

Southern Planning Committee

Agenda

Date:	Wednesday, 15th January, 2014
Time:	1.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

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

3. Minutes of Previous Meeting (Pages 1 - 18)

To approve the minutes of the meeting held on 11 December 2013.

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. **13/4323N Brooklands House, Ford Lane, Crewe, Cheshire CW1 3JH: Demolition of Brooklands House and erection of 3 storey apartment block containing 16 no. apartments and accompanying car park and landscaping for Ann Lander, Wulvern Housing Ltd (Pages 19 - 32)**

To consider the above planning application.

6. **13/5199C Gwenstan, 14, Smithfield Lane, Sandbach, Cheshire CW11 4JA: Proposed construction of 2 dormer bungalows in garden area - Resubmission of 13/3727C for Mr Smithfield (Pages 33 - 40)**

To consider the above planning application.

7. **Alteration to the Southern Planning Committee resolution for application 13/0018N (Pages 41 - 44)**

To consider a proposed amendment to the Southern Planning Committee's resolution in respect of planning application 13/0018N.

8. **Deed of Variation to S106 Legal Agreement for previously approved scheme for (08/0492/OUT) at Fine Art, Victoria Mills, Holmes Chapel (Pages 45 - 50)**

To consider proposed amendments to the Southern Planning Committee's resolution in respect of planning application 08/0492/OUT.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 11th December, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, W S Davies, A Kolker,
D Marren, M A Martin, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors S Corcoran, D Hough and J Wray

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer) - Minute No. 107 Only
Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
David Malcolm (Interim Planning and Place Shaping Manager)
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors R Cartlidge, P Groves and S McGrory

Apologies due to Council Business

Councillor J Clowes

103 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application number 12/3846C, Councillor R Bailey declared that, as it may be considered that she had fettered her discretion, she would exercise her separate speaking rights as a Ward Councillor and withdraw from the meeting during consideration of this item.

With regard to application numbers 13/2186C and 13/4442C, Councillor G Merry declared that she was a member of Sandbach Town Council.

With regard to application number 13/2631C, Councillor G Merry declared that she was a Council representative on the Cheshire Fire Authority.

With regard to application number 13/2631C, Councillor A Kolker declared that he had attended meetings at which the application had been discussed, but that he had not expressed an opinion and had kept an open mind.

With regard to application number 13/4002N, Councillor J Weatherill declared that she lived on Dane Bank Avenue, but that she had not expressed an opinion and had kept an open mind.

With regard to application number 13/2277N, Rachel Goddard, Senior Lawyer, declared that she knew the applicant. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.

104 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 13 November 2013 be approved as a correct record and signed by the Chairman.

105 **12/3846C 2 MOUNT PLEASANT ROAD & 50 THE BANKS, SCHOLAR GREEN, ODD RODE: DEMOLISH 2 EXISTING BUNGALOWS AND ERECTION OF 5 NEW BUILD DWELLINGS (THREE DETACHED AND ONE PAIR OF SEMI-DETACHED) FOR MR NEIL HAMAND**

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor R Bailey withdrew from the meeting for the duration of the Committee's consideration of this item.

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:

(a) the following conditions:

- 1) Time Limit
- 2) Approved Plans
- 3) Facing and Roofing materials to be submitted
- 4) Landscaping scheme to be submitted including boundary treatment
- 5) Removal of Class A & Class B Permitted Development Rights
- 6) Prior to occupation of the development the footway and visibility splay will be constructed as identified on drawing number 5403.01 Rev G
- 7) No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The

affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units of which 65% shall be social / affordable rent and 35% intermediate tenure;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 8) Removal of Permitted Development Rights for Gates Walls and Fences.
 - 9) Provision of visibility splays.
- (b) an informative relating to a Section 278 agreement being entered into under the Highways Act

106 **13/2186C MILLPOOL WAY/NEWALL AVENUE, SANDBACH, CHESHIRE CW11 4BU: RESIDENTIAL DEVELOPMENT OF 39NO, 2 & 2.5 STOREY, 1, 2 & 3 BEDROOM DETACHED & MEWS STYLE PROPERTIES AND ASSOCIATED WORKS FOR MR STEPHEN MILLER, MORRIS HOMES LIMITED**

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

Note: Mr G Goodwin (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 Goodwin to speak.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement securing the affordable housing (30% provision of which 65% is rented and 35% is intermediate tenure), a commuted sum of £49,028.00 for enhancement and maintenance of amenity greenspace and children and young persons provision, £157,637.00

for education and £10,000.00 for improvements to the Flat Lane link to the town centre

and the following conditions

1. Commencement
 2. Plans
 3. Submission of landscaping scheme
 4. Implementation of landscaping scheme
 5. Submission of a construction management plan to include hours of construction and piling
 6. Submission of a Phase II Contaminated Land Assessment
 7. Submission of details of external materials
 8. Development in accordance with the Flood Risk Assessment
 9. Details of foul water drainage
 10. No development during the breeding bird season
 11. Incorporation of features to accommodate breeding birds and roosting bats
 12. Submission of details of existing and proposed levels
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

107 **13/2277N TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE CW2 5NT: LAWFUL DEVELOPMENT CERTIFICATE FOR USE OF THE LAND AND BUILDING FOR THE STORAGE, BLENDING AND ADAPTATION OF FERTILISERS FOR SALE FOR MR MARK ABLE**

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

Note: Ms D Chapman (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report and a written update regarding the above application for a certificate of lawfulness of existing use or development from the Local Planning Authority for use for the storage, blending and adaptation of fertilisers for sale.

Such applications were determined on the basis of evidence and law, and a decision on the application would be made by the Interim Planning and Place Shaping Manager in consultation with Legal Services.

RESOLVED – That the report be noted.

- 108 **13/2631C LAND OFF NEW PLATT LANE, ALLOSTOCK, CHESHIRE: FULL PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT COMPRISING DEMOLITION OF EXISTING POULTRY HOUSES AND ERECTION OF 38 DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING. (ACCESS ROAD ONLY WITHIN CHESHIRE EAST. MAIN PART OF DEVELOPMENT IN CHESHIRE WEST AND CHESTER) FOR MR PETER KILSHAW, BLOOR HOMES LTD**

Note: Parish Councillor C McCubbin (on behalf of Goostrey Parish Council), Mr D Deas (on behalf of a local representative group), Mr I O'Donoghue (objector) and Mr R Barton (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

(a) That the application be REFUSED for the following reasons:

1. The Local Planning Authority has significant concerns regarding the build-ability of the access road through the chicane. On the basis of the information submitted, it is considered that the applicant has failed to demonstrate that, sufficient space would exist for adequate service strip and flood mitigation provision, and which could cause a situation to arise where it would not be possible for vehicle and pedestrian access to be safely maintained. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review
2. The proximity of the proposed access road and subsequent vehicular traffic to serve the development would have an unsympathetic relationship and therefore a detrimental impact on the amenity of the occupiers of the adjacent dwelling. As a result the development would be contrary to Congleton Local Plan Policy GR2 and GR6.

(b) That authority be DELEGATED to the Interim Planning and Place Shaping Manager to make representations to CWAC in the event that

they decide to approve the application to them, requesting that they secure the following:

- S106 contributions to increase the capacity of the existing play area at Boothbed Lane within Cheshire East:
 - Enhanced Provision: £11,812.53
 - Maintenance: £38,506.50
- S106 contribution of £40,000 toward the improvement of bus shelters, the provision of cycle stands and pedestrian and cycle facilities within Goostrey.

109 13/3294C FORMER FISONS SITE, LONDON ROAD, HOLMES CHAPEL, CHESHIRE CW4 8BE: DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF A CLASS A1 FOODSTORE AND PETROL FILLING STATION WITH VEHICULAR ACCESS, CAR PARKING, SERVICING AREA, PUBLIC REALM AND HARD AND SOFT LANDSCAPING FOR BLUEMANTLE LTD & SAINSBURY'S SUPERMARKET

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

110 13/3915C CRESSWELL FARM, CHELLS HILL, CHURCH LAWTON ST7 3RL: ERECTION OF ESSENTIAL RURAL WORKERS DWELLING (RETROSPECTIVE) FOR HEAD HERDSMAN (RESUBMISSION) FOR MR DAVID MOSS

Note: Councillor J Wray (Ward Councillor) and Mr S Locke (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.

