

Application No: 12/4371C

Location: 1, BOUNDARY LANE, CONGLETON, CW12 3JA

Proposal: DEMOLITION OF EXISTING 3-BEDROOM BUNGALOW AND DETACHED GARAGE AND DEVELOPMENT OF TWO 3-BEDROOM HOUSES AND ONE 4-BEDROOM DETACHED HOUSE

Applicant: MR J HAYES, NORTHMEADOW LTD

Expiry Date: 01-Jan-2013

## **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

- Principle of Development
- Design, Impact on the Character and Appearance of the Locality/Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking

## **1. REASON FOR REFERRAL**

This type of application would usually be dealt with under delegated powers, however Councillor David Brown has called the application into Southern Planning Committee on the grounds of access, highway safety and overdevelopment.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated on Boundary Lane, within the Congleton settlement zone line. The proposed site previously held a detached single storey bungalow and a single detached garage. The dwelling and garage have recently been demolished. The existing access to the site is at a 45 degree angle to the corner of Maxwell Road and Boundary Lane.

This application is a resubmission of a previous application for four dwellings which was refused by Southern Planning Committee on the 31<sup>st</sup> October 2012 meeting for the following reasons.

- 1. The proposed development by virtue of its density, relationship to adjacent property and the prominence within the street scene is considered to represent an overdevelopment of the site that does not respect the character, appearance and form*

*of the surrounding area. The development is therefore contrary to Congleton Local Plan Policy GR2.*

- 2. The development will have a detrimental impact on the amenity of the occupiers of No. 42 Boundary Lane by virtue of its close proximity leading to a loss of privacy. The Development is therefore contrary to Congleton Local Plan Policy GR6 and the adopted SPG.*

### **3. DETAILS OF PROPOSAL**

This proposal seeks full planning permission to demolish the existing dwellinghouse and garage (retrospectively) and replace it with 2no semi-detached dwellings, and a detached dwelling with associated access.

### **4. RELEVANT HISTORY**

12/3227C – Demolition of existing 3-bedroom bungalow and detached garage and development of four, 3-bedroom semi-detached houses – Refused 1<sup>st</sup> November 2012

### **5. POLICIES**

#### **POLICIES**

##### **National Guidance**

National Planning Policy Framework (March 2012)

##### **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns

H1 & H2 Provision of New Housing Development

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

SPG2 Provision of Private Open Space in New Residential Developments

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

**Strategic Highways Manager** - The SHM recommends APPROVAL of the development subject to conditions and the Applicant entering into a suitable S278 Agreement to provide a footway along the frontage of the site with Maxwell Road.

**Environmental Health** – No objections subject to conditions for hours of operation and pile foundations and a note about contaminated land.

**7. VIEWS OF THE TOWN COUNCIL** - Object to the proposal on the following grounds,

- Highway safety – particularly being so close to the primary school
- Access problems due to proximity of existing properties, lamppost, speed humps and bus stop,
- Loss of amenity
- Overdevelopment

**8. OTHER REPRESENTATIONS**

- Letters of representation have been received from the occupiers of 32 residences. The main issues raised are;
  - The existing building has been demolished prior to receiving planning permission,
  - 3 driveways off Maxwell Road will still have the same issues with parking and access,
  - Over development of the plot,
  - Traffic is already very bad in the area this will only make it worse, (mainly at school times),
  - One of the semi's has been replaced by a large detached dwelling with a bay window in the garage – this could easily be converted into another living room in the future and therefore would have an overlooking amenity impact on No.42 Boundary Lane,
  - Obscure glazing in the first floor bedroom window could be altered in the future which would raise the same amenity issues as the previous application on No.42 Boundary Lane,
  - The proposal is only 12% smaller than the previous application which was refused,
  - The proposed path way is only 1.2m wide – this is not safe or in line with DoT recommendations of a minimum of 1.5m,
  - Two dwelling would sit much better on the site than three or four,
  - Security fencing currently erected around the site clearly shows how out of character the proposal will be,
  - The local community should be listened to, they do not want a development of this size on this plot,
  - The proposed driveways should be offset from those on the opposing side of the road, to avoid conflict,
  - The developer has not taken on board any of the comments/suggestions made at the recent committee meeting,
  - Three dwellings will still have a detrimental impact on the streetscene,
  - On road car parking in the area is already very difficult, (mainly at school times)
  - Inadequate amenity and car parking provision,
  - Overlooking from the proposed dwelling,
  - Impact on light to rear garden, side windows and driveway of No.3 Maxwell Road, SPG stated 13.8m distance the proposal would be 12m away,
  - Amenity impact on opposing properties,
  - Increase in traffic, parking and driveway may increase danger to children walking to school,
  - The police have been called on a number of occasions due to congestion issues at school times,
  - The front elevations of the dwellings are not in keeping with the surrounding streetscene and should not include gable projections,

