STAFFORDSHIRE moorlands DISTRICT COUNCIL
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Staffordshire Moorlands District Council
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Application for Planning Permission.
Town and Country Planning Act 1990

Publication of planning applications on council web sites
Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.
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1. Applicant Name, Address and Contact Details

2. Agent Name, Address and Contact Details

3. Description of the Proposal

4. Site Address Details

5. Pre-application Advice

6. Pedestrian and Vehicle Access, Roads and Rights of Way

7. Waste Storage and Collection

8. Neighbour and Community Consultation

9. Council Employee / Member

10. Materials

Windows description

11. Vehicle Parking

12. Foul Sewage

13. Assessment of Flood Risk

14. Biodiversity and Geological Conservation

15. Existing Use

Application advice

16. Trees and Hedges

17. Trade Effluent

18. Residential Units

19. All Types of Development: Non-residential Floorspace

20. Employment

21. Hours of Opening

22. Site Area

23. Industrial or Commercial Processes and Machinery

24. Hazardous Substances

25. Site Visit

26. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

26. Certificates (Agricultural Holdings Certificate)

Agricultural Holding Certificate

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

27. Declaration



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18 DEC 2008 - SMDC

08/02CCC

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LHL Developments Ltd

PROPOSED 14 APARTMENTS
62, TAPE STREET,
CHEADLE,
ST10 1ES.

LOCATION PLAN

Date	Sheet	Scale
OCTOBER 2008	A4	1:1250
Drg. No.	Rev.	Drawn
2007-1478-18	-	RG

Rev.

SAMMONS Architectural LIMITED
Chartered Institute of Architectural Technologists

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PLANNING AND DESIGN AND ACCESS STATEMENT

PROPOSAL : **Amendment to Condition 5 of planning permission 07/01596/FUL to omit the requirement of windows and doors to be constructed of timber on the rear elevation**

ADDRESS : **62, Tape Street, Cheadle**

APPLICANT : **LHL Developments Limited**

DATE : **December 2008** **JOB No.** : **2007-1478**

DESIGN

ASSESSMENT

Assessment Area

The site is currently being developed by the construction of a building granted planning permission on the 19th of March 2008 for 14 apartments. Condition 5 of that planning permission states that:-

> *Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be commenced until detailed plans and sections of the proposed windows and doors, which shall be of timber construction, showing the reveal, nature of openings, glazing bars, and colour of the painted finish at a scale of 1:20 have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the details approved by way of this condition unless otherwise agreed in writing by the Local Planning Authority and thereafter be retained as approved throughout the life of the development.*

The reason for the condition is stated to be:-

> *To ensure a satisfactory form of development*

This application proposes an amendment to the condition that removes the requirement for the proposed widows and doors to be made of timber on the rear elevation, enabling a proposal to be submitted for windows and doors of a UPVC construction. An Assessment Area has therefore been chosen that includes buildings on neighbouring sites. It is considered that the nature of building materials near the site will be an influencing factor in the consideration on the application.

Physical

The application site is currently under construction. The planning permission relates to a three storey building with a further storey of accommodation in the roof. The building is being constructed using an approved Ibstock Arden Weathered Red brick. The principal elevation of the building reflects a terrace of Victorian villas with two storey tiled roof bays.

To the north of the site is the Lamplighter PH. This is an early 20th Century detached building with a brick ground floor and black timber and white painted panels at first floor. Windows within this building are timber.
Opposite the site are late 19th Century two storey terraced houses, one of which is a shop at ground floor. Windows and doors within this terrace are a mixture of timber and UPVC, but mostly timber. The neighbouring terrace and the new development behind have exclusively used UPVC for its doors and windows.
To the south of the site is a recent housing development which is understood to have been approved allowing timber windows and doors on the roadside elevation and UPVC used elsewhere.

Social

Before the current development commenced on the site it had been vacant for many years having been blighted by a County Council proposal for a town centre bypass. That proposal was abandoned allowing the site to be released for development.

Planning Policy

The Development Plan for the area is the Staffordshire and Stoke on Trent Structure Plan and the Staffordshire Moorlands Local Plan. Given the nature of the proposal, the saved policies of the Local Plan will be most relevant. Local Plan policy B13 requires new development to demonstrate a good quality of design:-

> *"which takes into account the scale, **character,** siting, alignment, mass, design, colour **and materials of their surroundings"**.*

The Supplement to PPS1 states that:-

> *"Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision."*

It recognises that:-

> *"local planning authorities can impose conditions on planning permissions only where there is a clear land-use planning justification for doing so. Conditions should be used in a way which is clearly seen to be fair, reasonable and practicable. One key test of whether a particular condition is necessary is if planning permission would have to be refused if the condition were not imposed. Otherwise, such a condition would need special and precise justification. "*

It further states that Circular 1/1997 (or its successor) requires that conditions should be:

> *"(a) necessary;*
> *(b) relevant to planning;*
> *(c) directly related to the proposed development;*
> *(d) fairly and reasonably related in scale and kind to the proposed development; and*
> *(e) reasonable in all other respects."*

EVALUATION

In accordance with PPS1 the starting point for the consideration of this proposal is to examine whether the Development Plan says anything appropriate about the proposal. In this case it does. Local Plan policy B13 requires development to demonstrate a good quality of design that takes into account the character of, and materials used in, the surrounding area. The physical analysis of the Assessment Area concludes that there is a mix of material used for windows and doors in the area.

This revised application is informed by the Council's consideration of planning application 08/1759/FUL. That application was refused. The planning considerations that appear to have lead to this decision are:-

1. The previous permission for the development on the site required a high quality design including the use of high quality materials;
2. The site is a Gateway Site to Cheadle Town Centre.
3. The neighbouring development to the south of the site has been allowed with timber joinery on the roadside elevations. The use of UPVC has been allowed elsewhere within the development.
4. That where UPVC windows and doors have been installed in nearby buildings, this has happened without the need for planning permission.

The LPA should be mindful of the requirements for planning conditions. These should demonstrate fairness, reasonableness and practicality. In terms of fairness, it is considered equitable that the development should be allowed to use UPVC windows and doors on the rear elevation as has been approved on the neighbouring development in progress. In terms of reasonableness, it is considered that there are no special factors (either planning or otherwise) that require the use of timber in the construction of doors and windows in the rear elevation of the development. The site is not within or adjacent to a Conservation Area and is not within the setting of a Listed Building. The Council's consideration of the previous application focused on the roadside elevation where it has an impact on public amenity. This consideration does not impact on the rear elevation. In terms of practicality, it is considered that factors such as cleaning and maintenance, whilst out-balanced by the public amenity considerations on the front elevation, is a material factor in support of the use of UPVC on the rear elevation.

CONCLUSION

Conditions attached to planning permissions must be justified by the Development Plan and other material considerations, and must be guided by Government advice on planning conditions and obligations. Whilst the reasons that lead to the Council objecting to the use of UPVC on the 'public' side of the building, it is considered that the same reasons cannot be reasonably applied to the rear elevation. Itis therefore considered reasonable that the condition is amended to omit the requirement for windows and doors to be constructed of timber on the rear elevation.

Reference:	08/02058/FUL CHEADLE



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Organisation	SMDC
Department	Planning
Description	