RESOLVED

- (a) That the application be REFUSED for the following reason:

The dwelling, by virtue of its scale and massing would be inappropriate development that would cause harm to the Green Belt. Although there is an accepted need for the dwelling to house an agricultural worker, no very special circumstances have been demonstrated for the dwelling to be of such an excessive size. The proposal is therefore contrary to the requirements of paragraph 88 of the National Planning Policy Framework.

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning

Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

111 13/4002N SOUTH CHESHIRE COLLEGE, DANE BANK AVENUE, CREWE, CHESHIRE CW2 8AB: THE ERECTION OF 50 DWELLINGS, ASSOCIATED ACCESS, PARKING AND PUBLIC OPEN SPACE ON LAND AT SOUTH CHESHIRE COLLEGE, CREWE. (RESERVED MATTERS) FOR SCOTT MCKIMMIE, REDROW HOMES NW

Note: Town Councillor J Rhodes (on behalf of Crewe Town Council) 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
2. Approved plans
3. Materials to be slate grey roofs, red facing brick with red / blue feature brick – details & samples to be submitted
4. Landscaping to be submitted
5. Landscape implementation
6. Submission, approval and implementation of Construction Management plan
7. The hours of construction works (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
8. Piling operations restricted to: Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
9. Submission, approval and implementation of piling method statement
10. Submission, approval and implementation of scheme to minimise dust from construction
11. No approval for adventure trail. Submission / approval and implementation of revised details of play equipment
12. Implementation of boundary treatment. Wall to college drive- solid part of the wall should be 1700mm as with a 300mm railing
13. Submission, approval and implementation of arboricultural method statement
14. Submission, approval of tree protection
15. Implementation of tree protection.

112 **13/4045C LAND AT HAVANNAH STREET, CONGLETON: PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 17NO DWELLINGS, COMPRISING 8NO ONE BEDROOM FLATS AND 9NO TWO BEDROOM HOUSES FOR MIKE WATSON, PLUS DANE HOUSING ASSOCIATION/STG**

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

Note: Mr A Davies (on behalf of the applicant) attended the meeting and addressed the Committee on this matter. Mr Davies spoke in the place of Mr R Fletcher, who had registered to speak.

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

The Principal Planning Officer reported that the Environment Agency had withdrawn its objection and that most of the Strategic Highways Manager's concerns had been addressed.

RESOLVED

(a) That authority be DELEGATED to the Interim Planning and Place Shaping Manager in consultation with the Chairman to APPROVE the application for the reasons set out in the update report, subject to:

1. the completion of a Section 106 Agreement securing Children and Young Persons (play) Provision commuted sum payment of:

Enhanced Provision: £ 3,937.51

Maintenance : £ 12,835.50

and

The formation of a Management Company for the future management of the areas of open space within the site

2. the following conditions

1. Time limit – 3 years
2. Plans
3. Materials – samples to be agreed
4. Access to be constructed, formed and graded to satisfaction of highways authority
5. Protection of highway from mud and detritus during construction
6. Tree protection measures
7. Arboricultural Specification/Method statement
8. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native

- hedgerow planting and trees for ecological purposes and boundary treatments
9. Implementation of landscaping scheme
 10. Acoustic glazing specification recommended in the submitted noise report shall be implemented and maintained throughout the occupation of the development
 11. Breeding Bird Survey for works in nesting season
 12. Bats and bird boxes
 13. Site drainage on separate system - details to be submitted
 14. levels
 15. Bin and bike store details to be submitted
 16. United Utilities easement
 17. The hours of construction/demolition of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
 18. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
 19. Submission of mitigation measures to minimise any impact on air quality from construction dust
 20. Submission of a Contaminated Land Phase II investigation.
 21. Details of ground levels to be submitted
 22. Details of bin/bike store to be submitted prior to commencement and implemented prior to occupation
 23. Housing to be 100% affordable
 24. Renewable – fabric first approach
 25. Surface water management scheme
 26. Emergency Access Route
 27. Finished Floor Levels
3. Confirmation being received from the Strategic Highways Manager that the late information is satisfactory.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

113 **13/4382N SIR WILLIAM STANIER COMMUNITY SCHOOL, LUDFORD STREET, CREWE CW1 2NU: 100% AFFORDABLE HOUSING DEVELOPMENT COMPRISING 60NO. ONE AND TWO BED FLATS, 47NO. TWO AND THREE BED SEMI DETACHED AND MEWS HOUSES AND ANCILLIARY WORKS FOR RENEW LAND DEVELOPMENTS LTD**

Note: Town Councillor J Rhodes (on behalf of Crewe Town Council) attended the meeting and addressed the Committee on this matter.

Note: Mr R Lee had registered his intention to address the Committee on behalf of the applicant but did not speak.

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

RESOLVED - That authority be DELEGATED to the Interim Planning and Place Shaping Manager in consultation with the Chairman to APPROVE the application for the reasons set out in the report, subject to:

- (a) No objection being raised by the independent consultant following consideration of the viability appraisal
- (b) the following conditions:
 - 1. Standard time limit
 - 2. Standard Outline
 - 3. Approved plans
 - 4. Construction of Access
 - 5. Provision of parking
 - 6. Implementation of Materials – No approval for buff bricks
 - 7. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
 - 8. Submission, approval and implementation of piling method statement
 - 9. construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
 - 10. Submission, approval and implementation of details of any lighting prior to installation
 - 11. The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
 - 12. Implementation of submitted Travel Plan
 - 13. Implementation of submitted dust control measures
 - 14. The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.
 - 15. Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the

development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.

16. Detailed breeding bird survey for works in nesting season
17. Features for use by breeding birds and bats
18. Implementation of boundary treatment
19. Implementation of drainage scheme
20. Implementation of cycle parking within scheme
21. Implementation of landscaping
22. Arboricultural Method Statement to include removal of areas of hard standing around trees, the reinstatement of the ground around retained trees, tree protection measures and an auditable system of arboricultural supervision.
23. Implementation of a revised landscape plan to include further tree planting.
24. Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings
25. To be maintained as affordable housing in perpetuity.

114 **13/4073N WESTMINSTER STREET PARK IN CREWE., WESTMINSTER STREET, CREWE: INSTALLATION OF A CONTROL KIOSK, PRESSURE RELIEF COLUMN, HARDSTANDING, LANDSCAPING AND DROP KERB OPERATIONAL ACCESS REQUIRED IN CONNECTION WITH A FLOOD RELIEF SCHEME AT WESTMINSTER PARK, CREWE. RESUBMISSION OF 13/2937N FOR UNITED UTILITIES**

Note: Town Councillor J Rhodes addressed the Committee on behalf of Mrs D Bickerton, an objector who had registered to speak but who had left the meeting prior to consideration of this application.

Note: The Principal Planning Officer read a statement submitted by Councillor S Hogben, a Ward Councillor.

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 limit
2. Approved Plans
3. Tree Protection
4. Landscape Method Statement
5. Archaeology

115 **13/4192C 2, BEDFORD GROVE, ALSAGER ST7 2SR:
RETROSPECTIVE CHANGE OF USE OF OPEN SPACE LAND TO
DOMESTIC CURTILAGE LAND, ERECTION OF 2M HIGH BOUNDARY
FENCE FOR MR CHRISTIAN PREECE**

Note: Councillor D Bebbington left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: All Members declared that they had received an email containing photographs of the site.

Note: Councillor D Hough declared that he lived on Pikemere Road, Alsager.

Note: Councillor D Hough (Ward Councillor), Mr D Currie (objector) and Mr C Preece (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

The fence by reason of its siting and design has a detrimental impact upon the character and appearance of the site and the surrounding area. The development is contrary to Policy GR2 of the Congleton Local Plan.

116 **13/4194N 'THE LIMES', 425, CREWE ROAD, WINTERLEY,
SANDBACH, CHESHIRE, CW11 4RP: CONVERSION OF EXISTING
DETACHED DWELLING INTO 4 APARTMENTS, ERECTION OF 2
TWO-STOREY DETACHED DWELLINGS & 4 TWO-STOREY SEMI-
DETACHED DWELLINGS AND ASSOCIATED WORKS FOR MR
MICHAEL & NEIL GHOSH**

Note: Councillor P Butterill left the meeting prior to consideration of this application.

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

RESOLVED – That the application be DEFERRED for more information in relation to the interaction of the proposed access and the pedestrian refuge/proposed S278 works and to enable the case officer to investigate the possibility of a single access point to serve the site.

