

Application No: 12/2511C
Location: 84, PARK LANE, SANDBACH, CW11 1EP
Proposal: Detached House and Garage
Applicant: Nick and Mr Mark Bullock
Expiry Date: 20-Aug-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle
Open Countryside
Siting and Layout
Amenity
Highways

Reason for Referral

The application has been referred to Southern Planning Committee as the proposal represents a Departure from the Development Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site forms part of the garden curtilage of number 84 Park Lane, which is a large detached dwelling. The properties either side of the application site fall within the Settlement Zone Line of Sandbach, however the application site itself is designated Open Countryside. Surrounding properties are residential and are comprised of a mix of housing types and styles, with large detached dwellings being a common feature

DETAILS OF PROPOSAL

The application seeks outline consent for a detached dwelling within the residential curtilage of number 84 Park Lane, with all matters except access being reserved.

RELEVANT HISTORY

10/2061C Extension and Alterations (Approved with conditions 28th July 2010).
07/1336/OUT Proposed outline planning application for two detached dwellings in garden area (Withdrawn 11th January 2008).

POLICIES

Regional Spatial Strategy (NW)

DP1 Spatial Principles
DP 3 Promote Sustainable Economic Development
DP 4 Make the Best Use of Existing Resources and Infrastructure
DP 5 Manage Travel Demand; Reduce the Need to Travel
L4 Regional Housing Provision

Congleton Borough Local Plan First Review 2005

H1 & 2 Housing Land Supply
H6 (Residential Development in the Open Countryside and Green Belt)
PS8 (Open Countryside)
GR1 (New Development)
GR2 (Design)
GR6 (Amenity and Health)
GR9 (Access, Servicing and Parking Provision)

Other Material Considerations

National Planning Policy Framework
SPG2 Private Open Space in New Residential Development

CONSULTATIONS (External to Planning)

Highways:

The Strategic Highways Manager has raised no objection to the application but comments that it will be necessary for the developer to re-construct the vehicular crossing prior to occupation; and advises that an informative is attached to any permission regarding the need for the applicant to enter into a s184 Agreement under the Highways Act for such works.

Environmental Health:

No objection subject to the following conditions:

- (i) The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

- (ii) All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

VIEWS OF SANDBACH TOWN COUNCIL

No objection.

OTHER REPRESENTATIONS

At the time of report preparation two representations of support have been received from numbers 86 & 111 Park Lane. Seven objections in total have been received. These are from property numbers 76 Park Lane (5 objections), 78 Park Lane (1 objection) and Cllr B Moran (1 objection). A letter has also been received from Fiona Bruce MP requesting that the objections by number 78 are given very careful consideration. In summary the objections raised relate to policy conflict for the following reasons:

- GR6 - the footprint of the building will create a visual intrusion, loss of privacy and reduction in daylight levels. Prevention from enjoying the current amenity value of number 78
- PS8 - in that the land in question is open countryside and outside the settlement boundary. A previous application for residential development on the land was withdrawn for similar reasons
- H6 - it is inappropriate to the local character in terms of its intensity and scale.
- GR1 - it fails to conserve or enhance the character of the surrounding area by way of its size and scale in relation to surrounding properties
- GR2 - it is unsympathetic to the surrounding area by way of its size and scale and the visual relationship to surrounding properties.
- H1 and H2 - the addition of one dwelling to the local housing stock will have no impact on local housing needs and therefore has no relevance to this application.
- Development of Garden Land - the proposed development would utilise what has demonstrably been garden land enjoyed by the occupants of No. 84
- Contravenes Government Planning Policy Statement 3 (Housing).

- Reference is also made to sections of the Design and Access Statement regarding shortage of detached houses; use of ramps; changes to planning regulations; and harm to amenity.

Full details of objections /support can be viewed on the Council's website.

OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The application site is situated within the Open Countryside, as designated by the Congleton Borough Local Plan First Review 2005. Policy PS8 (Open Countryside) provides that new dwellings will be permitted in accordance with policy H6 (Residential Development in the Open Countryside and Green Belt).

Policy H6 provides that new residential development in the Open Countryside will not be permitted unless it falls within one of the following categories:

- (i) A dwelling required for a person engaged full time in agriculture or forestry or, in areas outside the Green Belt, other rural enterprise appropriately located in the countryside that is sited within and designed in relation to a nearby group of dwellings or a farm complex;
- (ii) The replacement of an existing dwelling by a new dwelling which is not materially larger than the dwelling it replaces;
- (iii) The conversion of an existing rural building into a dwelling provided that the proposal accords with policies BH15 and BH16;
- (iv) The change of use or redevelopment of an existing employment site or premises in accordance with policy E10;
- (v) Limited development within the infill boundary line of those settlements identified in policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance;
- (vi) Affordable housing in accordance with rural exceptions policy H14

The proposed development would not fall within any of the categories and as a result, it constitutes a "departure" from the Development Plan where there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

National Planning Policy Framework

Significant weight is attached to the guidance contained in the National Planning Policy Framework. Paragraph 47 of the National Planning Policy Framework requires that there is a

five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The National Planning Policy Framework clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Consequently, the application turns on whether the development is sustainable and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

Strategic Housing Land Availability Assessment

The site is also identified within the SHLAA as a small Greenfield site which is achievable and deliverable, but suitable with policy change.

Highways

The Strategic Highways Manager has raised no objection to the application but comments that it will be necessary for the developer to re-construct the vehicular crossing prior to occupation. This could be conditioned accordingly.

There would be sufficient space within the site to provide off-street parking provision.

Given the absence of an objection from the Strategic Highways Manager it is considered that the development would have an acceptable impact on highways safety, having regard to Local Plan policy GR9 (Access, Servicing and Parking Provision).

