

Application No: 12/0267N

Location: LAND ON NEWTOWN ROAD, SOUND

Proposal: Erection of Detached Property, Double Garage & Associated Access Provision

Applicant: MR & MRS BRADBURY

Expiry Date: 27-Mar-2012

**SUMMARY RECOMMENDATION**

Approve with conditions

**MAIN ISSUES**

- Principle of Development
- Impact on Character and Appearance of Streetscene and Open Countryside
- Impact on the Amenity of Neighbouring properties
- Impact on Landscape Features
- Impact on Highway Safety
- Impact on Protected Species and Sites of Nature Conservation

**REASON FOR REFERRAL**

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Rachel Bailey "to allow consideration of concerns relating to highway access and impact on "street scene".

**DESCRIPTION OF SITE AND CONTEXT**

The application site forms a paddock located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011 Proposals Map. The site is located in the village of Sound, which does not benefit from a settlement boundary. The site fronts onto Newton Road, which is a country lane, and is located between two storey properties to the east and west. The Newton Road boundary is defined by a mature hedgerow of native species, there are numerous trees sited along the boundary of the site including a TPO tree on the boundary with Corner Cottage.

**DETAILS OF PROPOSAL**

This application proposes the erection of a two storey dwelling, double garage and the creation of a new vehicular access from Newton Road. Amended plans received show that the dwelling would be an entirely two storey property. The dwelling would have a total width of 12m and maximum depth of 10.8m. The height to eaves would be 5m and the maximum ridge height would be 7.9m.

The proposed garage would be 6.3m in width, 5.5m in depth, 2.3m to eaves, with a ridge height of 5m. The garage would be sited forward of the main dwelling. A driveway and parking/turning area is also proposed. The site would be accessed from Newton Road, through the existing hedgerow.

## **RELEVANT HISTORY**

**7/14765** – Planning permission refused for a residential dwelling on 5<sup>th</sup> November 1987.

## **POLICIES**

### **Local Plan Policy**

- NE.2 (Open Countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.7 (Sites of National Importance for Nature Conservation)
- 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)
- RES.5 (Housing in the Open Countryside)
- TRAN.9 (Car Parking Standards)

### **Other Considerations**

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPS7 – Sustainable Development in Rural Areas

Draft National Planning Policy Framework (2011)

## **CONSULTATIONS (External to Planning)**

**Environmental Health** – No objection subject to conditions relating to the construction phase of development and gas protection measures.

**Strategic Highways Manager** – It is possible to provide visibility in accordance with the new standards as the speeds of vehicles on Newtown Road are low due to the narrow nature of the road. There is adequate parking provision within the site for the dwelling. No highways objections are raised. Suggest conditions relating to set back of gates and no obstruction of visibility splays.

**United Utilities – No objection**

## **VIEWS OF THE PARISH COUNCIL**

Object to proposed development on the following grounds:

- Visibility poor, only 20m and 25mph speed suggested is far lower than actual speeds
- Dispute that this is a village location, only a hamlet
- Not a built up frontage and therefore not infill
- Adjoining property is 1m lower and will be overlooked
- Window level will be car height and therefore affected by fumes and light
- Site close to SSSI, no survey carried out
- Agricultural land and constitutes Open Countryside

## **OTHER REPRESENTATIONS**

Petition containing 35 signatures and 19 letters of objections received, the salient points being:

### Planning History

- Planning permission refused in 1987, nothing changed except increase in traffic
- Previous decision refused proposals for sporadic development
- All reasons for refusal remain relevant

### Principle of Development

- Sound has no settlement boundary, and not built up frontage, Sound not a village only 50 to 60 houses spread over an area
- This is agricultural land
- 5 houses along lane and no houses on opposite side
- Away from services
- Only appropriate development in rural areas will be permitted
- Two properties do not constitute a built up frontage
- Contrary to Local Plan Policies NE.2, BE.1 and RES.5
- What is proposed for strip of land to rear
- Shortage of smaller houses in area
- No agricultural connection with proposed development
- Risk of precedent

### Design Issues

- Undesirable ribbon development
- Site is open and views are not limited
- Development of this magnitude is too obtrusive
- Will appear large against corner cottage
- Ground levels will make dwelling more prominent