117 **13/4266C LAND ADJACENT TO SANDYACRE, 51 MAIN ROAD, GOOSTREY, CREWE, CW4 8LH: CONSTRUCTION OF 3 NEW HOUSES ADJACENT TO SANDYACRE (RE-SUB OF 12/4318C) FOR MRS A ROSE**

Note: Councillor D Newton left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor M Martin left the meeting during consideration of this item.

Note: Parish Councillor C McCubbin (on behalf of Goostrey Parish Council) and Mr J Ashall (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

- (a) That, for the reasons set out in the report, the application be APPROVED subject to completion of a Section 106 legal agreement to secure a commuted sum towards off site affordable housing (the Interim Planning and Place Shaping Manager is granted delegated authority to confirm the amount in consultation with the Chairman of the Southern Planning Committee)

and the following conditions:

1. Standard time limit 3 years
2. Approved Plans
3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority
6. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
7. Works should commence outside the bird breeding season

8. Materials to be submitted and approved
 9. Landscaping to be submitted and approved
 10. Landscaping scheme to be implemented
 11. Remove Permitted Development Rights Classes A-F of Part 1
 12. Boundary Treatment details
 13. Tree and hedgerow retention
 14. Tree Protection to be submitted and approved
 15. The parking spaces to be provided on the approved plan should be provided
 16. Visibility splays of 2.4m x 43m in both directions to be provided before development commences and thereafter be retained.
 17. Any gates to be erected to be set back by 5.5m from the highway
 18. Contribution to off-site affordable housing
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

118 **13/4323N BROOKLANDS HOUSE, FORD LANE, CREWE, CHESHIRE CW1 3JH: DEMOLITION OF BROOKLANDS HOUSE AND ERECTION OF 3 STOREY APARTMENT BLOCK CONTAINING 16 NO. APARTMENTS AND ACCOMPANYING CAR PARK AND LANDSCAPING FOR ANN LANDER, WULVERN HOUSING LTD**

Note: Councillor M Martin returned to the meeting during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor D Marren left the meeting during consideration of this application.

Note: Town Councillor J Rhodes (on behalf of Crewe Town Council) 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 proposed development
- (b) to enable the applicant and officers to consider the incorporation of the existing building into the scheme

119 **13/4442C SAXON CROSS MOTEL, HOLMES CHAPEL ROAD, SANDBACH CW11 1SE: VARIATION OF CONDITION 5 ON APPROVAL 11/2018C - DEMOLITION OF EXISTING HOTEL ON THE SITE. CHANGE OF USE FROM A CATEGORY C1 DEVELOPMENT TO A MIXED USE OF CATEGORY B1 AND B8. CONSTRUCTION OF A SINGLE-STOREY OFFICE BUILDING AND WAREHOUSE BUILDING. NEW HARD LANDSCAPING ASSOCIATED WITH THE PROPOSED DEVELOPMENT, INCLUDING RELOCATION OF VEHICULAR ACCESS FOR JONATHAN BOLSHAW, BOLSHAW INDUSTRIAL POWDERS**

Note: Councillor D Newton left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Standard time limit 3 years from 5th August 2011
 - 2. Materials to be submitted to the LPA and approved in writing
 - 3. Surfacing materials in accordance with plan reference AD1991.12
 - 4. Development in accordance with the Contaminated Land Assessment. Details of clean cover to be provided.
 - 5. Condition to specify the approved plans
 - 6. The car/HGV parking shown on the approved plans to be provided before the unit hereby approved is first occupied
 - 7. Cycle parking facilities in accordance with plan reference AD1991.10
 - 8. Shower facilities to be in accordance with plan reference AD1991.14
 - 9. Drainage details to be in accordance with plan reference AD1991.13A
 - 10. Details of oil interceptors to be submitted to the LPA and approved in writing
 - 11. External lighting to be in accordance with plan reference AD1991.15A
 - 12. No external storage
 - 13. Bin Storage details to be in accordance with plan reference AD1991.11
 - 14. Landscaping to be in accordance with plan reference AD1991.09A

15. Landscaping to be completed
 16. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.
 17. Details of any pile driving to be submitted to the LPA and approved in writing
 18. Prior to the development coming into use, the applicant shall submit to the local planning authority a travel plan demonstrating how they will ensure that vehicle movements associated with the development (staff cars, deliveries and HGV movements) from the site will be managed to ensure that traffic congestion within the air quality management area will not be adversely affected.
 19. Prior to first occupation the new access and visibility splays will be constructed to completion in accordance with approved plans
 20. Prior to first occupation the existing access will be permanently closed and the highway kerb line reinstated at the edge of carriageway in accordance with plan reference AD1991.16A
 21. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
 22. Breeding Bird Measures in accordance with the plan titles 'Breeding Bird Ecological Enhancements Figure 1'
 23. The proposed development to proceed in accordance with the recommendation made in the submitted Updated Ecological Appraisal dated May 2011 and the submitted letter from fpcr dated 27th June 2011.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

120 **13/3680C LAND AT 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE
CW10 9HG: VARIATION OF CONDITION 2 ON APPROVAL 13/0100C
TO ENABLE MINOR REVISIONS TO THE SITE LAYOUT TO ACHIEVE
IMPROVED ACCESS AND IMPROVED MARKETABILITY OF
DWELLINGS FOR P.E. JONES (CONTRACTORS) LIMITED**

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to a Deed of Variation to the Section 106 Legal Agreement attached to 13/0100C to secure incorporation of the layout detailed within 13/3680C

and the following conditions

1. Time limit – 3 years
2. Plans
3. Materials – samples to be agreed
4. Access to be constructed, formed and graded to satisfaction of highways authority
5. Protection of highway from mud and detritus during construction
6. Tree and hedgerow protection measures
7. Arboricultural Specification/Method statement
8. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
9. Implementation of landscaping scheme, including replacement hedgerows
10. Submission of updated ecological survey (badger)
11. Breeding Bird Survey for works in nesting season
12. Bats and bird boxes
13. Translocation scheme for reptiles to proceed in full accordance with the submitted Reptile Mitigation Strategy produced by RSK dated October 2012 prior to commencement of any demolition or development on site
14. Site drainage on separate system - details to be submitted
15. The hours of construction/demolition of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
16. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
17. Submission of mitigation measures to minimise any impact on air quality from construction dust
18. Submission of a Contaminated Land Phase II investigation.

19. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
20. Construction specification/method statement
21. No new windows – gable elevations plot 12 and 15
22. Details of design / surfacing of proposed footpath links to site frontage
23. Open plan estate layout – removal of permitted development rights for fences in front gardens
24. Removal of permitted development rights for extensions-plots 11, 12, 12a, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
25. Details of ground levels to be submitted
26. Details of bin/bike store to be submitted and implemented for plots 12-15
27. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
28. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
29. The parking provision to plots 12 to 15 shall be a maximum of 150%
30. Scheme of affordable housing to be submitted prior to commencement of development and implemented

The meeting commenced at 1.00 pm and concluded at 7.20 pm

Councillor G Merry (Chairman)

Application No: 13/4323N

Location: BROOKLANDS HOUSE, FORD LANE, CREWE, CHESHIRE, CW1 3JH

Proposal: Demolition of Brooklands House and erection of 3 storey apartment block containing 16 no. apartments and accompanying car park and landscaping.

Applicant: Ann Lander, Wulvern Housing Ltd

Expiry Date: 14-Jan-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of development;
- Design;
- Amenity;
- Affordable housing;
- Highways;
- Landscaping;
- Trees;
- Ecology;
- Drainage; and
- Other Matters

REFERRAL

The application is referred to planning committee because it is over 10 units and is therefore a major development. The item was deferred from the last Southern Planning Committee meeting (11th December 2013) for the following reasons:

1. Site Visit;
2. To consider whether the existing building could be incorporated into the scheme; and
3. To consider whether residents at the proposed development could readily access the site

The Committee Report has been updated taking into account the outstanding consultation responses and the two factors cited above.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a large three storey detached Victorian building. The property is set on a relatively flat piece of land at the top of a hill and is surrounded on several elevations by large mature trees a number of which are protected by TPO's. Located to the front is an area of public open space and to the rear are a number of residential properties. The property itself is accessed via single track road, which is accessed off Broad Street. The property is constructed out of red facing brick under a slate roof. The building has been vacant for a number of years. The application site is located wholly within the Crewe Settlement Boundary.

