

Southern Planning Committee

Agenda

Date:	Wednesday, 27th June, 2012
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ PLEASE NOTE CHANGE OF VENUE

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

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

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

To approve the minutes of the meeting held on 6 June 2012.

4. Public Speaking

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

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

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

5. **12/0650N Land South of Meadow Rise, Holmshaw Lane, Haslington: A new single-storey dwelling for Mr & Mrs J Coupland** (Pages 15 - 22)

To consider the above planning application.

6. **12/0804C Silver Birches, Croxton Lane, Middlewich, Cheshire CW10 9EZ: Extension to Time Limit of Outline Application 08/1800/OUT for proposed demolition of an existing dwelling and former nursery buildings and the erection of up to 12 no. residential units with means of access for Mr & Mrs Hough** (Pages 23 - 30)

To consider the above planning application.

7. **12/0871C 7, Withington Close, Sandbach CW11 1YU: Extension to Time Limit for Implementation of Planning Application 09/0905C - Extension to Provide Enlarged Kitchen, Lounge, Bedrooms 1, 2, 3, & 4, New Dining Room and Porch for Mr Peter O'Donnell** (Pages 31 - 36)

To consider the above planning application.

8. **12/1346N Magpie House, 57, Earle Street, Crewe CW1 2AS: Change of Use from A2 Office and Subdivision to Form 16 Self Contained Bed-Sitting Rooms for Mr K Vickers, Crimewatch Securities** (Pages 37 - 44)

To consider the above planning application.

9. **12/1349N Hunsterson Fisheries, Land Off Birchall Moss Lane, Hunsterson, Nantwich, Cheshire CW5 7PH: Proposed Fishermans Retreat Building for Mr F Strickland** (Pages 45 - 50)

To consider the above planning application.

10. **12/1456N Land Off Beswick Drive, Crewe: A 5,550sqm student accommodation facility consisting of two accommodation blocks with associated car parking, access and landscaping for David Smythe, Swansway Garages Group** (Pages 51 - 62)

To consider the above planning application.

11. **12/1730N Municipal Buildings, Earle Street, Crewe, Cheshire CW1 2BJ: To provide access to the principal elevation of the Municipal Building by re-grading the external path and integrating a Sesame access lift to the internal flight of steps. Refurbishment and minor alterations to the front range of ground floor suite of rooms to incorporate the registrations department. The internal refurbishment work includes redecoration to all the front range of ground floor rooms and reconfiguration to allow** (Pages 63 - 70)

To consider the above planning application.

12. **12/1780N Rose Hall, Dairy Lane, Aston Juxta Mondrum, Nantwich CW5 6DS: Two Storey Extension to form residential annex for Mrs A McAlpine** (Pages 71 - 78)

To consider the above planning application.

13. **12/1798C 21, Shearbrook Lane, Goostrey CW4 8PR: First Floor Extension to Existing Property and Two Storey Side Extension for Mr J Cartwright** (Pages 79 - 86)

To consider the above planning application.

14. **Proposed Deed of Variation to the Section 106 Agreement in respect of Application 09/4240C** (Pages 87 - 90)

To consider a proposed Deed of Variation to the Section 106 Agreement in respect of application 09/4240C, to allow for a reduction in the number of affordable units at Marsh Farm, Newcastle Road, Congleton.

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, 6th June, 2012 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and J Wray

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
Chris Hudson (Principal Forestry and Arboricultural Officer) (for Item 18 only)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors M J Weatherill, L Gilbert, P Groves and D Marren

1 DECLARATIONS OF INTEREST

Councillor P Butterill declared a personal interest in respect of application numbers 12/1488N and 12/1201N, on the grounds that she was a member of Nantwich Town Council, which had been consulted on the proposed developments, and a member of Nantwich Civic Society. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor D Newton declared that in calling-in application number 12/1454N he appeared to express an opinion and had therefore fettered his discretion. Councillor Newton exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Councillor M Martin declared that she had been unable to keep an open mind with respect to application number 12/1454N and had therefore fettered her discretion. Councillor Martin exercised her separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

All Members of the Committee declared that they had received correspondence regarding application number 12/0763C.

Rachel Goddard declared a personal and prejudicial interest in respect of application number 12/1073N on the grounds that she knew the applicant. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.

Julie Zientek declared a personal and prejudicial interest in respect of application number 12/1488N on the grounds that she knew one of the objectors. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.

2 MINUTES OF PREVIOUS MEETING

RESOLVED – That, subject to the following amendments to minute 197, the minutes of the meeting held on 9 May 2012 be approved as a correct record and signed by the Chairman:

- (a) That condition 20 be amended to read: 'Swimming Pool – domestic, not commercial, use only'
- (b) That condition 25 be amended to read: 'The business shall be limited to a renewable energy office and no other use within class B1.'

3 12/0971C LAND ON THE SOUTH SIDE OF DRAGONS LANE, DRAGONS LANE, MOSTON, SANDBACH, CHESHIRE CW11 3QB: THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 4 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOMS ANCILLARY TO THAT USE FOR MARTIN SMITH

Note: Councillor J Wray (Ward Councillor), Councillor W Scragg (on behalf of Moston Parish Council), Mr D Wright (on behalf of Action Moston) and Mr A Holder (objector) attended the meeting and addressed the Committee on this matter.

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

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

The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within the National Planning Policy Framework and Planning Policy for Traveller Sites.

**4 12/0316N SITE OF BRISTOL STREET MOTORS, MACON WAY,
CREWE: PROPOSED NEW BUILD, NON-FOOD RETAIL UNIT, UP TO
3715 SQ.M (USE CLASS A1), INCLUDING ACCESS AND ASSOCIATED
INFRASTRUCTURE FOR MACONSTONE LTD**

Note: Mr S Bratt (objector) attended the meeting and addressed the Committee on this matter.

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

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

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

- (a) the satisfactory completion of a Section 106 Agreement to secure £40,000 for traffic management improvements in the local area
- (b) the following conditions:
 - 1. Commencement of Development
 - 2. Reserved Matters
 - 3. Plans
 - 4. Details of Materials to be submitted and approved in writing
 - 5. Details of Surfacing Materials to be submitted and approved in writing
 - 6. Details of any external lighting to be submitted and approved in writing
 - 7. Landscaping to be submitted
 - 8. Landscaping Implemented
 - 9. Details of secured covered cycle parking to be submitted and approved in writing
 - 10. Details of bin storage areas to be submitted and approved in writing
 - 11. Details of boundary treatment to be submitted and approved in writing
 - 12. Restrict the Use of Unit to A1
 - 13. Restrict goods sold
 - 14. Access to be formed in accordance with the approved plans
 - 15. Car parking and turning areas to be constructed and made available prior to the unit being occupied
 - 16. No subdivision of the building
 - 17. Pile foundations
 - 18. Restrict Retail Floor Space to 3715sqm
 - 19. Contaminated Land Report

20. Air Quality Assessment
21. Noise Control – Hours of Construction
22. Waste
23. Floor Floating
24. Hours of operation Mon-Sat 0800-2100 Sun 1100-1600
25. Travel Plan to be submitted and approved in writing
26. Details of Car Park Opening Times and closing/barriers to be submitted and approved
27. Oil Interceptors
28. Acoustic Enclosures
29. Accesses to be constructed in accordance with the submitted plans

(c) referral to the Secretary of State

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

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

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

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

RESOLVED – That the application be DEFERRED

- (a) for a Committee site inspection to enable Members to assess the impact of the development
- (b) for an expert assessment of the agricultural business plan

6 11/4002C LAND OFF JERSEY WAY, MIDDLEWICH, CHESHIRE: CONSTRUCTION OF 83 NO. PRIVATE RESIDENTIAL DWELLINGS TOGETHER WITH ASSOCIATED WORKS FOR C/O DAVID MAJOR (STEWART MILNE HOMES NW), RUSSELL HOMES & STEWART MILNE HOMES

Note: Councillor J Clowes joined the meeting prior to consideration of this item.

Note: Ms A Freeman (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

The Southern Area Manager – Development Management reported that the application was for 83 dwellings, not 77 as stated in the report, and confirmed that the application had been assessed in accordance with the National Planning Policy Framework, despite references to old policies in the report.

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

- (a) the satisfactory completion of a Section 106 Agreement comprising the following:
- Provision of 23% affordable housing (19 no. units comprising of 12no. two bedroom apartments, 4no. three bedroom houses and 3no. two bedroom) split on the basis of 63% social rent (12 units) and 37% intermediate tenure (7 units) as per requirements of the Interim Planning Statement;
 - Provision for a management company to maintain the onsite amenity space;
 - Submission of a method statement and drawing(s) to show how the allotments will be constructed and the provision of a management company to maintain them;
 - The developer will provide a contributory sum to the upgrade of existing estate footway links and the approaches to the Puffin crossing on the A54 Holmes Chapel Road. The sum of money is estimated at £7500 for the high friction surface and £10000 for upgrades to connecting footways and provision of a small amount of lighting. The total sum will be £17500;
 - The developer will provide a sum of £12,500 for the upgrade of two local bus stops to quality partnership facilities;
 - A commuted sum payment of £106,635 to enhance and maintain the LEAP facility at Angus Grove and to enhance and maintain the capacity of existing amenity greenspace;
 - A plan to show pepper potting of the affordable housing; and
 - Phasing to ensure all affordable housing is constructed and transferred to a Registered Provider (where applicable) before 50% of the market housing is occupied.
- (b) the following conditions:
1. Standard Time Limit
 2. Plan References
 3. Materials to be submitted and approved by the Local Planning Authority
 4. Details of the surfacing materials to be submitted and approved in writing by the Local Planning Authority
 5. Boundary treatment details to be submitted and approved in writing by the Local Planning Authority
 6. Details of a Landscaping scheme to be submitted and approved in writing by the Local Planning Authority

7. The approved landscaping scheme to be implemented.
8. Breeding birds surveys if any works are undertaken between 1st March and 31st August in any year.
9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including house sparrow and swifts. Such proposals to be agreed by the LPA.
10. Remove PD Rights for extensions and alterations to the approved dwellings
11. Drainage scheme to be submitted and approved in writing by the Local Planning Authority
12. All services to be located underground, unless otherwise agreed in writing with the Local Planning Authority
13. Parking to be made available prior to occupation
14. Construction management plan to be submitted and approved in writing prior to the commencement of development
15. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (to consist of excavation, recording, reporting, and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
16. Submission/approval/implementation of external Lighting
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Campbell Reith Hill
18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
19. Details of the Footpath connection to Holmes Chapel Road to be submitted and agreed in writing. Footpath to be constructed prior to the first occupation of the dwellings, unless otherwise agreed in writing
20. All Windows/Doors in the development hereby approved to be set behind a 55mm reveal
21. Scheme for Water Course Protection
22. Eco Homes 'Very Good Standard' or 2 Star Code for Sustainable Homes
23. Hours of construction:
Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1400 hours
Sundays and Bank Holidays Nil
24. Pile Foundations
Monday to Friday 0830 to 1730 hours
Saturday 0830 to 1300 hours

Sundays and Bank Holidays Nil

25. The development to be constructed in accordance with Hepworth Acoustics Noise and Vibration Consultants report received by the Local Planning Authority on 13th March 2012
26. Prior to the commencement of development details of the Acoustic Fencing to plots 19 to 22 and plot 26 shall be submitted to and approved in writing by the LPA

7 12/1454N LAND OFF STONELEY ROAD, CREWE: PROPOSED TELECOMMUNICATIONS BASE STATION COMPRISING 15M HIGH SLIM COLUMN, ASSOCIATED ANTENNAS, 2NO. 300MM DIAMETER DISH ANTENNAS, 1NO. EQUIPMENT CABINET AND ASSOCIATED LANDSCAPING AND ANCILLARY DEVELOPMENT FOR VODAFONE LTD

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

Note: Councillors P Butterill and S Davies left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

Note: Having exercised their separate speaking rights as Ward Councillors, Councillors M Martin and D Newton withdrew from the meeting during consideration of this item.

Note: Mr J Scott (on behalf of the applicant) had registered his intention to address the Committee on this matter but he had left the meeting by the time this item was considered.

The Committee considered a report regarding the above planning application, a written update 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 proposed telecommunications mast by virtue of its height and siting would be visually obtrusive and result in a significant impact upon visual amenity within the locality. It is therefore considered that the development is contrary to Policy NE.18 (Telecommunications Development) of the Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

8 12/1310N SOUTH VIEW EQUESTRIAN CENTRE, WINSFORD ROAD, WETTENHALL, CHESHIRE CW7 4DL: APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE OR OPERATION OR ACTIVITY INCLUDING THOSE IN BREACH OF A PLANNING CONDITION FOR MR CHARLES BRITTON

Note: Councillors A Kolker and M Martin left the meeting prior to consideration of this application.

Note: A statement from Councillor M Jones was read out by the Principal Planning Officer.

Note: Mr M Moss (objector) and Mr S Goodwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above application, which sought confirmation from the Local Planning Authority that three conditions attached to permission 7/15644 (use as an equestrian centre) had been breached continuously for a period of 10 years.

The Head of Development had delegated authority with respect to such applications, which were determined on the basis of factual information. However, Councillor M Jones had requested that Members of the Southern Planning Committee be given an opportunity to comment on the application.

RESOLVED – That the report be noted and that the Planning Officer submit Committee Members' comments to the Head of Development by the deadline of 22 June 2012.

9 12/0874C FIRLANDS, 36, BLACK FIRS LANE, SOMERFORD, CONGLETON CW12 4QQ: OUTLINE APPLICATION FOR THE ERECTION OF 2NO. DETACHED 2 - 2.5 STOREY RESIDENTIAL DWELLINGS WITH GARAGES FOR G JACKSON

Note: Councillor S Davies left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

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

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

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

1. The reserved matters shall be submitted prior to the commencement of development
 2. The reserved matters shall be submitted within 3 years
 3. Development shall commence within 2 years of approval of reserved matters
 4. The reserved matters shall include measures for retention of trees shown as protected and retained in accordance with submitted Tree Survey
 5. No tree works until approved tree protection measures are in place
 6. Tree Protection measures
 7. Development to be carried out in accordance with approved tree protection measures
 8. Construction hours limited (inc piling)
 9. Removal of Permitted Development for extensions and outbuildings (Classes A-E)
- 10 **12/0864C LAND ADJ BARLEY ORCHARD, 42, BLACK FIRS LANE, SOMERFORD, CONGLETON CW12 4QQ: PROPOSED DETACHED HOUSE AND GARAGE (OUTLINE) FOR DANIEL TAYLOR LIMITED**

Note: Councillor R Cartlidge left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

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

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

1. The reserved matters shall be submitted prior to the commencement of development
 2. The reserved matters shall be submitted within 3 years
 3. Development shall commence within 2 years of approval of reserved matters
 4. Access plan to be submitted
 5. Construction hours limited (inc piling)
 6. Removal of Permitted Development for extensions and outbuildings (Classes A-E)
- 11 **12/0763C IVANHOE, HOLMES CHAPEL ROAD, BRERETON, CONGLETON CW12 4SP: DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF 11NO. RESIDENTIAL DWELLINGS (INC 3NO. AFFORDABLE UNITS) ALONG WITH THE CREATION OF A NEW ACCESS FOR BLOOR HOMES (NORTH WEST) LTD**

Note: Councillor J Wray (Ward Councillor), Councillor R Coulson (on behalf of Brereton cum Smethwick Parish Council) and Mr A Lindsay (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, for the reasons set out in the report, the application be APPROVED subject to the prior completion of a Section 106 agreement to secure:

- Affordable Housing comprising 2 social rented units and 1 shared ownership unit.
- financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath
- financial contribution (£14822.66) towards the off-site enhancement and maintenance of community space at School Lane, Brereton Green
- ecological mitigation/maintenance

and the following conditions:

1. Standard
2. Plans
3. Materials to be submitted and approved
4. Obscured glazing to first floor windows in flank elevations of Plot 1 and Plot 7
5. Submission of contaminated land investigation
6. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
7. Details of the method, timing and duration of any pile driving operations to be submitted and approved
8. Landscaping to be submitted and approved (including provision for the gapping up with native species of the hedge on the southern boundary)
9. Implementation of landscaping
10. Implementation of boundary treatment
11. Provision of car parking
12. Construction of access
13. Scheme of tree / hedge protection
14. No works within protected area
15. Updated protected species survey to be undertaken prior to the commencement of development
16. Protection of breeding birds.
17. Provision of features for use by nesting birds

12 11/4548N LAND SOUTH OF NEWCASTLE ROAD, HOUGH: OUTLINE APPLICATION FOR DEVELOPMENT OF FOURTEEN 3 & 4 BED SEMI-DETACHED AFFORDABLE HOUSES FOR MR T BARTLAM

The Chairman reported that this application had been withdrawn by the applicant.