- Rural idyll will be destroyed
- Design out of character, and out of keeping

#### Amenity Issues

- Will result in overlooking, overshadowing, visual intrusion, noise and disturbance, conflict with BE.1
- Windows in side elevation of Corner Cottage and rooflights, conservatory to rear, proposals would be intrusive and block sun from conservatory
- Will overwhelm surrounding dwellings
- Loss of privacy

#### Highways and Access

- No evidence of speed survey, vital to visibility splays, need to remove trees to achieve visibility which are out of ownership
- Lanes too narrow and too much congestion and damage to road verges
- Danger to pedestrians and motorists
- Volumes increased over the years
- Large vehicles use road
- Newton Road is not a street and not being redesigned
- Appropriate guidance for visibility is Design Manual for Roads and Bridges (DMRB) – 31mph requires 70m, 37mph requires 90m. These distances are not attainable
- Disagree that Newton Road is lightly trafficked
- Impossible to create a safe access
- Site access is opposite a driveway and is a dangerous without this development
- Not suitable access and Site on a blind bend, blind double bend
- Issues when cycling along cycleway
- No pavements in area
- Increased traffic will affect health
- Unrestricted speed limit

#### Wildlife, Nature Conservation and Protected Species

- Land adjacent to a SSSI, not been fully considered, rare species grows in area
- Important feature to Local people
- Wildlife, flora and fauna could be damaged
- Newts close to plot
- Grass snakes found in area

#### Other Matters

- Concern over pre application discussions
- Any archaeological damage
- Inadequate drainage

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

Planning Statement

Access Statement

Tree Survey

## **OFFICER APPRAISAL**

### **Principle of development**

This application proposes residential development within an open countryside location. Policy RES.5 relates to residential development within the Open Countryside, and states that only housing which is required for a person engaged in agriculture, or meet the criteria for infilling will be permitted. The proposed development is not justified on the basis that it is required for a person engaged in agriculture and therefore the infill criteria is the relevant policy consideration. Policy NE.2 clarifies where infilling would be acceptable. The Policy states that as an exception, there is an *“opportunity for the infilling if a small gap with one or two dwellings in an otherwise built up frontage”*. The Policy does not define the specifically what constitutes a “small gap” or an “otherwise built up frontage” and therefore each application should be considered on a site by site basis.

The application site forms a paddock located between two, two storey residential properties on the northern side of Newtown Road. The presence of these two adjoining properties alone would not constitute a built up frontage. There are no residential properties located beyond Pritch House to the west. To the east, along Newtown Road are a further four detached residential properties. While the number of properties on the northern side of this road are not considerable, it is considered that the application site forms part of this small frontage. Furthermore, when approaching the site from the west the presence of Broomhall Methodist Church provides a greater sense of enclosure to the frontage and to the built up nature of this immediate area.

The plot has a roadside frontage of 26m and the plot reduces in width to 16.5m. The roadside frontages of those properties which front Newtown Road have frontages which are between 18m and 45m in width. It is therefore considered that the width of the plot would be consistent with the existing frontages and would as such represent a small gap.

In the light of the above considerations it is suggested that the application site forms a small gap within a built up frontage and is therefore residential development is acceptable in principle as an exception to Open Countryside Policy NE.2. Therefore the main considerations are whether the proposed development is of appropriate design, and does not result in significant detrimental harm to the amenities of adjoin properties, highway safety, or any other matters.

### **Impact on the character and appearance of the streetscene and Open Countryside**

As outlined above, it is considered that the principle of residential development in this location is acceptable and inevitably there will be change to the streetscene through the introduction of built form. However, the scale, siting, form and design of the proposed development needs to be appropriate.

The application site is located within a streetscene which has a variety of house designs, however the prevailing characteristic is that of two storey detached properties. The proposed development includes the construction of a two storey detached property which would be sympathetic to the pattern of development in the area. The height of the dwelling would be 0.4m higher than the ridge of Pritch House and 0.1m lower than the ridge height of Corner Cottage. The height of the dwelling is considered to be appropriate in its immediate context.