DETAILS OF PROPOSAL

The proposal is for a housing scheme for over 55's and comprising of 16 No. apartments in total. A mixture of apartment sizes has been provided and comprises 6 no. two bedroom apartments, 6 no. one bedroom apartments and 4no. one bedroom 'plus' apartments. The 'plus' apartments have sufficient space within the lounge for a visitor or carer to stay. The apartments would be contained within a single block fronting Badger Avenue with some car parking and the bin store will be located at the front of the apartment block. However, the majority of the car parking and amenity areas will be located to the side of the proposal.

The proposed development will be three storeys in height and is broken up into three sections with the ridge of the central section set down and will incorporate projecting gables and balconies.

RELEVANT HISTORY

7/17648 - Conversion from 10 No. bed-sit units to 10 No. self-contained flats – Approved – 12th October 1989

7/05124 - Garaging of single decker bus for private use and maintenance of same – Approved – 29th March 1979

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 Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

TRAN.9 (Car Parking Standards)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

CONSIDERATIONS (External to Planning)

United Utilities: No objections

Ecology: No objections subject to conditions relating to survey for breeding birds, bat mitigation and incorporation of features for breeding birds

Environmental Health: No objections subject to conditions relating to hours of construction, piling, dust control, lighting scheme and contaminated land

Housing: No objections

Landscape: No objections

Local Sustainable Transport Fund Project: The site entrance road leaves Broad Street at the same location as the Leighton Greenway, an off-road route for pedestrians and cyclists between the north west area of Crewe and towards the town centre. There are aspirations to improve the connectivity between this Broad Street terminus of the Greenway and the town centre itself by relocating the terminus at the Badger Avenue/Broad Street junction which is the desire line for users. The relocation of this Greenway would also remove any potential conflict between users and vehicles accessing the proposed development.

VIEWS OF THE PARISH / TOWN COUNCIL

The Council recognises the need to redevelop the site, but feels it is regrettable that a house of historical significance is being demolished to provide for the development. The apartment building at three storeys is not in keeping with the houses in adjacent areas. We also believe that consideration needs to be given in terms of access to the site for older people as the main access routes seem to be at the foot of the hill away from the development.

OTHER REPRESENTATIONS

1 letter of objection has been received from the occupiers of 101 Bedford Street. The salient points raised are as follows:

- Brooklands House has been a landmark for over a century and adds to the distinction of the area;
- Crewe has lost too many of its Victorian buildings and the place loses its sense of identity;
- The existing building should be retained and refurbished

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

Protected Species Survey

Tree Report

Transport Statement

OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 16 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *"the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."*

According to paragraphs 19 to 21, *"the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore*

significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

Design

Guidance advocated within NPPF supports a mix of housing within areas. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF 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’* (paragraph 64)

However, the NPPF clearly states that *‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness’* (paragraph 60).

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

The collection of dwellings around the application site have been constructed over approximately the last 120 years and provide a eclectic mix of architectural styles, forms and differing scales of dwellings. The application building is roughly in the shape of a letter ‘U’.

The existing building which will be demolished to make way for the proposal measures approximately 10m high. However, the proposed apartment block will be approximately 12.9m high (a difference of 2.9m). However, given its relative remote location and the proposal will be screened by existing trees, it will not appear overly conspicuous or incongruous.

The proposed apartment block will be constructed on the footprint of the former building following its demolition. It is noted that the proposed apartment block is larger than the existing building and the proposed footprint will subsume it. According to the submitted plans the proposed three storey apartment block will measure approximately 12.9m high by 37.5m long and 18.8m deep (at the widest points). The apartment block will be constructed out of facing brick with the central recessed section rendered. The building will incorporate a cement tile roof, and a condition relating to materials will be conditioned, in the event that planning permission is approved.

The building will incorporate a pitched roof design, which is in keeping with the general character of the area. The building has a long range and in order to break up its massing is divided into three sections. The central section is set back and the ridge is stepped down. Furthermore, this section is rendered (which is in contrast to the flanking sections which are constructed out of facing brick) and the roof contains a number of solar panels. It is considered that given the central section is recessed helps to relieve the overall massing of the proposal. Additionally, on the front elevation are two projecting gable elements, which help to break up the otherwise stolid elevation. Located at the rear are two smaller outriggers which are two storey in height.

The building will incorporate sill details and recessed windows and as such will harmonise with the proposed dwellings. Located on the elevations of the building are a large number of apertures of various sizes and a number of these windows will incorporate balconies. The pattern of fenestration creates a strong vertical emphasis which is reminiscent of the bay windows which are characteristic of many of the terraced streets in the vicinity. Overall, it is considered that the design and proportions of the proposed apertures will not appear as alien or incongruous features.

Internally the apartment block will comprise of 6no. apartments on the ground and first floors, and 4no. apartments on the second floor.

Overall, it is considered the proposal would not detract from the identifiable character of the locality and its sense of place. Furthermore, due to the nature of the plot, nature and sale of the existing built form and the intervening road and the boundary treatment, the application site will not have a significant detrimental impact on the character and appearance of the streetscene and as such the proposal is in accordance with policy BE.2 (Design Standards).

Amenity Considerations

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

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

The development site is surrounded by residential properties to the north and west with an area of public open space to the east and south.

Located directly to the north of the application is a church hall and slightly offset to the north east is the vicarage. According to the submitted plans there is a distance in excess of 25m separating the church hall and vicarage from the application site. Furthermore, there are no principal windows located in this elevation which would potentially over look these properties. It is noted that there is a balcony serving unit 10, which result in some perceived over looking and loss of amenity and as such a condition will be attached requesting that a privacy panel is erected. Overall, it is considered given the separation distances, boundary treatment and landscaping (to be conditioned) will help to mitigate any negative externalities.

There is a large two property located immediately to the west of the application site. It is noted on the proposed apartment block there are number of balconies and other principal room windows. According to the Councils SPD Development on Backland and Gardens there should ideally be a distance of 21m between principal elevations, 13.5m between a principal elevation with windows to habitable rooms and blank elevation and in the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms. According to the submitted plans there is a separation distance in excess of 30m separating the application site from this property. Furthermore, there are number of large mature trees located in between the properties. Consequently, it is considered given the intervening trees and the separation distances will help to alleviate any problems caused by the proposed development.

Located to the north west of the application site are a number of modern two storey properties. These properties are slightly offset from the proposed apartment block. There is a distance of approximately 18.5m separating the rear elevation of these properties from the two storey outrigger located on the rear of the apartment block. As previously stated there are no principle habitable room windows in this elevation of the apartment block. According to the submitted plans unit no. 9 has a balcony and to prevent any undue overlooking a privacy panel is proposed, which will be conditioned accordingly. Overall, it is considered given the separation distance, orientation and juxtaposition of the properties and the boundary treatment will help to resolve any problems associated with the proposal.

Affordable Housing

The proposal is for the creation of 16no. affordable homes for the over 55's comprising of 6 no. two bedroom apartments, 6 no. one bedroom apartments and 4one bedroom 'plus' apartments to be let as affordable rented housing.

The Strategic Housing Market Assessment Update 2013 identified a requirement for 12 x 1 bed and 20 x 2 bed older persons accommodation each year between 20013/14 – 2017/18 in the Crewe sub-area, which is the area this site is located in.

131 applicants aged 60 or over on the housing register with Cheshire Homechoice have selected one of the Crewe re-housing areas as their first choice and also require a 1 or 2 bed property.

The Interim Planning Statement: Affordable Housing states that Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). It also states that properties should be constructed in accordance with the Design and Quality Standards adopted by the Homes and Communities Agency.

Overall, it is considered given that the provision of 100% affordable housing on the site is to be provided and retained and given that the applicant is an RSL, this will be secured via condition and as such the proposal is in accordance with Policy RES.7.

Highways

According to the submitted plans there are 19no. car parking spaces (including 2no. disabled bays). There is sufficient space for vehicles to maneuver so that they can access/egress the site in a forward gear. Colleagues in Highways have been consulted and they state 'this proposal demonstrates via a transport statement that: access (including refuse), parking and junction visibility meet required standards. The traffic generation will be very low and non-material in impact terms. Therefore, the Strategic Highways Manager has no comment or objection to make regarding the above development and as such the proposal is in accordance with policies TRAN.9 (Parking Standards) and BE.3 (Access and Parking).

