

Application No: 15/3467C

Location: LAND OFF, LONDON ROAD, BRERETON, HOLMES CHAPEL, CHESHIRE, CW4 8AX

Proposal: Variation of conditions 2, 3 and 4 on existing permission 14/1941C; Construction of two new dwellings

Applicant: George Barlow

Expiry Date: 22-Sep-2015

SUMMARY

The principle of development has already been accepted by virtue of planning approval 14/1941C.

The variation of condition 2 relating to approved plans, condition 3 (materials) and 4 (Tree protection) is sought. The applicant seeks to flip the design of House 1, re-siting 2 metres closer to London Road and minor changes to the layout and House 2 is also sought.

The proposed amendments are considered to be of an acceptable design that would not create any new issues in relation to; neighbouring amenity, highway safety, trees or drainage and flooding.

As such, the application is recommended or approval

APPROVE subject to conditions

PROPOSAL:

Revised plans have been submitted to vary conditions 2, 3 and 4 from Planning Permission 14/1941C.

14/1941C was granted at appeal (ref: APP/R0660/A/14/2226483) for the *'Construction of two new dwellings (resubmission of planning application reference 13/4566C).*

The conditions sought for variation are detailed below;

Condition 2

'The development hereby permitted shall be carried out in accordance with the following approved plans: (i) drawing no 867 L01 rev P0; (ii) drawing no 867 101 rev P1; (iii) drawing no 867 103 rev P1; and (iv) drawing no 867 104 rev P2.'

The applicant seeks to make the following changes to the approved scheme;

- Relocate House 1 two metres closer to London Road
- Revise patio door position to House 1
- Revise the eastern end elevation of House 1 fronting London Road to include further openings
- Provide revised finished floor level of 56.00 to both properties.
- Reduce entrance hall size of House 2
- Revise kitchen / living / dining layout of House 2.

The revisions to the openings on the eastern end elevation of House 1 were done on the advice of the Planning Officer for design reasons.

Condition 3

'No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.'

Material details have been submitted with the application in order to address this condition.

Condition 4

'Prior to the commencement of development or other operations being undertaken on the site in connection with the development hereby permitted, a scheme for the protection of the retained trees in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction. Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.'

A tree survey report and tree protection scheme have been submitted in order to address this condition.

SITE DESCRIPTION:

The application site forms a parcel of vacant grassland located adjacent to London Road which is to the east. The site is largely rectangular in shape and extends for 2500 square metres. The site has a relatively flat topography and is bound to the north by a stream. The site falls within the Open Countryside.

RELEVANT HISTORY:

14/5834C - Construction of 10 dwellings (resubmission of planning application reference 14/0057C) - Undetermined

14/1941C - Construction of two new dwellings (resubmission of planning application reference 13/4566C) – Approved at Appeal 16th December 2014

14/0057C - Construction of 10 dwellings – Withdrawn 5th March 2014

13/4566C - Construction of two new dwellings – Refused 31st March 2014

12/0036C - The Construction of 18 New Affordable Two and Three Bedroom Houses – Refused 26th April 2012

10/3320C - The Construction of 18 New Affordable Two Bedroom Houses – Refused 3rd June 2011

Local Plan Policy

PS8 - Open Countryside, GR1 - New Development – General Criteria, GR2 – Design, GR6 – Amenity, GR9 - Accessibility, Servicing and Parking Provision, GR15 - Pedestrian Measures, GR19 – Infrastructure, GR20 - Public Services, GR21 – Flooding, GR22 - Open Space Provision, NR1 - Trees and Woodlands, and NR2 - Protected Species

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

Brereton Neighbourhood Plan (Draft Submission)

HOU01 – Amount of new housing development

HOU03 – Exceptions to new housing development

HOU11 – The layout and design of new housing

ENC01 – Land uses in the Countryside

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (HSI) – No objections

Jodrell Bank (University of Manchester) – No comments received at time of report

Comments to original proposal (14/1941C);

No objections

Environment Agency – ‘No comment’

Brereton Parish Council – No comments received at time of report

Comments to original proposal (14/1941C);

Objection on grounds that the application is outside the settlement zone line

OTHER REPRESENTATIONS:

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, 1 letter of objection has been received. The main areas of concern raised include;

- Highway Safety – Congestion
- Infrastructure – Impact upon schools and doctors

APPLICANT'S SUPPORTING INFORMATION:

Tree survey report plan

Tree protection plan

OFFICER APPRAISAL

Principle of development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a "departure" from the development plan and 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".

The issue in question was whether the development of 2 dwellings represented sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

In December 2014, the Planning Inspectorate concluded that the development did represent sustainable development and as such, was granted approval.

As such, the principle of the development has been established.

The draft Brereton Neighbourhood Plan restricts new housing development within the Parish to 50 new houses by 2030.

Given that planning approval has already been granted for 2 dwellings on this site and the proposal seeks no additional development, it is not considered that the draft Neighbourhood Plan would have a bearing on the principal acceptability of this proposal.