Concern has been raised with regard to land levels and the fact that Corner Cottage is sited at a lower land level than the application site. There is a noticeable rise in the application site towards the centre of the plot. The survey plans identify a spot height of 68.2 at the sites highest point. The proposed site plan identifies that the finished ground level would be 67.05. As such the removal of 1m of earth would be required from part of the site. As such the dwelling would not be sited at a higher ground level to the adjacent dwelling.

Revised plans have removed the single storey elements either side of the dwelling. The dwelling would now be approximately 3.8m from the boundary with Corner Cottage. The distance that the dwelling would be sited from Pritch House would be 3m at its closest and 8m at its furthest. The proposed dwelling is therefore considered to sit comfortably in its plot without appearing overly cramped.

The dwelling would be set back from the edge of the public highway by 14m. The dwelling would be behind the building line of Corner Cottage and forward of the building line of Pritch House, as such the dwelling would respect the building line between these two properties. As such the development would not be a prominent form of development which is out character with the area.

There is no prevailing style of design in the area. The application dwelling proposes a double gable fronted property, with hipped roof. To the front elevation the scheme includes bay windows at ground floor level with timber framed gables above. The design incorporates some rural features in its design approach, and in the absence of any prevailing design in the immediate area the design of the dwelling is considered to be acceptable.

The scheme also proposes the construction of a detached double garage which would be sited to the front of the dwelling. Revised drawings show that the garage would have a reduced ridge height of 5m to that initially proposed. At its closest the garage would be 9m from the edge of the highway. The garage would not be forward of the line of Corner Cottage and would be largely screened by existing vegetation when approached from both directions. As such the garage would not be a prominent form of development at its modest ridge height.

### **Impact on Landscape Features (Trees and Hedgerows)**

Along the eastern boundary of the site is a sycamore tree which is protected by a TPO. The application dwelling would be sited a satisfactory distance away from this tree not to cause

any undue harm. However tree protection measures during construction are suggested. This can be secured by condition.

There are other trees sited along the western and southern boundary of the site. Those trees along the western boundary are located in the curtilage of Pritch House. The dwelling would be sited close to these trees, which are not protected, and the crown of one of these trees would need to be pruned to accommodate the development. The application submission suggests offset root protection measures. Whilst the relationship between the dwelling and the adjoining trees is not ideal, these are not high quality specimens. The Councils Landscape Officer has suggested tree protection measures to be secured by condition.

The proposed development will require the removal of a small stretch of the existing hedgerow to necessitate the vehicular access to the site. The majority of this hedgerow would be retained.

### **Impact on the Amenity of Nearby Properties**

The application dwelling is located between two residential properties, Pritch House and Corner Cottage.

Within the side elevation of Pritch House are large windows at ground and first floor level. The proposed dwelling would be sited directly to the front of these windows, however would be at a distance of 18.5m which would exceed the suggested spacing standard of 13.5m between principle windows and flank elevations. At its closest the proposed dwelling would be 3m from the boundary with Pritch House and would increase its distance from the boundary to 8m. The proposed garage would be a maximum height of 5m and have an eaves height of 2.3m and as such is relatively modest in scale. The building would be 2.5m from the boundary. In addition the boundary between these two properties is well vegetated. In the light of the distance from the boundary, scale of garage and existing vegetation it is considered that the proposed development would not have an overbearing impact on Pritch House.

Corner Cottage is sited, at its closest, 1.5m from the boundary with the application site. Within the side elevation of that property is a lounge window which looks over the application site. That window would face the parking and turning area of the application site, the dwelling itself is sited so that it would not be immediately in front of this window and has also been sited so that it is 4m from the boundary, as such the proposed development would not be overly oppressive, although the dwelling would undoubtedly be visible/noticeable.

To the rear of Corner Cottage is a conservatory and the proposed development would be 7m from this. There is sufficient distance between the conservatory and the proposed dwelling not to appear overbearing. The dwelling is sited immediately to the west of Corner Cottage, the proposed development would result in some loss of daylight to the side window and conservatory towards the late afternoon/early evening, but, again, due to the siting, spacing and aspect it is considered that this would not cause significant harm to justify a refusal of the application.

All principal windows of the dwelling are located within the front or rear elevation and as such would face over the residential curtilage of the proposed dwelling. Any first floor windows

within the side elevation would be obscure glazed, as such the proposed development would not result in any overlooking or loss of privacy.

