

Planning Reference No:	09/2569C
Application Address:	Plots 7-24C The Kingfishers Finneys Lane Middlewich
Proposal:	Substitution of House Types on Plots 7-24C and Amendments to Existing Approved Site Layout to Facilitate the Creation of Plots 7-24C (Increase from 19 to 40 Dwellings)
Applicant:	P E Jones (Contractors) Limited
Application Type:	Full Planning Permission
Ward:	Middlewich
Registration Date:	11 August 2009
Earliest Determination Date:	9 November 2009
Expiry Date:	12 th October 2009
Date report Prepared	9 November 2009
Constraints:	

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES

Preservation of trees, impact on the character of the area

1. DETAILS OF PROPOSAL

This application is for the variation of approved house types on the partially developed Kingfishers estate off Finneys Lane in Middlewich and the provision of an additional 21 units together with amendments to the layout.

2. RELEVANT HISTORY

The site already benefits from a historic approval for the development of 71 dwellings on the site (ref. no. 34624/3) granted on 2002. This approval has subsequently been amended twice (ref. no. 06/1430/FUL and 08/0596/FUL) in 2008 and 2009 to allow the substitution of house types.

3. POLICIES

Local Plan Policy

GR1 'New Development'

GR2 'Design'

GR3 'New Residential Development'

GR4 & 5 'Landscaping'

GR6 & 7 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

H1 & H2 'Provision of New Housing Development'
H4 'Residential Development in Towns'
H13 'Affordable and Low Cost Housing'
NR1 'Trees and Woodlands'

SPG1 'Provision of Public Open Space in New Residential Developments'
SPG2 'Provision of Private Open Space in New Residential Developments'
SPD6 'Affordable Housing and Mixed Communities'

Other Material Considerations

PPS1 'Delivering Sustainable Development '
PPS3 'Housing'
PPG16 'Archaeology and Planning'
PPS23 'Planning and Pollution Control'

4. CONSIDERATIONS (External to Planning)

Highways:

No comments were received from the Highways Officer

Environmental Health:

The Environmental Health Officer has written to confirm they have no objection to the proposal.

Landscape Officer

The Landscape Officer has commented on the proximity of the development to the protected TPO trees surrounding the site and the suitability of the open space provided.

The Officer has expressed concern that the proposal fails to give due consideration to the trees and notes that whilst the tree survey makes comment that a tree constraints plan and arboricultural method statement needs to be prepared, these documents are not currently in place.

In respect of the open space, they have raised no objection but commented to state that this will require detailed consideration with the Streetscapes Officer on the final design and layout.

VIEWS OF THE PARISH / TOWN COUNCIL

The Parish Council have written to note that they will be considering this application at their next meeting. Comments will be provided through an update sheet in advance of the meeting.

5. OTHER REPRESENTATIONS

British Waterways

British Waterways have written to confirm they have no objection to the proposal.

Neighbours

No comments have been received from neighbours.

6. OFFICER APPRAISAL

Principle of Development

The principle of residential development has already been set through the 2002 application and in light of this, the principle of development is accepted.

Policy

The significant aspect of this scheme is the increase in the number of dwellings on the site through an additional 21 units increasing the number in the application area from 19 dwellings to 40.

If this were a new build scheme, the amount of development proposed would fall below the threshold of 25 units set out in the Local Plan where affordable housing would normally be expected to be provided. As the scheme is part of a wider development however, consideration has to be given as to whether this scheme should be considered a part of a wider development of 95 dwellings (74 on the approved scheme as amended in 2006 and the 21 additional units now proposed).

In considering this matter, attention is given to the justification behind the proposal. When the application was submitted, the initial scheme was for a development dominated with larger detached dwellings. As the market has changed, the applicants have established that the approved units are not seen as being viable in the current economy. It is for this reason that they are seeking to change the form of development to provide smaller dwellings to respond to anticipated demand.

This is an approach being taken by a number of developers on existing sites which remain in part or fully undeveloped. It is not seen as being a mechanism for bringing the site forward in separate phases to avoid providing affordable housing.

In determining this scheme, consideration is also given to the value of the properties being proposed to affect the mix of housing on the site. By virtue of their size and mix of 2 and 3 bed properties, the dwellings provide a wider mix of house types and offer greater choice of lower cost dwellings than currently exist.

