the Health Protection Agency (HPA) that incorporates National Radiation Protection Board (NRPB) to assess the pro's and con's of relevant research and provide, to Central Government, an expert balanced view relating to the legislative framework of the UK as a whole.

We then at a local level take our lead from guidance provided, typically regarding this topic, :- PPG 8 (Telecommunications) which states that local planning authorities (this includes Cheshire East Borough Council) should not implement their own precautionary policies with respect to these installations. Determining what measures are necessary for protecting public health rests with the Government. “

Given the above and providing the applicant can demonstrate that the installation meets the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure limits, there would be no health grounds for refusing the application.

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council: No Objection - Subject to conditions that the tower be disguised and in keeping with the surrounding area.

OTHER REPRESENTATIONS

Letters of objection have been received from 96 residents and a letter of objection from the Governing Body and Staff of Mossley School has also been submitted;

The main issues raised are as follows,

- Views over the countryside/green belt will be ruined by proposal,
- Proximity to residential properties, and primary school,
- Radiation impact on neighbours and school children,
- Effects of radiation from masts have not yet been properly researched,
- A 21m mast will totally dominate the area,
- The mast will be an eyesore/visually obtrusive
- Will have a negative impact on property values in the area,
- Mobile phone reception in the area is good,
- In May 2011 The International Agency for Research on Cancer classified radio waves as 'possibly carcinogenic'. Caution should thus be applied. On top of the risk of cancers there is also the problem of radiation causing sleep disturbances, headaches and reduced concentration.
- Emissions from the mast would be harmful to bats, and other wildlife,

- Occupiers of Priory Close have in the past been forced by the LPA to take down fences which were erected on greenbelt land and asked to remove vegetable plots. A 21m high mast surely will have more impact than a 6ft fence,
- Will set a precedent to build in the green belt,
- Perceived health risk cause anxiety and stress, and is planning consideration,
- Local School has funding for outside class room,
- Mast will deter parents from sending children to this primary school,
- Insufficient time was given for consultation responses,
- Site Notice at the gates of the farm not sufficient,
- Notice should also be erected at the school,
- Neighbours have not been consulted,
- Given Amber rating therefore shows the proposal will have significant impact on the green belt area,
- Supporting literature states that the mast will be masked by trees however also notes that the need for 21m mast is to avoid the surrounding clutter – therefore contradicting itself,
- Purely a commercial decision,
- Long term studies have been carried on 2G networks which broadcast a fraction of the wave level of 3G,
- French Government have decided to site transmitters at least 100m away from places such as schools,
- Within an Area of Significant Local Environmental Value (ASLEV)
- The proposed mast will be three times the height of the existing residential development,
- Previous applications have been refused by the Council for shorter poles which do not have the addition of antennas,
- There is also another application running at the site for holiday accommodation (11/3788C)
- Masts are responsible for disturbed sleeping patterns, which affect daily activities,
- It would increase unwanted maintenance traffic in an already heavily congested road that has had to have sleeping policeman installed to cut down this nuisance already.
- The mast will be visible from the Gritstone Trail and Staffordshire Way,
- 3G not necessary in residential area,
- Not tall enough to benefit those in Staffordshire,
- PPG 8 “Telecommunications”, PPS7 “Sustainable Development in Rural Areas”, PPS9 “Biodiversity and Geological Conservation” and PPG2 “Green Belts”, are all relevant HM Government publications and consistently refer to ill considered positioning of Telecommunication Masts
- Construction/Maintenance traffic in the area will cause extensive disruption around school times,
- Timing of the application over the Christmas period was planned to achieve minimum objection from local residents/school,
- Cheshire East’s SPG 9 states that the installation of telecommunications equipment should seek to ensure the optimum siting and to ensure the minimum visual impact especially in sensitive areas,

- This application has been approved subject to the tower being disguised and in keeping with the surrounding area.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access and Supporting Statement
- ICNIRP Declaration
- Site Specific Supplementary Information
- Document on potential community concerns
- General Background Information for Telecommunications Development document
- Health and mobile phone base stations document, dated March 2010
- EMF Advisory Unit (Fact Sheet)
- Third Generation – 3G document

OFFICER APPRAISAL

Procedural Matter

Within several of the objections the consultation process by the LPA has been raised as insufficient for this development. The LPA is required only to consult adjoining neighbours to the proposal site, given that applications of this nature can be fairly controversial in this instance LPA consulted all neighbours within 100m of the proposal site, consulted Mossley Church of England Primary School, erected a site notice at the proposal site and an advertisement was placed in the local press. Therefore the Council has carried out the consultation for this application in line with the Publicity and Neighbour Notification procedure.

Principle of Development

In principle telecommunication development is considered acceptable provided that it accords with the guidance set out in PPG8 (Telecommunications) and any relevant Development Plan policy for the area. In this instance Local Plan policies GR2: Design, and E19: Telecommunications are most relevant for the proposed development.

PPG8 states that Government policy is to,

'facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum The Government also has a responsibility for protecting public health. The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available'

Local Plan Policy E19: Telecommunications largely reflects the advice given by Central Government in PPG8, however it has a stronger emphasis on only permitting development which does not adversely impact on neighbouring amenity,

should not have an unacceptable impact upon important areas or features of landscape or architectural and historic value and preference should be given to proposals which avoid the need to erect large new masts by using existing buildings and structures or sharing existing facilities.

Essentially Local Planning Authorities should aim to encourage telecommunications systems where possible but should have regard for other planning policy which might outweigh the need for the service in that particular site.

The proposal site is situated within the Green Belt, where in principle there is a presumption against inappropriate development, this stated both within PPG 2 (Green Belts) and Local Plan Policy PS7 (Green Belt). The proposal does not fall within the definition of appropriate development within Policy PS7 (Green Belt). However, PPG 2 states that inappropriate development, by definition, is that which is harmful to the Green Belt. In very special circumstances inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

In this instance the applicant has noted that the area requires an upgraded mast for 3G coverage in the area, and this mast is one of several coverage plots in the area. The coverage plot shown for existing and proposed coverage for both Vodafone and O2 show a substantial increase due to the mast insertion. It is therefore considered that in this instance the applicant has submitted both coverage information, and alternative site considerations which show that the requirement for 3G coverage in the area, and this considered a special circumstance for development within the Green belt and therefore the principle of development is considered acceptable.

The Design, Siting and External appearance

Within the Design section of PPG8, the Government states that *'in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of the development on the environment. Particularly in designated areas, the aim should be for the apparatus to blend into the landscape.'* Furthermore the paragraph then goes on to state that *'operators are encouraged to provide to the local planning authority examples of different design solutions'*.

Furthermore, the Council's adopted Supplementary Planning Guidance Note 9 (July 2004) states that where it is not possible to use an existing mast or structure, any proposed new installation should be designed and sited so as to minimise the visual impact on the environment.

The proposed mast will have an overall height of 21m, 18m to the top of the monopole tower, with a further 3m to the top of the head frame and antennas. The proposed mast is to be of a standard colour. The LPA has requested that the applicant submit plans showing different colour masts within a photomontages to determine if a green or brown mast (or mix of the two colours) would sit more comfortably within the Green Belt setting than a standard galvanised steel mast.

However at the time of writing this information had not been submitted with the application and therefore details will be included within the update report and any plans shown in the presentation/on the website.

The surrounding area to the north of the site is largely residential properties, with Mossley Church of England Primary School to the northwest. To the south of the site is the area designated as Green Belt and is largely compromised by open fields, with pockets of tree coverage and hedges.

It is acknowledged that the proposed mast is substantial height at 21m, it will be approximately 3 times higher than adjacent dwellings, and 5m taller than the adjacent tree coverage. However this is due to the operational requirement to reach the residential area further into the site, that a taller mast which exceeds the height of the trees is required. Given the evidence submitted with regards to alternative sites it is accepted that this site would be further away from residential properties and therefore the requirement for the extra height is to reach all elements of the designated search area.

Whilst the proposed mast and associated development will have some impact on the visual views of the area, the openness of the Green Belt will still be retained due to the relatively slim nature of the monopole mast, and with some camouflaged colouring to the external treatment of the mast it is considered that the proposed mast will not have a significantly detrimental impact on the surrounding area to warrant refusing the application.

Alternative sites

The Council's adopted Supplementary Planning Guidance Note 9 (July 2004) requires that to minimise visual impact, it will be preferable normally to site a new antenna onto an existing mast, building or other structure before considering a new mast. Operators will therefore be expected to provide evidence that they have explored all reasonable possibilities for siting the proposed equipment on an existing mast or structure.

Given the Government guidance which aims to facilitate new telecommunications development, consideration needs to be given into whether all suitable alternative locations have been explored.

As part of this application the applicant's agent has identified 15 alternative sites which have previously been discounted as unacceptable which lie either within or just outside the Designated Search Area (DAS). The following is a brief summary of each site,

1. H.J Lea Oakes Ltd, Biddulph Road

- Too close to existing Vodafone site on large industrial building roof top to rear of Railway Inn, Park Lane.
- Discounted on operational merit

2. Any Development west of Henshall Hall Drive
 - Too close to existing Vodafone site as above.
 - Discounted on operational merit
3. Congleton Golf Club, Biddulph Road
 - Occupies significant position within DSA, although there are several mature trees which may pose coverage issues, the Club have withdrawn from further negotiations on the site.
 - Therefore discounted as land is not available for development.
4. Mossley Church of England Primary School, Boundary Lane
 - Large educational property which could accommodate a mast,
 - Development on schools tend to progress as a last resort, due to community opposition which can result in disruption to the property,
 - This site could be looked into further if requested by LPA.
5. Mossley Village Hall, Corner of Bida Lane, Leek Road
 - Potential site for mast as centrally located within DSA,
 - Mature trees would place serious limitation on coverage
 - Discounted on operational merits
6. Mossley Old School Community Centre, Leek Road
 - Potential site for mast as centrally located within DSA,
 - Mature trees would place serious limitation on coverage
 - Discounted on operational merits
7. Holy Trinity Church, Biddulph Road
 - Discounted as not available for use
8. Street Furniture development along Leek Road
 - Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Limited Coverage potential
 - Discounted on operational merits
9. Street Furniture development along Biddulph Road (N)/ Bida Lane/Henshall Hall Drive/Brierly Road/Blackshaw Close
 - Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Limited Coverage potential
 - Discounted on operational merits
10. Street Furniture development within Woburn Drive/Marshall Grove/Ryedale Drive
 - Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,

- Limited Coverage potential
- Discounted on operational merits

11. Street Furniture development along Biddulph Road (between Leek Road and Boundary Lane junction)

- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
- Limited Coverage potential
- Discounted on operational merits

12. Street Furniture development along Boundary Lane and associated residential area

- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
- Located directly outside of residential properties
- Discounted as less appropriate on planning merits

13. Castle Inn Pub, Castle Inn Road

- Significant distance outside the DSA
- Area in lower topography than most of coverage area and mature trees
- Discounted on operational merit

14. Land at Mossleyvale Farm, Wards Lane

- Significant distance outside the DSA
- Area in lower topography than most of coverage area and mature trees
- Discounted on operational merit

15. Boundary Lane/Biddulph Road Junction

- Previously refused site for 15m mast (11/0750C)

Most of the sites proposed have been discounted due to there positions within residential areas where there is little room for street furniture within the public highway, and on operation merit, furthermore two site have been discounted as they would involve development directly in front of residential properties and within the school boundaries. The Council agrees that these sites would not be suitable for a development such as that proposed.