### **Impact on Highway Safety**

The application proposes the creation of a new access onto Newton Road. Newtown Road is a relatively narrow country lane. The submitted application identifies that the proposals can achieve visibility to the east of 2m x 25m, and to the west 2m x 35m. The report also identifies that vehicular speeds along this stretch of Newtown Road are slow, despite being an unrestricted road.

The Strategic Highways Manager considers that the proposed visibility splays would provide visibility in accordance with standards as the speeds along Newtown Road are slow, due to the narrow width of the road. In the light that satisfactory visibility can be achieved the Strategic Highways Manager has raised no objection to the development and the access arrangements are therefore considered to be acceptable.

It is considered that a satisfactory level of off street parking can be provided within the site.

Conditions relating to the set back of the gate and that visibility splays are clear of obstruction above 1m in height have also been suggested by the Strategic Highway Manager and any approval should be conditioned to reflect this.

### **Impact on Protected Species/Nature Conservation Habitats**

Concern has been raised during the application process that the application site is located close to the Sound Heath Local Nature Reserve which is a designated SSSI. Sound Heath (Sound Common) is sited 120m to the north and 200m to the west of the site. No consideration has been made of this in the application submission.

The Councils Nature Conservation Officer has considered the proposed development with respect of this designation. They have concluded that the proposed development is not reasonably likely to have an adverse impact upon the features for which the SSSI is designated, and as such no further action with this respect is required.

The Nature Conservation Officer does note that the proposed development will require the removal of part of the hedgerow, which is a Biodiversity Action Plan Priority Habitat. They therefore suggest that a condition requiring a check for nesting birds is attached to any permission. Any landscaping scheme should include native species.

### **Drainage and Flooding Issues**

No objection has been raised from United Utilities with regard to drainage. The site is not located within a Flood Zone. It is therefore considered the development is acceptable in this regard.

### **Other Matters**



The Councils Contaminated Land Officer has identified that there is the potential for contamination at the site as the site is within 110m of a landfill. As the drift geology is permeable there is the potential for generated gases to migrate to the development. In the light of this a condition is suggested for suitable gas protection measures to be incorporated into the scheme.

Comments have been made with regard to the slither of land to the rear of the site. This land is within the ownership of the applicant but does not form part of the application proposals and would remain in its existing land use. Any domestic use of that land as a driveway would require consent from the LPA in the future.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The application site is considered to represent a small gap in an otherwise built up frontage and as such is considered to be an exception to Policy NE.2 and is acceptable in principle. The siting, form, scale and design of the proposed dwelling is considered to be acceptable and there would not be any significant demonstrable harm caused to the amenity of neighbouring properties. It is considered that the site can be satisfactorily accessed from Newtown Road without causing significant harm to highway safety. It is also considered that the proposed development would cause no harm to the nearby Sound Common SSSI. The proposal is therefore in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.7 (Sites of National Importance for Nature Conservation), 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), RES.5 (Housing in the Open Countryside) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **RECOMMENDATIONS**

**Approve subject to the following conditions:**

- 1) Standard Time Limit (3 years)**
- 2) Development to be carried out in accordance with the Approved Plans**
- 3) Materials to be submitted and approved by the Local Planning Authority**
- 4) Details of Surfacing Materials to be submitted**
- 5) Details of Boundary treatment to be submitted and approved**
- 7) Detailed Landscaping scheme to be submitted**
- 8) Landscaping scheme to be implemented**
- 9) Garage to be retained for the storage of private motor vehicles**
- 10) Removal of Permitted Development Rights for Extensions, and alterations**
- 11) First floor side windows to be obscure glazed and thereafter retained**
- 12) Details of drainage to be submitted and approved**
- 13) Restriction of Construction Hours**

- 14) Details of Gas Protection Measures to be submitted**
- 15) Survey to be carried out for Breeding Birds between 1<sup>st</sup> March and 31<sup>st</sup> August**
- 16) Details of Tree Protection Measures to be submitted and approved**
- 17) Details of position of garage and dwelling to be pegged out and finished floor levels to be set out for site inspection**
- 18) Gates to be set back at least 5.5m from edge of public highway**
- 19) Visibility splays should be clear of obstruction**

