

Application No: 13/2847N

Location: 89A, BRADFIELD ROAD, CREWE, CW1 3RB

Proposal: Removal of Condition 8 (Renewable Energy) on Approval 13/0130N - Demolition of Existing Bungalow & Garage and Construction of 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses

Applicant: Mr N Powell, Wulvern Housing

Expiry Date: 14-Oct-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

**Impact of the development on:-
Principal of the Development
Renewable Energy**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to the removal of a planning condition attached to a small scale major development. The original application was determined by the Southern Planning Committee at the meeting on 27th February 2013.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the southern side of Bradfield Road within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The approved development has now commenced and the buildings which stood on the site have now been demolished. The area is predominantly residential with residential dwellings to the north, south and west. To the east of the site is an existing area of public open space.

2. DETAILS OF PROPOSAL

This application relates to the removal of condition 8 attached to planning permission 13/0130N. Condition 8 states:

The development shall not begin until details of how the proposed development will secure at least 10% of its predicted energy requirements from decentralised and renewable or low-carbon

sources shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details which shall thereafter be retained.

Reason: To ensure that the development secures 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources in accordance with Policy EM18 of the North West of England Regional Spatial Strategy to 2021.

Planning permission 13/0130N relates to the erection of 16 residential properties which would be a mix of terraced dwellings and two small blocks of apartments. All properties would be two stories in height. One central access point would be provided at the same point as the existing access.

3. RELEVANT HISTORY

13/0130N - Demolition of Existing Bungalow & Garage. Construction of: 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses – Approved 28th February 2013

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

E.7 – Existing Employment Sites

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.17 – Pollution Control

NE.20 – Flood Prevention

RES.7 – Affordable Housing

RES.2 – Unallocated Housing Sites

RES.3 – Housing Densities

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

SPD – Development on Gardens and Backland Development

5. CONSULTATIONS (External to Planning)

N/A

6. TOWN COUNCIL

Concern is expressed regarding the impact of additional traffic on the area

7. OTHER REPRESENTATIONS

No representations received

8. APPLICANT'S SUPPORTING INFORMATION

N/A

9. OFFICER APPRAISAL

Principle of Development

The principle of this proposed development has already been accepted as part of the approval of application 13/0130N and the development has now commenced. Therefore, this application does not provide an opportunity to re-examine those issues. The only matter to consider in the determination of this application is the removal of condition 8.

Renewable Energy

Condition 8 was attached to ensure that the development secures 10% of its predicted energy requirements from decentralised or low-carbon sources in accordance with Policy EM18 of the North West of England Regional Spatial Strategy to 2021.

Since planning permission was granted for application 13/0130N the Secretary of State has abolished the Regional Spatial Strategy for the North West.

There is no policy within the NPPF which requires that a development secures 10% renewable and there is no Policy within the Borough of Crewe and Nantwich Local Plan. Circular 11/95 (Use of Conditions in Planning Permissions) makes it clear that a condition should only be used where it is necessary to make a development acceptable in planning terms (i.e. to comply with Planning Policy where it would not otherwise do so).

As the only Policy referred to within the reason for the condition has been abolished with no replacement to require 10% renewable provision it is considered that the Local Planning Authority cannot require the condition to be retained. As a result the removal of the condition is acceptable.

10. CONCLUSIONS

As the RSS has been abolished it is considered that the removal of condition 8 is acceptable.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 4. External Lighting to be carried out in accordance with plan reference 009518**
- 5. Development to be carried out in accordance with the Phase I and Phase II Contaminated Land Report. Details of the completion of the remediation and validation works to be submitted to the LPA for approval in writing**
- 6. Compliance with the approved materials**
- 7. Implementation of landscaping shown on plan reference 009516**
- 8. Boundary Treatment details to be implemented in accordance with plan reference 009516**
- 9. Obscure glazing to side elevation of plots 3 and 11**
- 10. Implementation of the approved nesting bird mitigation measures**
- 11. Dwellings to be retained as affordable housing**

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 Head of Development Management and Building Control 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.

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