Landscaping

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

As previously stated the site is a 0.5 ha site located at the top of a bank adjoining public open space and is accessed by a track leading through the open space from Broad Lane. The site is currently occupied by a Victorian building and has significant tree cover.

The existing building is visible from the surrounding road network and the public open space although the existing tree cover provides a degree of screening. Whilst the proposal would result in some vegetation losses, much of the mature screening vegetation would be retained. It is acknowledged that as the development would occupy a much larger footprint and have a higher ridge level than the existing building it would be more prominent to view in the short term. However, as immature trees within the public open space mature, the level of screening afforded would increase. The Councils Landscape Officer has been consulted and considers the 'proposals to be reasonable and sympathetic to the development proposed'.

Trees

According to the site location plan appears to depict a number of vehicle passing places located on the existing driveway which serves the proposed development. The Tree Survey Report only covers the development site and those immediate trees associated with the Public Open Space to the West, but not the arboricultural aspect of the driveway which includes a significant number of protected trees. Given the possible implications for both the passage of construction traffic/materials and the proposed passing places a detailed Impact Assessment will be required including solutions for the anticipated problems.

In principle there should be no objection to the loss of the trees identified for removal, all of which are considered to low value Category C specimens. The report identifies the retention of T16, this should be amended with its loss conceded due to its poor structural condition and diminishing vigour and vitality; the tree is in terminal decline.

The Landscape Officer has been consulted and states that the 'feasibility of implementing a suitable driveway surface and passing places is accepted in principle providing all are constructed under a 'no dig' process in accordance with BS5837:2012. I am comfortable for the matter to be addressed by condition.

Ecology

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum

- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has been consulted on the application and confirmed that the application is supported by an acceptable ecological survey. He advises whilst badgers are likely to be active in this broad locality no evidence of badgers was recorded during the submitted survey. He therefore advises that badgers do not present a constraint upon the proposed development.

The Council's ecologist acknowledges that there was evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the existing building. The usage of the building by bats is likely to be limited to small numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a LOW impact upon bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and a replacement features for roosting bats in the proposed apartment block as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. Therefore, if planning permission is to be approved a condition relating to bat mitigation will be attached to the decision notice.

In addition to the above, conditions relating to breeding birds will be condition accordingly. Overall, it is considered that the proposal is in accordance with policy NE. (Protected Species).

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to

condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Other Matters

Whilst the demolition of Brooklands House, which is a large imposing Victorian property is regrettable the building is not listed and neither is it on the local list. Therefore, it is considered that there is insufficient justification to warrant a refusal on these grounds and sustain it at any future appeal.

Retention of the existing building

Members were concerned whether the existing building could be retained. The applicant confirms that the property was previously converted into 10 self contained bedsits which were used to provide accommodation for single people. The location proved unsuitable for unsupervised, young single people and in 2008 the last tenant was moved out of the property.

Wulvern then commissioned an Architect to draw up a scheme retaining the existing building and building new apartments adjacent to it; the scheme was intended to provide supported accommodation for vulnerable young people and needed a minimum number of units to make it financially viable. However, the high costs of refurbishment with new build construction rendered the scheme unviable and in addition, it was not possible to secure revenue funding for the additional management support which the client group would have required. The applicant confirms that they have looked at converting the existing property to provide apartments for older persons however this could not be achieved because of the space standards required and the need to include a lift. In addition, the building would still have a limited life expectancy of 30 years and did not offer the level of return which the capital commitment required. Wulvern Housing Association is a not for profit business providing homes at a restricted affordable rent.

The site is located across the road from Wulvern's extra care scheme at Pickmere Court; the applicant believes the location of the site is ideal for people over 55 who can, if they choose, take advantage of the social activities and amenities at Pickmere. The existing building is in very poor condition and there are major site constraints including a number of protected trees and the cost of making up the existing access road, half of which is owned by the Council. They have managed to secure grant funding from the Homes & Communities Agency to assist with the capital cost of redeveloping the site to provide new homes for people over 55.

These new homes will be built to current space standards and will have a life expectancy of 60+ years. They have taken great care to place the footprint of the building in such a way that the existing trees form part of the landscaped area around the new homes and offer the benefit of a mature setting immediately for the new homes.

Whilst it is acknowledged that the loss of the building is regrettable. It is considered given all the factors cited above that there is insufficient justification to warrant a refusal and sustain it at any future Appeal.

Access

Members may also recall that they concerned about the location of the proposal and whether it would be accessible. The applicant states that part of the existing road is owned by Wulvern Housing Association and part by Cheshire East Council. It is in very poor condition, offers no vehicle passing places and is a difficult terrain to use by foot or vehicle. It provides access to Brooklands Cottage and is used by people walking across the large grassed area down to Badger Avenue, usually dog walkers.

Wulvern is prepared to make up this access road to full adoptable standards at its own expense; it will offer safe access for both pedestrians and drivers. The new scheme is intended to provide accommodation for ambulant older persons, it is not an extra care scheme. Wulvern have also stated that in their experience, older people with restricted mobility use scooters and taxis to get about. The applicant confirms that they are confident the access road will provide a suitable access to the new homes for the proposed client group. Overall, it is considered that the site can be accessed via a mode of transports and as such there is insufficient justification to warrant a refusal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed apartment block would be sited within the settlement boundary of Crewe which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety. The proposal is therefore in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), RES.2 (Unallocated Housing Sites) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

Approve subject to conditions:

- 1. Standard time limit**
- 2. Plans**
- 3. Materials to be submitted and agreed in writing**
- 4. Submission and approval of boundary treatment**
- 5. Surfacing materials to be submitted and agreed in writing**
- 6. The proposed development to proceed in accordance with the recommendation made by the submitted Bat Method Statement dated September 2013 unless varied by a European Protected Species license subsequently issued by Natural England.**
- 7. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.**

8. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

9. Affordable Housing

10. Submission of Drainage Scheme

11. Provision of Car Parking

12. Landscaping scheme to be submitted and agreed in writing

13. Implementation of Landscaping Scheme

14. Details of Bin Storage Area to be submitted and agreed in writing

15. Details of the privacy panel to the balcony to be submitted and agreed in writing

16. Notwithstanding the plans hereby approved details of the privacy panel to unit 10 to be submitted and approved in writing