It is noted that one of the reasons for refusal of the nearby 11/0750C application was lack of detailed consideration of alternative sites. The applicant has considered many options both within the search area and outside, and it is clear that substantial consideration of alternant sites has been carried out and therefore in this instance the information submitted is considered acceptable.

Health and Safety

In 1999, the Independent Expert Group on Mobile Phones (IEGMP) was set up to look at the potential health risks from mobile phone technology. The chairman was Sir William Stewart and the group reported back in May 2000 with what is now commonly referred to as the 'Stewart Report'. The report concluded that "The balance of evidence to date suggests that exposures to RF radiation below NRPB and ICNRP guidelines do not cause adverse health risk to the general population, and that" The balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. The findings of the 'Stewart Report' were not conclusive but did advocate the 'precautionary principle' being adopted in the consideration of applications.

There have been various High Court judgements which have ruled either way on the issue of whether health considerations can be material in determining an application for planning permission or prior approval. The precautionary approach advocated by the Stewart Report and also the All Party Parliamentary Group on Mobile Phones Report (2004) is seen as the adoption of ICNIRP standards for exposure levels and also greater levels of consultation. It is acknowledged that this approach can reduce the risk perception of this type of development.

Furthermore, the most recent guidance from the Government regarding mobile phone technology and health issues is outlined in PPG8, which states 'it is the Government's firm view that the planning system is not the appropriate mechanism for determining health safeguards. It remains central government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

However, this guidance note does go on to enunciate that: "Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval." (PPG8 'Telecommunications' (paragraph 29)

It is very clear that the weight to be attached to this issue as a material consideration is a matter for the decision maker - in this case the local planning authority. Given that the proposed installation clearly complies with the ICNIRP guidelines for public exposure it is considered that a reason for refusal on the grounds of perceived health risk alone would be extremely difficult to sustain at an appeal.

Highways

The Highways Authority has raised no objections to the proposal and given that the site is situated within a private area of land it is unlikely that the proposal would have an adverse impact on highway safety.

Other Matters Raised

Within the letters received several objectors raised concerns that the proposed development would have a negative impact on the value of their property. Property values are not a material planning consideration and therefore any perceived loss in value could not be considered as a further reason for refusal for this planning application.

Within the objections received it is stated that the proposal site is situated within the Area of Significant Local Environmental Value (ASLEV), the only designation the site has within the Congleton Local Plan is Green Belt.

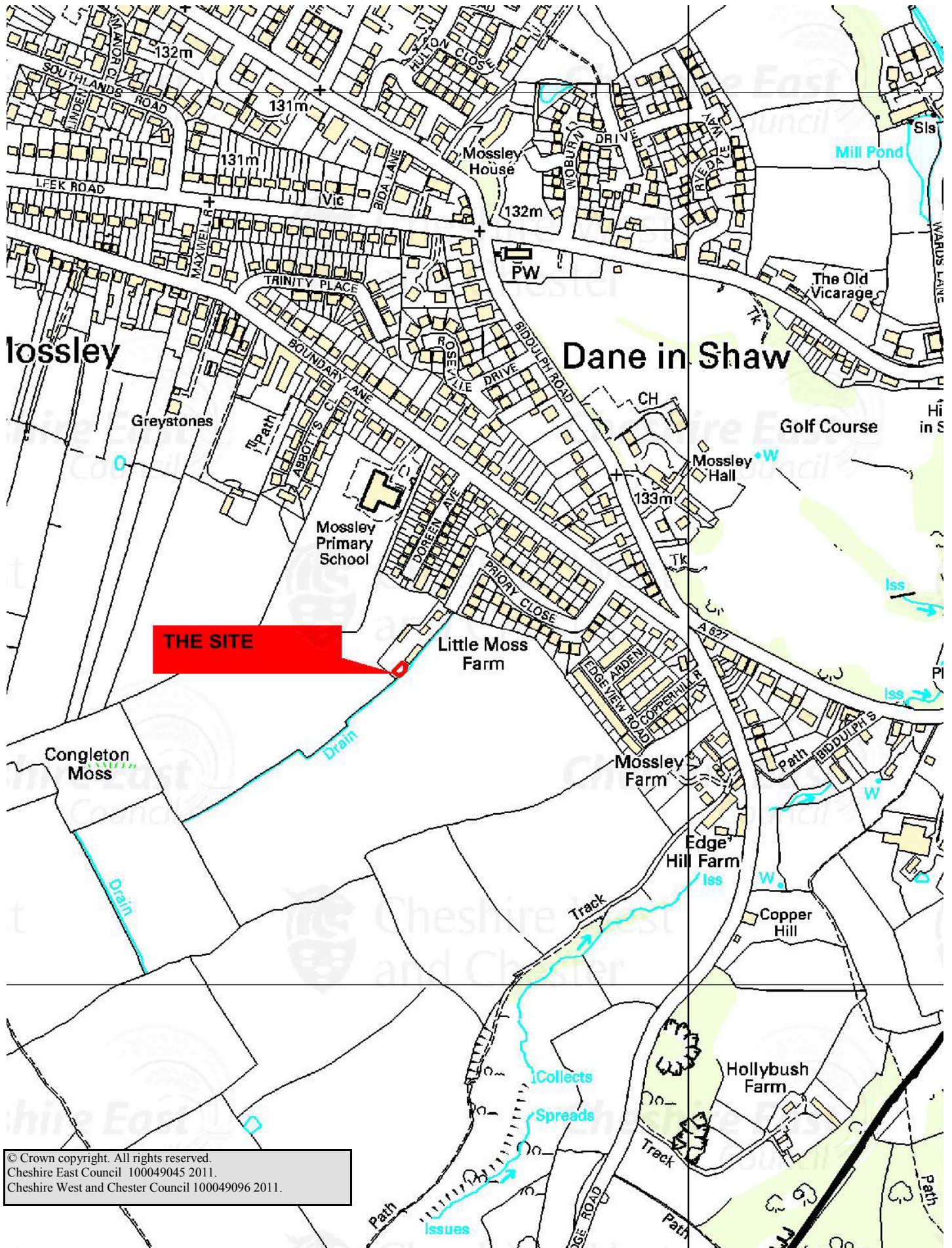
Within the letters received the impact of the proposal on bats and natural wildlife has been raised. The Councils ecologist has been consulted on this matter and does not anticipate there being any significant ecological issues associated with the proposed development.

CONCLUSIONS

It is considered that the proposed 21m high monopole style mast with 6no antennas and associated head frame in this location is acceptable and will not have a significantly detrimental impact on the surrounding Green Belt area, and is necessary for the proposed use in the area. It is considered that substantial consideration has been given to alternative sites in the area, and the proposal will not have a detrimental impact on highway safety or health and safety of the neighbouring population. It is therefore considered that the proposed mast is acceptable and in accordance with Local and National plan policy.

RECOMMENDATIONS – Approve with conditions

1. **Standard Time**
2. **Materials as per amended scheme**
3. **Approved plans**



Application No: 11/2999C

Location: LAND SOUTH OF, PORTLAND DRIVE, SCHOLAR GREEN, STOKE ON TRENT

Proposal: Variation of conditions 2, 3, 5, 10, 10 and 11 of Planning Permission 08/0712/FUL and variation of S106 Agreement follow completion and occupation of 34 dwellings (including 17 affordable)

Applicant: Ben Bailey Homes(Part of Gladedale Group)

Expiry Date: 04-Oct-2011

Planning Reference No:	11/2999C
Application Address:	Land South of Portland Drive, Scholar Green, Stoke-On-Trent
Proposal:	Variation of conditions 2, 3, 5, 10, 10 and 11 of Planning Permission 08/0712/FUL and variation of S106 Agreement follow completion and occupation of 34 dwellings (including 17 affordable)
Applicant:	Ben Bailey Homes(Part of Gladedale Group)
Application Type:	Full Planning Permission
Ward:	Congleton Rural
Registration Date:	9-August-2011
Earliest Determination Date:	12-October-2011
Expiry Date:	4-October-2011
Date report Prepared	11-January-2011
Constraints:	None

SUMMARY RECOMMENDATION:

APPROVE

MAIN ISSUES:

- Principle of Development
- S106 Agreement
- Conditions
- Other Issues Raised by Representation

1. REASON FOR REFERRAL

Cllr Rhoda Bailey has called this application in for determination by the Southern Planning Committee for the following reasons:

"The permission originally granted was ".to provide a much needed healthcare centre as well as affordable and low cost housing. The proposal would accord with the policies of the adopted Congleton Borough Local Plan First Review and with PPS1 and PPS3," to quote from the decision notice dated 30th July, 2009.

The basic premise of the grant of permission was for the provision of the surgery before that of the houses. The present proposal turns that basis on its head; it is not in the interests of the community for the application to be dealt with under delegated powers and the arguments should be placed before the planning committee."

2. PREVIOUS MEETINGS

At the 16th November 2011 Southern Planning Committee, Members resolved to defer the planning application pending the receipt of further information from the applicants over the requirement and status for the delivery of the Health Centre.

Having received additional information, the application was then heard at the Southern Planning Committee of 7th December. However, Members still wanted further clarification on the delivery of the proposed health care centre and the method by which this could be secured. Accordingly, the application was deferred for a second time.

To address the concerns expressed by Members, the applicant has now proposed to vary the terms of the s106 agreement and has submitted additional letters of support from key stakeholders. The effect of the existing agreement is that whilst the houses can be built, they cannot be occupied until:

- a. The healthcare centre has been completed
- b. A contract has been let for the fitting out of the health care centre

It is proposed that the agreement be varied to enable the developer to:

- a. Sell up to 34 houses prior to the completion of the healthcare centre of which 17 would be affordable

This update report therefore deals with the additional information / proposals and supplements the original reports.

3. DESCRIPTION AND SITE CONTEXT

The application site comprises a vacant farmhouse and its associated farm buildings that include a barn and single storey outbuildings and open fields. The outbuildings have a very low level of

use and the fields are used for grazing and the buildings generally present a poor appearance of neglect and decay. The site covers an area of approximately 1.85 hectares and is bounded to the north by Portland Drive and a row of terraced properties in the North West corner, to the east by open fields beyond which lies the Macclesfield Canal which, in this location lies within a deep cutting. To the south and west the site is bounded by residential development. The site generally slopes up towards the Canal which lies in a deep cutting in this location. Current access to the site is from Congleton Road North. Boundary treatment is generally made up of hedging.

4. DETAILS OF PROPOSAL

Planning permission was granted in October 2008 for the erection of a new health care centre and residential development comprising of 56 residential units with a dedicated access off Portland Drive. This application seeks to vary condition numbers 2, 3, 5, 10 & 11 of this approval under Section 73 of the Town and Country Planning Act 1990 and also seeks to vary the terms of the section 106 legal agreement.