13 12/1488N LAND OFF MARSH LANE, NANTWICH, CHESHIRE CW5 5LD: RESERVED MATTER PLANNING APPLICATION RELATING TO OUTLINE PERMISSION P05/0121 FOR THE ERECTION OF 13NO. DETACHED DWELLINGS, PARKING AND AMENITY SPACE; AND THE RETENTION OF PUBLIC OPEN SPACE/CHILDRENS PLAYGROUND FOR ELAN REAL ESTATE LTD & BRITISH WATERWAYS

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

Note: Mr D Hinde (objector) and Mr P Darwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. Time (Standard)
2. Plans
3. Materials as per application
4. Hours of construction
5. PD Removal (A to D)
6. PD Removal (Garage conversions)
7. Obscure glazing (kitchen windows on plot 4)
8. Landscaping (Implementation)
9. Tree protection implementation
10. Boundary treatment
11. External Lighting
12. Structural stability of canal bank in accordance with survey
13. Site to be drained on a separate system
14. Development in accordance with Extended Habitat survey
15. Nesting birds
16. Breeding birds
17. Construction Management Plan

and the following informatives:

1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building

Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

2. The Council's Public Rights of Way Team would like to remind you of your obligations with regards to the public right of way.
 - a) No building materials must be stored on the right of way
 - b) Vehicle movements must be arranged so as not to interfere with the public's use of the way
 - c) The safety of members of the public using the right of way must be ensured at all times
 - d) No additional barriers (e.g. gates) are to be placed across the right of way
 - e) There must be no diminution in the width of the right of way available for use by members of the public
 - f) No damage or alteration must be caused to the surface of the right of way
 - g) Wildlife mitigation fencing must not be placed across the right of way

**14 12/1201N 26, WELSH ROW, NANTWICH, CHESHIRE CW5 5ED:
APPLICATION FOR EXTENSION TO TIME ON P07/0463 FOR ELEVEN
HOTEL BEDROOM SUITES AND CAR PARKING FOR P SCHOFIELD,
SCHOFIELD BROTHERS**

Note: Mrs P Simpson (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, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard time
2. Approved plans
3. Materials to match existing dwelling
4. First floor windows to west elevation obscure glazed and fixed
5. Scheme of Landscaping for forecourt facing Cross Wood Street
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in first season prior to occupation or completion
7. Southern boundary fencing to be approved before occupation
8. Vehicular access to be approved prior to commencement of development
9. Permitted Development rights removed

10. Drainage system to be approved prior to commencement of development
11. Programme of archaeological work to be agreed prior to commencement of development
12. Construction Management Plan

15 PROPOSED DEED OF VARIATION TO THE SECTION 106 AGREEMENT IN RESPECT OF APPLICATION 09/4240C

The Southern Area Manager – Development Management, in his introductory remarks, reported to the Committee that further discussion was required with housing officers and invited the Committee to defer consideration of this item.

RESOLVED – That, for the reasons set out above, the application be DEFERRED to allow further discussion with housing officers.

16 TREE PRESERVATION ORDER AT MANOR LODGE, MANOR COURT CREWE CW2 6PG

Note: Councillor D Newton left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

Note: Dr M Swords (objector) and Mr D Allman (supporter) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above tree preservation order, a written update and an oral report of the site inspection.

RESOLVED – That, for the reasons set out in the report, the Cheshire East Borough Council (Crewe – Manor Lodge, Manor Court) Tree Preservation Order 2012 be confirmed subject to the modification of the plan and First Schedule to exclude the Yew tree from Group G3 and amending the situation of T2 within the First Schedule of the Order from No.14 to No.214 Manor Way.

The meeting commenced at 2.00 pm and concluded at 6.50 pm

Councillor G Merry (Chairman)

This page is intentionally left blank

Application No: 12/0650N
Location: LAND SOUTH OF MEADOW RISE, HOLMSHAW LANE, HASLINGTON
Proposal: A New single-storey dwelling
Applicant: MR & MRS J COUPLAND
Expiry Date: 09-Apr-2012

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Principle of the Development
- Amenity
- Design and Scale

REASON FOR REFERRAL

The application was called in to Southern Planning Committee by Councillor John Hammond on the following grounds:

“Should the officer recommendation be for refusal then Haslington Parish Council has requested that the application be determined by Committee as it is considered that an exception should be made to Policy NE2 of the Crewe & Nantwich Replacement Local Plan 2011 as any objections are outweighed by the specific personal circumstances associated with the applicants and the long term care plans for their disabled daughter.”

The application was deferred by committee in order that it could be established that Mr Coupland had the authority to release information relating to his daughters condition. This has now been provided.

DESCRIPTION AND SITE CONTEXT

This application relates to a plot of land on the western side of Holmshaw Lane, Haslington. To the north there are three residential properties including the one owned by the applicant. The site is designated as being within the open countryside in the adopted local plan.

DETAILS OF PROPOSAL

This proposal seeks full planning permission for a detached bungalow in what is currently a paddock with associated buildings. The dwelling would provide 3 bedrooms, 2 with en-suite and additional living accommodation including kitchen, studies and boot room.

The main justification for the application is that the dwelling would provide suitable living accommodation for the applicants, in particular for their disabled daughter.

RELEVANT HISTORY

11/3677N	2011	Withdrawn application for new dwelling
P02/1342	2003	Refusal for dwelling. Appeal dismissed

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

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

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Local Plan

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

RES.5 Housing in the Open Countryside

NE.2 Open Countryside

NE.3 Areas of Special County Value

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

CONSIDERATIONS

United Utilities:

Have not provided a response on this application but had no objections to the previous application that was withdrawn.

Environmental Protection:

Request conditions relating to contaminated land and hours of construction and piling.

Highways:

This development requires the reconstruction of the vehicular crossing to current specifications. The Strategic Highways Manager recommends that the following informative be attached to any permission which may be granted for the above development proposal:

Prior to first occupation the developer will enter into a Section 184 Agreement under the Highways Act 1980 and will reconstruct the existing vehicular access to current highway specifications.

VIEWS OF TOWN/PARISH COUNCIL

The application was discussed at the March meeting of Haslington Parish Council. The meeting agreed that Haslington Parish Council support the proposed development on the basis of providing appropriate accommodation for the applicant's disabled daughter with a development that would not appear to result in catastrophic damage to the specific area of open countryside, provided the following conditions can be applied to the development:

- * The covenants and restrictions proposed by the applicant are applied to development - specifically the unilateral undertaking included in the application and that the proposed bungalow will be used only by a person with disability and their carers
- * Safeguards are applied to the existing and proposed trees, hedges and other vegetation to retain the local characteristics of the open countryside.
- * Permitted development rights be removed

Request that Cllr John Hammond call in the application for a decision by the Southern Planning Committee requesting an exception be made to Policy NE2 given the specific circumstances of the applicants and the long term care plans for their disabled daughter.

OTHER REPRESENTATIONS

None received at the time of report writing.

APPLICANTS SUPPORTING INFORMATION

The applicant has submitted a letter which seeks to justify why he considers that there are very special circumstances that outweigh the harm that would result from the erection of a new dwelling in the open countryside. For completeness given the circumstances of the application this is detailed in full below:

*Further to the planning meeting of 18 April 2012 at which the above application was deferred, we submit the following information in **Best Interest** for your further consideration.*

The term (disability) being so comprehensive makes it is impossible to compare any individual, it is important in our view that members carefully consider the circumstances.

Since settling in Haslington we acquired the paddock (being the application site) over the years my daughter has developed a love for animals and has come to know that contrary to humans, her love and affection for them is returned unconditionally. Over the years we have taken on any number of animals and still do so.

Through her love for animals she has progressed to doing voluntary work at RSPCA cattery Stapley where she has work for eight years.

Planning permission is sought for a property which will meet the family and our daughters medium to long term care needs i.e. by moving to a property in the location which she has developed and progressed her love for animals over a period of some thirty years,

Alternative properties have been considered many times, however in doing so we are totally convinced the only feasible way forward, is to either stay in our current property or develop a new property for her future.

The proposal is for a Bungalow to be built as a Lifetime Home to Level 4 of the code for Sustainable Homes. Planning permission is sought for a property which will meet the family and our daughter's medium to long term needs

To care for persons with (ESN) there is a requirement to provide stability in their environment and surroundings which can be gained from living in this area for the majority of her life (31 years). As applicants, we want to provide a Lifetime Home and thus a bungalow built on our own land would not only cost effective but full fill all requirements.

Our existing dwellings has poor accesses and with the increase in traffic over later years on a single track lane is dangerous for us never mind someone with (ESN), the property is approx 69 years old and is a two storey house. The rooms and electrics are not to Part M standard and the house falls short on many of the Lifetime homes criteria. The house would require a large amount of building work and investment to be made to achieve both Lifetime Homes and Code 4. The final scheme which was reviewed as an option was a compromise on all fronts, spatial, sustainable, for Part M and not cost effect. The existing dwelling is a family home built many years ago when Building Regulations Part M, sustainability and lifetime living weren't thought about.

As applicants are viewing the proposed dwelling as a long term addition for disability living in this area so want to provide a house initially as a family and ultimately for our daughters future, and eternally for future residents with disabilities without discriminating against any type of disability.

Having been involved with young adults with Special Needs for many years, we having a full awareness of needs, in 1997 we founded a therapeutic workshop charity based in Crewe, Supported Community Business (Special Needs) and have worked tirelessly to maintain the service.

Should our application be successful the bungalow would go into our family trust so to secure the future for our daughter. While supporting our own we are also leaving a legacy which in future years will help others in the local community who need care whilst living in a rural setting and a lovely Cheshire community of Haslington.

*Whilst the proposed new dwelling might otherwise contravene policies NE.2 and RES.5 it is submitted that our particular circumstances and **specific** needs are **essential** providing suitable accommodation for the family now, in the medium and long term.*

We genuinely feel that we must make a move to prepare for the future in a very real and practical way, by creating a living space which mirrors our current family home as much as possible.

But also and importantly makes it fully accessible for us so that we can continue to provide the high level of specific and structured care and support.

If we as parents/ cares are better able to access our home then we are better able to provide continuing care in an environment in which she will thrive and continue to grow, developing her independence and social skills when we can no longer do so and the family take over.

We are only requesting one purposely designed dwelling for which all information has been forwarded along with Unilateral Agreement, yet I note that Cheshire East SHALA proposals have identify the site as being possibly capable for development of 11 Dwellings !!

Also included is a Unilateral Undertaking that would require that the dwelling, when no longer required for the applicants or their daughter, be disposed of to either a disabled person, a person or company who intend to hold the property on trust for a disabled person or a charitable organisation whose objective is the care of disabled persons.

OFFICER APPRAISAL

Principle of Development

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

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

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

The Appeal turned on whether the features of the dwelling proposed by the Appellants were "essential" or "desirable" for their disabled daughter. Having considered this issue the inspector determined that, having regard to grants and other assistance which were available to help the family to adapt a dwelling, the needs of the disabled person could be adequately met by an existing property.

The supporting information submitted with the application indicates that the applicant's daughter suffers from mixed anxiety / depression and moderate learning difficulties / disabilities rather than severe physical disabilities which would necessitate more major

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

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

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

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

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

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

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

Amenity

Having regard to the amenities of the neighbouring property, due to the siting of the proposed dwelling, it is not considered that there would be any significant adverse impact on the amenities of this dwelling. The proposal is therefore considered to be in compliance with Policy BE.1.

Design and Scale

This proposal is for 3 bedroom bungalow finished in traditional materials. It is considered that the design and scale of the buildings are appropriate in the context of the site. The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways and Parking

The proposal would provide adequate parking spaces for a property of this size and, due to the size of the turning area, vehicles would be able to enter and leave the site in a forward gear. The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

CONCLUSIONS

In conclusion, the site is within the open countryside and does not constitute a small gap in an otherwise built up frontage. It is not considered that there are sufficient special circumstances provided to render it an exception to Policies NE.2 and RES.5. The proposal is therefore not acceptable in principle and the application is recommended for refusal.

RECOMMENDATION: Refuse for the following reasons:

1. The proposal is for a new dwelling in the open countryside, which is contrary to the requirements of Policy RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the applicant has failed to demonstrate that there are very special circumstances that outweigh the requirements of this policy.
2. The proposal does not constitute the infilling of a small gap in an otherwise built up frontage, contrary to the requirements of Policy NE.2 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.



Application No: 12/0804C

Location: SILVER BIRCHES, CROXTON LANE, MIDDLEWICH, CHESHIRE, CW10 9EZ

Proposal: Extension to Time Limit of Outline Application 08/1800/OUT for proposed demolition of an existing dwelling and former nursery buildings and the erection of up to 12 no. residential units with means of access

Applicant: Mr & Mrs Hough

Expiry Date: 28-May-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a Deed of Variation to a Section 106 Agreement

Main issues:

- The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

REASON FOR REFERRAL

This application was originally referred to the Southern Planning Committee as it involved a residential development of more than 10 dwellings.

Members resolved to approve this application previously however no reference to the Deed of Variation to the Section 106 Agreement was made in the minutes of the meeting or in the final recommendation at the end of the report. This matter has therefore been brought back to Committee to confirm Member's acceptance of the Deed of Variation.

The original report is highlighted below with the recommendation altered to ensure reference is now made to the s106.

DESCRIPTION OF SITE AND CONTEXT

The site covers an area of approximately 0.37 hectares and comprises of a detached bungalow on the southwestern side of Croxton Lane within the Middlewich Settlement Zone Line. The site extends back across the rear of N.23 to No.33 Chestnut Close and comprises of lawned areas of domestic garden, ponds, rockeries and various structures including greenhouses, sheds and lean-to structures associated with the horticultural nursery.

DETAILS OF PROPOSAL

An application for an extension to time has been submitted in relation to the approved planning consent number 08/1800/OUT. This outline planning consent was for the erection of 12 residential units including means of access.

RELEVANT HISTORY

08/1800/OUT - Proposed demolition of an existing dwelling and former nursery buildings and the erection of up to 12 no. residential units with means of access – Approved 31st March 2009

25827/3 – Change of use to retail sales of plants, shrubs, conifers, seeds and general garden needs – Approved 25th January 1994

26106/3 – Glass house – horticulture – Approved 19th April 1994

11047/1 – Residential development – Refused 29th April 1980

5136/2 – Erection of horticultural workers single storey dwelling – Approved 31st May 1977

4408/3 – Temporary caravan – Approved 16th November 1976

2834/1 – Horticultural workers dwelling – Approved 17th August 1976

5136/2 – Erection of horticultural workers single storey dwelling – Approved 31st May 1977

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

PS4 - Towns

GR1 - General Criteria from Development

GR2 - Design

GR6 & GR7 - Amenity & Health

GR9 - Accessibility and Parking Provision

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – No objections, subject to an hours of construction and hours of piling condition and a Phase II land contamination condition.

