

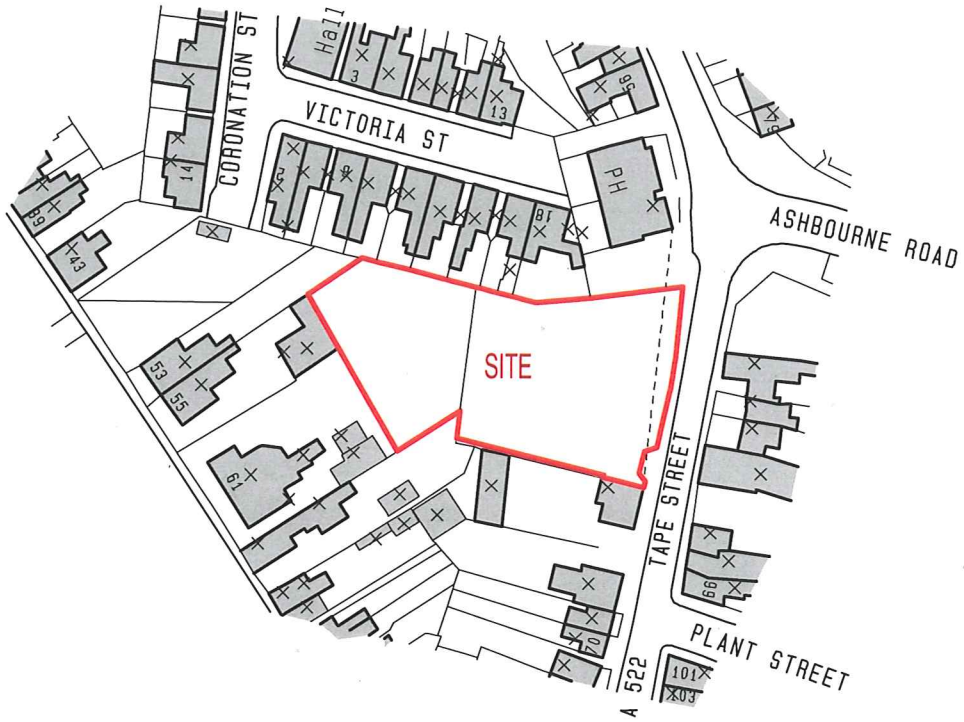

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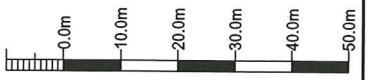

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LHL Developments Ltd

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

LOCATION PLAN

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

Rev.

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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**

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

APPLICANT : **LHL Developments Limited**

DATE : **October 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.*

08/01795

The reason for the condition is stated to be:-

> *To ensure a satisfactory form of development*

SMDC

This application proposes an amendment to the condition that removes the requirement for the proposed widows and doors to be made of timber, 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 has exclusively used UPVC for its doors and windows.
To the south of the site is a recent housing development which is understood to have a mixture of timber and UPVC for its doors and windows.

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. Because the physical analysis of the Assessment Area concludes that the predominant window material in the area is UPVC, it is reasonable to expect that the use of UPVC windows and doors for the proposal satisfies this policy. If this is not the case, the LPA should specify what other material considerations justify a departure from this policy.

Furthermore, the LPA must be mindful of the requirements for planning conditions. These should demonstrate fairness, reasonableness and practicality. In terms of fairness, it is

considered inequitable that the development should be required to use a material that does not form part of the character of the surrounding area. UPVC windows and doors represent the predominant material used in the area, and it is therefore considered fair that this material should be available for use in the development. 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 development. It is usual for the LPA to require the use of natural materials in association with the construction of buildings in Conservation Areas or associated with Listed Buildings, and indeed there are planning policies in place that justify this. However, this site is not within or adjacent to a Conservation Area and is not within the setting of a Listed Building. The requirement that timber is used is therefore considered unreasonable. In terms of practicality, it is considered that factors such as cleaning and maintenance justify the use of UPVC in this location. The site is located on a busy road where windows are likely to be affected by traffic dirt and pollution. The cleaning and maintenance of windows is less onerous for UPVC windows, and this clearly has been a factor in so many neighbouring properties adopting this material. In addition, cleaning and painting of windows on upper floors from the outside could only be safely achieved by the use of scaffolding. These factors are considered to justify the use of UPVC on practical grounds. On this basis, the proposal to use UPVC meets all the requirements for an planning condition on this site.

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. The current condition 5 requiring windows and doors for the development to be timber is neither justified by the Council's own Local Plan policy, nor by guidance on planning conditions. It is therefore considered reasonable that the condition is amended to omit the requirement for windows and doors to be constructed of timber.