The applicant wishes to vary these conditions and the legal agreement so that work can proceed on commencing development on the residential element of the approved scheme before commencing the approved health care centre.

5. RELEVANT HISTORY

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

6. POLICIES

Local Plan Policy

PS5	Villages in the Open Countryside and Inset in the Green Belt
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation

GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Other Material Considerations

Interim Policy on the Release of Housing Land
Interim Planning Statement on Affordable Housing
Planning for Growth' Ministerial Statement

Circulars of most relevance include: ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

7. CONSIDERATIONS (External to Planning)

Environmental Health:

No objection

8. VIEWS OF ODD RODE PARISH COUNCIL

No objections provided that the new wording of the conditions does not prejudice the proper commencement and completion of the Heath Centre.

A further letter has been received stating that Odd Rode Parish Council wish to have sight of the new legal agreement before it is signed so that they can comment on it.

9. OTHER REPRESENTATIONS

Letters from 27 properties have been received objecting to this application on the following grounds:

- The new Doctor's surgery should be built and occupied before the new homes are built
- This flies in the face of the council's initial decision
- This is not a minor change
- If the Health Centre isn't delivered, will more houses be built on the site
- Scholar Green needs a new health centre not houses.
- There is no demand for houses in Scholar Green

- If extra houses included in this development on the village edge against the Macclesfield Canal will ruin the area's rural character.
- Portland Drive is unsuitable to accommodate any increase in traffic resulting from this scheme.
- The area is a commuter area.
- Local Amenities and public transport are lacking and any further house will make this worse
- Lack of publicity
- If funding is an issue, why is this not being sought elsewhere

10. APPLICANT'S SUPPORTING INFORMATION

Prior to the last meeting, the applicant's agent submitted additional information to support the commitment to deliver the approved health centre. This information comprises of a letter from the agent, a response from the PCT's Primary Care Project Manager and Chief Executive, a letter from Scholar Green Surgery and a letter from the developer charged with delivering the Health Centre (Oakapple Primary Care). The PCT have confirmed that the financing relating to the health centre is in place including detailed plans and specifications for the building itself.

In response to the last deferral, the agent has submitted further letters from; the Doctors at Scholar Green Surgery; the Solicitors for Oakapple Primary Care; the applicant's Solicitors; and Plus Dane Housing Group. These letters evidence a commitment to deliver the proposed healthcare centre. The solicitor letters confirm that contracts and leasing arrangements have been exchanged between Oakapple (the developer for the healthcare centre) and the Doctors at Scholar Green Surgery. In their letter, Scholar Green Surgery confirms this and expresses concern about any further delays. Plus Dane Housing state that this proposal (as revised) will deliver much needed affordable housing within Scholar Green of which there is a high demand.

Additionally, the applicant's solicitors have stated the following:

"There are two elements to the application before you.

FIRST ELEMENT

The application to vary some of the conditions is made because at present no part of the residential component can commence without commencement of the healthcare centre. In other words there is no provision to phase the two elements. There are a number of conditions precedent that tie both together before ANY development can commence.

THE SECOND ELEMENT

The Section 106 agreement, rather than the planning decision notice, currently controls the timing of delivery of the healthcare centre. At present Gladedale can build all the houses but cannot put them on the market before the healthcare centre is delivered. Some Committee Members seemed to be of the opinion that the Section 106 agreement controlled the commencement of construction of the houses. This is not the case.

From a commercial point of view Gladedale need to be able to offer for sale and sell houses on the site in the summer of 2012. The healthcare centre is unlikely to be completed before the end of 2012.

The Section 106 agreement, rather than the planning decision notice, currently controls the timing of delivery of the healthcare centre. At present Gladedale can build all the houses but cannot put them on the market before the healthcare centre is delivered. The Section 106 agreement does not control the commencement of construction of the houses.

From a commercial point of view Gladedale (the house builder) need to be able to offer for sale and sell houses on the site in the summer of 2012. The healthcare centre is unlikely to be completed before the end of 2012.

THE NEW OFFER

The application was made initially to have the requirement to first deliver the healthcare centre completely removed. As a result of the clear concerns of the Committee Members regarding this, which has resulted in two deferrals of the application at committee and because matters are now positively progressing with the contracts to deliver the healthcare centre, Gladedale are in a position to offer a new variation which they hope will be satisfactory to the committee members.

The effect of the existing planning and Section 106 obligations mean that whilst the housing development can go ahead and be built out, houses cannot be occupied until:-

- a. The healthcare centre has been completely built and finished; and*
- b. A Contract has been let for the fitting out of the healthcare centre.*

The restriction on occupation of the housing component currently includes the affordable housing element which means that none of those houses can be occupied until the healthcare centre has been delivered.

Therefore the aim of the varied application relating to the Section 106 is to enable Gladedale to be able to:

- 1. sell up to 34 houses prior to the completion of the healthcare centre; and*
- 2. deliver the 17 much needed affordable housing units. These will comprise 17 of the 34 houses mentioned above.*

Gladedale are committed to facilitate and secure the delivery of the healthcare centre. In order for the healthcare centre to be developed it will be necessary for Gladedale to commit significant sums in capital infrastructure such as mains electricity supply and foul and surface water drainage. This expenditure can only be undertaken if simultaneously the residential element can be commenced and for the resultant dwellings (the 34) to be sold and occupied immediately by residential purchasers provided that 17 of these will comprise the affordable units and so are intended to be sold to a registered social landlord (Plus Dane).

The present state of the planning regime for this site clearly precludes that. Gladedale have to satisfy their funders that it is a proper commercial risk to invest the required monies in the

acquisition of the overall site and to fund the necessary infrastructure. However the present planning constraints, where houses cannot be sold and occupied until the healthcare centre is constructed and fitted out, represents a wholly unacceptable commercial proposition.

Therefore unless the planning restrictions can be modified in the manner of the present application for a variation of the planning permission and a variation of the Section 106 Agreement, it is highly unlikely that there will be any implementation of the planning permission and of course that does mean that the provision of the healthcare centre will be delayed and so too the affordable housing.”

11. OFFICER APPRAISAL

Principle of Development

The previous approval established the acceptability in principle of the proposed new health care centre as well as the construction of 56 residential units on the site. As a result, this application does not present an opportunity to re-examine those matters.

The main issues in the consideration of this application are the acceptability of building 34 of the approved dwellings before completion of the approved health care centre and the variation of the relevant conditions to enable information for the health care centre to be submitted at a later date without preventing development from commencing on the dwellings.

S106 Agreement

When the original application for this development was considered, local residents were concerned about the release of this green field site for housing and also the delivery of the proposed health care centre. To give local residents some comfort, the applicant decided to include within the s106 a requirement for the new health care centre to be complete and ready for use prior to the first occupation of the housing scheme.

Whilst it would be beneficial to deliver the health care centre as soon as possible, there is no policy requirement to do so and as such it is considered that it would be unreasonable to require the developer/applicant to commit to such. The housing element of the scheme was not enabling development and therefore if an application were to be considered for the housing scheme only without the healthcare centre, the principle of such would be acceptable on its own merits.

Without the sale of some of the housing units, the applicant has stated that the proposals are not commercially viable. ‘In order for the healthcare centre to be developed it will be necessary to commit significant sums in capital infrastructure such as mains electricity supply and foul and surface water drainage. This expenditure can only be undertaken if simultaneously the residential element can be commenced and some of the dwellings (the 34) can be sold and occupied’.

This revised proposal will enable the delivery of some much needed housing including a decent number (17 units) of affordable housing within the first phase of development. The sale of these units will not preclude the development of the proposed healthcare centre and the agent argues that this will assist in its delivery.

Given that there is no policy justification for delivering the health care centre before the residential element, it is recommended that the terms of the s106 be varied to allow the sale of 34 units (including 17 affordable) before the health care centre is completed. This should be secured by way of a formal deed of variation. Taking this into account, condition numbers 2, 3, 5, 10 and 11 would need to be varied to reflect this.

Conditions

Condition number 2 requires details of the materials to be submitted and approved prior to the commencement of development. The applicant wishes to vary this condition to allow details of the health care centre and the housing to be submitted separately to reflect the phasing of development. The same request is made for condition number 3, which relates to landscaping. The variation of these conditions would still meet with the tests of the conditions circular 11/95.

Condition number 5 deals with drainage. The health care centre and the housing development will be drained on separate systems and therefore the application also seeks to vary this condition in order to differentiate between the two systems. Such variation is considered to be acceptable and in accordance with the conditions circular.

Condition number 10 and 11 require the submission of a Crime Prevention Plan and a scheme for the acoustic enclosure of fans and compressors prior to the commencement of development. These conditions are aimed specifically at the health care centre and are not required for the housing element. As such, it is proposed that this condition be reworded to make specific reference to the commencement of development on the health care centre so that it does not preclude the development from commencing on the housing scheme. Such variation would accord with the tests of the conditions circular.

Other Issues Raised by Representation

With respect to other issues raised by representation, these deal with the principle of the development, which has already been accepted by the original approval. With respect to funding, this is not a material planning consideration.

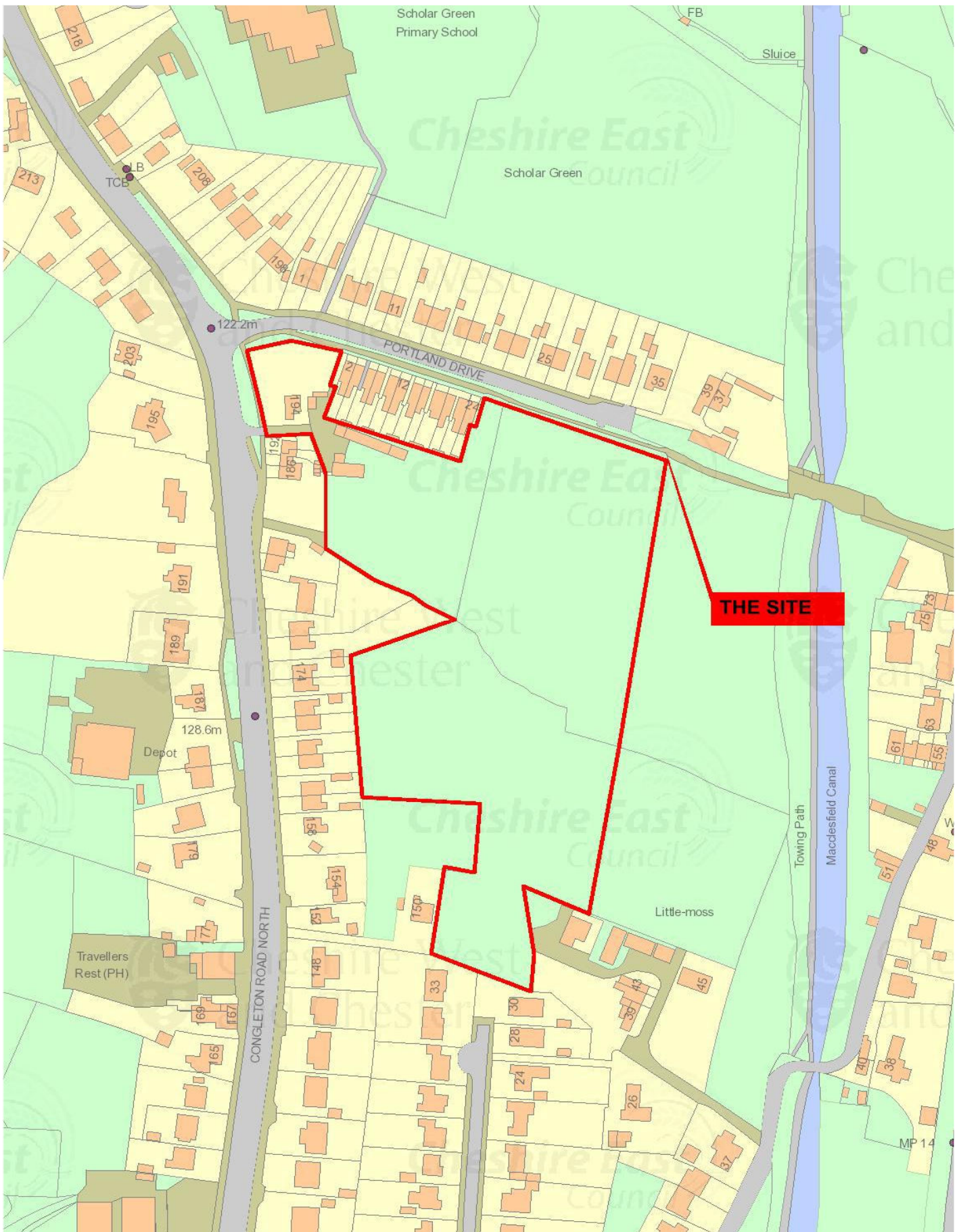
12. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development has already been accepted. The terms of the existing S106 legal agreement will need to be varied, as currently there is a clause which prevents the new dwellings from being occupied until the new health care centre has been delivered. This and the wording of condition numbers 2, 3, 5, 10 and 11 is precluding the delivery of much needed housing in the borough. The variation of such conditions would continue to meet the tests outlined within Circular 11/95 and as such the proposal is deemed to be acceptable and is recommended for approval.