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council – No comments received at time of report

OTHER REPRESENTATIONS:

26 Chestnut Close – Has concerns regarding increased traffic congestion

APPLICANT'S SUPPORTING INFORMATION:

Land Contamination Report (2008 original)
The Coal Authority and Brine Report (2008 original)
Ecological Assessment (2011)
Bat Survey Report (2008 original)
Amphibian Survey Report (2008 original)
Reptile Survey Report (2008 original)
Planning Statement (2008 original)
Outdoor and dust assessment (2008 original)
Noise assessment (2008 original)
Design and Access Statement (2008 original)
Copy of S106 Agreement (Dated 2009)
Copy of original application, decision notice and associated information

OFFICER APPRAISAL

Scope of this application

Extensions to the time limits for implementing existing planning permissions were 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 since previous application

The original application was determined under the Congleton Borough Local Plan First Review 2005 which is still the prevailing Development Plan for the area. Since the original application was determined the National Planning Policy Framework (NPPF) has been published (March 2012). Paragraph 17 states that one of its core principles is that planning should *"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving*

local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”

In addition, paragraph 47 states that local authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

It is considered that this proposal would meet this overarching objective for new housing within the framework.

Paragraph 53 of the NPPF advises that ‘*Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*’

In this instance, because the council does not have such policies in place, such a consideration cannot be made in this instance. Furthermore, the proposal's inappropriateness has already been discounted during the original assessment.

Material changes in circumstance since previous application

Since the approval of the original outline planning permission in 2009, a planning history search shows that no neighbouring developments have been applied for. As such, it is considered that the neighbouring circumstances with regards to the built form have not changed since the original permission.

The applicant has submitted an updated Ecological Survey with this application and the Council's Nature Conservation Officer is satisfied that the development would not have a detrimental impact upon ecology subject to conditions.

S106 Agreement

In March 2009 a S106 agreement was signed as part of this application for financial contributions towards off-site Childrens and Young Persons Provision and off-site Amenity Green Space Provision. As part of this application a variation to this agreement is required to amend it with regards to the new dates of the permission.

Other Matters

The applicant has specifically requested that should this permission be approved, it should last for a period of 5 years instead of the standard 3 years. The justification for this is that following the original permission the applicants ‘*sought to dispose of the land and even instructed agents to handle this process; however this has failed to generate*

any acceptable offers due to the downturn in the economy (sic. Property development market) having taken hold over the preceding period.' It is subsequently advised that a 5 year limit would allow time for values to recover and '*enable implementation of the permission.*'

The Local Planning Authority has the discretion to impose different time limits if there are good planning reasons for doing so. It is considered that in this instance, such a request should not be accepted. This is for 2 reasons. Firstly, in approximately 12 months time the Local Planning Authority will have a new Local Plan, a significant material change in planning policy. Secondly, it is the Council's interest that the houses are built sooner rather than later in order to satisfy the Council's shortfall in housing within the borough.

CONCLUSIONS

It is considered that there has not been any significant, material changes since application 08/1514/OUT was permitted that would result in a different determination to that of the original. Therefore, subject to the completion of a variation to the S106 Agreement, it is considered that the proposal adheres with Policies PS4 (Towns), GR1 (General Criteria from Development), GR2 (Design), GR6 & GR7 (Amenity & Health), GR9 (Accessibility and Parking Provision), H1 & H2 – (Provision of New Housing Development) and H4 (Residential Development in Towns) of the adopted Congleton Borough Local Plan First Review 2005.

RECOMMENDATIONS

APPROVE subject to conditions and completion of a Deed of Variation to a Section 106 Agreement

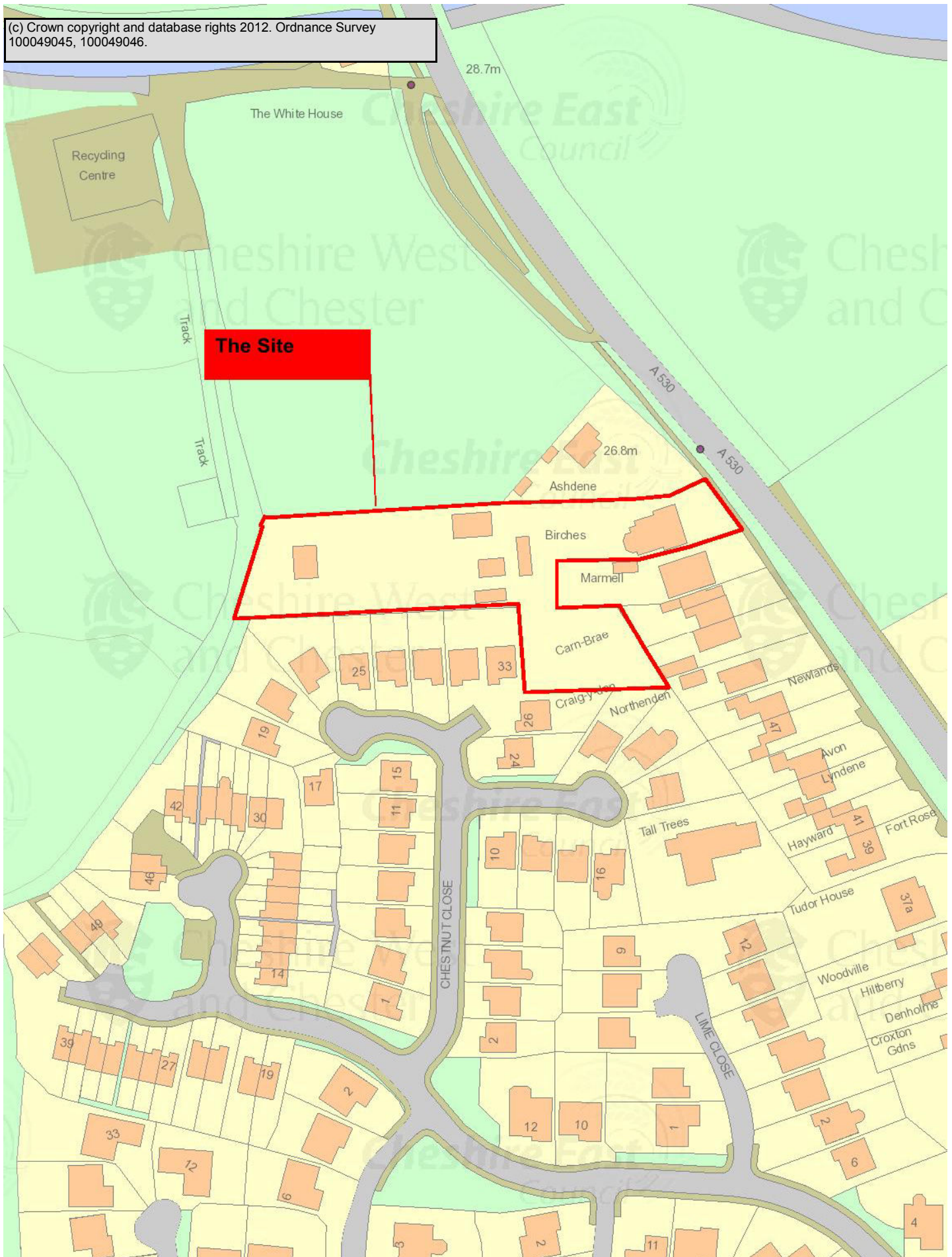
1. Standard outline (time)
2. Submission of reserved matters
3. Phase II Land contamination
4. Hours of construction
5. Hours of piling
6. No burning of materials on site
7. Tree and shrubbery retention
8. No excavations for services within fenced off area
9. Protected species
10. Nesting birds
11. Incorporation of features for breeding birds.
12. Incorporation of wildlife pond

Informative

1. S.278 Agreement with Cheshire County Council to mitigate Part 1 claims and secure junction design detail.
2. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to

contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 12/0871C

Location: 7, WITHINGTON CLOSE, SANDBACH, CW11 1YU

Proposal: Extension to Time Limit for Implementation of Planning Application 09/0905C - Extension to Provide Enlarged Kitchen, Lounge, Bedrooms 1, 2, 3, & 4, New Dining Room and Porch

Applicant: MR PETER O'DONNELL

Expiry Date: 17-May-2012

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Principle
Design
Amenity

The application was 'called in' to Southern Planning Committee by Councillor B Moran for the following reasons:

- 1. The current, extant planning application was the subject of a complaint in March 2011 concerning the manner in which the application was dealt with by Cheshire East Council, Planning.*
- 2. The decision to permit the original planning application was finely balanced in terms of design, and with:*
 - a. Extensions on all four sides;*
 - b. The existing ridge height of 7.2 m to be increased to 7.7m; and*
 - c. An increase in the existing footprint of 57% [84 sq. meters to 132 sq. meters]*
- 3. A new, significant issue has arisen in that the site boundary and/or the location of the property at No. 7 may be shown incorrectly on the submitted location plan, and therefore possibly not fully recognising the proximity to the adjacent property, along with the adverse amenity impact; it is considered that this issue is worthy of review and consideration*

DESCRIPTION OF SITE AND CONTEXT

The application relates to No. 7 Withington Close which is a detached dwelling, situated within a residential estate. Properties within Withington Close are similar in terms of style and

appearance, and have relatively open plan frontages. The site is situated within the Sandbach Settlement Zone Line, as defined by the Congleton Borough Local Plan First Review 2005.

DETAILS OF PROPOSAL

The proposal seeks permission to extend the time limit of planning permission 09/0905C which expires on 15th June 2012. The application to extend the time limit was submitted prior to the expiration of the original permission which is in accordance with the guidance set out in the document 'Greater Flexibility for Planning Permissions'.

This application proposes extensions to the property and includes raising the roof height.

RELEVANT HISTORY

09/0905C EXTENSION TO PROVIDE ENLARGED KITCHEN, LOUNGE, BEDS 1,2,3 & 4, NEW DINING ROOM AND PORCH (Approved with conditions 15th June 2009)

POLICIES

Congleton Borough Local Plan First Review 2005

GR1 (New Development)
GR2 (Design)
GR6 (Amenity and Health)

Other Material Considerations

National Planning Policy Framework
Communities and Local Government 'Greater Flexibility for Planning Permission' Guidance (2009).

VIEWS OF SANDBACH TOWN COUNCIL

No objection.

OTHER REPRESENTATIONS

A total of 3 neighbour objections have been received in relation to the current application. In summary the objection raises the following issues:

1. The proposed extension is very large (57% increase in footprint).
2. The plans are not of a simple extension but in effect a plan to build a new property in an existing mature close of homes built at the same period.
3. The roof height will be increased from 7.2 metres to 7.7 metres which will have a negative effect on the amount of available day light for number 16 Park House Drive and other properties.
4. Un-neighbourly development and will have a negative effect on adjoining properties in both Withington Close and Park House Drive.
5. The extended property will be out of keeping in size with surrounding properties.

6. The Location Plan is inaccurate and miss-leading – the border between number 7 and number 6 should be a straight line and not angled as shown. The completed extension would therefore be closer to the boundary line of number 6 than indicated and would give an increased sense of enclosure and overbearing appearance.
7. Inaccuracies in the previous delegated report in terms of site description, design and amenity.
8. There is no precedent for the increase in roof height.
9. The previous decision required a scheme for the protection of trees, shrubs and hedges to be submitted and approved – some shrubs have already been removed.

OFFICER APPRAISAL

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

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

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The original application was determined under the Congleton Borough Local Plan First Review 2005 which is still the prevailing Development Plan for the area. National planning policy has however changed with the National Planning Policy Framework being brought into force on the 27th March 2012. In terms of the general thrust of national policy it is not considered that the National Planning Policy Framework raises any significant changes in terms of householder development and the current application.

A number of objections have been received in relation to the current extension of time application. These mainly relate to design and amenity impacts and can be viewed on the Council's website. The previous application was considered to be acceptable in design terms and there are no material changes to warrant re-consideration of this issue.

The neighbour objection highlights that the location plan does not indicate the correct boundary position and as such the extension would be closer to the boundary line of number 6 and would therefore give an increased sense of enclosure and overbearing appearance. The position of the extension relative to neighbouring properties and the impact on amenity was considered to be acceptable in 2009. Whether the boundary line is reflected accurately

on the plan or not, this was accepted previously, and upon visiting the site it is not considered that the position of the boundary is significant to necessitate re-consideration of the amenity impacts. The impact on the neighbouring property number 6 would still be acceptable.

As the previous permission 09/0905C was not implemented, there was no onus on the applicant to retain any shrubs or hedges which are not covered by a TPO. The removal of the shrubs / hedges does not materially impact on the proposal.

It is not considered that there are any significant material considerations since the previous approval which would warrant refusal of the application. The proposal which was accepted in 2009 is still acceptable in this location and there would be no adverse additional impacts over and above the previous approval 09/0905C in terms of design and amenity. The proposal would still comply with the relevant policy considerations and as such the extension of time limit of 09/0905C is acceptable.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of the development has already been accepted under its previous permission 09/0905C and the proposal remains in accordance with the relevant policies of the Development Plan and other material considerations. As such it is considered that the proposal to extend the time limit is acceptable, subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Materials to match existing
4. Hours of construction 07:30 – 18:00 Mon to Fri, 08:30 – 13:00 Sat, no working Sun or Public holidays
5. Scheme for the protection of any trees to be retained



This page is intentionally left blank

Application No: 12/1346N

Location: MAGPIE HOUSE, 57, EARLE STREET, CREWE, CW1 2AS

Proposal: Change of Use from A2 Office and Subdivision to Form 16 Self Contained Bed-Sitting Rooms

Applicant: Mr K Vickers, Crimewatch Securities

Expiry Date: 10-Jul-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and a S106 Agreement

Main issues:

- Principle of development
- The impact of the design
- The impact upon amenity
- The impact upon highway safety and parking

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it is a major development.

DESCRIPTION OF SITE AND CONTEXT

The application property is a detached two-storey Victorian property located on the corner of Earle Street and Mirrion Street within the Crewe Settlement Zone Line.

This unit has an open brick finish, white painted wooden sash windows, arched lintels, stone cills, blue painted rainwater goods and a hipped slate roof. The premises also benefits from a car park to the rear which is accessed via Mirrion Street.

DETAILS OF PROPOSAL

Revised plans have been submitted for the change the use of the unit from a security business (A2 use) to a House in Multiple Occupation (HMO), consisting of 18 en-suite bedrooms. The only external alteration proposed is the insertion of a first floor window on the eastern elevation.

RELEVANT HISTORY

7/11809 – Computer business comprising retail and offices – Approved 28th February 1985

7/09388 – Illuminated adverts – Approved 16th September 1982

7/09287 - Ill Logo Sign – Refused 19th August 1982

7/08964 - COU of premises to become Health and Fitness Club and car parking – Approved 29th April 1982

7/07363 – COU to social club – Refused 30th October 1980

7/05963 – COU from school to dancing school – Approved 1st November 1979

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

RES.9 – Houses in Multiple Occupation

TRAN9 – Car parking standards

CONSULTATIONS (External to Planning)

Highways – As Cheshire East operate minimum parking standards for residential developments and the proposal fails to adhere to these, Highways will support the application providing that the developer contributes a sum of £5000 towards footway and cycle way improvements at Macon Way/Earle Street Bridge

Environmental Health (General) – No objections, subject to conditions in relation to hours of construction, lighting details, the submission of a road traffic assessment, a scheme for acoustic enclosures and the provision of suitable bin storage

Environmental Health (Air Quality) – No objections, subject to the addition of conditions in terms of the insertion of non-opening windows and adequate ventilation

Housing (Cheshire East Council) - No comments received at time of report

VIEWS OF THE PARISH/TOWN COUNCIL

N/A

OTHER REPRESENTATIONS

4 neighbouring properties have objected to the proposal. The relevant main areas of concern relate to;

- Highway safety / parking issues
- Environmental Health Issues – Air quality, bins, hazardous building materials, rodents

A number of other concerns have also been raised but these are not material considerations in relation to the determination of this application.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Air Quality Assessment

OFFICER APPRAISAL

Principal of Development

The application site is located within the Crewe settlement boundary where there is a general presumption in favour of development. RES.9 of the Local Plan refers to houses in multiple occupation. Policy RES.9 advises that planning permission will be granted provided that;

- the building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with Policies BE.1 and BE.2;
- the proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;
- the development does not detract significantly from neighbouring amenities and;
- provision is made for adequate parking.

As such, the determination of the proposal depends on the adherence with these requirements.