17. Contaminated Land

18. Construction Hours

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

19. Piling Hours

20. Details of lighting scheme to be submitted and approved in writing

21. Dust Control

22. No dig construction for the driveway and passing places

23. Tree Protection measures

24. Tree felling and pruning specification submitted

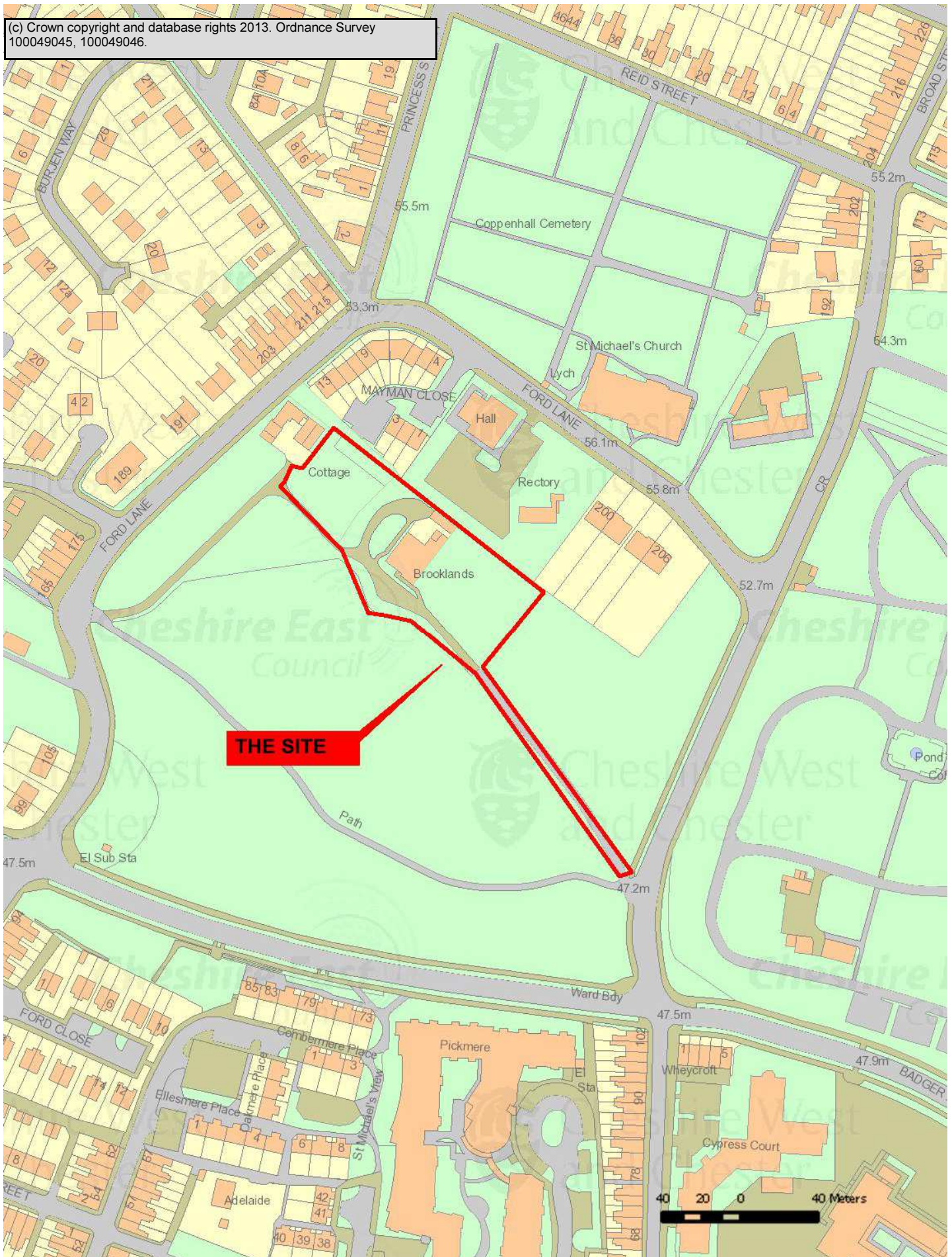
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION:

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Application No: 13/5199C

Location: Gwenstan, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA

Proposal: Proposed construction of 2 dormer bungalows in garden area - Resubmission of 13/3727C

Applicant: Mr Smithfield

Expiry Date: 03-Feb-2014

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

- Principle of the development
- Highways
- Design, layout and scale
- Impact on the amenities of neighbouring properties
- Amenities of future occupiers
- Landscaping

REASON FOR REFERRAL

Called in by Councillor S Corcoran on the following grounds:

"I was approached by the developers prior to their submitting this application. I welcome this approach and commend them for their actions. However, I still oppose this application.

The proposed development is out of keeping with the surrounding area and will disturb the amenity of the neighbourhood.

The proposed development would harm the character and appearance of the area.

I am also concerned about the access, which I believe should be constructed to adoptable standards and adopted.

The Inspector in rejecting the appeal on a previous planning application on this site (11/1722C) said,

"The access, which is relatively narrow and does not provide for a separate footway, would be shared by the four proposed semi-detached dwellings, for which five parking spaces would be provided. This would effectively create a courtyard between the rear of the proposed detached dwelling and No.12, and the front of the four proposed dwellings. The urbanising effect would be significant – transforming a garden setting into a high density, relative to the

surrounding area, urban courtyard."

"The proposed development would contrast sharply to the existing open and green character of the garden land to the rear of Smithfield Lane and to a lesser extent, behind Hawthorne Drive to the northeast. This would lead to significant harm to the garden suburb characteristics that help to define the pleasant character and appearance of the area."

The 2 new bungalows are 11.5m wide, compared to the 3 previously proposed bungalows which were 7.5m wide. This gives a total frontage with 2 bungalows of 23m compared to the previous application which had a frontage of 22.5m, so the urban courtyard effect will be greater rather than less than the previous application

Although described as 'bungalows', the proposed dwellings are in reality 2 storey 3 bedroom houses. The 'bungalows' are 6.5m tall, which compares with nearby 7m high 2 storey houses, so the 'bungalows' are not much different from 2 storey houses.

All the previous applications on this site have been recommended for approval, but have been rejected by the planning committee and the rejections have been upheld at appeal. Therefore I think that the planning committee should consider this application.

DESCRIPTION AND SITE CONTEXT

The application site is currently occupied by a bungalow with a large rear garden and is situated on the eastern side of Smithfield Lane. It is located within the Settlement Zone Line of Sandbach. The surrounding development comprises a mixture of styles of residential dwellings.

DETAILS OF PROPOSAL

The proposal is for two dormer bungalows and the retention of the existing bungalow.

Both dwellings would be sited in the rear garden and served off a private drive between numbers 14 and 16 Smithfield Lane. The proposed dwellings would be dormer bungalows with two dormer windows on the front roof slope and three on the rear roof slope.

Parking provision is proposed for number 14 to the front of the dwelling.

RELEVANT HISTORY

09/3069C	2009	Refusal for the erection of 7 dwellings
10/1179C	2010	Refusal for the erection of 7 dwellings (Appeal dismissed)
11/1722C	2011	Refusal for the erection of 5 dwellings (Appeal dismissed)
13/3727C	2013	Refusal for 3 dormer bungalows

POLICIES

National Guidance

National Planning Policy Framework

Congleton Local Plan 2005

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

SPG2 –Private Open Space

Other Material Considerations

National Planning Policy Framework.

CONSULTATIONS (External to Planning)

Environmental Health:

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

Highways:

No response at the time of report writing. However, the consultation response to the previous application for 3 dormer bungalows is set out below.

The Strategic Highways Manager has assessed this application and notes that the development can only provide private drive status in terms of a private access road. The junction detail provides visibility in accordance with Manual for Streets and offers 4.2m radii kerbs and a carriageway width of 4.5 metres which is acceptable for a private drive arrangement. Parking provision is at a minimum of 200% and some units have 300% parking. This is in line with the new draft parking standards.

This proposal would not offer sufficient public utility to warrant formal adoption as public highway.

The Strategic Highways Manager recommends conditions related to detailed junction design drawings, and access formation prior to construction and occupation of the dwellings.

United Utilities:

No objection.

VIEWS OF TOWN/PARISH COUNCIL

None received at the time of report writing, these will be provided in an update prior to the committee meeting.

OTHER REPRESENTATIONS

At the time of report writing approximately 20 comments have been received relating to this application, these can be viewed on the application file. These comments raised the following concerns:

- Over intensive development of large bungalows
- Misleading to describe the dwellings as bungalows
- The private road could not accommodate emergency and service vehicles
- Bins would clutter Smithfield Lane
- Garden grabbing
- Will set a precedent for future garden development
- Loss of privacy
- Visual intrusion
- No garages are proposed that could lead to further pressure to develop on the site
- Highway safety due to additional traffic
- Cumulative impact of development in Sandbach

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

Given that the site is contained within the settlement zone line of Sandbach, the proposal is considered to be acceptable in principle.

Highways

It is noted that the Strategic Highways Manager on the previous application did not object to the proposal, subject to conditions being imposed. These conditions would ensure that detailed drawings of the access should be approved prior to the commencement of development, the access must be substantially constructed prior to the construction of the dwellings and the access must be completed prior to the occupation of the dwellings. In addition the Inspector that determined the previous appeal for 7 dwellings concluded that a development of seven houses would not have an adverse impact on highway safety. It is therefore considered that a refusal on the grounds of adverse impact on highway safety could not be sustained.

Design, Layout and Scale

Following the refusal and dismissal at appeal of the previous applications, the amount of dwellings has been reduced to 2 dormer bungalows and the retention of the existing bungalow. The bungalows would be constructed of traditional materials to match the existing bungalow.

Having regard to design, there are a variety of property types within the vicinity of the site including two new dwellings at the end of Mill Row, that are situated on the southern boundary of the site. These are large detached dwellings with rooms in the roof. To the east Booth Avenue contains semi-detached 2 storey properties and Smithfield Lane comprises a mixture of bungalows and two storey properties. As such it is not considered that the design of the dormer bungalows would appear incongruous in this location.

The existing dwelling is to be retained to help maintain the existing street scene with parking created to the front.

The existing bungalow has a ridge height of 5.43m and the neighbouring property (No16) has a ridge height of 7m. The proposed dormer bungalows would have a ridge height of 6.5m, which would have very limited impact on the street scene.