RECOMMENDATION:

APPROVE the formal deed of variation on the S106 Legal Agreement to allow sale and occupation of 34 units (inc 17 affordable) and permit the variation of condition numbers 2, 3, 5, 10 and 11 to allow the development to commence on the housing scheme prior to the delivery of the health care centre subject to the following conditions:

1. Development to commence within 3 years
2. Details of materials to be submitted and approved in 2 phases
3. Details of landscaping to be submitted in 2 phases
4. Submission of Tree protection measures for retained trees
5. Details of foul and surface water drainage to be submitted in 2 phases
6. Hours of construction limited
7. Further gas monitoring shall be carried out
8. Protected species – details of bat boxes to be submitted
9. No work to be carried out with the bird breeding season
10. Details of CCTV to be submitted prior to commencement on the new health care centre
11. Scheme for acoustic enclosure of fans/compressors etc. to be submitted prior to commencement on the new health care centre
12. No burning of materials associated with demolition
13. Management regime for hedgerows to be submitted and approved prior to commencement
14. Hours of operation limited
15. Submission of details of levels for rear gardens
16. Submission of details of levels for rear gardens



Application No: 11/3899N

Location: 52, PILLORY STREET, NANTWICH, CHESHIRE, CW5 5BG

Proposal: To Erect Two Storey Extension at Rear to Provide Staff Facilities for the Ground Floor Retail Unit and to Convert the First Floor into a Self-Contained Flat

Applicant: Mrs V Solan, c/o KDP Architects

Expiry Date: 23-Dec-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle

Effect on the character and appearance of the Grade II Listed Building and the Conservation Area

Amenity

REASON FOR REFERRAL

The application was 'called in' to committee by Cllr Groves for the following reason:

The owner of no. 54 Pillory Street is concerned that the Application proposed is "un-neighbourly, overbearing, cramped and unsympathetic to the building, which is proposed to be extended."

The owner of no. 54 is "also concerned that it would be detrimental to the character and appearance of a LISTED building, which is situated within the Conservation Area of Nantwich."

DESCRIPTION OF SITE AND CONTEXT

The application site is an end of row property with a retail frontage at ground floor level along Pillory Street. The property is part of a Grade II Listed row of properties, with the remainder being in residential use. To the rear some dwellings have been altered and extended, with the neighbouring properties number 54 and 56 having two storey rear flat roof extensions, similar to that proposed on the application site. A dental practice adjoins the site to the rear with a public car park beyond.

The listing description is described below:

List entry Number: 1039564

Listing NGR: SJ6519252143

Location

52-62, PILLORY STREET

Grade: II

Date first listed: 01-Mar-1974

Details

PILLORY STREET (West Side) Nos 52 to 62 (even)

A row of 6 late C18 - early C19 cottages. Red brick; 2 storeys; 12 restored casement windows; 5 restored simple wood doorcases with shallow pediments and 6-panelled doors; gabled ends; dentilled eaves; slates. No 52 has C19-C20 shop fronts with modern glazing. Undergoing extensive restoration when inspected 1972.

DETAILS OF PROPOSAL

The application proposes a flat roof two storey extension to the rear of the property. This would project 2.9 metres with a height of 5.6 metres. An additional single storey element is provided at ground floor level to accommodate a WC. A new window is also proposed to the side elevation of the building. Self-contained residential accommodation would be provided to the first floor.

RELEVANT HISTORY

4/3/1784 Change of use two rooms dress-makers premises to stock rooms (Approved 1970)

4/3/1420 proposed car park at rear (Approved 1966)

POLICIES

Regional Spatial Strategy (NW)

DP7 Promote Environmental Quality

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE1 (Amenity)

BE2 (Design)

BE7 Conservation Areas)

BE9 (Listed Buildings: Alterations and Extensions)

Other Material Considerations

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

CONSULTATIONS (External to Planning)

Archaeology:

No objection subject to the following conditions:

- (i) That the applicant shall provide seven days written notice of the commencement of work to the Development Control Archaeologist, Archaeology Planning Advisory Service Cheshire Shared Services, the Forum, Chester, CH1 2HS. Tel: [01244] 973289).
- (ii) That the applicant shall provide access during reasonable hours to the Development Control Archaeologist, Archaeology Planning Advisory Service for the purpose of observing and recording the work.

Environmental Health:

No objections.

VIEWS OF NANTWICH TOWN COUNCIL

No comment made.

OTHER REPRESENTATIONS

An objection has been received from the adjoining residential property number 54 pillory Street. In summary, the objection details Local Plan policies BE1 (Amenity), BE2 (Design), BE7 Conservation Areas), and BE9 (Listed Buildings: Alterations and Extensions) and raises the following issues:

- The Design and Access Statement does not refer to the fact that the application premises are Grade II Listed.
- No application for Listed Building Consent has been submitted.
- The application refers to a precedent set in the row of properties – The two storey extension at number 54 was negotiated to be a flat roof construction by the Local Planning Authority at the time event though a pitched roof was initially proposed. The two storey extension at 56 Pillory Street does not appear to have a planning history, and a more recent Officer's report details this as being an 'unsympathetic extension'.
- To revisit the mistakes of the past by allowing them to be repeated now would be to abdicate responsibility for ensuring the proper control of development and protection of the historic built environment in the interests of the community. A proliferation of flat roofs at second storey level would not enhance this part of the Nantwich Conservation Area or views into or out of it.
- The Council now has the 'Extensions and Householder Development' SPD which was not in force in 2006 when permission was granted at number 54 for a two storey flat roof extension.
- The proposed extension is not visually subordinate to the host structure and nor does it reflect the scale, form and character of that building.
- The junction between the proposed flat roof and the existing pitched roof would appear clumsy and the impression would be of a "box" shape tacked onto the rear of the building. This would appear unsympathetic to the listed building and the proposal would obliterate the dentil course at eaves level referred to in the listing.

- The proposal is considered to be contrary to Policies BE. 2, BE.7 and BE.9
- The siting of the proposed extension is such that according to the drawing of the proposed rear elevation submitted with the planning application its southerly wall, associated foundations and fascia board would extend over the boundary line drawn on the plan and onto my client's property. If this is the case then the application is accompanied by the incorrect ownership certification. Certificate B rather than A should have been completed and appropriate formal notice served upon the landowner.
- The siting and massing of the proposed extension will dominate the rear garden of number 54 Pillory Street and significantly reduce the view of the sky from the sitting out area contained within it.
- It is important to note that in addition to the proposed extension now under consideration number 54 could well be faced with the construction of an extension to the south side of the dentist's surgery situated to the rear of number 52 Pillory Street. This single storey extension, which received planning permission under reference 11/2467N in September 2010 would be built on what was the garden of number 52 Pillory Street immediately alongside the garden fence.
- The current proposal would add a two storey high blank brick wall immediately on the boundary of the site with number 54 and an unattractive utilitarian rear elevation overlooking the fence towards the rear garden at close quarters.
- The massing of the proposed extension would be overbearing and un-neighbourly. If the approved single storey extension to the dentist's surgery is also built, then the impact will be that the garden to number 54 will become even more enclosed by buildings and the sense of visual intrusion will become even more unacceptable.
- It is considered that the scale and massing of the proposed extension would not enhance the built environment, nor would the proposals respect the pattern, character and form of the surroundings. The proposals on this basis alone are therefore contrary to the provisions of Policy BE.2
- The intended parking provision is depicted on the plan of the proposed ground floor arrangements. Provision is made for one modest size car to be parked outside on the yard area which is left between the rear elevation of the proposed extension and the easterly gable end of the dental surgery. This would be positioned on the only area of open space left within the curtilage of the property, leaving no usable area for outdoor amenity for the residents of the proposed first floor flat. So restricted would be the space available for the vehicle to park, the submitted drawings of the extension show one corner of the proposed extension cantilevered out at first floor level over the parking area.
- It is impossible to gain any access from the public highway to the proposed parking space due to bollards and also from the public car park to the rear. The parking space would therefore be entirely unusable and even if these problems were resolved it is difficult to imagine how this could be practical or safe.
- On street parking on Pillory Street in the vicinity of the application premises is prohibited. Reliance would therefore have to be placed on parking within public car parks. There is no provision made for staff parking for those working at the shop at present and none would be possible as part of the scheme proposed.
- The proposed extension is shown as having a bedroom window in the rear elevation at first floor level directly overlooking the garden of number 54 and sitting out area at an approximate distance of only 2.5 metres from the boundary. This loss of privacy is unacceptable and contravenes the requirements of Policy BE. 1