Building is large enough for conversion and would not require extensions

The building in question is a two-storey, detached unit which has a floor space of approximately 554 metres squared (excluding bay windows). It is proposed to convert this property into an 18-bedroom unit with en-suites and shared kitchen facilities. The smallest of these rooms would be approximately 11.75 metres squared and the largest would be approximately 22.68 metres squared. Housing have provided a spacing standards document which details recommended minimum room size standards. This document states that the minimum size of a one-bed room deemed to be acceptable is 10 metres squared, a standard which the smallest of the proposed rooms would adhere to.

A communal kitchen would be provided on each floor and the development would also include a common room, a store room and a utility room.

It is considered that the building is large enough to accommodate the proposal without the need for extensions. No extensions are proposed as part of the development.

Design

The only external change proposed to the unit is the insertion of a first-floor window on the eastern gabled elevation. Given this limited level of development and because this window would respect the design of the existing windows, the proposed external changes are deemed to be acceptable.

Amenity

As the building is already in situ, there are no additional issues created with regards to loss of light or visual intrusion.

With regards to loss of privacy, the only neighbouring residential property that could be impacted is No.55 Earle Street which borders the application site to the west. Separating the application unit and this neighbouring property is a lawn to the front of Magpie House which lies parallel to the side of the main body of the house. Separating the two units to the rear is a wall approximately 2 metres tall.

On the relevant side elevation of this neighbouring property there are 3 openings, 1 at first floor level and 2 at ground floor level. The first floor window is obscurely glazed. At ground floor level, one opening serves a doorway whereas the other serves a principal room. All of these openings are located on a two-storey outrigger to the rear of the property.

On the relevant side elevation of the existing application property, there are 5 openings facing in the direction of this neighbouring property. 3 of these openings face directly onto the blank gable elevation of this neighbouring property therefore would not create any loss of privacy. 2 of the other windows, (1 at ground-floor level serving an en-suite to bedroom 1 and one at first floor serving as a secondary window to bedroom 11), would directly face the neighbouring windows. In order to protect the amenity of this neighbour, it is proposed that both of these windows be obscurely glazed should the application be approved. As part of the application, an additional first floor window is proposed on this elevation that would serve bedroom 12. Again, in the interests of protecting neighbouring amenity, it is proposed that this window also be obscurely glazed.

In terms of private amenity space, a 59 metre squared area is proposed to the front/side of the site which is designated as an amenity space. Although this is not significant, given that the development is for a house in multiple occupation and is within close proximity of the town centre and all of its associated public space it is considered to be acceptable in this instance.

In response to the Environmental Health concerns raised by neighbouring residents, the Council's Environmental Health department has advised that they would have no objections subject to a number of conditions. These include an hours of construction condition, the submission and approval of a road traffic noise assessment and the approval of a scheme of acoustic enclosures. As the site falls adjacent to an Air Quality Management Area, the application also required the submission of an Air Quality Assessment Report. The report was

subsequently submitted and Environmental Health have advised that subject to conditions, they would be satisfied by this aspect of the proposal from an air quality perspective.

As a result, once conditioned, it is considered that the proposal would adhere with the amenity aspect of the development.

Parking and Highway Safety

The impact upon parking and highway safety is the main concern of local residents. The proposed development would include a car park to accommodate 16 cars (including x2 disabled spaces).

The site is within the town centre and therefore represents a sustainable location for such development. In these locations, parking standards can be relaxed as other forms of transport are readily available to occupiers. However, in this instance the scheme achieves less than 100% parking. Highways Officers will support the application given providing that the developer contributes a sum of £5000 towards footway and cycle way improvements at Macon Way/Earle Street Bridge. As such, the application would be acceptable subject to the completion of a S106 Agreement.

NPPF

Amongst the core principles of the NPPF is that planning should proactively support sustainable economic development, be of good design, provide a good standard of amenity and support the transition to a low carbon future.

Given that it is considered that this application sufficiently demonstrates that the above assessments have been made, it is deemed that the NPPF falls in line with the relevant Local Plan policies in this instance.

CIL Regulations

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

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

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development. It is directly related to the development and is fair and reasonable. On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

CONCLUSIONS AND REASONS FOR THE DECISION

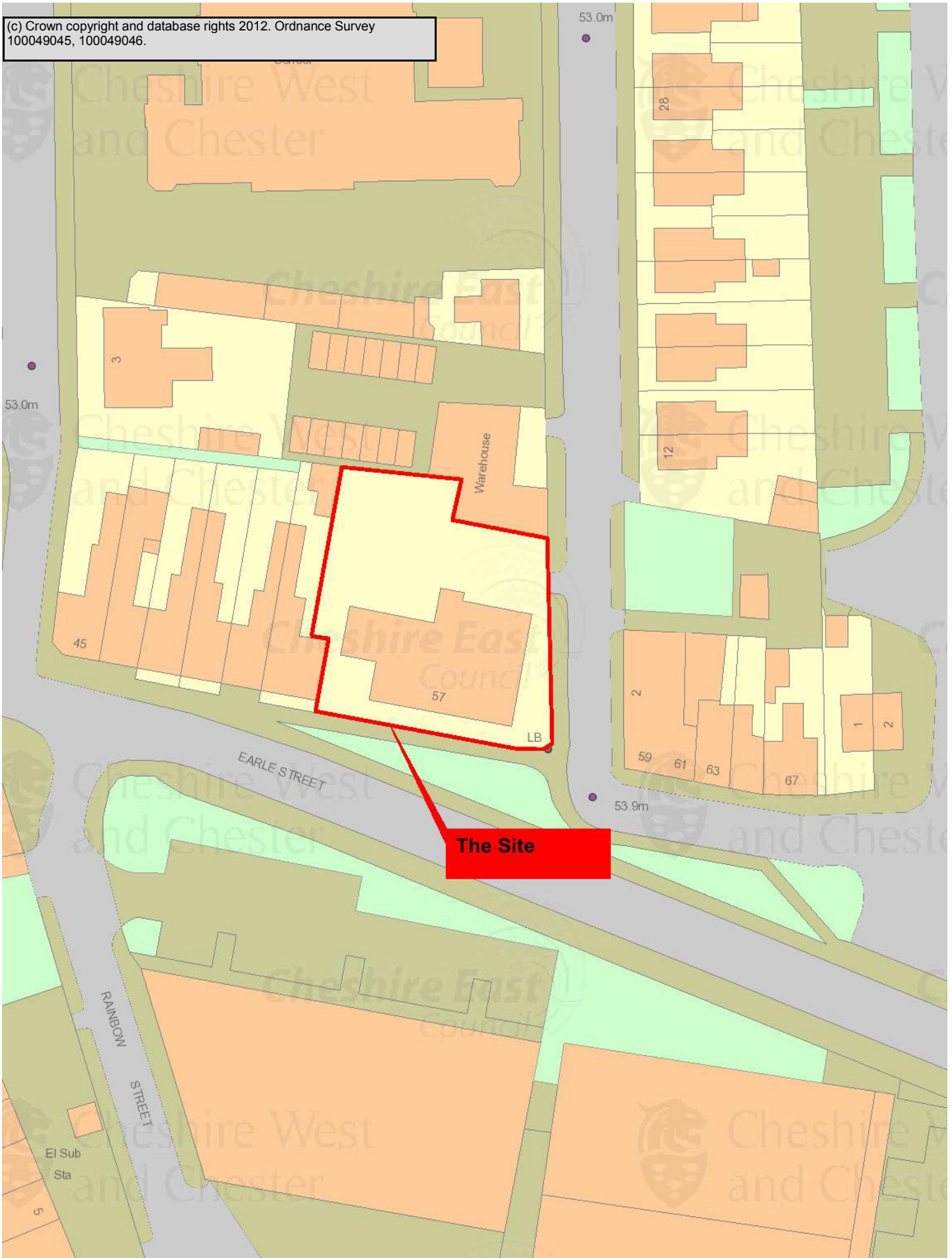
The proposed change of use is located within the Crewe settlement boundary and would only involve a minor external alteration to the unit. It would not have an adverse impact upon neighbouring amenity or raise any significant highway/parking issues. The proposal therefore complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and RES.9 (Houses in Multiple Occupation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development also complies with the NPPF.

RECOMMENDATION

APPROVE subject to the following conditions and a Section 106 Agreement to secure £5,000 towards footway/cycle improvements at Macon Way/Earle Street Bridge.

1. **Standard (Time)**
2. **Plans**
3. **Materials as per application**
4. **Hours of construction**
5. **Road Traffic Noise Assessment**
6. **Scheme of acoustic enclosures**
7. **Obscure glazing (x3)**
8. **Submission of details showing that all windows on principal elevation shall be non-opening (other than Building Regulation requirements)**
9. **Submission of ventilation equipment details**

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 12/1349N

Location: HUNTERSON FISHERIES, LAND OFF BIRCHALL MOSS LANE,
HUNTERSON, NANTWICH, CHESHIRE, CW5 7PH

Proposal: Proposed Fishermans Retreat Building

Applicant: MR F STRICKLAND

Expiry Date: 27-Jun-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The principle of the development
- The impact of the design
- The impact upon neighbouring amenity
- The impact upon protected species

REASON FOR REFERRAL

Councillor J. Clowes has called in this application to Southern Planning Committee for the following reasons:

- *'Inappropriate and unsustainable intensification of activity on agricultural land in the open countryside.*
- *Inappropriate size, structure and materials of the proposed building.*
- *Consequent visual intrusion on a green field site in the open countryside.*
- *Hazardous entry and exit to and from the site on Bridgemere Lane.*
- *Inadequate preparation in terms of siting and management of proposed septic tank foul drainage system.*
- *Current informal 'presumptive' car parking arrangements are inadequate for the numbers of vehicles proposed in this application.'*

DESCRIPTION OF SITE AND CONTEXT

The application site relates to land to the south of Bridgemere Lane, Hunsterson, Nantwich within the Open Countryside. The land relates to a section of open paddock adjacent to a large fishing pond set approximately 150 metres to the south of the road. Currently on site is an unauthorised touring caravan which appears to be being used as a makeshift 'fisherman's hut'.

DETAILS OF PROPOSAL

Revised plans have been submitted for the erection of a purpose built fisherman's hut. The proposed unit would measure approximately 6.6 metres in length, 5 metres in width and would have a pitched roof approximately 4.1 metres in height from ground floor level. (The original proposal was approximately 2.9 metres longer).

RELEVANT HISTORY

None

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

NE.2 – Open Countryside
NE.9 – Protected Species
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
TRAN.9 – Car Parking Standards

CONSULTATIONS (External to Planning)

Highways – No comments received at time of report

Environmental Health - No objections to the development subject to an hours of construction condition, a proposed lighting condition and a contaminated land informative.

Cheshire Wildlife Trust – No comments received at time of report

United Utilities - No comments received at time of report

VIEWS OF THE PARISH COUNCIL

Doddington & District Parish Council – No comments received at time of report

OTHER REPRESENTATIONS

Springfield, Bridgemere Lane – Have the following concerns about the proposal;

- There is no planning permission in place for the existing developments (lake, car park, access through the field)
- Scale of the proposed building
- Permanence of structure
- Septic tank - pollution
- Existence of current unauthorised caravan
- Parking / highway safety issues

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

OFFICER APPRAISAL

Principle of development

Due to the location and nature of the proposed development, the determination of this application will depend on its compliance with Local Plan Policies NE.2 (Open Countryside), NE.9 (Protected Species), BE.1 (Amenity) and BE.2 (Design Standards).

Amongst the core principles of the NPPF is that planning should recognise *'the intrinsic character and beauty of the countryside.'* It is also a principle that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

As such the impact of the proposed development upon the Open countryside, its design and its impact upon neighbouring amenity all need to be considered as part of this proposal and support the above Local Plan policies.

The site is located in the Open Countryside so is therefore subject to Policy NE.2 of the Local Plan. Policy NE.2 of the Local Plan advises that development will only be permitted if it is for agriculture and forestry, outdoor recreation, essential works undertaken by Public Service Authorities or statutory undertakers or for other uses appropriate to a rural area.

As fishing is classified as outdoor recreation, the principle of a small fisherman's hut on site is deemed to be acceptable in principle subject to its design, impact upon neighbouring amenity and its impact upon protected species.

Design Standards

The proposed building would be single-storey in nature and be timber clad and consist of a pitched slate roof. It is considered that the revised scale of the proposed development would be acceptable for the purpose it would serve.

The proposed building would be clad in split barked logs and consist of a pitched slate roof. Although these materials would be sympathetic to the Open Countryside setting, they would give the building a substantial appearance and result in the building having a permanent appearance when more lightweight materials would be more appropriate. As such, should the application be approved, a condition requesting the prior submission and approval of materials is proposed. Once conditioned, it is considered that the proposal would adhere with Policy BE.2 of the Local Plan.

Amenity

The closest neighbour to the proposed development would be Broad Eaves, approximately 50 metres to the northeast of the proposal. Given this separation distance it is not considered that the hut would create any amenity issues for the occupiers of this property in terms of loss of privacy, loss of light or visual intrusion.

Environmental Health have requested that an hours of construction and lighting condition be added to the decision notice should the application be approved to protect the amenities of neighbouring properties. Should the application be approved, the addition of these conditions is supported. No comments were made in relation to the septic tank. As such, subject to conditions, it is considered that the development would adhere with Policy BE.1 of the Local Plan.

Protected Species

As the proposed development lies close to a large pond / lake, the Council's Nature Conservation Officer was consulted. It is not anticipate that there will be any significant ecological issues associated with the proposed development.

Highways

The Council's Highways Officer has not provided any comments on the proposal at the time of report. However, it is considered that there are no parking implications as a result of this development and that any 'informal' parking arrangements that currently exist will remain.

Other Matters

Given the unlawful nature of the existing caravan on site, should the application be approved, it is recommended that it be conditioned that this caravan (and associated decking) be removed within 3 months of the approval of this permission.

CONCLUSIONS

It is considered that the proposal is of an acceptable design, would have minimal impact upon the amenities of the surrounding residential properties or the Open Countryside. As a result, the development would adhere to Policies NE.2 (Open Countryside), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design) and RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposal would also adhere with the NPPF.

RECOMMENDATIONS

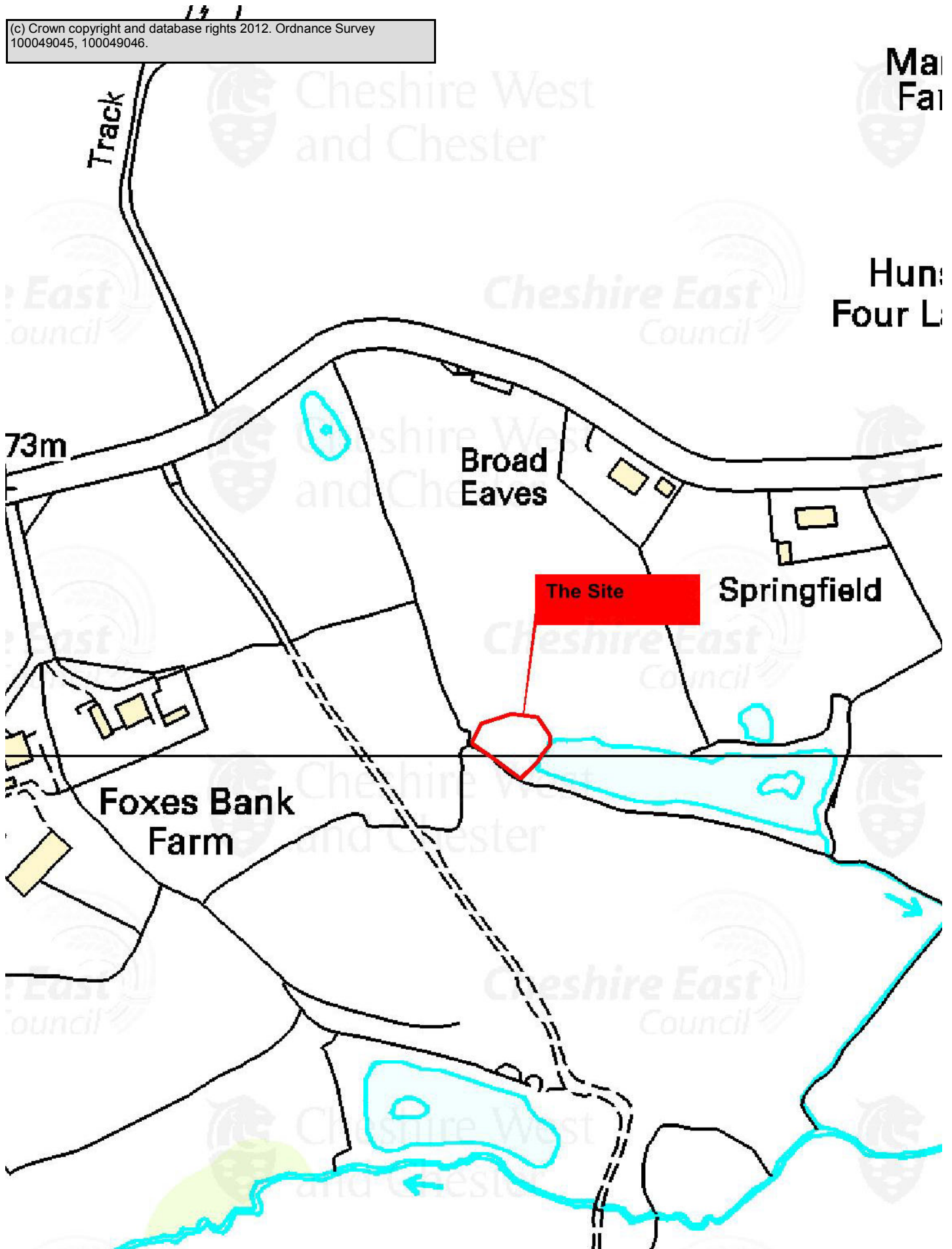
APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans (excluding materials)**
- 3. Materials to be submitted**
- 4. Hours of construction**
- 5. Lighting**
- 6. Removal of caravan and decking**

Informative

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

(c) Crown copyright and database rights 2012. Ordnance Survey
100049045, 100049046.



