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| <b>Planning Reference No:</b>       | 10/1089C                                                                             |
| <b>Application Address:</b>         | 77 Sandbach Road North, Alsager.                                                     |
| <b>Proposal:</b>                    | Outline application for proposed development consisting of 3no. detached properties. |
| <b>Applicant:</b>                   | Mr R Millar                                                                          |
| <b>Application Type:</b>            | Outline Planning Permission                                                          |
| <b>Ward:</b>                        | Alsager                                                                              |
| <b>Registration Date:</b>           | 12 <sup>th</sup> April 2010                                                          |
| <b>Earliest Determination Date:</b> | 10 <sup>th</sup> May 2010                                                            |
| <b>Expiry Date:</b>                 | 7 <sup>th</sup> June 2010                                                            |
| <b>Date report Prepared</b>         | 17 <sup>th</sup> June 2010                                                           |
| <b>Constraints:</b>                 | Tree Protection Orders                                                               |

**SUMMARY RECOMMENDATION:** Approve with conditions.

**MAIN ISSUES:**

- Principle of the development
- Highways
- Layout and scale
- Impact on the amenities of neighbouring properties
- Amenity levels of future occupiers
- Impact on protected trees
- Drainage
- Loss of protected open space

## 1. REASON FOR REFERRAL

Called in by Councillor Derek Hough on the grounds of the scale of development and impact on the residents of Mere Court and Eaton Road.

“Residents have expressed concerns that:

- House size too large compared to Eaton Road
- Loss of open space will adversely affect residents of Mere Court”

## 2. DESCRIPTION AND SITE CONTEXT

The application site comprises the side garden of a large detached dwelling house, set behind number 79 Sandbach Road North and accessed by a private access, which runs between number 79 and Mere Court flats.

Part of the site was previously designated as a Protected Area of Open Space/Recreation Facility, however consent was granted in 2004 to change this to garden for 77 Sandbach Road North. A condition was attached to that permission requiring the trees on the north-eastern boundary of the site to be retained, however these have now been removed without consent.

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

The proposal is for outline consent for 3 detached dwellings. Access, layout and scale are to be determined under this application, with appearance and landscaping being reserved for later consideration. Originally it was proposed that the dwelling on Plot 3 would be 9.9 metres in height, however following negotiations all 3 dwellings would be 8 metres in height. Plot 3 would be sited to the rear of the existing dwelling with Plots 1 and 2 sited at the northern end of the garden.

### **4. RELEVANT HISTORY**

10/0147T 2010 Consent to prune various protected trees  
09/1288C 2009 Withdrawn application for 3 dwellings  
36901/3 2004 Approval for change of use of public open space to garden  
36088/3 2003 Approval for double garage

### **5. POLICIES**

#### **National Guidance**

PPS3 – Housing

#### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP7 – Promote Environmental Quality

L4 – Regional Housing Provision

#### **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

GR2 & GR3 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

GR22 – Open Space Provision

NR1 – Trees and Woodlands

SPG2 – Provision of Private Open Space in New Residential Developments

SPD14 – Trees and Development

### **6. CONSIDERATIONS**

#### **Environmental Health:**

I have taken the opportunity to examine the above application and would like to make the following comments:

#### **Prior to commencement of development**

*Contaminated land observations*

- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- A phase 1 report has been submitted which indicates there is limited potential for contamination at the site.

As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

**NOTE NCLC1**

***- The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.***

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Construction phase of development:

**Protection from noise during construction (hours of construction)**

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

**Pile Driving**

Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

**Highways:**

The Strategic Highways Manager has assessed this application and offers the following comments:

JPK Design Ltd., have submitted a plan, which demonstrates vehicle tracking and junction geometry and shows the proposed junction to work to the satisfaction of the Strategic Highways Manager.

The Strategic Highways Manager would therefore recommend the following conditions and informatives be attached to any planning permission which may be granted for this proposed development:

**Condition:-** Prior to first development the proposed access will be completed in accordance with a design drawing to be approved by the LPA and based on JPK Design Ltd - Dwg No. 09/2/2462/2.

**Informative:-** Prior to first development the applicant will enter into and sign a S278 agreement under the Highways Act 1980, in order to protect the Authority against Part 1 claims.