Sustainability

The application site is situated immediately adjacent to the Settlement Zone Line of Sandbach and in close proximity to local services and amenities, with the Town Centre being less than one mile in distance. Therefore the site is located within a sustainable location.

Siting

The indicative layout shows a large property, however it would not be significantly larger in terms of footprint to the existing property at number 84. Whilst it would be larger than the adjacent property number 78, the streetscene is comprised of mainly of detached dwellings of varying sizes, styles and proportions. The indicative plan demonstrates that a detached dwelling could be accommodated on site and would appear as infill development within a built up frontage of ribbon development. A detached dwelling of up to two storeys in height would be viewed in this context and as such would not appear incongruous within the streetscene. It is emphasised that the plan is indicative and that detailed design is considered at the Reserved Matters stage.

Amenity

A key consideration in the determination of the application is the impact of the proposal on neighbouring residential amenity.

Number 78 Park Lane is situated adjacent to the application site. This property has 3No ground floor non-principal windows to the side elevation (north) in proximity to the proposal which serve the kitchen and garage. The kitchen is also served by an additional window to the rear elevation. There are no windows at first floor level in this side facing elevation. The indicative site layout shows the proposed dwelling positioned at approximately 5.4 metres from this side elevation of number 78. Provided that there would be no habitable windows to the south side facing elevation of the proposed dwelling, there would be no overlooking impacts. The side area to number 78 provides access to the rear garden area, and given that the windows in this side facing elevation of the dwelling serve non-habitable rooms (i.e. 2No to the garage and 1No kitchen) and having regard to the separation distance, it is not considered that the proposal would be overbearing or visually intrusive. Similar separation distances are reflected along Park Lane within the established pattern of development.

The indicative plan shows the footprint of the proposed dwelling projecting around 4.4 metres beyond the rear building line of number 78. The nearest windows to the application site on the rear elevation serve the kitchen at ground floor level and a bedroom at first floor; however the proposal would be 5.4 metres away and there would be no breach of the 45 guideline from the nearest principal room (i.e. the bedroom). Given the set back within the site and no breach of the 45 degree guideline it is not considered that the proposal would be over dominant or visually intrusive to number 78, which also has the benefit of a large rear garden area. The application site is situated to the north of number 78 and would not therefore result in adverse levels of loss of light or overshadowing. Whilst the objections raised by the occupants of number 78 are have been considered, the proposal would not be unduly detrimental to the residential amenity afforded to this dwelling as to warrant refusal of the application.

The development is proposed within the curtilage of the existing property number 84 Park Lane. This property has recently been extended and altered under planning reference 10/2061C. Number 84 has a number of windows at ground floor and first floor level to its south facing elevation in proximity to the proposed dwelling. The ground floor windows serve a habitable room (living room), however these are considered to be secondary as the room is served by a main large window to the front of the property. At first floor level 1No window serves a bedroom, however this is secondary due to the room having a large window to the

front; and 2No windows which serve a bathroom/ensuite and are obscure glazed. The indicative plans show a separation distance of approximately 6.8 metres from this side elevation of number 84, and given that the windows are secondary or non-principal it is considered that the separation distance is acceptable and would not be visually intrusive or overbearing. Provided that there would be no habitable windows to the north side facing elevation of the proposed dwelling, there would be no overlooking impacts or loss of privacy to number 84.

The indicative plan shows the proposed dwelling projecting around 1.8 metres beyond the rear elevation of number 84, however there would be no breach of the 45 degree guideline when measured from the nearest principal room, and the projection is also relatively minor. There would be some loss of light and overshadowing of number 84 as the proposal would be situated to the south, however this would mainly be to the side elevation of the property and as described above this is not a principal elevation. Furthermore the impact would not be unduly detrimental to warrant refusal of the application.

In terms of the properties situated on the opposite side of Park Lane, these would be over some 40 metres from the site boundary, which far exceeds the separation standards between principal elevations, as contained in SPG2 Private Open Space in New Residential Development

The proposed dwelling would benefit from sufficient private amenity space in excess of the guidance contained in SPG2 and which would reflect the garden size of neighbouring properties. The proposed dwelling would provide a sufficient standard of amenity for future occupiers.

An outline application has been submitted for a large residential development to the rear of the site, however given the garden depth of around 19 metres it is not considered that this application would impact on any future applications on adjoining land, over and above the existing site arrangements and existing use.

Having regard to the issues discussed above it is considered that the proposal would comply with the provisions of Local Plan policy GR6 (Amenity and Health).

Other issues

The site is located adjacent to the Abbeyfields site which is subject to an ongoing appeal. It is not considered that the approval of this single dwelling would prejudice the position on that appeal given the strategic nature of the Abbeyfields proposal compared to the small scale of this proposal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site is situated within the Open Countryside where the proposal for a detached dwelling would not fall within the categories contained in policy H6 (Residential Development in the Open Countryside and Green Belt). The proposal however would not be unduly detrimental to neighbouring residential amenity, and would tie in with the existing pattern of ribbon development along Park Lane which falls within the Settlement Zone Line of Sandbach. The site is in a sustainable location immediately adjacent to the Settlement

Boundary and in proximity to local services, amenities and the Town Centre. The thrust of the National Planning Policy Framework is a presumption in favour of sustainable development and the proposal would contribute to the Council's housing land supply. The principle of a dwelling on the site is accepted and the proposal is therefore recommended for approval accordingly, subject to the following conditions:

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Two Storey Dwelling
5. No habitable windows to side facing elevations (north and south)
6. Hours of construction
7. Hours of any pile driving activities
8. Tree Protection
9. Construction details of vehicular crossing
10. Vehicular crossing to be re-constructed prior to occupation of the dwelling

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