Application No: 12/1456N

Location: Land Off Beswick Drive, Crewe

Proposal: The proposal is for a 5,550sqm student accommodation facility consisting of two accommodation blocks with associated car parking, access and landscaping.

Applicant: David Smythe, Swansway Garages Group

Expiry Date: 16-Jul-2012

MAIN ISSUES

- Principle of Development
- Sustainability of the Site
- Amenity
- Design
- Flood Prevention/Drainage
- Highways
- Renewable Energy Provision
- Trees and Landscape
- Ecology

SUMMARY RECOMMENDATION

Refuse

REFERRAL

The application is referred to the Southern Planning Committee as it is a major application.

1. SITE DESCRIPTION

The application site is an irregular shaped parcel of land which is located to the southern side of Beswick Drive within the Crewe Settlement Boundary. The site is surrounded by a small parade of shops to the north, a hotel to the east and existing student accommodation to the west.

To the south of the site is Valley Brook and the application site is located within a Flood Risk Zones 2 and 3 as identified by the Environment Agency Flood Maps. There is an Oak tree located within the centre of the site with tree cover along the

boundary with Valley Brook. These trees on the site are protected by a Tree Preservation Order.

The site comprises a parcel of vacant land which appears to have been cleared previously and has now partially re-vegetated with grass and scrub.

2. DETAILS OF PROPOSAL

This is a full planning application for 5,500 square metres of student accommodation. The proposal would consist of two T-shaped blocks, block A would have 118 bedrooms and block B would have 86 bedrooms (total of 204 bedrooms). The two buildings would be located at right angles to each other with the Oak tree retained between the two buildings. A total of 33 car parking spaces would be provided to the north of block A.

3. PREVIOUS RELEVANT DECISIONS

10/1588N - Full Planning Application for the Erection of an Office Development (B1 Use Class) with Associated Landscaping, Car Parking and Access Arrangements – Approved 28th July 2010

P03/1239 - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24th March 2004

P03/0639 - Outline Application for Mixed use Development comprising Student Accommodation, Offices and Pub/Restaurant together with Access, Car Parking and Landscaping – Approved 3rd September 2003

4. PLANNING POLICIES

National Policy

The National Planning Policy Framework

Local Plan Policy

E.1 (Existing Employment Allocations)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

TRAN.9 (Car Parking Standards)

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

EM18 – Decentralised Energy Supply

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

5. OBSERVATIONS OF CONSULTEES

United Utilities: No objection, the site should be drained on a separate system with only foul drainage connected into the foul sewerage system.

Highways Authority: There is an existing issue with insufficient car parking and displacement. The transport statement makes reference to PPG13 and the Crewe and Nantwich Local Plan parking ratios. The CNLP parking standards would permit a maximum number of 68 spaces; the TRICS data base backs this up with results showing 71 spaces for similar size developments. In view of the existing problems a reduction in spaces would not be appropriate. The proposed development would only offer half the number of spaces and Beswick Drive and the surrounding roads/car parks already suffer with displaced parking from the existing student accommodation.

Since the completion of the draft traffic surveys in 2006 there has been a material change to the development assumptions and traffic patterns as the Council has been granted planning permission for the Crewe Green Link Road and gained funding. The Crewe Green Link Road will revise patterns of traffic using the Crewe Green Roundabout with some arms experiencing a reduction and others an increase in flows. A improvement to this junction is now required and improvements to the provision of cycling infrastructure are required and a contribution should be sought given the emphasis towards sustainable modes of transport within the TA.

The Strategic Highways and Transportation Manager is unable to support this application as any additional displaced vehicles onto the surrounding network will cause severe harm. An up to date Transport Statement and a robust Travel Plan are also required.

Environmental Health: Conditions requested in relation to contaminated land, hours of construction and pile foundations.

Cheshire Wildlife Trust: Cheshire Wildlife Trust would like to make the following comments;

- A protected species survey report by Biota dated April 2012 submitted with the current application is, word-for-word, the same as that submitted in April 2010 for the previous scheme, with the exception of an additional paragraph on great crested newts referring to earlier surveys of a pond within the Business Park. Although it is appreciated that conditions may not have changed substantially in the intervening period, the near-exact similarity between the two reports does tend to suggest that all elements of an updated survey may not have been carried out

on site as required. CWT would have expected the application to be accompanied by an updated protected species survey, based on a revisit of the site.

- The protected species survey should include the full great crested newt survey results from Biota's surveys carried out in May and June 2010; these post-date the April 2010 survey report and are therefore of relevance to the current application. However, apart from a passing reference in paragraph 3.4, no details have been supplied.

- Paragraph 2 refers to a data search made in 2010 and included as an appendix to the report – no such appendix is attached.

- During construction the Valley Brook corridor must be protected from direct and indirect pollution arising from on site activity. Apart from the proposed coppicing of existing trees, the Brook and its banks should be managed to achieve a net biodiversity gain from the proposed development. The Brook corridor should be cleared of any rubbish. Banks should be managed to ensure that alien and/or invasive species are eradicated, and to prevent direct access to much of the watercourse.

Natural England: This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. Refer to Natural England standing advice.

Environment Agency: Object to the application. The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

6. OTHER REPRESENTATIONS

One letter of support has been received raising the following points;

- This proposal could bring wider benefits to the south east residential areas of Crewe
- By providing better student accommodation it could help reduce peak hour traffic in the Macon Way/Nantwich Road area from students forced to live further away. It could also reduce levels of street parking in Ludlow Avenue and Stanthorpe Avenue
- It may also help stop the Hungerford Road area deteriorating into an area of uncontrolled, poorly maintained private lettings which are beginning to effect the quality of the neighbourhood

7. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by AEW Architects and dated April 2012)
Planning Statement (Produced by AEW Architects and dated April 2012)
Draft Transport Statement (Produced by Shepherd Gilmour and dated April 2011)
Flood Risk Assessment (Produced by Shepherd Gilmour and dated May 2011)
Geo-Environmental Desk Study (Produced by Shepherd Gilmour and dated May 2011)

Aboricultural Survey, Impact Assessment and Method Statement (Produced by Lowther and dated March 2012)

These documents are available to view on the Councils website.

8. OFFICER APPRAISAL

Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking. For decision taking this means *'approving development proposals that accord with the development plan without delay'*.

The site is an existing employment allocation and is subject to Policy E.1.1 of the Local Plan. Policy E.1.1 states that the uses on the site should include;

'B1 and any uses required by and associated with Manchester Metropolitan University. For the avoidance of doubt, such uses include classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities'

As student accommodation is included within this definition the principle of development is considered to be acceptable.

Sustainability of the site

The site would be sited in a sustainable location alongside the existing student accommodation for Manchester Metropolitan University. The site would have easy access to the university, a shop, food outlets and a public house. The site is therefore considered to be sustainable.

Amenity

There are no residential properties in close proximity to the site. The existing student accommodation and hotel are set at angles to the proposed buildings with sufficient separation distances. As a result it is considered that there will be no impact upon residential amenity.

Design

The proposed buildings would both be T shaped. Block A is to the west of the site and would be a mix of four and five storeys in height and would contain 118 bedrooms, block B which would be located adjacent to the Travel Lodge car park would be four storeys in height and would contain 86 bedrooms. The buildings would be located to either side of the central Oak tree which would be retained as part of the proposed development. There is an existing informal pedestrian route which runs across the site and across a bridge over Valley Brook; this route links the office buildings on the opposite side of Valley Brook to the parade of shops and

gym on the application side of Valley Brook. This route would be maintained as part of the proposed development.

The proposed buildings would be clad in black facing brick with render panels and white glazed bricks to create horizontality across the building. The blocks would be distinguished through the use of bands of different coloured glazed bricks which would run vertically and horizontally between the windows. The shape of the buildings includes a number of steps in the elevations to help to reduce the bulk of the buildings.

The height of the buildings is considered to be appropriate. Although part of block A would be five storeys in height it would be sited at a lower level to the existing student accommodation. This change in land level would mean that the proposed building would not appear taller than the adjacent buildings. Block B would be four storeys in height and would be taller than the adjacent parade of shops and the Travel Lodge. This height is also considered to be acceptable given the height of the buildings further to the west.

The proposed accommodation would be of a modern design and the bulk of the buildings would be reduced through the staggered elevations and the use of different blocks of material. Concerns have been raised previously regarding the prominence of the entrance points to both blocks, the plans have now incorporated render panels and canopies to help increase the prominence of the entrance points and this is considered to be acceptable.

The buildings would be of a modern appearance which is acceptable given the appearance of the existing buildings adjacent to the site and the office buildings on the opposite side of Valley Brook. The use of materials such as black brick and render are considered to be acceptable and has been used on the Emperor Court Office Building and the adjacent hotel on the opposite side of Valley Brook.

Flood Prevention/Drainage

The site is located within a Flood Zone and is accompanied by a Flood Risk Assessment. The FRA states that there will be finished floor levels of the development will higher than the 1 in 100 year flood level from Valley Brook and as a result the flood risk from this source would be negligible.

In terms of ground water flooding the FRA identifies that the natural ground water is 2.3m below existing ground level and the risk is negligible. According to the FRA a sewer to the north of the site would not pose a risk to the development due to land levels proposed as part of the development.

The EA have been consulted and have raised an objection to the application on the grounds that the FRA does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. Therefore the submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and this issue will form a reason for refusal.

Highways

The proposed development would create 204 one bed apartments for student accommodation with a total of 33 off-street car parking spaces. The maximum car parking standards contained within Appendix 8.1 of the Local Plan identify that Use Class C2 (Residential Institutions) requires one car parking space for every three beds. This would give a maximum requirement of 68 spaces to serve the development. This number of spaces is consistent with similar size developments on the TRICS database with results showing 71 spaces on similar developments. As a result the proposed development would provide less than half of the required parking requirement.

In this case the surrounding roads and private car parks already suffer from displaced car parking from the existing MMU accommodation. Allowing this development with less than half of the maximum car parking standards would result in a further increase in displaced parking which would be detrimental to highway safety. Therefore this issue will form a reason for refusal.

In terms of traffic generation, the traffic surveys within the draft transport statement do not take into account material changes in development assumptions and traffic patterns following the approval of the planning application for the Crewe Green Link Road and the approval of its funding. The Crewe Green Link Road revises patterns of traffic using the Crewe Green Roundabout.

Forecasts for the redistributed traffic flows and projected Crewe growth have confirmed that a junction improvement scheme is now required at this location and the council has developed a range of solutions which will be consulted on and be incorporated into the emerging Local Infrastructure Plan. To deliver any of these improvements potentially requires the review of the provision of cycling infrastructure on the roundabout to achieve the required forecast additional highway capacity within existing highway boundaries.

There is strong emphasis within the Transport Assessment on sustainable modes and it is considered that a contribution is required to support the future provision of cycling / walking facilities at Crewe Green Roundabout. Should the application be recommended for approval the level of contribution would need to be negotiated and secured via a S106 Agreement.

Renewable Energy Provision

A feasibility report submitted with the application identifies that the 10% renewable energy provision will be met through the use of solar thermal water generation or through the use of combined heat and power (CHP) boilers. This is considered to be acceptable and this issue will be controlled via a planning condition.

Trees and Landscape

A Tree Preservation Order (Area designation) covers much of the site from Crewe Green Road to the west to University Way to the east. A prominent mature Oak tree protected by the Order stands centrally within the application site with various Willows and Alder (some of which have been previously pollarded) located along the edge of Valley Brook which contribute to the screening of the site. An Arboricultural Survey has been submitted in support of the application which has recorded 10 individual and four groups of trees within the site.

The submitted Arboricultural Survey has identified two trees of moderate quality and value (B1) a Sycamore (T4 of the report) to the south east of the site and the aforementioned mature individual Oak (T107). The remaining trees have been assessed as low quality and value. These categories are considered to be an accurate assessment of the quality of the trees within the site.

The report identifies four trees (2 Hawthorns, a Sycamore and an immature Oak) that require removal for the development. All four are deemed to be of low quality and do not contribute significantly to the wider amenity of the area. One tree (an Ash) has been identified as unsafe and requires removal as it is considered a threat to the highway. A Horse Chestnut has also been identified as unstable due to poor rooting.

Coppicing works have been recommended to the groups of Willow which follow the boundary of Valley Brook due to the current poor quality of existing pollards. The report suggests that the pollarding works will reduce the required root protection area (RPA) of these trees and improve the management of the trees in the future. This approach effectively allows for the development footprint to be located closer to the belt of Willow trees.

The report proposes the retention of the mature Oak tree between Blocks A and B and suggests that this could be achieved by reducing the tree by 25% to prevent damage to the tree by development. This approach does not concur with advice contained within BS5837 which advises that the impact of the proposed development must allow for space and the trees future growth and maintenance requirements. A 25% reduction of the tree is not considered to be appropriate management in order to retain the tree within the development footprint as currently proposed and further consideration should be given to modify the design so as to avoid any unnecessary or inappropriate pruning.

The proposed site layout plan also shows the protected Oak enclosed between Blocks A and B and surrounded by hard standing with a low level brick retaining wall. Whilst the tree is partly surrounded by existing hardstanding which has compacted part of the root environment of the tree, there are concerns that an increased area of the root protection area will be covered by hard standing and the enclosure of the tree by the size and massing of the two blocks will impact upon the long term health and safe well being of the tree. The impact of the development upon this TPO tree will form a reason for refusal.

It is not considered that there would be an impact upon the wider landscape as although some screening vegetation would be lost the development would be seen

in the context of the adjacent developments. The landscape proposals included within the application are considered to be appropriate.

Ecology

An updated protected species survey has been provided following concerns raised by the Councils Ecologist

The survey identifies that there is no evidence of Great Crested Newts, Bats, Water Vole or White Clawed Crayfish. The Councils Ecologist is satisfied that there will be no significant ecological issues associated with the development subject to the imposition of conditions to secure the recommendations contained within the protected species survey and protective fencing along the boundary with Valley Brook.

Other issues

The proposals would allow a pedestrian link to be retained around the periphery of the site to the Valley Brook which is considered to be an important feature which should be retained.

9. CONCLUSIONS

The site is located within the Crewe Settlement Boundary on a site which is allocated for such uses. As a result the principle of development is considered to be acceptable.