It is considered that subject to a condition requiring the submission of external materials for written approval, the development would be in compliance with Policies GR1 and GR2 of the adopted local plan.

Impact on Existing Amenity Levels

Having regard to neighbouring amenity, the properties at the rear of the site would face the rear elevations on Booth Lane. Both dwellings would be in excess of the required 21.3 metres away from the properties on Booth Avenue, which exceeds the requirements set out in SPG2 (Private Open Space). There would be no significant adverse impact on the amenities of the dwellings on the side boundaries of the site.

Conditions should be imposed relating to hours of construction and piling in order to protect the residential amenity of neighbouring properties during construction.

Amenity Levels of Future Occupiers

Having regard to the amenities of future occupiers of the proposed dwellings, it is considered that the usable amenity space provided for each dwelling would be in compliance with SPD2 and would be acceptable.

As discussed above, the new dwellings would be sited in such a way as to meet the required separation distances set out in SPD2.

Landscaping

The site is currently a large suburban garden containing a number of trees and some lengths of hedge. The plans do show basic landscaping details, however it is considered necessary to require submission of detailed landscaping and tree/hedge protection details by means of condition.

Previous Appeal Decision

The previous proposal for 5 dwellings at the site (11/1722C), was refused by Southern Planning Committee and a subsequent appeal was dismissed.

The Inspector highlighted the fact that the proposed dwellings would be higher than is typical on Smithfield Lane, where bungalows and dormer bungalows predominate. He concluded that the impact would be intensified by the five dwellings being grouped together in small plots and when seen in the context of the low density of development on Smithfield Lane, the development would be out of character.

The proposal put forward with this application has sought to address the issues raised by the Inspector by reducing the number of dwellings from five to two, changing the dwellings to dormer bungalows and retaining the existing bungalow at the front of the site to help retain the continuity of the street scene.

It is considered that this proposal has addressed the issues highlighted by the Inspector on the previous application when he dismissed the appeal and the concerns of Members about the previous applications. As such this proposal for two dormer bungalows on the site is recommended for approval.

CONCLUSIONS AND REASONS FOR THE DECISION:

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

RECOMMENDATION:

Approve subject to the following conditions:

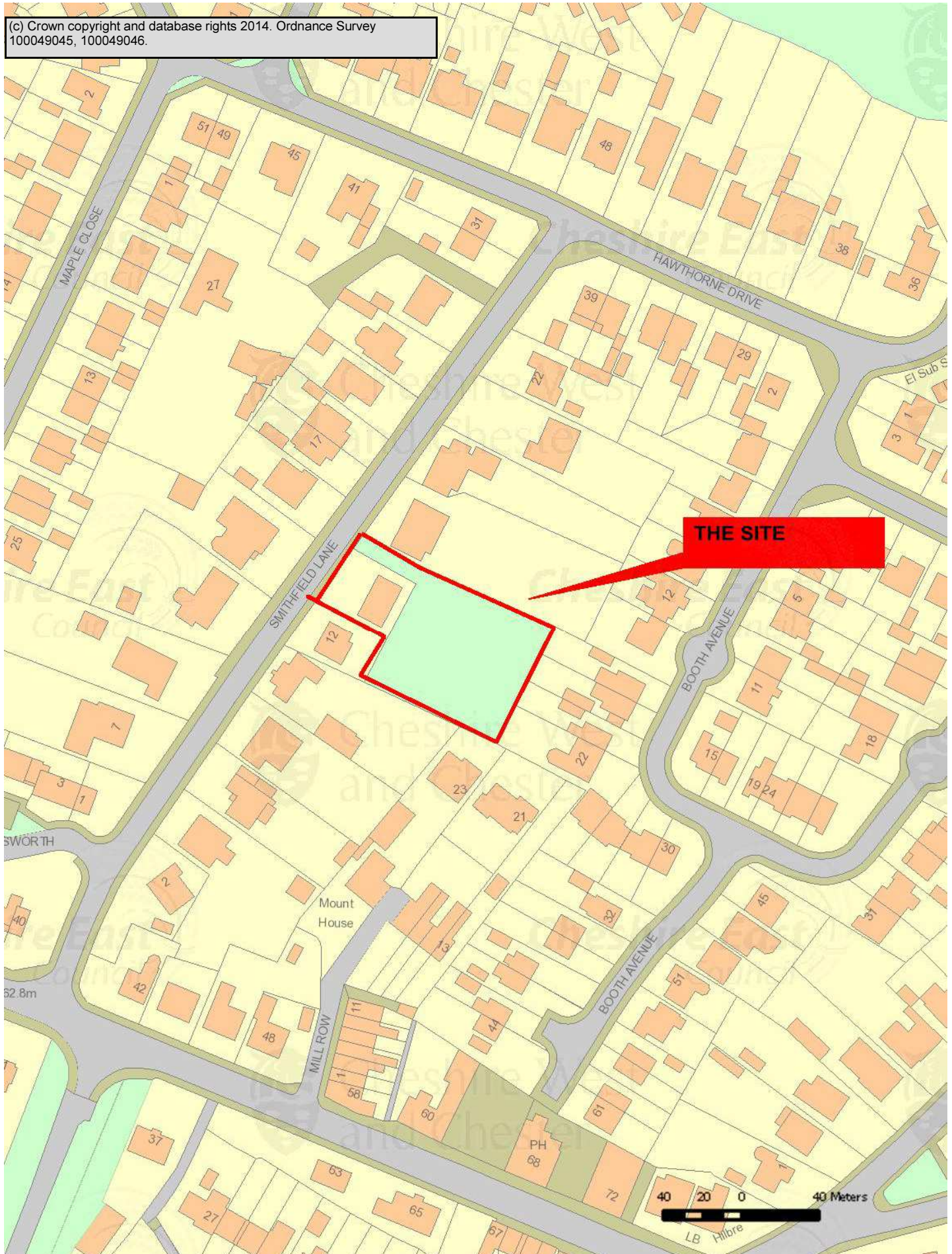
- 1. Commence development within 3 years**

2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission of detailed drainage scheme
5. Submission of a Phase 1 contaminated land survey
6. Limits on hours of construction
7. Limits on hours of piling
8. Submission of detailed access and junction plans
9. Access substantially completed prior to commencement of construction of the dwellings
10. Access fully completed prior to occupation of the dwellings
11. Submission of landscaping scheme
12. Implementation of landscaping scheme
13. Submission of details of boundary treatments
14. Tree protection scheme
15. Removal of PD rights for extensions (Class A)
16. Removal of PD rights for new windows in the side elevations

Application for Full Planning

RECOMMENDATION:

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 15th January 2013

Report of: David Malcolm – Interim Planning and Place Shaping Manager

Title: Alteration to the Southern Planning Committee resolution for application 13/0018N

Site: Underwood Court and West View, Underwood Lane, Crewe

1.0 Purpose of Report

- 1.1 To consider an alteration to the committee resolution for application 13/0018N. This application has a resolution for approval subject to the completion of a S106 Agreement.
- 1.2 The report has been presented to Southern Planning Committee because the original application was considered by the Committee at the meeting on 10th April 2013.

2.0 Decision Required

- 2.1 To agree the alteration to the committee resolution.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the legal agreement which should be via a Section 111 Agreement and not a Section 106 Agreement.

3.0 Background

- 3.1 The site lies within the Crewe Settlement boundary. Presently the site comprises West View, a vacant former nursing home housing up to 36 elderly residents and 36 elderly persons sheltered apartments within Underwood Court. West View was previously operated by Wyvern Housing Association and Underwood Court was previously operated by, and is still owned by the Council. There are two separate access points serving the 2 sites.
- 3.2 There is a mix in housing types and tenure in the generally area, with houses directly adjoining the site being a relatively modern development of detached and semis detached dwellings and

bungalow accessed via Kinloch Drive. Elevated above the northern boundary to the Underwood Court part of the site is a footpath route to the town centre, beyond which lies a 1970's housing estate. A small commercial estate is directly opposite the site on Underwood Lane beyond which lies more housing.

- 3.3 There are a number of mature trees throughout the site, which are considered to contribute to the general amenity of the area and screen views into the site. The trees are not protected.

4 Previous Resolution

- 4.1 Members may recall that on 10th April 2013, the Southern Planning Committee resolved to grant planning permission for a residential development on this site. The scheme proposes a housing development of the site comprising of 34 residential units arranged off two discreet access points. The scheme is intended as 100% social rented accommodation.