The acceptability of the revisions sought to the scheme shall be considered on their; design, impact upon neighbouring amenity, highway safety, flood risk and ecology. These matters are considered below.

Design

The revised scheme still comprises of 2 dwellings. Both dwellings would front onto the private driveway to the south and would have their own new access points onto this driveway.

The house closest to London Road (House 1) would be elongated in design and have an L-shaped footprint. It would be 2-storey's tall, have a dual-pitched roof and comprise of a partial gable frontage.

House 1 would be inset from London Road by approximately 6.8 metres, the private shared driveway to the south by approximately 6 metres, to the boundary with the proposed house 2 to the west by approximately 5.6 metres and from the stream to the rear (north), by approximately 8 metres.

At its maximum points, the dwelling will measure 16.7 metres in width, 9.3 metres in depth and 7.8 metres in height.

The house furthest away from London Road (House 2) would have a smaller footprint and be largely rectangular in design. It would be 1 ½ storeys tall, have a dual-pitched roof and comprise of 2 gable frontage features.

House 2 would be inset from the eastern boundary with House 1 by approximately 1 metre, the private shared driveway to the south by approximately 7.4 metres, to the eastern boundary by approximately 7 metres and by approximately 14.3 metres to the northern boundary with the stream.

On a comparison of the approved and proposed plans, House 1 has been handed (or flipped), with the two-storey gable end now being located on the London Road side. Furthermore, this proposed dwelling is now sought 2 metres further to the north than the approved dwelling. Given the increased prominence of this dwelling within the streetscene, further openings were added to generate a degree of interest.

In relation to House 2, a set of patio doors on the rear elevation is now sought as a window. Changes to the layout of this dwelling are also sought.

Given the minor nature of the design changes sought, it is not considered that these changes would have a detrimental impact upon the character and design of the area or streetscene and would therefore be acceptable in principle and would adhere with Policy GR2 of the Local Plan.

It is advised within the application that the dwellings would be constructed from Weinerberger Chepstow Multi facing brick walls (red), Smooth Grey Marley Due tiled roofs and uPVC fenestration. This choice of materials is considered to be acceptable.

As a result of the above reasons, it is considered that the proposed revisions would be of an acceptable design that would adhere with Policy GR2 of the Local Plan.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The proposed changes to the dwellings would not bring the units any closer to the closest neighbouring properties on Alum Court and as such, would not create any additional concerns to this side.

Between the dwellings themselves, as House 1 would now be handed, the closest openings to House 2 would comprise of; a ground-floor utility room window and a secondary lounge and bedroom window within an inset section which would be off-set from House 2.

Within the relevant side elevation of House 2, is a ground-floor utility window only. As the ground-floor windows would be largely screened from each other by boundary treatment once constructed and given the offset angle to which the other windows on House 1, facing House 2 would be, it is not considered that the 2 proposed dwellings would have a detrimental impact upon each other's amenity.

Sufficient garden space would be retained for both dwellings.

The proposal is therefore considered to adhere with Policy GR6 of the Local Plan.

Highway Safety

The approved 2 new vehicular access points to the 2 dwellings onto the shared private access road to Dunkirk Farm was agreed under application 14/1941C.

The revised proposal continues to seek the provision of the 2 access points onto this private access road. There is an application being considered by the Council to make amendments to this private access road as part of another application (15/4140C) and as such, is not considered as part of this proposal.

The Council's Head of Strategic Infrastructure (HSI) has raised no objections to the changes.

As such, the development is not considered to create any highway safety / parking concerns and would adhere with Policy GR9 of the Local Plan.

Trees

The application is supported by a tree survey report and tree protection plan. This has been submitted in order to address condition 4 of planning permission 14/1941C, which required the prior submission of a tree protection scheme. It was noted by the Council's Tree Officer that this survey did not relate directly to the application site. As such, a revised survey was received.

In response, the Council's Tree Officer has advised that the proposed submission is acceptable subject to the development being carried out in strict accordance with the Tree Report (Murray Tree Consultancy amended 16/9/2015) and Tree Protection Scheme Drawing : M134/DWHC/TREE/03/F dated September 2015) submitted on 17/9/2015

As such, subject to this variation to the approved conditions, it is considered that the proposed development would adhere with Policy NR1 and Condition 4 amended to ensure implementation.

Drainage and Flooding

As part of the original application, the Planning Inspector concluded that there was no technical evidence to show that the site would be liable to flooding or would exacerbate flood risk elsewhere. There are no reasons why the revised proposal would alter this conclusion.

CONCLUSIONS

The proposed changes to the approved scheme would be of an acceptable design that would not create any new concerns with regards to; neighbouring amenity, highway safety, trees or drainage and flooding. As such, the variation of the conditions is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

- 1. Time (as per original limit)**
- 2. Plans**
- 3. Materials as per application**
- 4. Tree protection – Implementation**
- 5. Tree felling/pruning – Prior submission of details**

Informatives:

- 1. NPPF**
- 2. Plans**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