The proposal is considered to be of an acceptable design within a sustainable location and there would be no impact upon residential amenity. There would be no ecological impacts from this development.

The application site is located within flood zones 2 and 3 and the submitted FRA relies on data from 2008 and does not comply with the requirements of paragraph 9 of the Technical Guide to the NPPF. This issue will form a reason for refusal.

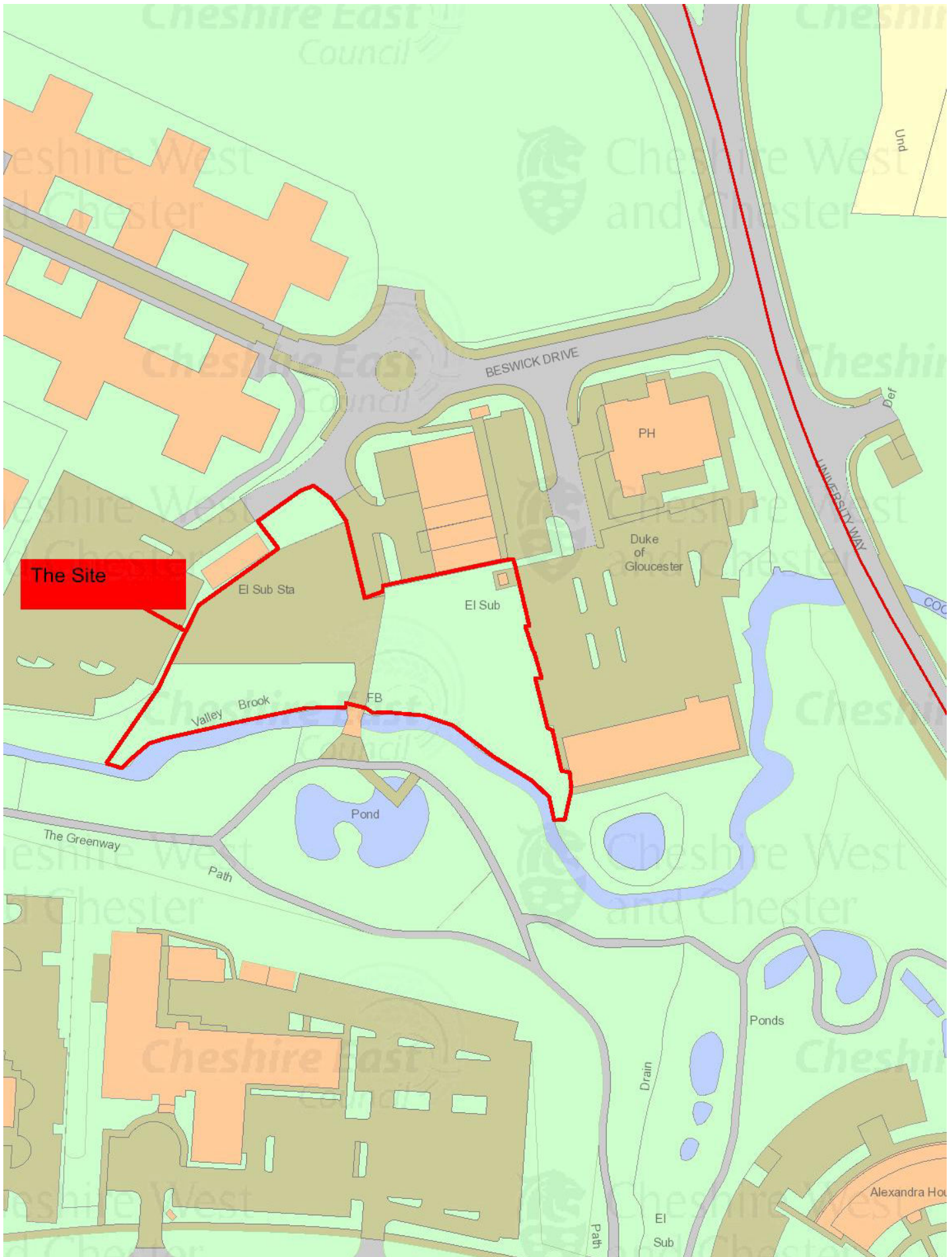
The level of car parking that would be provided is not sufficient to serve this proposed development and the proposal would exacerbate existing displaced parking problems in the area.

The site is located within close proximity to an existing Oak tree which is protected by a TPO. The extent of the works to this tree and the proximity of the development to the tree would have a detrimental impact upon the health and long term well being of this tree.

10. RECOMMENDATIONS

REFUSE

- 1. The proposed development relates to the provision of 204 one bed apartments for student accommodation with the provision of 33 off street parking spaces. This level of parking provision is less than half of the maximum standard identified at Appendix 8.1 of the Local Plan and the area suffers from displaced parking from the existing student accommodation. The lack of off-street car parking on the site would further increase displaced car parking and would be detrimental to highway safety and the character and appearance of the area. As a result the proposed development would not be sustainable development and would be contrary to Policy BE.2 (Design Standards) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**
- 2. The application site is located within flood zones 2 and 3 as identified by the Environment Agency. The submitted FRA does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF and does not provide a suitable basis for an assessment to be made of flood risks arising from the development. Furthermore the FRA relies on data from 2008 and is not considered to be up-to-date. In the absence of this information, to allow this development would be contrary to the NPPF, the Technical Guide to the NPPF and Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011**
- 3. The proposed development would be located in close proximity to an Oak Tree which is protected by a Tree Preservation Order. The submitted arboricultural report suggests that this tree should be reduced by 25% to prevent damage to the tree from the development. The extent of tree reduction to accommodate the proposed development is not considered to be appropriate management in order to retain this tree. Furthermore the tree would be surrounded by hard standing and a retaining wall within the root protection area and together with the buildings to either side the development will have a detrimental impact upon the long term health and well being of the tree. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**



This page is intentionally left blank

Application No: 12/1730N

Location: MUNICIPAL BUILDINGS, EARLE STREET, CREWE, CHESHIRE, CW1 2BJ

Proposal: Proposals to provide access to the principal elevation of the Municipal Building by re-grading the external path and integrating a Sesame access lift to the internal flight of steps. Refurbishment and minor alterations to the front range of ground floor suite of rooms to incorporate the registrations department. The internal refurbishment work includes redecoration to all the front range of ground floor rooms and reconfiguration to allow access to the suite of rooms to be designated as the registrations department.

Applicant: Nick Cook, Cheshire East Council

Expiry Date: 10-Jul-2012

SUMMARY RECOMMENDATION: APPROVE (subject to conditions)

MAIN ISSUES:

- Principal of development
- Impact on the character and appearance of the listed building
- Impact on the surrounding streetscene

1. REASON FOR REFERRAL

Applications for minor development submitted by Cheshire East Borough Council are usually dealt with under delegated powers. However in this instance Councillor Roy Cartlidge has called this application into Southern Planning Committee for the following reason;

'I want to call in the planning application 12/1730N Municipal Buildings on the grounds that it will be detrimental to the street scene and contrary to planning policies BE2, BE7, BE9 and BE13.

No Public consultation and no input from the Disability resource exchange centre have been looked into this puts into question whether there is a need for an extra disability access into the building when at present it meets all the disability legislation and could in fact be improved upon and the ceremony room could be provided at ground floor level in the new build municipal buildings at a much reduced cost. Therefore I ask the application be refused on the grounds that it would harm the character, appearance and the future setting of a conservation area and would also defect from the

scale, form and the character of the building and a building of this kind of architectural and historic interest which the town of Crewe has very few building of this kind and would I feel spoil the street scene and townscape for future years to come.'

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a Grade II listed building currently used as the 'town hall' in Crewe. The Municipal Buildings are sited within the town centre of Crewe, adjacent to the Vernon Way/Earle Street roundabout and faces onto the Municipal Square. The listing description for the building is,

'GV II Council Offices, 1902-1905 by H T Hare in English Baroque style. Yellow sandstone ashlar with stone slate gable roof. 2½ storeys and basement, 5 bays. 3 centre bays recessed for 2 storeys, flanked and separated by giant unfluted Ionic columns. Small Tuscan column mullions to ground floor windows, in outer bays. Deeply recessed semi-circular headed entrance with wrought iron gates and oak screen with double doors. This is flanked by timber mullion and centre-arched transome windows with matching archivolts and cartouche keystones. Pairs of large reclining figures, carved in relief by F.E.E.Schenck, surmount the three centre openings. Cross windows with stone eared architraves at first floor level and segmental bracketted balconies to outer bays. Dentilled and bracketted eaves cornice. Dormer windows to second floor centre bays with small pediments above and fronted by balustraded parapet. End bay windows are bullseyes with egg and dart and festoon treatment. Copings to gables, stone chimneys and cupola with vane and locomotive finial. Interior: Tuscan columns in entrance hall, York stone geometrical staircase, marble Ionic columns and a window in Venetian style in the Council Chamber. Hardwood doors, in elaborate frames, and plasterwork based on festoons and egg and dart moulds.

Listing NGR: SJ7067055787'

This application is for Listed Building Consent to amend the previous planning (11/1023N) and listed building (11/1024N) consents approved in 2011. This application permitted alterations to the front suite of rooms (previously the Planning Help Desk and Legal Department), this also including the insertion of two sesame lifts, one to the front of the building and another to the internal staircase. Since this approval was given and prior to works commencing the British Standard BS 6440:2011 (Powered vertical lifting platforms having non-enclosed or partially enclosed lift way intended for use by persons with impaired mobility) has been brought in and therefore requiring both lifts to have barriers around them. Permanent fixed barriers would not be suitable and would go against the concept of the hidden sesame lift. Retractable barriers are possible but require a larger pit for the lift to submerge and to the front of the building this would include an area of servicing and foundations. This option is therefore no longer a viable or feasible proposal.

The proposed development has been submitted following discussions between English Heritage, and the Council's Conservation Officer regarding the possible alternatives to the previously approved works.

2. DETAILS OF PROPOSAL

The proposal is to provide access to the principal elevation of the Municipal Building by re-grading the external path and integrating a Sesame access lift to the internal flight of steps. Refurbishment and minor alterations to the front range of ground floor suite of rooms to incorporate the registrations department. The internal refurbishment work includes redecoration to all the front range of ground floor rooms and reconfiguration to allow access to the suite of rooms to be designated as the registrations department. The application also includes the removal of the double lobby entrance and reinstating the original single door entrance to the front of the building.

As the application is made by Cheshire East Borough Council for alterations to a Grade II listed building, the Secretary of State will make the final decision on the application.

3. RELEVANT HISTORY

11/1024N - Listed Building Consent to Provide Access to the Principal Elevation of the Municipal Building by Integrating a Sesame Access Lift to the External Flight of Steps and a Second Sesame Lift to the Internal Flight of Steps. Refurbishment and Minor Alterations to the Front Range of Ground Floor Suite of Rooms to Incorporate the Registrations Department. The Internal Refurbishment Work Includes Redecoration to all the Front Range of Ground Floor Rooms and Reconfiguration to Allow Access to the Suite of Rooms to be Designated as the Registrations Department. – Approved by SOS 24th August 2011

11/1023N - Proposal to Provide Access to the Principal Elevation of the Municipal Building by Integrating a Sesame Access Lift to the External Flight of Steps and a Second Sesame Lift to the Internal Flight of Steps. Refurbishment and Minor Alterations to the Front Range of Ground Floor Suite of Rooms to Incorporate the Registrations Department. The Internal Refurbishment Work includes Redecoration to all the Front Range of Ground Floor Rooms and Reconfiguration to Allow Access to the Suite of Rooms to be Designated as the Registrations Department. – Approved 5th September 2011

10/0511N - Listed Building Consent for Recovering of the Front Section of the Roof to the Original Building - Approved by SOS 4th August 2010

P06/0069 - Listed Building Consent for Alterations to Front and Rear Entrances and Internal Alterations – Approved by SOS 3rd April 2006

P06/0105 - Listed Building Consent for New Lighting Scheme for the Facades of Municipal Buildings and Market Hall – Approved by SOS 7th June 2006

P96/0020 – LBC for handrail to front entrance steps – Approved with conditions 29th February 1996

4. POLICIES

The policies from the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP) are:

Local Plan Policy

BE.2 (Design Standards)
BE.9 (Listed Buildings Alterations and Extensions)

Other Material Considerations

National Planning Policy Framework

5. CONSULTATIONS (External to Planning) – None received at time of writing this report.

7. OTHER REPRESENTATIONS: None received at the time of writing this report.

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

9. OFFICER APPRAISAL

Procedural Matter

Within the call in reason it is noted that the proposal is contrary to Policy BE.7 (Conservation Area) and BE.13 (Building of Local Interest), however the site is not within a designated conservation area, and the Municipal Buildings are on the Statutory List of Buildings (Nationally Listed) and therefore is not on the Building of Local Interest list which relates to buildings on a non-statutory interest (Locally Listed). Therefore these policies will not be considered as part of this report as they are not relevant.

This application is for Listed Building Consent only. The works to the highway/path to the front of the building can be carried out without the need for planning permission under Part 12 Class A of the General Permitted Development Order. However, as the alteration to the path will be attached to the building and may affect the character and setting of the Listed Building it requires listed building consent.

Principle of Development

Policy BE.9 (Listed Buildings: Alterations and Extensions) states that in considering proposals for the alterations or extension of a listed building, the Local Planning Authority should ensure that the proposal respects the scale, materials, colour, detailing and other significant features of the building concerned and that the proposal should not detract from the character or setting of the building.

The National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The Municipal Buildings are listed and currently operate successfully as an office for the Local Council employees and as such any alterations that help to support this use and allow it to continue and meet new legislative requirements should be encouraged, subject to them being sympathetic to the historic integrity of the building.

The alteration will enable improved access and egress by disabled users of the facility. The proposal is considered to be in the public interest. The building itself is only open to the public during normal working hours currently and the intention is to fully utilise the viable uses of the building and open at weekends in the future as part of the new registration of births, deaths and weddings use, which will move into the ground floor offices at the front of the building. There is currently no disabled access from the front or rear of the original building with only a ramp and lift configuration, within the new building which requires members of the public to walk through the private office area of the building to get to the main desk/reception area of the building. Currently this is only available during only during normal working hours when the building is open. The alterations will allow the original building to be functional for all users at all times.

The NPPF goes on to note that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Furthermore, the NPPF goes on to state 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

It is considered that whilst the proposal may cause some harm to the setting of the building, this would not be substantial harm to the significance of the designated asset. The works will be carried out to the entrance steps and whilst it is regrettable that these will be covered up for the foreseeable future, the works will be carried out in such a way that they can be uncovered in the future if necessary.

The proposed internal lift and alterations have already been considered acceptable in principle within the previous planning and listed building applications and it is therefore considered that the minor harm caused to the listed building is outweighed by the public benefit of creating a more inclusive and viable building which is able to be used both for Council staff and members of the public 7 days a week.

Visual Impact upon the Grade II listed building and the surrounding streetscene

The greatest area of impact from the proposed alterations will be to the front elevation of the building which is focal point within the surrounding area and from the Municipal Square. The alterations include raising the pathway adjacent to the front of the building in a 1:21 gradient to allow level access to the building by all users. The gradient will be such that no handrails or landings are required. The existing small steps and landing area to the front of the building will be covered over with a single pane of stone to match the existing stone. Furthermore the current two door system into the building will be removed and the original single door reinstated.

Whilst the proposed alterations will undoubtedly have some impact on the setting, character and appearance of the building it is considered that keeping the building in use, and making it a viable asset of the Local Authority outweighs the initial impact the alterations will have on the building itself.

The insertion of the retracting stair lift internally will also have some impact on the visual amenity of the building as this will require the existing stone steps to be movable, as they will retract under each other to allow the base of the lift to emerge from the basement area. Furthermore, the addition of retractable barriers and glazed balustrade will have a limited visual impact when raised, and will appear relative unobtrusive.

Much of the internal works are decoration with the intention of reinstating original high level ceilings by removing the new lowered additions, and creating similar style doors, frames and architraves to the new walls. Furthermore, other than the new internal wall within one area of the building and the replacement of the two door vestibule entrance with the original single door arrangement, the stair lift area should remain fairly similar in appearance to the existing situation, except when in use.