**Informative:-** The specification for the extent of the new access which falls within the public highway will comply with Cheshire East Council Highway Authority specification and the applicant or their contractor will sign a S184 Road Opening Notice under the Highways Act 1980, prior to the commencement of the work.

**Senior Landscape and Tree Officer:**

There are a number of trees within the site of the proposed development. Several are identified on the plan and first schedule for the Alsager Urban District Council Tree Preservation Order (The Avenue, Sandbach Road North) 1972.

The submission includes a tree survey, a tree constraints plan and a tree protection plan. Whilst the application is outline, approval is being sought for access, scale and layout.

A number of unprotected trees have been removed from the site since my visits to the site in connection with the previous planning application and a later tree work application. Works granted consent under the TPO in March this year have been undertaken to protect trees. The layout plans as currently proposed are likely to require the removal of one unprotected tree, an immature Horse Chestnut tree located to the east of the existing access where a footway is proposed. The tree is judged to have low amenity value.

In relation to retained trees, it appears that the layout would generally allow for root protection areas as recommended in British Standard 5837:2005 Trees in relation to construction. Nonetheless, there are areas where the proposed development could impact on retained trees:

- The proposed realignment of the driveway would potentially require special construction techniques to avoid damage to tree roots. This could be addressed by condition.
- A large proportion of the rear garden of plot 3 would be under the crown spread of trees. In addition, it appears from late morning onwards this plot would be influenced by shading from the trees on the eastern boundary of the site, the protected mature Cedar of Lebanon to the south and the protected Oak trees to the west. Such circumstances could prove unacceptable to occupiers and it is likely that there would be pressure to prune heavily or fell trees which would be difficult to resist. (A three storey house on this plot would contribute to the shading issues).
- Whilst outside the root protection area, in the position proposed the dwelling on plot 2 would be close to the crown of a Scots Pine tree. (Not included in the TPO). This juxtaposition could give rise to concerns to future occupiers of the dwelling and re-siting or a reduced footprint would be preferable.

Overall I am not convinced that the layout as currently proposed is sympathetic to the character of the site and the existing features thereon.

In the event that the development is deemed acceptable, notwithstanding the information submitted, conditions would be required to cover tree protection measures, positions of services, special engineering for installation of hard surfaces near trees, the location of the site office, working methods and supervision of arboricultural protection measures etc. I would expect this to be encompassed in an arboricultural method statement.

### **Spatial Planning**

The site lies within the Settlement Zone Line and partially within an area of Protected Open Space as identified in the adopted Congleton Borough Local Plan. There are also TPO's on the site. The proposal is for the erection of 3 dwellings.

### **ACCORDANCE WITH THE DEVELOPMENT PLAN**

The statutory development plan comprises the Congleton Local Plan First Review and the Regional Spatial Strategy (RSS) for the North West. However, the Secretary of State for CLG has recently announced that the RSS will be abolished in the near future, returning decisions on housing land supply to LPAs and this intent should be a material consideration in the determination of planning applications

### **Regional Spatial Strategy**

The NW **RSS** (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures are average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. It should be noted that this RSS document supersedes the figures in both the Structure Plan and the Local Plans for the former Districts. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

Policy **DP4** refers to a sequential approach for making the best use of existing resources and infrastructure, whereby development should accord with the following sequential approach:

1. First, use existing buildings (including conversion) within settlements and previously developed land within settlements;
2. Second, using suitable infill opportunities within settlements, where compatible with other RSS policies;
3. Third, the development of other land where this is well-located in relation to housing, jobs, other services and infrastructure and which complies with the other principles in DP1-9.

The site is brownfield and could be classed as an infill opportunity within a settlement.

### Local Plan

With regard to policy **H4**, the proposal needs to satisfy the following relevant criteria:

1. The proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan – the site has not been allocated or committed in the Local Plan;
2. The proposal does not give rise individually or cumulatively, to housing supply totals significantly at variance with the provisions of policies H1 and H2 – Housing figures superseded by RSS;
3. Various sustainability criteria – (see below);
4. The proposal accords with other relevant policies of the Local Plan.