- With regard to noise and disturbance, the proposals introduce a residential use at first floor where previously there has been no such use; just a staff facility for use during shop opening hours and storage for merchandise to be retailed from the shop downstairs. It is expected that, as is normally the practice in such situations, were planning permission to be granted for the proposals conditions would be imposed by the planning authority requiring the submission, approval and implementation of a scheme of soundproofing to reduce sound transmission from the flat through the party wall to number 54.
- In terms of the level of residential amenity for the prospective occupants of the proposed flat this would be compromised by a lack of on-site parking, extremely limited private open space and poor outlook from the window to the proposed kitchen in particular. The Council's Supplementary Planning Document (SPD) on Extensions and Householder Development states that a minimum level of private open space following the construction of an extension would be one which can accommodate all the following basic amenities:- a washing line, a parking area, a garden shed, bin storage, an area for sitting out and children's play area. The proposed flat is depicted as having two double sized bedrooms so it would be unreasonable to discount the possibility of children living there. Most of the garden which served the application property was relatively recently disposed of in order to enable the single storey extension to the adjoining dental surgery to be built on it. It is not surprising to find that the residual area of private open space available to serve the proposed flat is deficient by any modern day standards. The proposal also therefore fails for these reasons to meet the requirements of Policy BE1
- the proposals if implemented would result in an extremely high proportion of the property curtilage being occupied by built form
- The development is oppressive and cramped in appearance and would be overbearing when viewed from the neighbouring residential property. Certainly this is not an appropriate form of development for a Conservation Area or one which is suitable in terms of its impact upon a listed building and its setting.
- The inability of the applicants to provide even a basic level of landscaping within the curtilage is further evidence of the congested nature of the yard area and of the extent of the overdevelopment of the site which is proposed.
- Because the application property is listed as being of special architectural or historic interest further information should have been submitted with the application in the form of a Heritage Statement. No such statement appears on the Council's website.
- the Council's validation requirements indicate that where a proposal includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving a pre-1914 building with gable ends or slate roofs, regardless of location the application should be accompanied by a Protected Species Report in relation to Bats. The proposal does involve works to the roof of the existing pitched roof because it will have to be opened up to join the flat roof on to it. As the building is pre-1914 (described as late C18 early C19 in the listing document), and it has a gable and a slated roof it appears that a Protected Species Report is required. No such report appears on the Council's website.
- The Council's validation requirements also require that either by way of a separate document or inclusion within the Design and Access Statement issues of climate change are addressed in accordance with the policy objectives of PPS 1. No such assessment of the proposals appears to have been carried out.

- The proposed development would be un-neighbourly, overbearing, visually intrusive, unsympathetic to the character and appearance of the listed building and Conservation Area and would fail to enhance or harmonise with the built environment and pattern of development in the locality. The proposals would lead to an unacceptable degree of harm to the level of residential amenity which she is reasonably entitled to expect and would fail to provide an acceptable level of residential amenity for the future occupants of the proposed first floor flat. The development would therefore be contrary to the provisions of policies BE.1, BE.2, BE.7, and BE.9

OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application is whether or not the proposal accords with the provisions of Local Plan policies BE1 (Amenity), BE2 (Design), BE9 (Listed Buildings: Alterations and Extensions) and BE7 Conservation Areas). In summary these policies seek to ensure, amongst other things, that proposal have an acceptable impact on neighbouring residential amenity; and respect the character and appearance of the building, its setting and the conservation area.

Design

The application seeks a two storey flat roof extension to the rear of the property. Whilst flat roof extensions would not normally be encouraged, the application site is characterised as a row of Grade II Listed properties and not a single building in isolation. Two properties within the row, numbers 54 and 56, both have two storey flat roof extensions to the rear. The proposal would be adjacent to these existing extensions, and would therefore be seen in this context which would result in a uniformed approach to the rear elevation. It is considered that an alternative design would highlight the various forms of development and have a negative relationship with existing development, thereby being more detrimental to the character and appearance of the row. This view is consistent with the opinion of the Council's Conservation Officer and advice given during pre-application discussions with the applicant. The scale of the extension would be similar to that of number 54, and would not dominate the whole of the rear elevation of the premises, thereby appearing as a subordinate addition. In the context of the above and surrounding development, it is considered that the proposal is acceptable in design terms and would harmonise with the building more so than if a different design was proposed. In this regard there would be no adverse impacts on the character and appearance of the Grade II Listed Building; the conservation area; or the streetscene generally, to warrant refusal of the application.

This proposal would be consistent with Local Plan policies BE2 (Design), BE7 Conservation Areas) and BE9 (Listed Buildings: Alterations and Extensions).

Amenity

A key issue in the determination of the application is the impact of the proposal on the neighbouring residential amenity of the adjoining property number 54 Pillory Street. The proposal would be built adjacent to an existing two storey extension within the curtilage of number 54. There would be no further projection beyond this existing extension and therefore would not be overbearing, oppressive or visually intrusive to number 54. When viewed from

the rear garden of number 54 or wider views, the proposal would be seen in its context adjacent to existing forms of development.

A bedroom window is proposed to the rear elevation and given the layout of the garden boundaries to the properties which are generally off-set, it is acknowledged that there would be some overlooking of the garden area of number 54. However when taking the direct line of sight from the window, this would be towards the end of the garden which is enclosed as a private parking area to the residence. This is also typical of the existing situation of the properties situated within the row and as such it is not considered that this would be unduly detrimental to the residential amenity of number 54 to warrant refusal of the application.

The adjacent Dental Surgery has recently received planning permission for a single storey extension to the rear of the premises in proximity to the common boundary with number 54 Pillory Street (Application reference 11/2467N). Given that the permitted extension is single storey and taking into account existing boundary treatments, it was not considered that this would be over bearing or visually intrusive to number 54. The neighbour objection raises that in combination with the approval at the Dental Surgery, the current proposal would further enclose the garden to number 54 and the sense of visual intrusion would be more unacceptable. However as described above, the proposed two storey extension would be sited adjacent to an existing two storey extension at number 54 and would have a similar projection of 2.9 metres from the original rear elevation. Therefore the proposal would not result in a sense of enclosure or visual intrusion to the garden area of this adjoining property (number 54).

In terms of the amenity of future occupiers of the proposed first floor apartment, there is no requirement to provide the levels of private amenity space as contained within the guidance laid out in the Council's 'Extensions and Householder Development'. The proposal is for a self contained flat and not a dwellinghouse and the provision of a garden is not required in this case. Furthermore the site is situated within a town centre location, with local amenities and public open space situated in close proximity. The proposed residential use at first floor level would be compatible with surrounding land uses.

There would be no amenity impacts associated with the window proposed to the side elevation of the premises and there would be no adverse impacts on other adjoining properties, over and above the existing site arrangements.

Taking into account the neighbour objection and having regard to the above, it is not considered that the proposed extension would be unduly detrimental to neighbouring residential amenity. There would be no significant conflict with the provisions of Local Plan policy BE1 (Amenity).

Archaeology

The site of the proposed development lies within Nantwich's Area of Archaeological Potential, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. This is due to its position within the medieval and early post-medieval town, although it is not within that part of the town where deep waterlogged archaeological deposits might be expected. In addition, the development is restricted in extent and has limited potential to seriously disturb any in situ archaeological remains. However in order to ensure archaeological interests,

inspection of the foundation trenches by the Council's Development Control Archaeologist to observe and record the work would be secured by condition.

Parking Provision

It is noted that the proposed plans illustrate parking provision within the site for 1No car. Whilst the proposed parking space may, or may not be accessible, this is not considered to be a pertinent issue of the application. The Local Planning Authority does not require on-site parking as part of this application given its sustainable location within Nantwich Town Centre and access to transport options and public car parks in the immediate vicinity.

Other Matters

Noise and Disturbance

The neighbour objection specifically refers to the introduction of a residential use at first floor where previously this has been used as a staff facility and storage. The Environmental Health Division have raised no objection to the proposed use and have not requested any noise insulation details. Furthermore this aspect would be covered under separate regulations such as Building Control.

Landscaping

The application seeks a two storey extension to the rear of an existing property where any additional landscaping to the site is not considered necessary and would be onerous to require such in this instance given the type of development proposed.

Absence of Bat Surveys

The Council's ecologist advises that a bat survey is not required to determine the application given the limited foraging and commuting habitat in the locality and that roosting bats are unlikely to be present or affected by the proposed development.

Design & Access Statement

Whilst no Heritage Statement has been submitted, and the Design and Access Statement does not refer to the building being Grade II listed or addresses climate change, it is not considered that the absence of this information would warrant refusal of the application.

Listed Building Consent

The Local Planning Authority has not received an application for Listed Building Consent for the works; however this can be submitted at a later date and does not impact upon the determination of the planning application.

Land ownership and Certificates

The neighbour objection asserts that the part of the development would extend on land not owned by the applicant and therefore the correct Certificate should have been signed (B

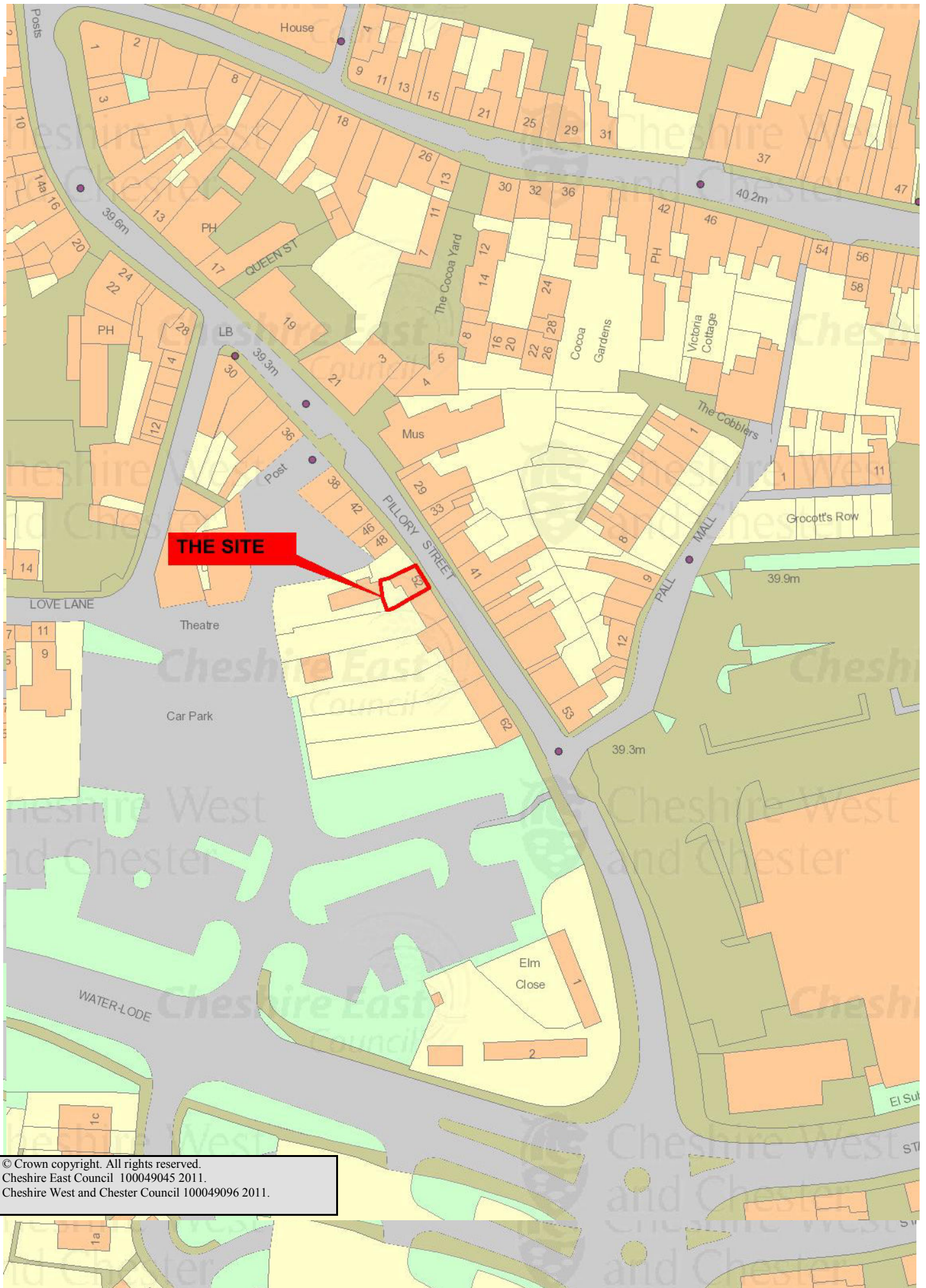
instead of A) and notice served on number 54. The Local Planning Authority however considers that this does not affect the determination of the application and the ownership dispute would be a civil matter between the interested parties. Furthermore the resident of number 54 is aware of the application and acknowledges in the neighbour objection that this is not a material planning consideration.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the issues raised in the neighbour objection have been considered within the report, it is regarded that the application seeks an acceptable form of development. The proposed design would provide uniformity to the rear elevation of the Grade II Listed row of properties and would harmonise with the building more so than if a different design was proposed. In this regard the proposal would not be detrimental to the character and appearance of the Grade II Listed Building and its wider setting within the Nantwich Town Centre conservation area. The proposal would not be unduly detrimental to neighbouring residential amenity, having particular regard to the adjoining property number 54 Pillory Street. The application is in accordance with the Development Plan and is therefore recommended for approval accordingly, subject to conditions.