- 4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions. The Heads of Terms agreed by the Southern Planning Committee include the following:

That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure:

- *Provision of commuted sum in lieu of on-site provision of Children's off site of £40000. This will be in the form of the refurbishment of the existing equipped children's play area at the end of Dutton Way, some 90 metres from the proposed development.*
- *Education contribution - £65,078 for secondary education*

- 4.3 As the application site includes land which is still owned by the Council it becomes a legal impossibility for the Council to enter into a S106 Agreement with itself as landowner and Local Planning Authority. Therefore the Section 111 route is the most appropriate mechanism.

5 Officer Comment

- 5.1 The S111 route envisages the completion of a S111 Agreement with a draft S106 attached. Once permission is issued and the sale is completed (within 6 weeks of the sale), then the S106 will be completed.
- 5.2 The same Heads of Terms will be secured just via an appropriate mechanism given the Council's ownership of the site.

6 Conclusion

- 6.1 On the basis of the above, the committee resolution should be amended.

7 Recommendation

- 7.1 That the Southern Planning Committee resolve to alter the committee resolution as follows:

That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached to secure:

- *Provision of commuted sum in lieu of on-site provision Children's off site of £40000 to be spent upon the refurbishment of the existing equipped children's play area at the end of Dutton Way, some 90 metres from the proposed development.*
- *Education contribution - £65,078 for secondary education*

- 7.2 The conditions agreed as part of the previous resolution will remain unchanged.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow the alteration of the Southern Planning Committee resolution, to enable the development works to continue on site to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Sue Orrell – Principal Planning Officer
Tel No: 01625 383702
Email: sue.orrell@cheshireeast.gov.uk

Background Documents:

- *Application 13/0018N*

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 15 January 2014

Report of: David Malcolm – Interim Planning & Place Shaping Manager

Title: Deed of Variation to S106 Legal Agreement for previously approved scheme for (08/0492/OUT) at Fine Art, Victoria Mills, Holmes Chapel

1.0 Purpose of Report

- 1.1 To consider a proposal to vary the previous legal agreement on an outline application for residential development including means of access (08/0492/OUT) at Victoria Mills, Holmes Chapel.
- 1.2 To explain the nature of the proposed changes and what it will involve so that Members can make an informed decision.

2.0 Decision Required

- 2.1 To support the recommendation and agree to the changes to the S106 legal agreement as proposed.

3.0 Background

- 3.1 Planning permission was granted on 30 August 2012 subject to a legal agreement for an outline application for residential development which included means of access at Fine Art, Victoria Mills, Holmes Chapel. The development included indicative plans which demonstrated a development of up to 160 dwellings.
- 3.2 The legal agreement covered a number of aspects but includes:
 - Provision of 15% Affordable Housing
 - Development not to commence until such time as Fine Art has relocated to alternative premises with the borough of Cheshire East.
 - Submit a Travel Plan and implement the approved Travel Plan in accordance with the agreed triggers and mechanisms.
 - Secure a financial contribution of £25,000 to fund off-site highway improvements and works to upgrade bus services and bus stops as required by the Travel Plan.
 - To cover a range of scenarios in respect of Children and Young Persons play provision.
- 3.3 The existing premises for Fine Décor (known as Fine Art) are unsuitable for their current operations which employ some 200 people in the locality and it is now necessary to relocate the business. There

is now also interest in the site from a national house builder. The Council has therefore been approached to consider two changes to the S106 legal agreement to facilitate the relocation of the business and to enable the site to be developed for housing.

4.0 The Proposal

- 4.1 The applicants have identified suitable premises to which the business can relocate but these premises are located in Winsford over the border in Cheshire West and as such would require a change to the legal agreement.
- 4.2 A further change is also requested to provide that the restriction preventing the commencement of the housing development on site until Fine décor business has relocated should only apply for so long as the Fine Décor business continues to trade. This is necessary as the house builder purchaser is needed to fund the relocation however the house builder needs the certainty that it will have vacant possession and can commence the development. It is therefore necessary to cover all eventualities which include Fine Décor business ceasing to trade.
- 4.3 The amendments requested are therefore:
 - (1) to facilitate the relocation of the Fine Décor business to alternative premises within the Cheshire East Borough or within 15 miles of the site.
 - (2) to clarify that the restriction on the commencement of development of the housing development on the site does not apply if the Fine Décor business has relocated to the alternative premises or ceases to trade before such relocation has taken place.

5.0 Assessment

- 5.1 The original application for this site first received approval in February 2009 under the former Congleton Borough Council subject to the associated legal agreement and conditions. The restriction on relocating the business was paramount to the decision due to the site being an existing on-going business and the site being a designated employment site in the Congleton Local Plan. A reduced affordable housing provision was also accepted at the time due to the cost of relocation.
- 5.2 Updated reports were brought before Southern Planning Committee in April 2011 recommending that the application should be refused due to the lack of progress on the legal agreement. Members deferred the decision advising that further time should be given to enable the agreement to be signed. A further updated report was brought in July

2011 recommending minor changes to the terms of the S106. The agreement was finally signed in August 2012. There has therefore been a significant length of time in resolving this matter which perhaps shows the complexity of requiring a business to relocate as part of a planning application.

- 5.3 Agents have been looking for suitable premises for the past year. Council officers from the Economic Development team have also recently worked with Fine Décor to try and establish whether there are any suitable premises within Cheshire East that could accommodate the relocated business. Six individual sites across Cheshire East have been discounted due to constraints on the size of unit, potential build time, costs and location such that they have been unable to secure suitable premises.
- 5.4 The significant factor in terms of location of the new premises is the location of the workforce with the majority of the skilled staff being based in Middlewich/Sandbach, Winsford and North Cheshire. As a result identified sites which are affordable have been found in Winsford, however this is clearly outside Cheshire East and in conflict with the current legal agreement.
- 5.5 Members may be aware that National Planning Policies and Government guidance in the light of the economic downturn has supported flexibility in decision making and that legal agreements should not be seen as a restriction on development. While the designation of the site remains as employment land the principle of the redevelopment for housing has already been secured. It is not considered that there has been any significant change in the policy position brought in by the NPPF that would fundamentally affect the original decision made. The policy background would now be seen as more supportive of a flexible approach provided it was sustainable.
- 5.6 It would clearly be preferable for the existing business to be relocated within Cheshire East and it is disappointing that appropriate premises cannot be found. However, the current business supports some 200 jobs within the locality and therefore does have a clear economic benefit that would not just be restricted to its location in Winsford. It is therefore considered that varying the agreement would be acceptable.
- 5.7 It should also be highlighted that without the business relocating then the proposed housing development would at this time not take place. The varying of the agreement also brings the realistic prospect of the site actually being developed for housing which in the current climate would be a valuable addition to the housing supply position. This further adds weight to allow the variation.
- 5.8 The second part of the variation seeks to give certainty for any prospective house builder that once they pursue purchase of the site that they will be able to commence and develop the site – even if Fine

Décor goes out of business. Again this is seen as a reasonable request given the circumstances of the site.

6.0 Conclusions

6.1 Taking account of the proposed changes and the need to adopt a flexible approach to planning permissions and associated legal agreements it is considered that the proposed variations can be accepted.

7.1 It is considered that the proposed changes are consistent with the core principles of the NPPF and that the approach being recommended represents a sustainable development.

8.0 Recommendation

8.1 That Members accept the deed of variation to facilitate the following:

- (1) the relocation of the Fine Décor business to alternative premises within the Cheshire East Borough or within 15 miles of the site.**
- (2) to clarify that the restriction on the commencement of development of the housing development on the site does not apply if the Fine Décor business has relocated to the alternative premises or ceases to trade before such relocation has taken place.**

9.0 Financial Implications

9.1 No specific financial implications

10.0 Legal Implications

10.1 A new agreement will need to be secured and completed.

11.0 Risk Assessment

11.1 There are no identified risks associated with this decision.

12.0 Reasons for Recommendation

12.1 To ensure the application is dealt with effectively and to enable the development to progress accordingly.

For further information:

Portfolio Holder: Councillor Don Stockton

Officer: David Malcolm – Interim Planning & Place Shaping Manager
Tel No: 01270 686744
Email: david.malcolm@cheshireeast.gov.uk

Background Documents:

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