The various sustainability criteria are:

- A. The availability of previously developed land sites and empty or underused buildings and their suitability for housing use;
- B. The location and accessibility of the site to jobs, shops and services by modes other than the car and the potential for improving such accessibility;
- C. The capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- D. The ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities;
- E. The physical and environmental constraints on the development of the site such as the level of contamination, stability and flood risk taking into account that this risk may increase as a result of climate change.

In assessing the proposal's conformity with the above criteria it is found that:

- A. The site is mainly brownfield;
- B. The site is located within the SZL of Alsager and close to bus routes;
- C. There is insufficient information to assess this criterion;
- D. There is insufficient information to assess this criterion;
- E. The site is not within an area of flood risk.

Policy **RC2** relates to protected areas of open space. However, it is noted that in 2004 permission was granted for the change of use of the public space in question to a garden area and therefore the proposal does not need to be assessed against this policy.

In light of the above policies, therefore, it is found that the proposal is generally in accordance with the Development Plan.

### **MATERIAL PLANNING CONSIDERATIONS**

#### **Housing Supply**

Both National and Regional policy guidance state that Local Authorities should manage their housing provision to provide a five years supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. With the introduction of

**PPS3** if the Council does not have a five year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5 year period. Notwithstanding the existence of a 5 year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

## **CONCLUSION**

Taking the above into account, I have no policy objections to this application.

## **7. VIEWS OF TOWN/PARISH COUNCIL**

Alsager Town Council strongly objects to the proposed development on the following grounds:

1. The use of the single track access from the development onto Sandbach Road North is considered to be inadequate and dangerous in its current layout. To have an additional 3 properties with provision for 4 vehicles per property entering and leaving onto a busy main road – Sandbach Road North – with The Avenue directly opposite will further add to the traffic dangers at this point.
2. The service road to the properties shown on the plan does not seem to be wide enough for emergency vehicles i.e. Fire and Ambulance services.
3. The Town Council are of the opinion that the 3 properties constitute over intensification of the site and are not in keeping with the rest of the properties in that area.
4. The height of the proposed dwellings would considerably overlook the properties on Mere Court and the rear gardens of the houses and certain properties on Eaton Road.
5. The Town Council is concerned for the residents of Mere Court and Eaton Road regarding possible noise and light pollution from this development given the type of proposed development and Mere Court flats exclusively occupied by senior citizens.
6. The Town Council also has concerns about the ability of the existing surface water and sewerage drains to cope with this extra development. The Town Council understands that there is a low water table in this particular area and that there have been instances of flooding of the surrounding land in the past and the proposed development could add to this problem.
7. Any trees currently contained in conservation orders in this area should be retained.
8. The lack of adequate space provided for the extra bins and boxes for refuse collection.
9. The development is due to be built on land that is possibly Protected Open Space and needs to be investigated further by Cheshire East.

The Town Council request that a site inspection be arranged before the Committee consider the application.

## **8. OTHER REPRESENTATIONS**

14 representations have been received relating to this proposal expressing concern over the following issues:

- Highway Safety
- Increase in Traffic Movements
- Inadequate Access for Emergency Services
- Inadequate Drainage
- Land Prone to Flooding
- Loss of Light
- Loss of Privacy
- Size of the Dwellings
- Out of Character with the Area
- Loss of a Green Space
- Loss of an Area of Protected Open Space/Recreation Facility
- Impact of Construction Traffic
- Increase in Noise Levels
- Damage to Protected Trees
- Light Pollution
- Extra Bins Creating Disruption on Pavements

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

- Contaminated land survey that did not identify any significant contamination risks relevant to the proposed development.
- Tree Survey which concludes that the development could be accommodated on the site without adverse impact to the trees, subject to conditions.
- Design and Access Statement, which highlights the benefits of the proposed development.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Settlement Zone Line of Alsager where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. One of the key considerations is whether the Council is in a position to meet its five year land supply targets.

The Strategic Planning Officer has stated that as a whole Cheshire East has 5.14 years supply; however this does not preclude other suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives. The Secretary of State for Communities and Local Government has recently announced that the Regional Spatial Strategy will be abolished in the near future; returning decisions on housing land supply to Local Planning Authorities and this intent should be a material consideration in the determination of planning applications.

On this analysis, the principle of housing development within the Settlement Zone Line of Alsager would be difficult to resist as the regional housing targets are set as a minimum, not a maximum limiting the amount of development that can take place.