- Impact on drainage
  - The separation distance between Plot 3 and 42 Boundary Lane is 14.8m which meets the separation guidance, however the developer has incorporated obscure glass and bay windows to adhere to design guidance rather than designing a development which fits on the site,
  - The alteration of the plans now only leaves a 1m gap between plot 2 and 3 and therefore creates a continuous frontage on the front elevation,
  - The gables proposed will increase overshadowing on the neighbours on Maxwell Drive,
  - The contrasting design of the proposed dwelling which appear obtrusive in the streetscene,
  - There is no need for more 3 bedroom dwellings in the area, there are a number up for sale in the area,
- A letter of support has been received from one resident. The main issues raised are,
    - The development will bring jobs to local people
    - The site will be within walking distance to the local school
    - Enhance the streetscene
    - Traffic issues only arise at school drop of times,
    - It is not a green belt area

***Additional consultation responses received relating to the amended plans received on the 19<sup>th</sup> December 2012.***

- Further letters of objection relating the amended plans have been received from 7 occupiers. The main issues raised are;
  - Plans have not been sufficiently amended to be supported,
  - Note bay window has been replaced by standard window however the garage could still be converted in the future,
  - The pavements is still insufficient
  - Too many additional dwellings in a congested area,
  - Not in keeping with the streetscene,
  - The dwelling has been demolished already,
  - The access/parking arrangements are still unacceptable and a safety hazard,
  - Still an over development of the site,
  - All previous objections are relevant

## **9. APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

Contaminated Land Questionnaire

Letter from Emery Planning Partnership

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site is situated within the Congleton Town settlement boundary where there is a presumption in favour of development. The proposal site lies within a garden plot for a former bungalow and therefore is considered to be Greenfield land.

Nevertheless, Policy PS4 (Towns) of the Congleton Local Plan does not differentiate between either Brownfield or Greenfield land being more preferable within the settlement boundary and therefore the general principle of development is acceptable.

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 NPPF 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, it is considered that the contribution to housing land supply, and the above provisions of the NPPF, the proposal is therefore considered to be acceptable in principle and the application turns on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily access with an appropriate level of parking provision.

## **Design**

The application site has recently been cleared (without prior notification approval) but previously stood an empty single storey bungalow within a fairly large open curtilage. The surrounding area is a mix of design and styles of dwellings; however the immediately surrounding properties are largely semi-detached dwellings, with a mix of dwellings on the opposite side of Boundary Lane.

The proposal seeks permission for a pair of semi-detached dwellings and a detached dwelling (3 properties). The proposed semi-detached properties have three bedrooms and the detached 4 bedrooms with a roof height the same as the adjacent dwellings on Maxwell Road. All the proposed dwellings will have gable side elevations. This is at variance with the large majority of dwellings in the surrounding streetscene which have hipped roofs. Furthermore, the gable projections off the front elevations of the dwellings are also different from the surrounding houses. This said the existing dwellings are fairly plain in their appearance and of no particular architectural merit. The proposed dwellings have been designed in such a way as to provide an element of interest to the elevations and therefore although differing from the majority of dwellings in the area it is considered that the design is suitable for the position and will not have a detrimental impact on the character or appearance of the streetscene. The proposed dwellings include bay windows on the front elevations which are a key design element taken from the properties on Maxwell Road and will help to create an element of continuity within the streetscene.

The dwellings have been designed to sit in the current building line of Maxwell Road, and plot 3 to 'turn the corner' to address Boundary Lane. The amended plans shows the front entrance door to Plot 3 sited on to Boundary Lane and the bay window element removed from the garage. This still creates active frontages facing both roads and it is considered that this will provide a good relationship with the streetscene. Furthermore, traditional detailing such as lintels, eaves details and window and door heads and cills have been proposed which will help to harmonise the dwellings with the more traditional properties on Boundary Lane.

It is therefore considered that the reduction of units from 4 to 3 has addressed the previous reason for refusal and no longer represents an overdevelopment of the site.

### **Impact on the Amenity of adjacent properties and future occupants**

#### Loss of Privacy/Overlooking/Overshadowing

The proposed dwellings are to be sited on the existing dwelling plot of No.1 Boundary Lane. The proposed three two storey dwellings will appear more imposing on the surrounding neighbours than the previous single storey bungalow. However, the impact of the development needs to be addressed in accordance with the separation guidance and if there is suitable amenity space for the future occupiers of the dwelling.

Supplementary Planning Guidance note 2: Private Open Space suggests that a separation distance of 21.3m is maintained between opposing elevations with principle windows, and 13.8m between elevations with principle windows and flank elevation or elevations with secondary/obscure glazed elevations.

The proposed dwellings will be sited a minimum of 23m away from the front elevations of the dwellings on the opposite side of Maxwell Road and therefore the proposal is considered to be a suitable distance from the opposing dwellings to maintain the amenity of the neighbouring properties.

Furthermore a separation distance of 4.2m will be achieved between No.3 Maxwell Road and the side elevation of Plot 1. This is a suitable distance between flank elevations with secondary/obscure glazed windows. The width of the property will mimic the width of No.3

Maxwell Road and will be sat on the same build line and therefore the proposed building will not have a significantly detrimental impact on neighbouring amenity.