This diversification on the site introduces an increased element of low-cost market housing as sought by Policy H13 of the Local Plan in addition to the subsidised housing already secured under the earlier consent.

Having considered this point, it is felt that on balance, the scheme is acceptable from a policy perspective.

Highways

Given that the proposal is broadly similar to the approved scheme consisting of a series of dwellings fronting onto an internal service road and no changes

to the approved access onto Finney's Lane, it is felt that there are no grounds for refusal on this basis.

To ensure a satisfactory form of development, conditions are recommended in respect of the final design of the site in line with those agreed on the earlier scheme.

Design

The properties have been designed as small runs of terraced housing each with its own character and form. Use has been made of bay windows, brick detailing and gable details to articulate the form of the buildings. Collectively, this approach results in a group of cottage style terraced houses set around a small green.

The property on the corner entering the site has been designed with a dual aspect to avoid the creation of a blank gable.

The layout of the site comprises of parking to the fronts of the dwellings. Normally, such extensive parking would be resisted but the applicants have made efforts to intersperse the parking with landscaping to break up the mass of parking in the area. A medium sized parking courtyard of about 15 spaces have been provided in the south east of the site but this is tucked away and does not have a detrimental impact on the character of the area.

On balance, it is felt that the design and layout of the site is acceptable.

Amenity

The proposed dwellings are two storey properties in a similar location to the approved detached dwellings. Whilst there are more houses on the site, the distances between the dwellings and the existing properties to the west or south remain a similar distance away as on the earlier scheme. As a result, there is no harm to neighbours in respect of loss of amenity or overlooking.

It is noted that the layout of the site is relatively tight with the smaller units being proposed. To ensure that any extensions or alterations do not impinge on residential amenity levels, it is recommended that permitted development rights under Classes A or E of the General Permitted Development Order.

Trees

The site is surrounded in part by a number of trees protected under TPO 2001. The belt of trees on the western and northwestern boundaries of the site form Woodland W1 of the Order. The trees are readily visible to the public and have public amenity value.

In considering the earlier scheme attention was given to the protection of the trees. The new units are broadly on the same footprint as those already approved however they are slightly deeper than the earlier buildings and as a result are approximately 1.0 m closer to the protected trees.

Whilst the trees will cover a significant part of the garden area, this was the case with the earlier scheme. As a result it is felt that it would be difficult to

sustain a refusal of the scheme on this point especially as conditions can be put in place to control the development and the management of the trees.

Other Matters

As part of the initial application, conditions were placed on the approval to ensure the removal of contamination prior to development. This issue has been addressed through the initial development of the site and accordingly, no condition is required in this instance.

7. CONCLUSIONS AND REASON(S) FOR THE DECISION

In conclusion, it is felt that the proposed development will assist in diversifying the range of properties within the wider development site which will offer a greater choice of properties at a lower market value due to their size. In turn this will offer a greater range of low cost market housing which will provide a greater range of lower cost housing.

The proposed development is also felt to be of an appropriate design which will enhance the character of the area without detriment to existing residential amenity levels or privacy.

In respect of possible impact on protected trees, it is felt that the development will not have a significant impact on the surrounding protected trees and the use of appropriate conditions to manage the trees can be used.

After considered judgement, it is therefore felt that the proposed development is acceptable.

8. RECOMMENDATION:

Approve subject to Conditions

1. Development to commence within five years
2. Development in accordance with submitted plans
3. Scheme for protected buffer zone around TPO trees to be submitted and approved prior to development
4. No development to commence until a detailed arboricultural method statement providing comprehensive details of construction works in relation to trees
5. No development shall commence until a management plan for the woodland W1 has been submitted to and approved in writing by the Local Planning Authority
6. Samples of materials to be submitted
7. Details of construction of roads and accesses to be submitted prior to development.
8. Scheme for the disposal of foul and surface water incorporating sustainable drainage systems to be submitted prior to development.
9. Scheme for archaeological works to be submitted prior to development
10. Scheme for landscaping to be submitted
11. Implementation of landscaping scheme
12. Removal of permitted development rights as described in Schedule 2, Part 1, Classes A and E.

LOCATION PLAN: East Council Licence No.100049045

