

Application No: 15/3339C

Location: 22, BOLLIN CLOSE, SANDBACH, CW11 1WZ

Proposal: Change of use of land from amenity to garden/ drive. Double existing drive width. Remove existing boundary fence and erect new boundary fence on new boundary line

Applicant: Mr Anthony Elliott

Expiry Date: 11-Sep-2015

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:

- Principle of Development
- Design – Character and appearance
- Residential Amenity
- Highway safety

REASON FOR REFERRAL:

The application has been 'called-in' to Southern Planning Committee by Councillor G. Merry for the following reasons;

'Impact on street scene, amenity, permitted uses. This should be a retrospective application as there is already a shed on the land, and the applicant is using the land to store materials.'

DESCRIPTION OF SITE AND CONTEXT

The site comprises of an elongated parcel of amenity land, which lies to the east of and adjacent to No.22 Bollin Close, Sandbach within the Sandbach Settlement Zone Line.

DETAILS OF PROPOSAL

Planning permission is sought to change the use of the land from 'amenity land' to 'residential garden land' (Use Class C3), serving as an extension to the garden associated with No. 22 Bollin Close.

It should be noted that the land is already fenced off with low-level, temporary plastic fencing.

RELEVANT HISTORY

14/1402C - Demolish existing garage. Construct a new double garage and rear ground floor extension – Approved 16th May 2014

13/1602C - Extension incorporating a double garage, shower & utility facilities. Change of use from surplus land to residential garden. Removal of an existing boundary fence & its re-erection on the new boundary line. Demolition of existing garage – Withdrawn 6th June 2013

POLICIES

Local Policy

PS4 – Towns, GR1 - General Requirements for New Development, GR2 - Design
GR4 & GR5 – Landscaping, GR6 - Amenity and Health

National Planning Policy

National Planning Policy Framework (NPPF)
Planning Policy Guidance (PPG)

Cheshire East Local Plan Strategy – Submission Version

SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles,
SE1 - Design

CONSIDERATIONS (External to Planning)

N/a

VIEWS OF THE TOWN COUNCIL:

Sandbach Town Council – Object to change of use due to detrimental impact on visual amenity for residents.

OTHER REPRESENTATIONS

1 letter of objection has been received. The main areas of concern raised include;

- Amenity – Loss of light, outlook, privacy (assuming erection of shed on land)
- Design – Fence out of keeping, visual amenity impact generally
- Trees - Loss of trees on land
- Highway safety - Parking
- Flooding

APPLICANT'S SUPPORTING INFORMATION

None

OFFICER APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Sandbach where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. These are considered below.

Design

The estate was built in the 1970s and is made up of a number of cul-de-sacs that are accessed off Grange Way and St Peter's Rise. The layout of the estate has been designed to be open plan with limited boundary treatments at the front of dwellings and buffers of open grassed amenity land in other areas. These spaces serve to soften the impact of the built development and allow for open views and aspects within the estate.

It is recognised that a number of other parcels of land have been granted planning permission to be used for residential use on this estate over the past few years. However, each case has been considered on its own merits as this application must also be.

The application site comprises of an elongated parcel of open grassed amenity land, which lies on the eastern side of No.22 Bollin Close and adjacent to a public footpath to the west, the other side of which is a school.

The application site is partially visible in the streetscene, but more so from the adjacent public footpath which links Weaver Close to Bollin Close.

For the full length of this section of footpath there is an area of amenity green space to the western side of the footpath when travelling in a northern direction from Weaver Close.

The first element of this green space within this corridor when travelling in a northern direction is to the eastern side elevation of No.23 Weaver Close. This property and its domestic curtilage is fenced off from the amenity land by a 1.8 metre-tall boundary fence. Between this fence and the footpath is a retained strip of green amenity space between approximately 3.4 and 3.8 metres in width.

Beyond this point, this parcel of amenity space widens to approximately 8.9 metres and narrows to approximately 3 metres at the northern end. It is triangular in shape. All of this space lies adjacent to the applicant's property, No.22 Bollin Close and forms the parcel of land sought for a change of use.

The proposed change of use is sought for the entire parcel of land. However, the proposed boundary fence is sought within the site itself, not on its boundary. The proposed fence would follow the existing line of the fence adjacent to No.23 Weaver Close, and as such, would leave a green gap next to the footpath of between approximately 3.3 metres at the southern most end and approximately 0 metres at the northern end.

As the site extends to the north, the width of the amenity space narrows adjacent to the applicant's property. However, it should be noted that at the northern end, where the fence would be sited close to the footpath itself, the site opens up and becomes wider to the western side of the footpath, and as such a degree of openness is retained, even at this section.

The introduction of further residential paraphernalia, such as sheds and green houses and fencing closer to the footpath than proposed, is likely to have a detrimental impact upon the streetscene which should be considered on its own merits. It is therefore considered that the removal of

Permitted Development Rights for structures and fences etc would be acceptable to allow the Council some control over future development on the site should the application be approved.

Subject to this condition, it is considered that an acceptable level of openness would be retained at this location for the reasons detailed and therefore, the impact upon the character and appearance would not be significant.

As such, it is considered that the change of use would adhere with Policy GR2 of the Local Plan.

Residential Amenity

The site enjoys sufficient separation with neighbouring buildings and therefore the residential amenity afforded to neighbouring residents would not be materially harmed with regards to privacy, light or visual intrusion.

No built form other than the proposed boundary fence is proposed.

As such, it is considered that the change of use of this parcel of land and the erection of the proposed fence would adhere with Policy GR6 of the Local Plan.

Highways

The site is set back far enough from the edge of the highway to ensure that the proposal will not cause detriment to highway safety.

The widening of the applicant's driveway, also sought as part of this application, would also not create any significant highway safety concerns.

Other matters

Matters of drainage, flooding and trees are considered to be acceptable.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that on balance, and in this instance the proposed change of use of amenity land to residential is acceptable. The area of land relates to a triangular parcel of land adjacent to a public footpath. As a strip of this land would remain 'open' which would be in line with the adjacent parcel of land to the south, a degree of openness would be retained and the change of use would not significantly impact on the visual amenity of the area. The removal of permitted development rights from the land will afford the LPA some control over future development of the land and therefore the proposal is recommended for approval.

APPROVE WITH CONDITIONS

- 1. Time**
- 2. Plans**
- 3. Removal of PD, fences, outbuildings e.t.c**

Informatives:

1. NPPF