To the rear, the dwellings will face towards the rear garden and side elevation of No.3 Boundary Lane. The proposed dwellings will have an 8m rear garden and will be 12m away from the side elevation of the No.3. The existing bungalow is sited 7m away from the side elevation of No.3 and also had windows on the side elevation. It is considered that although the separation distance of 13.8m between principal windows and secondary windows is not reached between the rear elevations of Plot 3 in this instance the dwellings will be sited further away than the existing bungalow and therefore the building will have a negligible impact on over looking and overbearing impact than that which already exists at the site.

There is a separation distance of 14m between the side elevation of Plot 3 and the front elevation of No.42 Boundary Lane. No.42 Boundary Lane is a two storey dwelling with four principal windows on the front elevation sited adjacent to the path with no front garden. The proposed site plan shows that No.42 is at a slight angle to the proposed side elevation of Plot 3. At ground floor level the proposed dwelling will have a window within the garage, and a front door. At first floor level the window will serve a secondary bedroom window. All the windows on the side elevation either serve none habitable rooms or are secondary windows to habitable rooms. Therefore a separation distance of 13.8m would be acceptable. Due to the orientation of the dwellings the ground floor garage window will not directly over look the ground floor window on No.42, and does not serve a principal habitable window. It is therefore considered unnecessary to require this window to be obscure glazed. As the first floor window serves a bedroom it is considered that provided this window is obscure glazed it will have an acceptable impact on the opposing neighbour. With the addition of an obscure glazing condition it is considered that the proposal is acceptable.

### Private Amenity Space

SPG 2: Private Open Space requires a minimum of 65m<sup>2</sup> of private amenity space for each new dwellinghouse. Plots 1, 2, and 3 all have the minimum of amount of private amenity space as required.

### Noise

A series of conditions relating to construction hours, and pile driving are suggested which will control the impact of the proposed development on neighbouring properties during construction.

### **Impact on Highway Safety and Parking**

A significant amount of concern has been raised in relation to the impact the proposal will have on highway safety in the area. It is acknowledged that the area appears to have a high number of traffic movements at school start and end times but the majority of the time the area is fairly quiet. The proposal is of a modest size and does not require a formal Transport Statement to support it. Three dwellings generate two or three peak hour traffic movements on the highway network during peak hours, which is a small net increase in traffic generation and therefore will not have a material impact on the highway network.

The plans show a 1.2m footpath created along the boundary of development site on Maxwell Road and Boundary Lane (there is currently no path at this point on the road). Furthermore, the driveway accesses onto Maxwell Road and Boundary Lane have been widened to ensure suitable visibility and width to allow safe entrance and egress onto the highway.

The Strategic Highways Manger notes that the minimal footway is to be provided to enable residents of Plots 1 and 2 to walk around to the bus stop and school located on Boundary Lane without the need to walk in the carriageway. Although not of ideal width it is noted that any additional width may compromise the front gardens and parking spaces of plots 1 and 2 and such a footway is considered sufficient to serve these two dwellings and will also offer the opportunity for those walking along the western side of Maxwell Road towards the bus stop and school on Boundary Lane to cross at a point further away from the junction with Boundary Lane. This footway should be adopted and secured via a S278 agreement.

The proposal includes the provision of at least 200% car parking across the three dwellings and this is considered to be a suitable provision for the size of the dwellings.

### **Other matters**

Issues have been raised regarding the drainage of the site, United Utilities have been consulted on the previous application and have raised no objections to the proposal and therefore from a planning perspective the proposal is acceptable. Furthermore, the suitability of the drainage will be considered through the building regulations consent and therefore it is considered unnecessary to condition any further information is required.

## **11. CONCLUSIONS**

The application site is situated within the Congleton settlement boundary and therefore the principle of development is acceptable. It is considered that there are no significant amenity or highway safety issues arising from the proposal as conditioned, and the previous reasons for refusal have been addressed. The proposed development is therefore considered to be in compliance with Policies PS4 Towns, H1 Provision of New Housing Development, H2 Provision of New Housing Development, GR1 New Development, GR3 Density, Housing Mix and Layout, GR4 Landscaping, GR6 Amenity and Health, GR7 Pollution, GR9 Accessibility, Servicing and Parking Provision and SPG2 Provision of Private Open Space in New Residential Developments of the Congleton Borough Local Plan First Review 2005.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions,

- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of landscaping scheme**
- 4. Implementation of the approved landscaping scheme**
- 5. Boundary treatment details to be submitted to the LPA and approved in writing**
- 6. Remove PD Rights for extensions and alterations to the approved dwellings, including garage conversion**



- 7. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 8. Pile Foundations operations limited to Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil and method statement**
- 9. All bathroom, en-suite and landing windows to be obscure glazed and non opening, Plot 3 side elevation bedroom windows to be obscure glazed and retained as obscure glazed**
- 10. The Applicant provides a pedestrian footway link along the frontage of the site with Maxwell Road.**

**Note – Contaminated Land**

**Note - A S278 Agreement will be required for the provision of the footway along Maxwell Road.**

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