RECOMMENDATION: APPROVE subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Materials to be submitted
4. Rainwater goods – colour and material to match those on existing
5. Fenestration to be set behind reveals
6. Timber windows and doors
7. Specification of mortar mix
8. Brickwork to be constructed with bonding to match the existing building.
9. Archaeology – 7 days written notice of commencement of development and provision of access to the Development Control Archaeologist to observe and record the work.



Application No: 11/4295N

Location: Weston Hall, MAIN ROAD, WESTON, CW2 5ND

Proposal: Extension to Time Limit of Planning Permission P08/1274 for One Dwelling

Applicant: Mr R Galloway

Expiry Date: 15-Jan-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Site History;
- Scope of this application; and
- Material Changes in Circumstances/Policy since the Previous Application

REFERRAL

This application is referred to the Southern Area Planning Committee as the original proposal was a departure from the Crewe and Nantwich Replacement Local Plan 2011.

DESCRIPTION OF SITE AND CONTEXT

The site is located within the open countryside and was formerly occupied by Weston Hall a Grade II* Listed Building which was destroyed by fire on 1st September 2005. All materials which were part of Weston Hall have been removed from the site and it remains vacant. The site is accessed via a drive of approximately 125m in length and is not visible from the road due to dense vegetation growth to the front of the site. A large pond is located to the front of the site and the proposed dwelling would be sited adjacent to a residential property known as 'The Cottage, Weston Hall' which is accessed via a separate driveway.

DETAILS OF PROPOSAL

An application for an extension to time has been submitted in relation to the approved planning consent number P08/1274. That planning consent was a full planning application for one dwelling. The proposed dwelling would be two and half storeys in height and would have 4no. bedrooms and a games room in the attic with a detached garage to the rear which would house 3 cars.

RELEVANT HISTORY

P08/1274 – One Dwelling – Approved – 22nd April 2009

P08/0428 – One Dwelling and Detached Triple Garage – Withdrawn – 19th May 2008

POLICIES

Local Plan Policy

RES.5 (Housing in the Open Countryside)
BE.1 (Amenity);
BE.2 (Design Standards);
BE.3 (Access and Parking);
BE.4 (Drainage, Utilities and Resources);
BE.5 (Infrastructure);
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)

National Policy

PPS.1 (Delivering Sustainable Development).
PPS.3 (Housing)
PPS7 (Sustainable Development in Rural Areas)
PPS9 (Biodiversity and Geological Conservation)
PPG13 (Transport)

CONSIDERATIONS (External to Planning)

Cheshire Wildlife Trust: No objections

Natural England:

This application is in close proximity to Black Firs and Cranberry Bog Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

No supporting information included with the application

OFFICER APPRAISAL

Site History

The application site is located within the open countryside. New dwellings in the open countryside are not normally acceptable unless for agricultural purposes, as a replacement dwelling or to infill a small gap within an otherwise built up frontage. In this instance, there was a long established and listed property on the site; because this was destroyed by a fire the 'replacement dwelling' is considered a departure from Policy. However, it is a material consideration that a dwelling occupied the site and the harm of the proposed dwelling which would occur to the character and appearance of the Open Countryside would be minimal. Consequently, it was considered that the special circumstances in this instance were given considerable weight to override the strict planning policy presumption against new dwellings in the open countryside.

Scope of this application

Extensions to the time limits 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

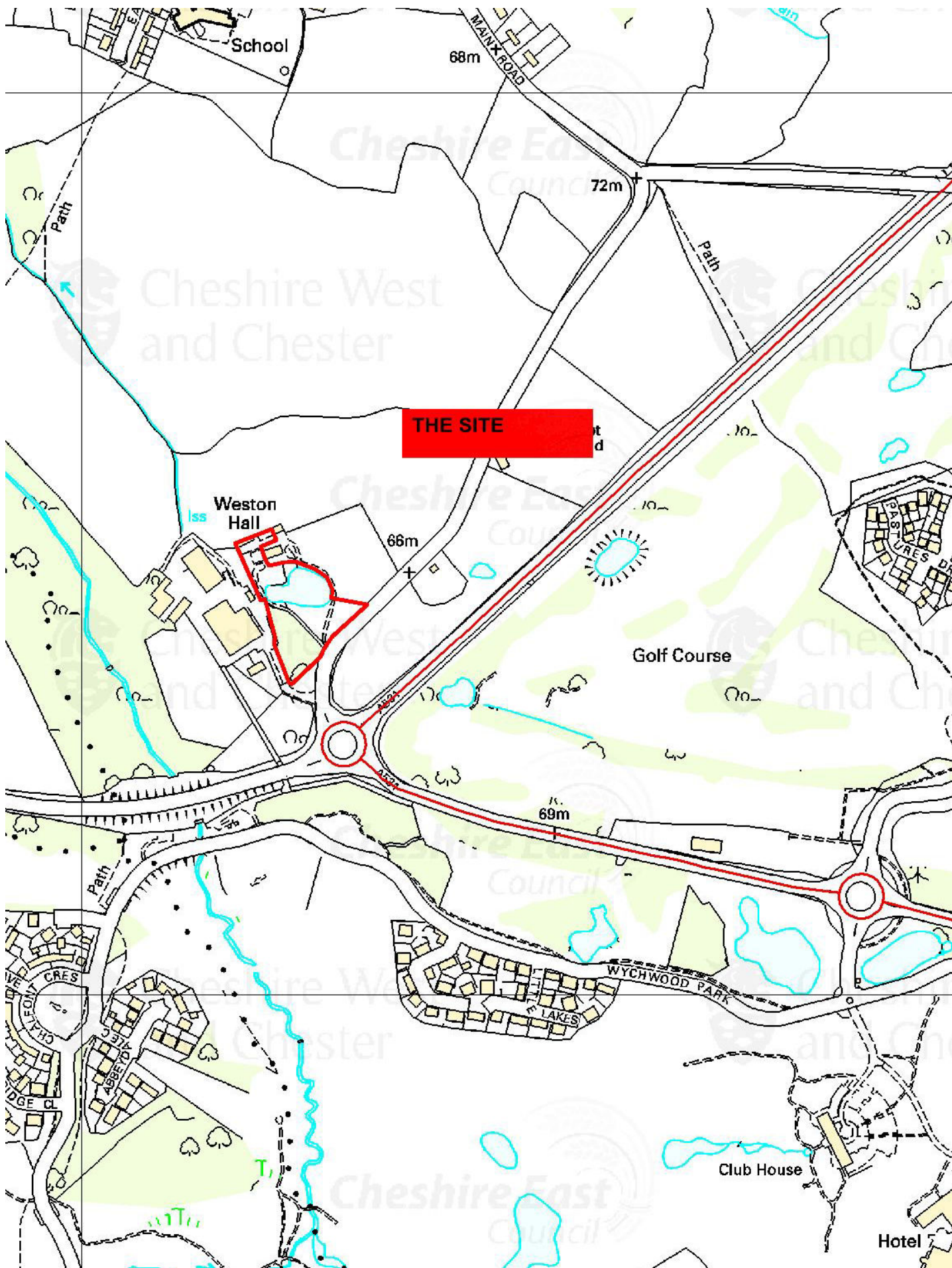
The application remains unchanged from the previous approval, which was assessed under the same development plan. As such there are no changes in circumstances or Local Plan policies that would warrant an objection to the proposal. The case officer notes as the application involves development on garden land it is important to consider the implications of the amendments made to Planning Policy Statement 3: Housing on 9th June 2010, which amended Annex B so that private residential curtilages are removed from the definition of previously developed land. An additional sentence has also been added to paragraph 41 of the PPS which states that brownfield land is the priority for development, to say that *'there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed'*.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that there have not been any significant material changes since application P08/1274 was permitted. The scheme therefore warrants a departure from Policy NE.2 (Open Countryside) and complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

That the application be approved as a departure from the Development Plan subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**
- 5. Landscape to be Submitted**
- 6. Landscape to be Implemented**
- 7. Drainage Details to be Submitted and Approved**
- 8. Detailed Specification of all Renewable Energy Features**
- 9. Window Reveal Details to be Submitted and Approved**
- 10. Demolition of Existing Buildings**
- 11. Remove PD Rights – Extensions and Outbuildings**
- 12. Works to Stop if Protected Species Found**
- 13. No Trees Removed Other Than Those Specified in the Arboricultural Report**
- 14. Tree Protection Measures**
- 15. Boundary Treatment**
- 16. Tree/Vegetation Removal to Take Place Outside Bird Breeding Season**



This page is intentionally left blank

Application No: 11/4371N

Location: LAND OFF, MONKS LANE, HANKELOW, CHESHIRE

Proposal: 2 No. New Build Detached Properties

Applicant: Mr N Warburton

Expiry Date: 01-Feb-2012

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES:

- Main Issues;
- Principle of Development;
- Assessment Against Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside)
- Living Conditions;
- Design Standards;
- Flood Risk
- Highways and Access;
- Drainage;
- Landscaping;
- Impact on Hedgerow;
- Ecology

REFERRAL

This application was to be determined under the Council's delegation scheme. However, Councillor Rachel Bailey has requested that the application be referred to the Southern Planning Committee for the following reason:

'For assessment on impact, amenity and on streetscene'.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the south side of Monks Lane, Hankelow. The site was previously used as a paddock by the applicant and is relatively flat. The boundary treatment to the south and east of the paddock comprises hedgerow. Whilst to the north and west is post and rail fencing. It was noted that there was a field access point adjacent to Oak Cottage, which allows access into the paddock. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

Outline planning permission with all matters reserved apart from access and layout is sought to erect two detached dwellinghouses at land adjacent to Monks Lane, Hankelow.