It is considered that the new single door will improve the visual appearance of the building and by replacing it with an original feature. The minor alterations to the internal rooms are considered acceptable and will not have a detrimental impact on the historic fabric of the listed building. Furthermore, several restrictive conditions will be recommended to the Secretary of State to ensure that the materials used and their finished colour is submitted for agreement to ensure they are suitable for the Listed Building. It is therefore considered that the proposed works are acceptable and will not significantly detract from the character or setting of the listed building.

Conclusion

It is considered that the initial harm to the building which will occur due to the need to cover over the front steps and minor alterations to the internal layout of the building will be outweighed by the ability for the building to be used at weekends by all members of the public. It is important to improve the viability of listed buildings and to ensure their continued usage. It is considered that the proposal is acceptable and will have a minimal impact on the character and setting of the listed building. Therefore it is considered that the proposal is appropriate and would not be harmful to the historic integrity of the listed building and in accordance with Local Plan Policy and the National Planning Policy Framework.

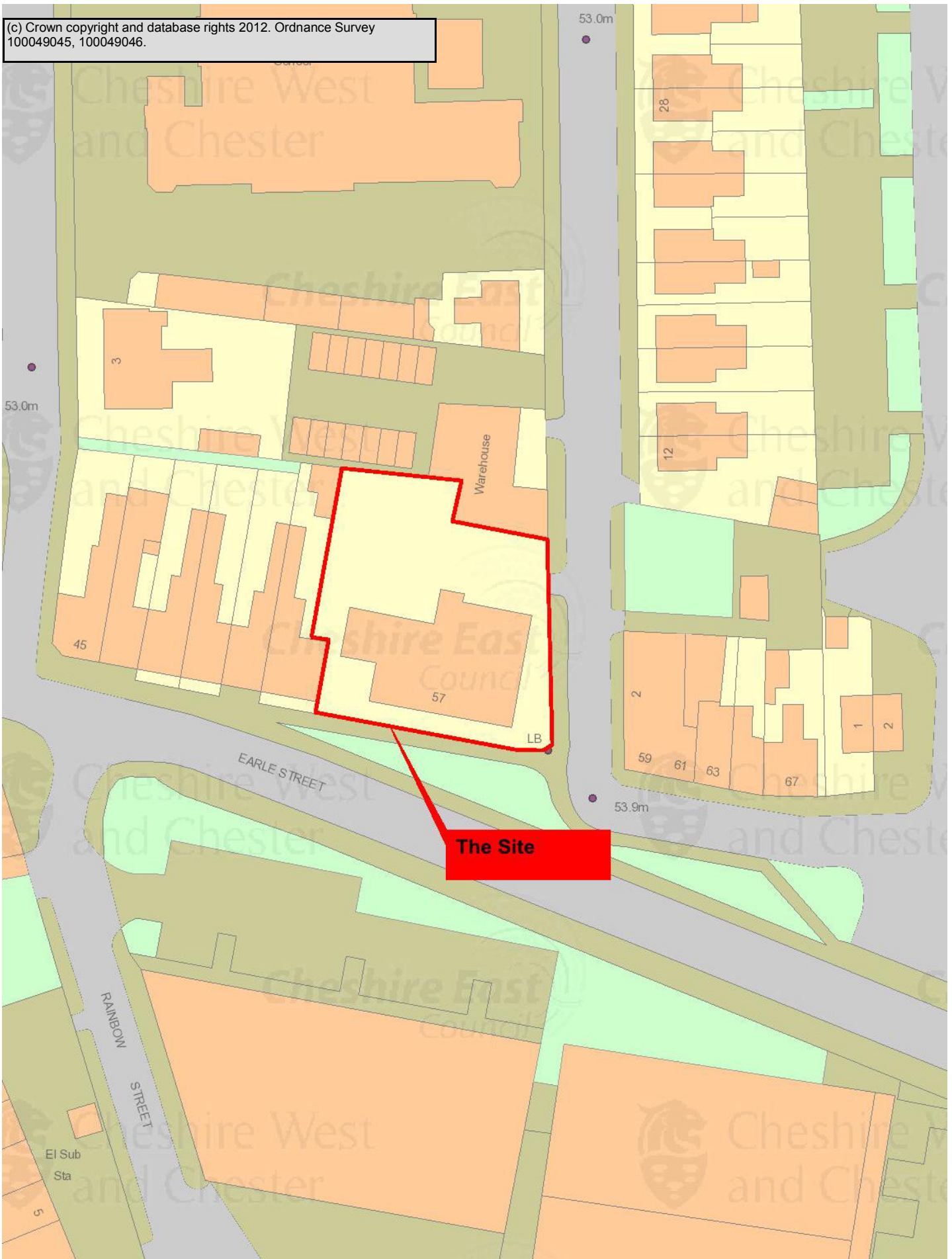
RECOMMENDATIONS

That the proposal should be referred to the Secretary of State with a recommendation of approval subject to conditions

- 1. Standard (Listed Building).**
- 2. Schedule of works,**
- 3. All Materials to be used to be submitted to approved in writing,**
- 4. All Painting to be same as existing,**
- 5. All carpeting to be unpatterned and the same colour as existing,**

6. All doors to match existing,
7. All fire places to be retained,
8. Full illustrative details of all call buttons and signs to be submitted for written approval,
9. Risers and treads to internal Sesame lift steps to be surfaced in materials to match the existing stairs
10. All studs to match others within building in colour and size and to be recessed within the steps.
11. Details of the proposed railings/balustrades to be submitted to and approved in writing
12. Ramp to be constructed in surfacing material to match the existing pathway
13. Schedule of approved plans

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



Application No: 12/1780N

Location: ROSE HALL, DAIRY LANE, ASTON JUXTA MONDRUM, NANTWICH, CW5 6DS

Proposal: Two Storey Extension to form residential annex

Applicant: Mrs A McAlpine

Expiry Date: 03-Jul-2012

SUMMARY RECOMMENDATION: Approve with Conditions

MAIN ISSUES

- Principle of development
- Design and impact on the open countryside
- Amenity impact on neighbouring property
- Access and Parking

REFERRAL

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

'This was originally an application which was refused due to not providing the minimum space. This should come to committee so that they can ensure that the minimum spaces are maintained and that this is not simply a re-run of the former application.'

DESCRIPTION OF SITE AND CONTEXT

The proposal site is a three storey former farmhouse property sited on Dairy Lane, Aston Juxta Mondrum. The proposal site is situated within the open countryside with a recent barn conversion surrounding the site to the north and east. The existing dwelling has a several single storey additions at the rear (west) of the dwelling which is surrounded by a 2m high wall.

A previous application on this site was refused for the following reason by the Southern Planning Committee,

'The proposed development is considered to be unacceptable by means of its height and the position of the two principal windows on the rear elevation of the extension. It is considered that the proposal would have a significantly detrimental impact on the amenity of the adjacent neighbours by means of overlooking as the minimum separation distance between principal windows noted within the Extension and Householder Development SPD is not achieved. It is therefore considered that the proposal is contrary to Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011 and the adopted Extension and the Council's Householder Development Supplementary Planning Document.'

DETAILS OF PROPOSAL

The applicant is seeking permission for a two storey extension to the rear of the property which is to be used as a residential annex for the applicant's housekeeper. The proposed extension to the property will be largely constructed on the existing footprint of the single storey extensions. The annex will have a kitchen, sitting room and WC at ground floor level and two bedrooms and a bathroom at first floor level. The extension will have a length of 9.5m, a width of 5m and a maximum height of 6m. There appears to be an alteration to the roof of the existing single storey rear projection which will contain the kitchen.

RELEVANT HISTORY

2012 12/0234 – Two storey extension to form residential annex – Refused 30th March

POLICIES

The policies from the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP) are:

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

RES.11 (Improvements and Alterations to existing Dwelling)

NE.2 (Open Countryside)

Other Material Considerations

National Planning Policy Framework

Extensions and Householder Development SPD

CONSIDERATIONS (External to Planning): None received at time of writing this report.

VIEWS OF THE PARISH / TOWN COUNCIL: None received at time of writing this report.

OTHER REPRESENTATIONS

Objections have been received from the occupiers of Little Rose Barn (No.1), 2 Rose Farm, and Court House, Dairy Lane. The main issues raised are;

- Original application was refused on height, this has not been changed,
- The height is excessive,
- Changing the position means that the development is even more overbearing and overshadowing to the rear properties,
- The proposal will now be closer to Little Rose Barn,
- Loss of sunlight,
- Reduction in visual and residential amenity,
- Overlooking and loss of privacy,
- An extension has already been constructed on site to the rear of the dwelling which is not shown on the plans,
- The proposal is for a separate dwelling not an extension this is misleading
- Nothing stopping the annex being sold off separately in the future,
- Would be happy with a single storey extension,
- Overdevelopment of the rear yard area site,
- Proposal will be out of character with the surrounding barns

APPLICANT'S SUPPORTING INFORMATION – None received

OFFICER APPRAISAL

Procedural Matter

The original description of development stated that the application was for a two storey extension. With the agreement of the applicant this has been altered to state 'two storey extension to form residential annex', in line with the previous application and the actual development proposed.

Principal of Development

The principal of householder development within the open countryside is considered acceptable provided that the proposed extension appears subordinate to the original dwellinghouse and the original dwelling remains the dominant element. The proposal must also accord with Local Plan policies BE.1 (Amenity), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to existing Dwellings).

Design and Impact on the open countryside

The existing dwellinghouse has a collection of single storey extensions and outbuildings to the rear of the property. The proposed development seeks to remove these outbuildings and replace them with a single storey outshout and a two storey residential annex. The proposed site plan shows that the footprint of the development is fairly similar to that which already exists on site. As noted above this application seeks to address the reason for refusal from the recent application.

Policy RES.11 states that, 'in the open countryside the original dwelling must remain as the dominant element with the extension subordinate to it'. The reasoning for the policy then goes on to explain that '...the extension must not result in the creation of a dwelling that is double or more than double the size of the original dwelling.' The proposed extension will be significantly less than double the volume of the existing dwelling and therefore from a numeric aspect the proposed extensions are acceptable.

The proposed extensions and alterations are of design and nature which is in keeping with the traditional design of the proposed dwelling. The proposed two storey addition has been positioned at a 90 degree angle to the previous proposal, which keeps the proposed development all within a more contained area. The proposed two storey extension will appear as a subordinate addition to the dwellinghouse and will tidy up the rear elevation of the dwelling. It is not considered that the proposed development will amount to an over development of the site. To appease the spacing standards the fenestration of the extension does not appear as appropriate as the previous design but will still appear as a suitable addition to the dwellinghouse.

Whilst timber window frames and doors would be preferable to retain the buildings traditional character, the use of UPVC windows and doors is acceptable as this property is not listed and the site is not within a conservation area.

The proposed two storey extension is to be used as ancillary living accommodation for the applicant's housekeeper. Whilst new dwellings within the open countryside are not acceptable the use of an extension for ancillary living accommodation is an acceptable use and with the addition of a condition to ensure the annex is only used as ancillary accommodation for a member of the family or someone who works for the owners of the dwellinghouse it is considered that the proposal is acceptable.

It is therefore considered that the proposed extension will not have a detrimental impact on the open countryside and is of a scale and mass which is acceptable in line with Local Plan policy BE.2 (Design Standards).

Amenity

The proposed extensions will be sited to the rear of the site. The proposed extension will be contained largely to the footprint of the existing buildings; however it will have a first floor addition which does not current exist.

The two storey extension (annex) will be sited to the rear of the site adjacent to the converted barns known as Rose Farm Barns. No.6 – 4 Rose Farm Barns are of a two storey nature and No.1-3 are one and a half storey in height.

The previous reason for refusal stated that the proposed development was unacceptable by means of its height and the position of two principal windows on the rear elevation of the dwelling. It was considered that the proposal would have a significantly detrimental impact on the amenity of the adjacent neighbours by means of overlooking as the minimum separation standards were not achieved.

It is clear that the height of the proposal has not changed and therefore this part of the reason for refusal has not been addressed, however the repositioning of the extension at a 90 degree angle with only an obscure glazed window facing No.3-6 Rose Farm Barns and no windows facing No.1-2 appears to reduce the overall overlooking impact caused by the previous extension.

A separation distance of 24m will be achieved between the rear elevation of the extension and the rear elevations of No's 3-6. The proposed extension will have an obscure glazed window at first floor serving a bathroom and two windows at ground floor level serving a sitting room and kitchen. The Council's Supplementary Planning Document: Extensions and Householder Development states that to protect the privacy and living conditions of neighbouring properties, a distance of 21m should be achieved between any proposed principal window and a directly opposing principal window, unless the window is fitted with obscure glazing. A distance of 13.5m should be maintained between the flank elevation of a two or three storey extension and a principal window in a neighbouring dwelling. It goes on further to explain that a flank elevation is one which does not contain any principal windows or only contains windows fitted with obscure glazing.

As the proposed elevation facing these properties will only have an obscure glazed window within it a distance of 24m is more that suitable and therefore is considered to be acceptable and in accordance with the guidance set out in the SPD.

There is a 13.5m separation distance between the proposed rear elevation of the extension and the rear elevation of the property known as 'Little Rose Barn'. Little Rose Barn has a number of principal windows on the rear elevation and the main reason for refusal on the previous application related to the separation distance between this property and the extension. The proposed extension has no windows in the side elevation facing the dwelling and although it will be sited slightly closer, the width of the extension (5m) will be less than the previous 9m. The proposal meets the required separation distance, between flank elevations and principal elevations and it is therefore considered that the proposed extension will not have a significantly detrimental impact on the amenity of the adjacent neighbours by means of overlooking.

Whilst it is acknowledged that the impact of a two storey extension will have some increased impact on views of the adjacent neighbours, protecting views is not a material planning consideration. However the impact the building may have on loss of light or overbearing impact is. The proposed extension will be 6m in height, and it is considered that the impact of the building will be limited when seen in the context of the three storey dwelling, and the intervening garage. Although the light to the rear elevation of the barns may be reduced slightly due to the south aspect it is unlikely that this would significantly detrimental to substantiate a reason for refusal.

The proposed single storey element of the proposal is to the south of the site and will have a limited impact on the amenity of the adjacent neighbours due to its single storey nature. The proposed development is considered to be of a size and position which is acceptable and in accordance with local plan policy BE.1 (Amenity).

Access and Parking

The proposed extension (annex) will be accessed off the existing driveway to the north of the site; there is sufficient space within the curtilage of the property to park several cars and therefore in the absence of any comments from the Highway Authority it is considered that the proposed development is acceptable and will not have a detrimental impact on highway safety.

Within the objections raised, the issue of the use of a private access to the west of the site is raised. The application site does not include the access to the rear and therefore does not form part of this permission. Furthermore, any issue raised with regards to the potential unauthorised use of the private access is a private civil legal matter and not a material planning consideration.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the proposed development has been amended sufficiently to address the previous application reason for refusal. The proposed extension is of size and position which is in-keeping with the host dwelling, and the surrounding area. The proposed development will not have a significantly negative impact on the adjacent neighbours and is therefore considered to be acceptable and in accordance with the relevant policies of the Local Plan.

Conditions

- 1. Standard Time**
- 2. Materials to match existing dwelling**
- 3. Obscure glazed window to first floor north elevation**
- 4. Annex to remain ancillary to main dwelling for use of family members, friends or staff only and not used a holiday let, separate dwelling or for a business use**
- 5. Approved plans**

(c) Crown copyright and database rights 2012. Ordnance Survey
100049045, 100049046.



This page is intentionally left blank

Application No: 12/1798C

Location: 21, SHEARBROOK LANE, GOOSTREY, CW4 8PR

Proposal: First Floor Extension to Existing Property and Two Storey Side Extension

Applicant: Mr J Cartwright

Expiry Date: 29-Jun-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of Development;
- Policy;
- Design;
- Amenity; and
- Other Matters

REFERRAL

This application is to be dealt with under the Council's delegation scheme. However, Councillor Kolker has requested that it be referred to Committee for the following reason: –

I would, however, like to call in the above referenced planning application due to concerns highlighted by local residents that approval may cause them significant loss of amenity.

