
**Sandy Brow, Tarporley
Road, Delamere,
Northwich CW6 9EG**

**Conversion of outbuildings &
extensions to Apartments 5 &
6 (approved under planning
ref: 20/02693/FUL)**

SUPPORTING STATEMENT

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Localism Act 2011
Neighbourhood Planning Act 2017

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For:
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Date:
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1. INTRODUCTION

- 1.1 This Statement has been prepared to support this full planning application in respect of additional works/extensions carried out to apartments 5 and 6 over and above that covered by planning permission ref: 20/02693/FUL at Sandy Brow, Tarporley Road, Delamere.
- 1.2 Full planning permission was granted for a new access and conversion of the existing house into 6 apartments on 11th April 2022. The development has been implemented broadly in accordance with the approved plans with the exception of apartments 5 and 6. In the case of these apartments, outbuildings to the western elevation were only partially removed and were rebuilt/retained in line with the original building's footprint. This has effectively resulted in the use of these buildings as residential extensions to the approved building conversions to apartments 5 and 6 (see photos in Appendix to this statement). Consequential changes have been made to the garden areas and parking provision for these two apartments is as shown on the submitted Site Plan.
- 1.3 This new planning application is seeking to regularise the position with regard to apartments 5 and 6.
- 1.4 An assessment of the site and its surrounding area was undertaken for the original application to demonstrate its suitability for the proposed development. The supporting technical reports were accepted and remain relevant to the current planning application. Given the limited change in the new application in terms of the extent and nature of the development, it is not proposed to submit any new reports in this regard as they have previously been accepted. However, a full set of plans are provided for the development in respect of apartments 5 and 6 as now proposed.

2. ASSESSMENT

- 2.1 Notwithstanding the fact that this planning application may be considered to be partly retrospective due to the stage of the wider apartment development, the case must be considered on its own planning merits in the same way as other applications. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan for the area unless material considerations indicate otherwise.
- 2.2 The Development Plan for this area comprises the Cheshire West and Chester District Local Plan (Part One) Strategic Policies (LP1), the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies Plan (LP2).

- 2.3 Taking into account the relevant development plan policies, other material considerations and the characteristics of the site, the key issues in determining this application remain:
- Whether the proposal is acceptable in principle
 - Compliance with other development plan policies
 - Other material considerations.

Principle of Proposal

- 2.4 The application site is not allocated for a specific use or development on the Policy Map and is located within the Countryside. The Development Plan policies relevant to the principle of this development comprise policies STRAT 1, STRAT 9, and DM 21.
- 2.5 Policy STRAT 1 establishes a presumption in favour of sustainable development. This has been addressed in determining the original planning application. The circumstances pertaining to this new application haven't changed.
- 2.6 Policy STRAT 9 restricts development in the countryside to that which requires a countryside location and cannot be accommodated within identified settlements. However, it permits certain types of development in the countryside including "replacement buildings". It does not specify the nature of the use of such replacement buildings, only that the development must be of an appropriate scale and design to not harm the character of the countryside. The application proposals do not amount to any additional encroachment into the Open Countryside than what was already present. The current application can therefore be considered policy compliant as it can be addressed on the basis of comprising replacement buildings of a similar design.
- 2.7 The principle of the use of the site for residential purposes has already been established in granting the original planning permission for the conversion of the building to six apartments. The only change that has arisen in terms of the current application is that the outbuildings associated with apartments 5 and 6 are now being retained/replaced to provide additional residential floorspace, without increasing their original building footprint. It is therefore contended that the current application proposals are of an appropriate scale and design and do not harm the character of the countryside.
- 2.8 Policy DM 21 supports proposals for extensions and alterations to existing dwellings providing they meet all of the following criteria (*italics*):
1. *the resulting development is in keeping with the character and appearance of, and is subordinate to, the original dwelling and surrounding properties, and the wider setting;*
- Clearly this is the case.

2. the resulting development would not have a significantly adverse effect on the amenities of nearby residential properties, or the future occupiers of the dwellinghouse;

There is no material change in terms of the relationship between apartments 5 and 6 and neighbouring dwellings compared with what has been previously approved. Screen fencing to the garden boundaries of apartments 5 and 6 maintains the same level of privacy as previously approved.

3. suitable provision is included for access and parking;

Suitable parking and access for apartments 5 and 6 is shown on the accompanying Site Plan (edged red).

4. where the building was originally constructed for a non-residential purpose e.g. agricultural, religious or industrial use, the resulting development would be of a limited scale consistent with the retention of the architectural and functional character of the original building;

The now retained/replaced elements of the original outbuildings retain the architectural and functional character of the original building.

5. in the Green Belt, the resulting development would not result in disproportionate additions over and above the size of the original building

The site isn't located within the Green Belt.

Summary

2.9 With regard to the principle of the development, it is therefore contended that it is policy compliant.

Other Policy Requirements

Residential Amenity

2.10 The requirements of Policy DM2 have previously been considered for the original planning application. Given that it was deemed to be policy compliant in terms of residential amenity, the current application is also policy compliant in this regard.