RELEVANT HISTORY

7/11849 – One Detached Dwelling – Refused – 11th April 1985

7/10542 – One Dwelling – Approved with Conditions – 8th December 1983

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

TRAN.9 (Car Parking Standards)

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

RES.5 (Housing in the Open Countryside)

Other Material Considerations

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS7 (Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

CONSIDERATIONS (External to Planning)

Highways:

Pre application advice was given regarding the location of the proposed access, position of gates and length of required visibility splays.

Before the highways authority can make any further comments, a scale drawing must be provided addressing the above.

VIEWS OF THE PARISH / TOWN COUNCIL

No objections subject to the following comments:

- The development is outside the current settlement boundary;
- The Site can be seen from a public road; and

- Although the application site is outside the village settlement boundary, Monks Lane has been progressively infilled over the past 50 years. The proposed planning application seems a logical extension of the building line and the initial scoping suggests the architects have taken note of the likely impact by height and space intrusion.

OTHER REPRESENTATIONS

No representations received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
A letter from Land Registry

OFFICER APPRAISAL

Main Issues

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape.

Principle of Development.

The site is located wholly within the open countryside, local plan policy NE.2 explains that there is a presumption against development unless it is essential for the purposes of agriculture, forestry, outdoor recreation or other uses or works appropriate within a rural area. Proposals for new residential development within the open countryside comprising of one or two dwellings may be appropriate where there is an opportunity to infill a small gap within an otherwise built up frontage.

National Planning Policy (PPS 3: Housing) states that most additional housing development should be concentrated in urban areas and that the Planning Authority should facilitate for the efficient use of brownfield land to minimise the amount of greenfield land being taken for new development. According to the applicants agent the site was previously used as a paddock and is therefore regarded as being Greenfield. The agent goes on to state that the application site is no longer required by the applicant as a paddock. Therefore given its location the proposal would also assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. In any event, the information given in PPS 3 is only guidance and 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 could be considered acceptable, subject to the matters discussed below.

PPS7 states that Local Planning Authorities should strictly control new house building (including single dwellings) in the open countryside, away from established settlements or from areas allocated for housing in development plans. Isolated new dwellings within the countryside will require special justification for planning permission to be granted. Exceptions can include agricultural workers dwellings, rural exception sites, barn conversions and infilling. As no special justification for the dwelling has been put forward, the proposals would need to satisfy the infill criteria.

Assessment against Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside)

Development along this stretch of Monks Lane is characterised by ribbon development and is of a scattered and sporadic nature. In addition there are varying styles of house types which have been erected in the 1960's/70's and many older cottages. The application site is approximately 60m in width. Although the Local Plan does not define what constitutes a 'small gap', the question has been considered on many occasions by Inspectors at Appeal. In a decision relating to a property known as Esteete, like Monks Lane, the neighbouring properties were set in relatively large plots, and a single dwelling was proposed within a gap of 46m in width between Esteete and the adjoining dwelling, known as Hollies. At paragraph 5 the Inspector says there are *'significant separation distances between the properties which, in my opinion, give rise to a sporadic pattern of development rather than a cohesive group of dwellings'*. Furthermore, Members may recall that the recent refusal of an application for three properties at 202 Crew Road, Haslington (11/4228N). This proposal was also located wholly within the open countryside. Whilst, it is acknowledged that this application was for the erection of 3 no. properties (one of them was considered to be a replacement house). In relation to this application, it was considered due to the size of the gap of approximately 45m did not constitute the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

There are a number of similarities with the current application and the cases cited above. Whilst it is noted that Oak Cottage has a wide frontage (approximately 53m), which is located to the north of the application and Abbots Lodge has a smaller site frontage (approximately 30m) and other residential properties to the south have even smaller site frontages, namely Eastways (22m) and Willow Bank (20.5m). Approval would extend development on the southern side of Monks Lane into the open countryside. The remainder of the frontage would not be considered 'an otherwise built-up frontage' due to the separation distances between Oak Cottage and Abbots Lodge. Therefore, this section of Monks Lane is not read as a continuous cohesive group and therefore does not qualify as infilling of an existing gap in an otherwise built up frontage.

Living conditions

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The Councils adopted Supplementary Planning Document relating to development on backland and garden sites states that minimum distances of 21m and 13m should be maintained between two principal elevations and a principal and flank elevation respectively. There is no minimum separation distance between 2 flank elevations.

It is considered that the redevelopment of the site for housing is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants and in this respect Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The neighbouring property to the north of the application known as Oak Cottage is at a slight angle in relation to the proposed dwellinghouses shown on the indicative plan. Oak Cottage is a two storey detached dwellinghouse located within a large residential curtilage. There is a distance in excess of 25m separating the properties. Consequently, it is considered that the separation distances, orientation of the properties and boundary treatment will help to mitigate any negative externalities caused by the proposed development.

Located to the south of the application is a detached bungalow (Abbots Lodge), which is also set within a large residential curtilage. According to the indicative plans there is a distance in excess of 9m separating the gables of the two properties. The boundary treatment separating the two properties comprises a hedgerow and it was noted that there were no windows in the gable of Abbots Lodge overlooking the application site. Overall, it is considered the boundary treatment, separation distances and orientation of the properties will help to alleviate any problems associated with the proposal. It is considered that the proposal will not result in any over shadowing, loss of privacy or have an overbearing impact on the residential amenities of the occupiers of Abbots Lodge. Overall, it is considered that the proposal complies with policy BE.1 (Amenity).

Design Standards

PPS1 and PPS3 support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

The collection of dwellings around the application site have been constructed over approximately the last 120 years and provide an eclectic mix of architectural styles, forms and differing scales of dwellings. The application site is a rectangular parcel of land located in between residential plots to the north and south. According to the indicative layout plan the proposed dwellings will be located centrally within the plot and will front directly on to Monks Lane. The proposal will be accessed via an existing field access point, which is located adjacent to Oak Cottage and this shared driveway will serve both properties.

According to the illustrative plans the footprint of the proposed dwellinghouses are roughly 'L shaped' and measures approximately 14m wide by 12m deep (at the widest points). The proposed dwellinghouses are located well off the boundaries. Even though this is an outline application with all matters reserved apart from access and layout. It is noted that the property to the north of the application site was two storeys high, whilst the property to the south was a bungalow. It is felt that it is prudent to attach a condition stipulating that the proposed dwelling shall not exceed two storeys in height. In addition, located to the north of the proposed dwelling is a detached double garage. Overall, it is considered that the proposal as shown on the illustrative plan will not appear overly conspicuous (as conditioned) and will not have a detrimental impact on the character and appearance of the streetscene and is in accord with advice advocated in policy BE.2 (Design Standards) and PPS 1: Delivering Sustainable Development.

Flood Risk

The applicant has submitted a letter from Land registry that the application site does not fall within a floodplain and is more than 500m from the nearest floodplain.

Highways and Access

The proposal involves using the existing single point of access in order to serve the 2 proposed dwellings via a private drive. Such shared access arrangements are generally considered to be acceptable for small developments such as this. Minimising the number of points of access is beneficial to highway safety and it is not considered that the proposal for two additional dwellings would raise any significant concerns in respect of traffic generation. Adequate parking and turning space for the occupant's vehicles would be provided within the site and therefore the proposal would not result in any additional on-road parking which would be to the inconvenience of other residents or the detriment of highway safety. Colleagues in Highways have requested that a scale drawing be submitted regarding the proposed location of the access point, position of the gates and visibility splays. This information has been requested from the applicants agent, but at the time of writing this report had not been received. Members will be updated when this information has been received. The failure to provide this information may result in a second reason to refuse the application.

Drainage

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 satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimick natural drainage patterns.

Landscaping

This matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

Impact on Hedgerow

According to the submitted plans and when the case officer conducted his site visit he noted that there was a mature native hedgerow which fronts onto Monks Lane. In order to improve access into the application site a small section of the hedgerow will have to be removed. However, the remainder of the hedgerow is to remain in situ and this will be conditioned accordingly, if planning permission is to be approved.

Ecology

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

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

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

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

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 reasonably be 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.”*

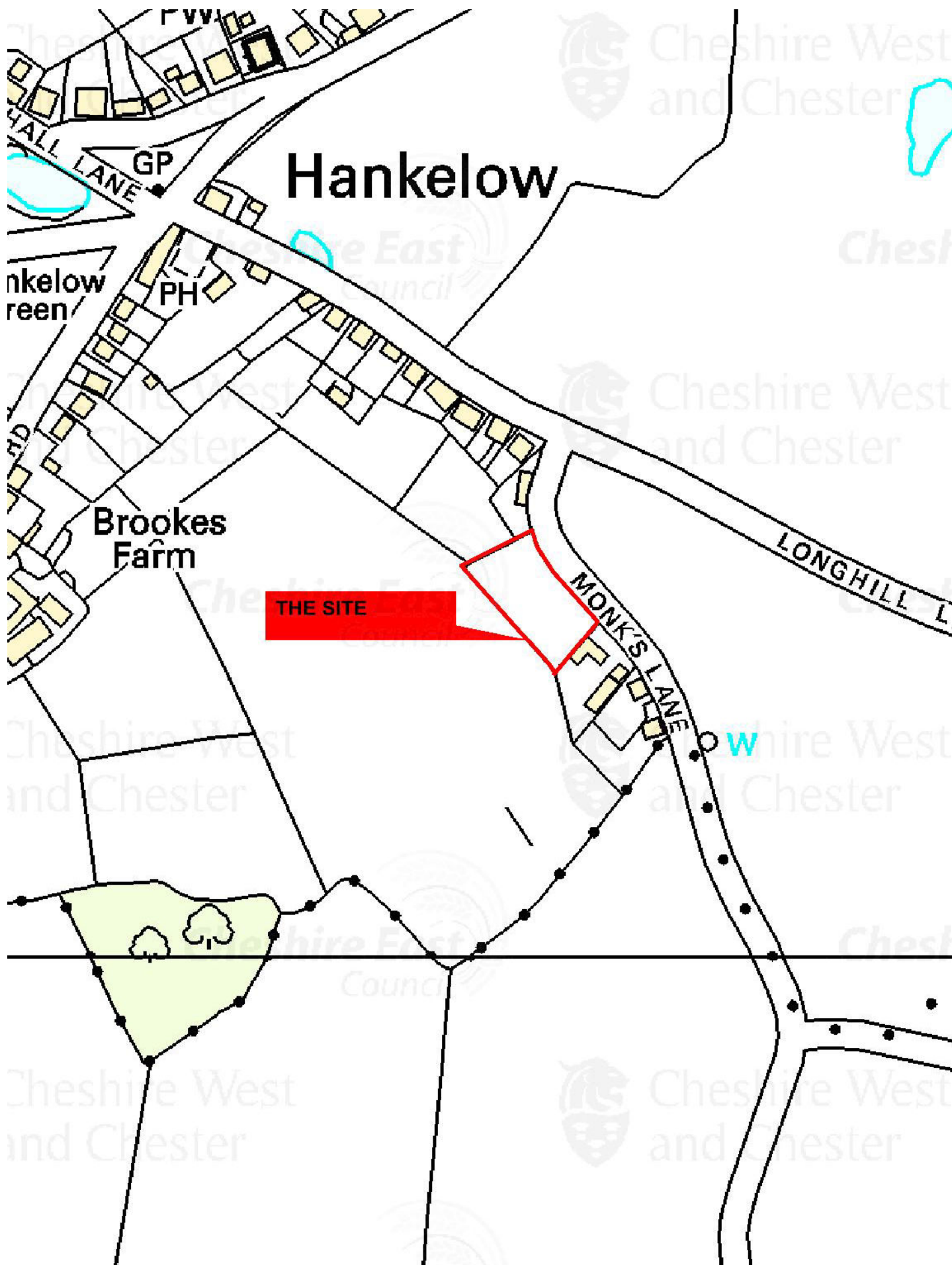
The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case there is no protected species survey submitted with the application. However, there are no known ponds to be within close proximity of the site. Therefore, the presence of Great Crested Newts is unlikely. It was noted that the boundary to the front of the site comprised mature native hedgerow, which according to the submitted plans will be retained. It is considered prudent if the application is to be approved a condition stipulating building works to take place outside of the bird breeding season, unless the hedgerow is inspected by prior to the commencement of works by a suitably qualified and experienced ecologist. The Councils ecologist has been consulted and raises no objection and as such the proposal complies with policy NE.9 (Protected Species) and PPS 9 (Biodiversity and Geological Conservation).