DESCRIPTION OF SITE AND CONTEXT

The applicants property is a detached bungalow, which is set well back from Shearbrook Lane. The property is constructed out of facing brick under a concrete tile roof. Located at the side of the applicants house is an attached flat roof double garage. The applicants dwellinghouse is located within an extensive residential curtilage, which is rectangular in shape. The applicants dwellinghouse is flanked on either side by other large detached properties. The area is predominately residential in character and is located wholly within the village settlement boundary of Goostrey.

DETAILS OF PROPOSAL

This is a full application for a first floor extension to the existing property and a two storey side extension at 21 Shearbrook Lane, Goostrey.

RELEVANT HISTORY

No relevant site history

POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Congleton Local Plan First Review 2011:

GR1 New Development

GR2 Design

GR6 Amenity and Health

GR7 Amenity and Health

PS5 Villages in the Open Countryside and Inset in the Green Belt

CONSIDERATIONS (External to Planning)

None Consulted

VIEWS OF THE PARISH / TOWN COUNCIL

No objections

OTHER REPRESENTATIONS

Three letters of objection have been received regarding the proposed development. The salient points raised in the letters of objection are:

- The proposed dormer windows will overlook our property and the proposal will result in a loss of daylight;
- The present owner and occupier of the property has not been served with any formal notice;
- It is difficult to calculate the percentage increase in floor area and volume, but the proposal represents a substantial increase;
- There are a number of similar extensions within the locality, but the current proposal will significantly have a detrimental impact on my residential amenity;
- The proposal will be very close to the common boundary and will block the amount of daylight which I received. The proposal will have an overbearing and dominant impact on the windows (which serve habitable rooms) on the side of my property;
- A further consideration is that Goostrey village is currently short of smaller houses. Surely it would be better in the long term for 21 Shearbrook Lane to be kept as it is for this reason and the proposed purchaser seek an existing 2 story property elsewhere in

the village. There are plenty of these currently up for sale in Goostrey without the need to re-build 21 Shearbrook Lane. Goostrey certainly needs affordable houses to attract both younger families and those older people who need to downsize in their later life without having to move away from the village; and

- Having seen the property, the proposed extension will cut out the majority of light to both downstairs rooms in 21 Shearbrook Lane. The kitchen and lounge windows will now look directly on to a blank brick wall which will dominate the existing outlook.

APPLICANT'S SUPPORTING INFORMATION

No supporting information included with the application

OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with policies PS5 (Villages in the Open Countryside and Inset in the Green Belt), GR.1 (General Criteria), GR.2 (Design), GR.6 (Amenity and Health) of the adopted Borough of Congleton Local Plan.

The main thrust of Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

Development Control guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'. (Para 64). It is the opinion of the case officer that this proposal does not detract from the character of the host property and will not have a detrimental impact on the appearance of the area and is in accordance with advice stated within NPPF.

Policy

The site lies within the village settlement zone line of Goostrey where there is a presumption in favour of development. There is no specific policy which governs the acceptability of extensions to dwellings within settlement zone lines and therefore the generic policies relating to issues such as design, amenity and highway safety will apply.

Design

The dwellinghouse is located on a residential estate comprising of other dormer bungalows which have been altered in numerous different ways. It is noted that the existing dwellinghouse is of no significant architectural merit and the proposed alterations would not significantly impact upon the dwellings character.

According to the submitted plans the applicant is proposing on increasing the ridge height of the existing bungalow. The proposed extension will measure approximately 2.5m high to the eaves (the eaves height will remain the same) and 6.7m high to the apex of the pitched roof (as measured from ground level). The proposed extension will form a pitched roof, which is in keeping with the existing property. The pitch of the roof will be altered, but is similar in style to other properties within the immediate locality and as such will not appear overly conspicuous. The applicant has submitted a streetscene plan which shows a gradual reduction in ridge heights of no's 19 down to 23 Shearbrook Lane. This helps to retain the rhythm of the properties within the streetscene. Attached to the side of the property facing no. 23 Shearbrook Lane is a chimney, which helps to give the property a vertical emphasis.

On the front elevation of the extension at first floor level will be a large window, which is centrally located and will incorporate a soldier course directly above it. On the rear elevation of the extension will be a smaller window. It is considered that the design and proportions of the proposed apertures are in keeping with the host property and will not appear as alien or obtrusive features.

In addition to the above, the applicant is proposing on demolishing the existing single storey garage and replace it with a two storey side extension. The proposed two storey extension will measure approximately 5.5m deep by 8.2m long and is 2.5m high to the eaves and 6.7m high to the ridge of the pitched roof. The case officer notes that the ridge of the extension is the same height at the ridge of the host property (as extended). The proposed extension will be located perpendicular to the host property and will be constructed out of facing brick under a concrete tile roof to match the host property and this will be secured by condition, in the event that planning permission is approved. Located at the front of the proposed two storey side extension is a dual pitched porch.

Internally the extensions will comprise a garage, cloakroom and an enlarged sitting room at ground floor level. Whilst, the first floor accommodation will comprise 3no. bedrooms and one will incorporate an en-suite and a bathroom.

The proposed development will incorporate 2no. pitched roof dormer windows on the front elevation and two similar sized dormer windows on the side elevation facing no. 23 Shearbrook Lane. The proposed dormer windows will project out approximately 2.6m by 1.8m deep. The dormers are set down from the ridge and back from the eaves and are framed by roof tiles. It is considered given the design, proportion and location of the proposed dormer extensions will not have a detrimental impact on the character and appearance of the streetscene. Furthermore, it is noted that no. 23 Shearbrook Lane has similar dormer windows.

Overall, it is considered that there are a number of similar extensions within the locality and it is considered that the proposal will not form an alien or intrusive feature within the streetscene, which is contrary to advice advocated within policy GR.2 (Design) and the NPPF.

Amenity

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss

of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest properties which may be affected by the proposal are no's 19 and 23 Shearbrook Lane.

It is considered that the proposal will have a negligible effect on other properties in the area.

The proposed development will have no discernible impact on the residential amenities of the occupiers of no. 23 Shearbrook Lane. This property (no.23) is located to the east of the application site. There are several windows in the side elevation of this property facing the applicants dwellinghouse. Furthermore, a letter of objection from this property states that these windows serve habitable rooms. The objector is concerned that the proposal will result in over looking and reduce the daylight which they receive. The proposed dormer windows on the roof plane facing no. 23 Shearbrook Lane serve a bathroom and en-suite and both of these windows will be obscurely glazed, which will prevent any loss of privacy. Furthermore, the existing boundary treatment will help to mitigate any overlooking from the ground floor apertures. The two properties are separated by a distance of approximately 5m. Overall, it is considered the location, orientation and separation distances will all help to mitigate any negative externalities and as such the proposal complies with policy GR.6 (Amenity and Health).

It is considered that the proposal will have a negligible impact on residential amenities of the occupiers of No. 19 Shearbrook Lane. It is noted that this property also has several habitable room windows in the side elevation of their property facing the applicants dwellinghouse. This property no. 19 is located to the west of the applicants dwellinghouse. It is considered given the location, orientation and juxtaposition of the properties will help to alleviate any problems any associated with the proposed development.

Other Matters

One of the objectors states that the current occupier/owner of the property does not know anything about the proposed development. Whilst the concerns of the objector are noted, the applicant has signed Certificate A which states that they do own the property. In any event issues to do with land ownership are not material planning reasons for refusing the application.

Another concern of the objectors that there are very few small properties within Goostrey and this property should be left as it is so that it will appeal to young families or elderly people wishing to down size. Whilst the concerns of the objector are noted, the proposal complies with local plan policy and there is insufficient justification to warrant a refusal and sustain it at any subsequent appeal.

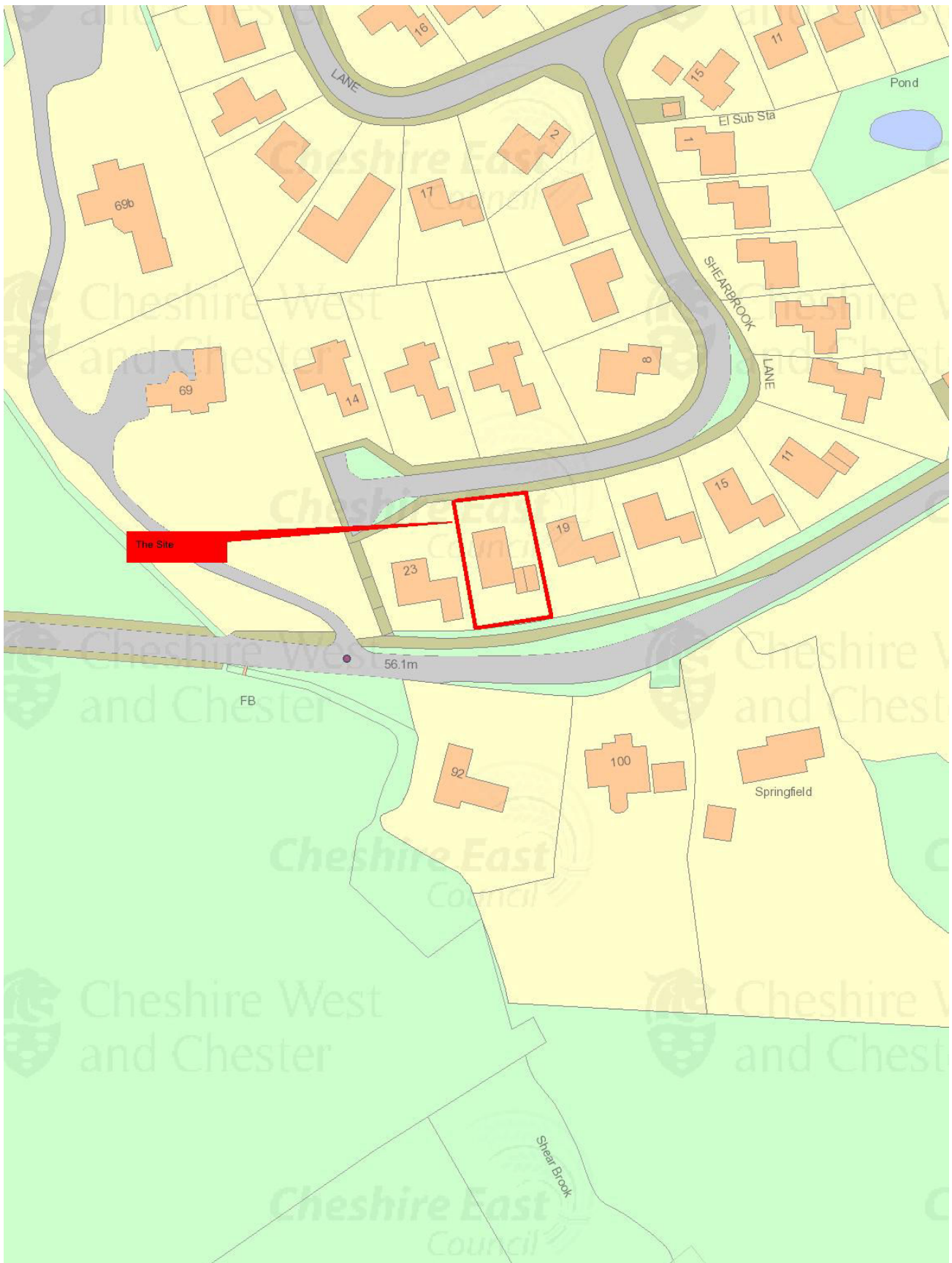
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development respects the size and character of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in

keeping with Policy GR2 (Design). The proposal therefore complies with Policies GR1 (General Criteria), GR2 (Design), GR6 (Amenity and Health) and PS5 (Villages in the Open Countryside and Inset in the Green Belt) of the adopted Congleton Borough Local Plan First Review 2005.

Approve subject to conditions

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials to be submitted and agreed in writing**



This page is intentionally left blank

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

27th June 2012

Date of meeting:

Report of:

Title:

Development Management and Building Control Manager
Proposed Deed of Variation to the Section 106 Agreement to allow for a reduction in the number of affordable units at Marsh Farm, Newcastle Road, Congleton (09/4240C).

1.0 Purpose of Report

- 1.1 To consider a proposed Deed of Variation to the Section 106 Agreement agreed to by Southern Planning Committee in respect of application 09/4240C.
- 1.2 The report is presented to Southern Planning Committee because the original application for a residential development of 52 houses was approved by the Committee on 21st July 2010.

2.0 Decision Required

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

3.0 Background

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

4.0 Previous Planning Permission

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

5.0 Officer Comment

- 5.1 The application has come forward after negotiations between the Housing Section and the developers.
- 5.2 Bloor Homes began marketing the discount for sale units in May 2011. This advertising took the form of local press advertisements, several property websites and the Cheshire Homechoice website.
- 5.3 Between May and October the Council were only able to nominate 3 people who had applied as eligible for the scheme.
- 5.4 Bloor Homes approached the Council to discuss the variation to the Section 106 Agreement due to the difficulties they were experiencing in finding buyers. This is due to the fact that discount for sale mortgages are limited, in this case only one lender will give mortgages for properties on the site. This particular lender requires a 20% deposit, meaning that purchasers would have to be able to provide a deposit of approximately £23,800. For shared equity units, the lender only requires a deposit of 5%.
- 5.5 The provision of the social rented unit will involve a much greater amount of subsidy by the developer than the subsidy involved in a shared ownership unit. For example, without any other subsidy a housing association will only be able to offer 54% of the market value of the property in order to be able to provide it at affordable rent. For comparison purposes this means the developer would have to sell a 3 bed house valued at £130,000 to a housing association for £70,200. As

a discount for sale or shared equity property the developer receives £91,000.

Another relevant consideration is the number of people on the waiting list for rented accommodation which is currently over 10,000 people. Of these there are approximately 350 people asking for Congleton. Therefore accommodation for rent is much needed and developers are usually reluctant to provide it

- 5.6 There is a clear demonstrable need for social rented and shared equity properties in Congleton. It is therefore considered that the benefits of the provision of these types of tenure, in place of discount for sale units, would outweigh the loss of one unit to the open market. This is especially relevant in the current economic climate as people in need of affordable housing are unable to raise the deposits which the lenders are demanding. Therefore, whilst theoretically, we may have the four discount for sale units available to people in housing need they are unlikely to be occupied and therefore have no beneficial impact on local housing need.
- 5.7 The Council would not normally support a spiral out clause enabling a developer to provide a financial contribution instead of on site affordable housing, however due to the circumstances on this site that the affordable homes in question have been marketed for over 12 months it is felt acceptable to enable the developer to sell the shared equity units on the open market and provide a financial contribution if a buyer has not exchanged contracts after a marketing period of 20 weeks from the completion of the Deed of Variation.
- 5.8 The Council is able to nominate two couples on the basis of shared equity, and an additional social rented unit is something that the Housing Section would welcome and for which there is a proven need. In fact it has recently emerged that the Council have actually been able to nominate 2 purchasers for the shared equity units as the housing need eligibility criteria is the same as it would be for a discounted for sale unit. Both nominated purchasers are couples with children however they cannot currently buy the properties as they are only able to access the deposits needed to buy the properties if they are on a shared equity basis.

6.0 Conclusion

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

7.0 Recommendation

- 7.1 That the Southern Planning Committee resolve to agree to a Deed of Variation the Section 106 Agreement linked to application 09/4240C to allow for the plots 36 and 37 to become shared equity tenure, plot 44, social rented and plot 35 to be released for open market sale.

8.0 Financial Implications

8.1 There are no financial implications.

9.0 Legal Implications

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

10.0 Risk Assessment

10.1 There are no risks associated with this decision.

11.0 Reasons for Recommendation

11.1 To allow the Deed of Variation to the Section 106 to be progressed to enable the properties to be occupied by people in need of affordable housing.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: Philippa Cockroft – Senior Planning Officer
Tel No: 01270 686757
Email: philippa.cockroft@cheshireeast.gov.uk

Background Documents:

- *Application 09/4240C*