The development would be on garden land and the Government has recently made an announcement stating that this would no longer be classified as brownfield. However the development should still be determined against the criteria set out in the adopted Congleton Borough Local Plan First Review that does not have a saved policy relating to backland development.

### **Highways**

There have been several objections to the proposal on the grounds of highway safety, in particular the width of the access and the safety of the junction with Sandbach Road North. However the Strategic Highways Manager has assessed the development and the access road and junction are considered to be satisfactory subject to a detailed design drawing of the access being submitted to and approved by the Local Planning Authority. It is therefore considered that a refusal on the grounds of highway safety concerns could not be sustained.

### **Layout and Scale**

The proposal is for three detached dwellings, with two being sited at the northern end of the site and one being sited to the side of the existing dwelling and garage. It is considered that there is sufficient space in the garden for the three dwellings and the layout would provide adequate parking and private amenity space.

Having regard to the scale objections have been received expressing concerns over the size of the proposed dwellings. They would be five bedroom and originally Plots 1 and 2 were to be 8 metres in height, with Plot 3 being 9.9 metres in height. The height of the dwelling on Plot 3 was considered to be excessive and amended plans were submitted showing this dwelling at 8 metres in height. There are a variety of house types in the vicinity including large and medium sized detached dwellings, semi-detached dwellings and flats and it is therefore considered that the proposal would not be out of keeping with the character of the area in terms of layout and scale.

### **Impact on the Amenities of Neighbouring Properties**

To the west of the site is Eaton Road and the development would meet the minimum separation distances set out in Supplementary Planning Document 2 (Private Open Space). It is therefore considered that there would be no significant adverse impact on the amenities of these properties. To the east are the flats at Mere Court, which would also meet the separation distances provided that there are no main windows facing each other. This will be addressed at the reserved matters stage when the appearance of the dwellings will be assessed. In addition there is significant screening on the boundary with Mere Court, which would screen the development.

### **Amenity Levels of Future Occupiers**

Having regard to the amenities of future occupiers of the proposed dwellings, it is considered that the usable amenity space to be provided for each dwelling would be in compliance with SPD2 and would be acceptable.

The Senior Landscape and Tree Officer has expressed concerns about the impact of the existing trees on the dwelling proposed for Plot 3. However, when the officer undertook the site visit it was apparent that this plot would not be unacceptably overshadowed by the trees.

### **Impact on Protected Trees**

The previous application was withdrawn as it was considered that the siting of the dwelling on Plot 3 would mean that it would not have adequate usable amenity space. This was because the protected Oak tree on the boundary with the properties on Eaton Road would overshadow the proposed dwelling and could lead to pressure to fell this tree. The proposed dwelling has since been re-sited and the tree has undergone works that have addressed this issue.

Having regard to the advice given by the Senior Landscape and Tree Officer, it is considered that conditions should be imposed relating to tree protection and construction methods in order to ensure the continued health of the trees.

### **Drainage**

Several of the objectors have expressed concerns regarding drainage and flood risk. However, it is considered that this should be addressed by requiring full details of how the site will be drained for approval.

### **Loss of Protected Open Space**

The site includes a section of land at the rear of the garden that is shown on the local plan maps as being an area of protected open space/recreation. However consent was granted in 2004 to change the use of the land to domestic garden, with a condition requiring the trees on the northern boundary to be retained. These have subsequently been removed without consent. It is considered however that conditions could be imposed, if this proposal is approved, that would address the issue with re-planting on the boundary.

### **11. CONCLUSIONS AND REASONS FOR THE DECISION:**

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

### **12. RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Submission of reserved matters within 3 years**
- 2. Commencement of development within 2 years of approval of the last reserved matters**
- 3. Development in accordance with agreed drawings**
- 4. Submission of details/samples of external materials**
- 5. Submission of detailed drainage scheme**
- 6. Limits on hours of construction**
- 7. Limits on hours of piling**
- 8. Submission of detailed access and junction plans**
- 9. Submission of landscaping scheme**
- 10. Implementation of landscaping scheme**
- 11. Submission of details of boundary treatments**
- 12. Tree protection scheme**
- 13. Method statement for construction in relation to the protection of trees**

Location Plan: Cheshire East Council Licence No. 100049045