Highway Safety

2.11 The level of parking provision hasn't changed and conforms to the SPD. It is therefore contended that the development complies with Policy T5.

Design

2.12 Policy ENV 6 seeks to achieve high quality design and sustainable construction. Again, this was addressed as part of the original application. The appearance and extent of the stable buildings will be the same as the original permission. Therefore, it is

contended that the current application remains policy compliant.

Heritage Impact

- 2.12 Policy ENV5 seeks to safeguard or enhance both designated and non-designated heritage assets. This matter was addressed by the submission of a Conservation Statement when the original application was determined. The changes to the apartments 5 and 6 do not impact upon the heritage asset and therefore, it is contended that the current application is policy compliant in this regard.

Trees and hedgerows

- 2.13 No further trees are affected by the current application.

Ecology

- 2.14 LP1 Policy ENV 4 seeks to safeguard and enhance biodiversity. This was addressed as part of the original consent. The development has been carried out in accordance with the recommendations of the ecology report prepared at that time. Biodiversity enhancement measures have already been approved and are being implemented.

Flood Risk & Drainage

- 2.15 The site is wholly located within Flood Zone 1 and is therefore not liable to flood. Drainage has already been addressed pursuant to the original permission.

Summary

- 2.16 It is contended that the current application proposals conform to the requirements of the above policies.

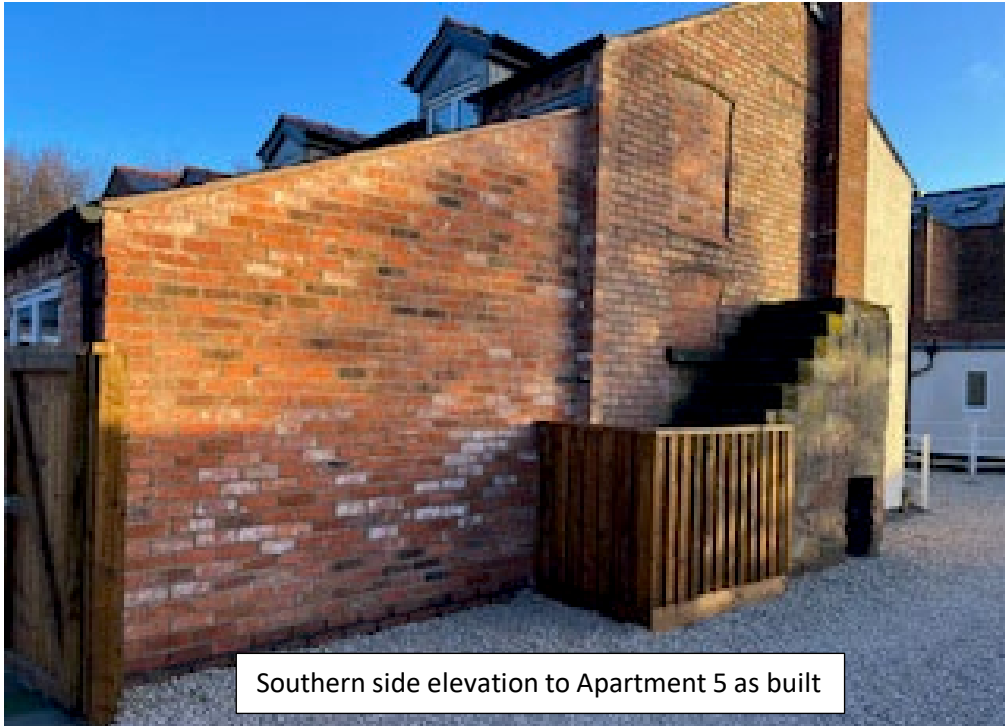
Other Material Considerations

- 2.17 The Planning Portal advises that a planning breach in itself is not illegal, and that the LPA will often permit a retrospective application where planning permission has not been sought. It goes on to advise that decisive issue for the LPA should be whether the breach would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
- 2.21 The developer has acted in good faith and has openly communicated with the LPA throughout the development process. The developer has sought to obtain approval for any changes from the original planning permission, including the change in the facing materials. No attempt has been made to conceal any changes. This current application is submitted on the same basis.
- 2.22 It is clear from the above assessment that the application proposals for apartments 5 and 6 accord to the development plan and have no greater impact on public amenity or the existing consented development.

3. CONCLUSION

- 3.1 Based upon the findings contained in this Statement, it is contended the proposal accords to the requirements of the development plan, NPPF and other matters of acknowledged importance. It has been demonstrated that this application will have little impact upon the surrounding area and respects the pattern, character, and form of its surroundings.
- 3.2 Given the above conclusion, there are no sustainable planning, highways nor other reasons upon which this application can be reasonably refused. Any adverse impacts do not significantly or demonstrably outweigh the benefits. Cheshire West and Chester Council is therefore respectfully requested to support this proposal.

APPENDIX – As Built Photos





Converted outbuilding to Apartment 6 as built