CONCLUSIONS AND REASON(S) FOR THE DECISION

Refuse

The Local Planning Authority considers that the proposed dwellinghouses are an unacceptable form of development due to their location within an area of open countryside where there is strict control over new residential development. The development is not considered to fulfil the criteria for infill development and no evidence of need has been made to justify an exception to policy to warrant this intrusion into the open countryside. The proposals would therefore be contrary to policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.



This page is intentionally left blank

Application No: 11/4598C

Location: 3, SHORTHORN CLOSE, MIDDLEWICH, CW10 9GF

Proposal: Double Storey Side Extension

Applicant: Mrs J Van-Korgen

Expiry Date: 03-Feb-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle

Design

Amenity

Parking Provision

REASON FOR REFERRAL:

The application has been 'called in' to Southern Planning Committee by Cllr Paul Edwards for the following reasons:

- 1. Impact on neighbourhood amenity*
- 2. Not in keeping with the immediate area in which it is situated*

DESCRIPTION OF SITE AND CONTEXT

The application site is 3 Shorthorn Close which is a detached dwelling situated within the Middlewich Settlement Zone Line, as defined by the Congleton Borough Local Plan First Review 2005. The surrounding land use is predominantly residential.

DETAILS OF PROPOSAL

The application seeks planning permission for a double storey side extension with dormer windows. This would measure 5.260 metres wide with a height of 2.6 metres to eaves level and 6.9 metres to the ridge.

POLICIES

Regional Spatial Strategy (NW)

DP7 Promote Environmental Quality

Congleton Borough Local Plan First Review

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health)

GR9 (Accessibility, Servicing and Parking Provision)

Other Material Considerations

PPS1 Delivering Sustainable Development

VIEWS OF MIDDLEWICH TOWN COUNCIL

The Town Council recommends refusal on the following basis:

- (i) The development would have a detrimental impact upon neighbouring amenity by reason of size and height
- (ii) The scale of the extension is not in-keeping with surrounding properties.

OTHER REPRESENTATIONS

Two objections have been received in relation to the application. These are from 8 Longhorn Close and 12 Shorthorn Close. In summary the issues raised relate to the following:

- Parking – The owner has 2 No cars and a caravan and regularly blocks the turning space. The proposed extension removes the parking space allotted and the proposed parking area will not accommodate the existing vehicles. 6 bedrooms will attract further vehicles.
- Reduction of light to 8 Longhorn Close and change of outlook from the house. The proposal would make their property less desirable should they wish to sell.

OFFICER APPRAISAL

Principle of Development

The application site is situated within the settlement boundary where the principle of householder development is accepted, subject to compliance with Local Plan policies GR1 (New Development), GR2 (Design) and GR6 (Amenity and Health). These policies seek to ensure, amongst other things, that proposals are appropriate in design terms and have an acceptable impact on neighbouring amenity.

Design

The application seeks a double storey extension to the side of the property which would provide an integral double garage, 2No bedrooms and a shared bathroom. The proposal also includes dormer windows to the front and rear. The extension would be set back from the front elevation of the main dwelling, would have a reduced height and would therefore appear as a subordinate addition. In design terms however, it is considered that the main issue relates to the size of the dormer windows to the front and rear which detracts from the proposal and the streetscene generally. As such negotiations have been held with the applicant to reduce the size of the dormer windows and to have 2No smaller pitched dormers to both the front and the rear. The Local Planning Authority is currently awaiting the amended scheme and an update will be provided to the Southern Planning Committee.

Amenity

The application proposes a double storey extension to the side of the property and would project beyond the rear elevation of the original dwellinghouse, following the footprint of the existing garage. Bedroom accommodation would be provided within the roof-space of the extension and would incorporate dormer windows. A key consideration is the impact of the proposal on the property sited directly to the rear of the proposed development, number 6 Longhorn Close. The plans show that number 6 Longhorn Close would be around 21 metres in distance from the proposal. SPG2 'Provision of Private Open Space in New Developments' advises that spacing of 21.3 metres should be achieved between directly facing dwellings. Whilst the proposal does fall slightly short of this figure, it is not considered that this would result in an unduly detrimental impact on this property by reason of over-looking or loss of privacy.

An objection has been received from neighbouring property number 8 Longhorn Close with reference to the size of the proposed extension, loss of light, change of outlook and views, and reduction in the desirability of the property. The proposal would not be directly facing number 8 Longhorn Close as it is offset and also around 20 metres in distance. In this regard it is considered that the extension would be located at a sufficient distance so as not to result in any significant loss of light issues. Whilst the proposal would be visible from the rear gardens of these aforementioned properties, the proposal would not be oppressive or visually intrusive.

In amenity terms the proposal would not result in any unduly detrimental impact to neighbouring properties and is therefore in accordance with Local Plan policy GR6 (Amenity and Health).

Parking

The proposal would retain 2No parking spaces with the integral double garage proposed. An additional 2No parking spaces would be provided within the curtilage of the dwelling. A total of 4No parking spaces would be provided which would be sufficient for the size of the dwelling (5 bedrooms). The proposal would comply with Local Plan policy GR9 (Accessibility, Servicing and Parking Provision).

Any issues associated with indiscriminate parking within the adopted highway is covered by separate legislation and enforced by the Police.

Other Matters

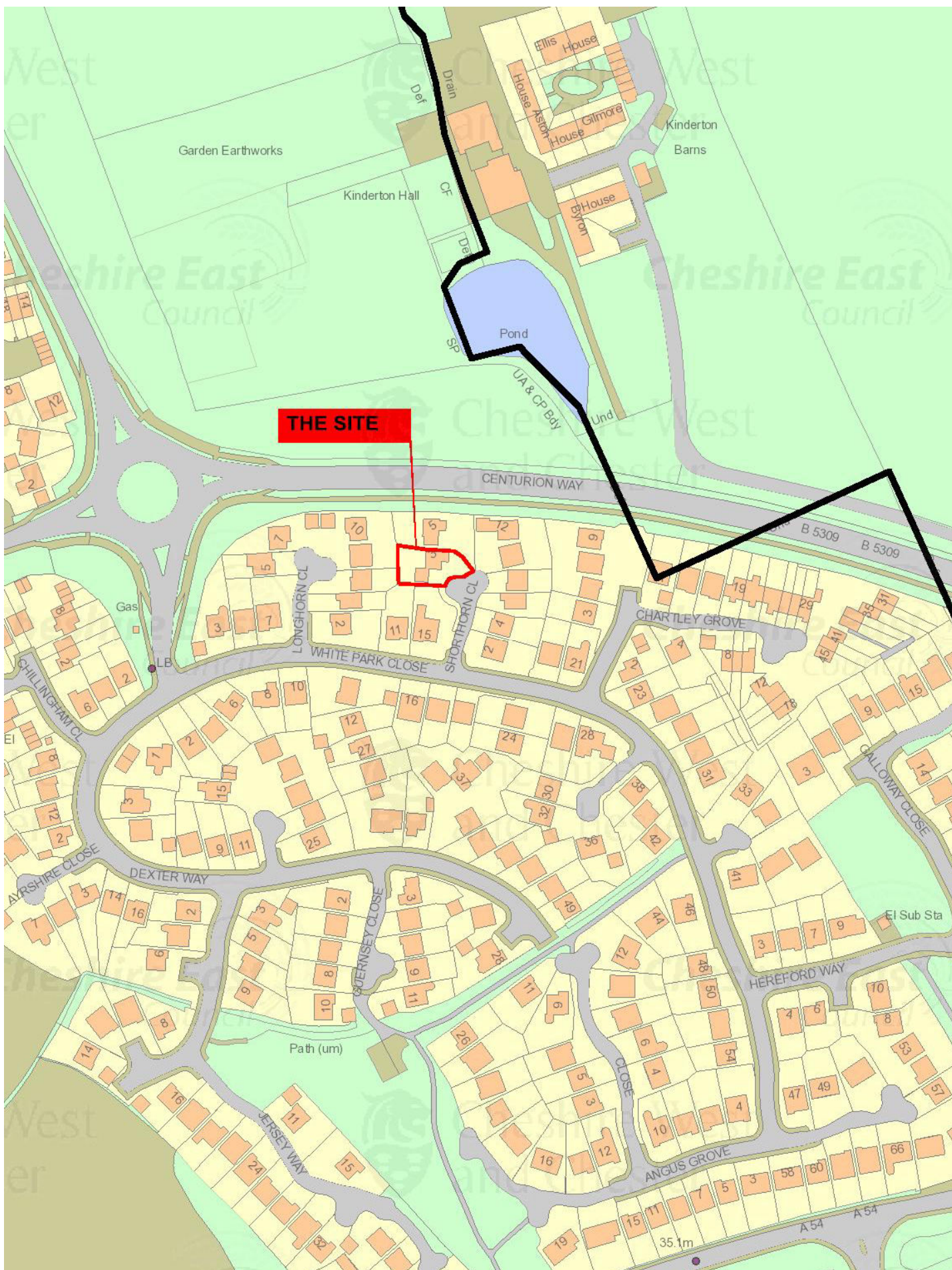
Whilst the desirability of neighbouring properties has been raised in objection, loss of value of properties is not a planning consideration.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal would not be unduly detrimental to neighbouring residential amenity by reason of overlooking, visual intrusion or loss of light. Sufficient parking provision for 4No vehicles would be retained within the curtilage of the dwellinghouse. With regard to design, amended plans have been requested and an update will be provided to the Southern Planning Committee in this respect.

Recommendation: Approve subject to satisfaction of amended plans overcoming design issues; and subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Materials to Match host Dwelling



This page is intentionally left blank