

Planning Reference No:	10/1865C
Application Address:	6, Rowan Close, Sandbach, CW11 1XN
Proposal:	Proposed Detached Dwelling (4 Bed) within the Garden of 6 Rowan Close, Sandbach
Applicant:	Mr Flowers
Application Type:	Full Planning
Grid Reference:	374676361100
Ward:	Sandbach
Earliest Determination Date:	28-Jun-2010
Expiry Dated:	09-Jul-2010
Date of Officer's Site Visit:	17-Jun-2010
Date Report Prepared:	18-Jun-2010
Constraints:	

SUMMARY RECOMMENDATION

Delegated Authority to APPROVE subject to conditions and subject to no objections from the Council's Landscape Architect and Ecologist.

MAIN ISSUES

- Principle of Residential Development
- Drainage
- Flood Risk
- Sustainability and Climate Change
- Protected Species
- Nature Conservation and Habitats
- Trees
- Amenity
- Design
- Highway Safety
- Contaminated Land

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor B Moran for the following reasons:-

"1. The proposed development would result in the erection of a dwelling in close proximity to house no.7 Rowan Close which may have a harmful impact to residential amenity by reason of the residents' enjoyment of their property may be adversely impacted, and that this aspect should be assessed, in due course. Policy GR1[iii] is designed to afford protection.

2. The proposed dwelling could be unsympathetic to the character and form of the small development of 7 houses and should be assessed against Policy GR2 [i].

3. The proposed dwelling may not respect or enhance the area. Policy GR5 should be reviewed to assess any adverse impact.

4. Visual intrusion impact, and any detrimental effect, should be assessed against Policy GR6 [iii].

5. Any adverse impact on wildlife in the pond should be reviewed carefully against Policy NR3.
6. Appropriate flood mitigation measures should be assessed against Policy GR21 in view of the expected part pond infill to effect the development, and the subsequent, possible effect on other nearby ponds.”

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 1023 sq. m and comprises an existing two storey detached dwelling and its residential curtilage known as no. 6 Rowan Close which contains half of a large pond which is shared with the neighbour at no. 7 Rowan Close and a number of mature deciduous trees. The site is a Greenfield site located within the settlement boundary of Sandbach. The site backs onto Sandbach golf course which is a designated recreational facility located in the open countryside.

3. DETAILS OF PROPOSAL

The proposals relate to the infilling of half of the existing pond and the construction of a four bedroomed, two storey detached dwelling on garden land forming part of the residential curtilage of 6 Rowan Close, Sandbach. The dwelling would have a footprint of 304 sq. m. The existing dwelling on the site has a floor area of 334 sq. m. The overall area of the site is 1023 sq. m and the revised size of the plot which would serve the existing dwelling would be 896 sq. m.

The area of private garden space to be provided to serve the proposed dwelling would amount to some 150 sq. M.

The house would be sited in the garden to the north east of the host dwelling utilising the part section of the garden pond which is within the applicant's ownership. The proposed dwelling would front towards and have its own dedicated vehicular access onto Rowan Close.

The following is to occur:

- subdividing of existing pond with a York stone wall and infilling of existing pond and planting of a proposed reed bed
- proposed retaining structure
- proposed driveway
- proposed tree root protection measures and bridge
- 2m high fencing and hawthorn hedging to boundaries
- proposed wildlife pond
- waste/recycling storage area.
- turning area
- The dwelling would measure 15.3m x 11.8m reaching a height of 9.6m to the ridge of the pitched roof. The design incorporates a half hipped roof, gabled dormers, projecting gables, bay windows and integral garage, chimney breast, Juliet balcony and tile cladding.
- The front garden area would provide car parking space, turning space and a driveway approach across a short landscaped bridge

4. RELEVANT HISTORY

10/1987T Fell Maple And Prune Other Trees not determined

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

DP9 – Reduce Emissions and Adapt to Climate Change

L2 – Understanding Housing Markets

L4 – Regional Housing Provision

Local Plan Policy

PS3 Settlement Hierarchy

PS4 Towns

GR1 New Development

GR2 Design

GR6 Amenity and Health

GR9 New Development

GR17 Car Parking

NR1 Trees and Woodland

NR3 Habitats

NR5 Non Statutory Sites

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H4 Residential Development in Towns

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

Planning Policy Guidance 13 (Transport)

Planning Policy Statement 23 (Planning and Pollution Control)

SPG2: Provision of Private Open Space in New Residential Developments

6. CONSULTATIONS (External to Planning)

Cheshire Wildlife Trust; objects on the following grounds

- Incomplete ecological survey and assessment

The Report on Great Crested Newts etc does not include 3 ponds that are within 500m of the proposed site; one on the opposite side of the Middlewich Road and two on Sandbach Golf Course. Best practice requires that ponds within this range should be included in GCN surveys in order to ascertain the presence of local populations and their potential movements between water bodies.

The ponds have not been surveyed for protected invertebrate species.

The use of the site by bats has not been acknowledged – however, bats are anecdotally known to forage across this site

The Report itself contains several inconsistencies with other documentation:

- Para 3.2.1 refers to 'two mature trees scheduled for removal' – however, the Arboricultural Implication Assessment (March 2010) states that no trees will be removed or pruned to facilitate the development (para 9.6 page 6)

- South and North are confused in the Executive Summary (third paragraph) and para. 4.2

- Lack of assessment of potential impact on local hydrology

The application fails to consider and make provision for the potential hydrological implications of backfilling this area of open water on:

- Water supply and levels in the surviving retained area of open water (on adjacent property, under different ownership)

- Ground water levels in general on the site and adjacent property

- Run-off to adjacent land (Golf Course)

- Loss of historical pond and inadequate replacement

Review of earlier Ordnance Survey and Tithe Maps indicates that there has been a substantial pond in this location since at least the mid-C19th.

The replacement of the major part of a substantial well-established natural pond with a new, much smaller, semi- formal pond is not considered to be acceptable either with regard to maintaining/enhancing biodiversity or to retaining local natural amenity.

- Conflict with local planning policy

This proposal is contrary to Policies H12 (Tandem/Backland development), GR2 (Design) and NR3 (Habitat – ponds) of the adopted Congleton Local Plan 2005.

With regard to backland development, the Government's Coalition Agreement of 20th May 2010 includes a commitment to 'giving councils new powers to stop 'garden grabbing' – an indication of the importance now placed on this subject.

Environmental Health: no objections

Environmental Health Advisory Notes:

- Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.

- Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

Contaminated Land Comments:

This section has no objection to the above application subject to the following comments with regard to contaminated land:

The application is for a new residential property which is a sensitive end use and could be affected by any contamination present.

Please ensure the following condition is attached to the above planning application to ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

Prior to the commencement of development:

(a) A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).

(b) Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.

(c) If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.

(d) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Forestry and Landscaping section;

Policy NR1 of the Adopted Congleton Borough Local Plan First Review provides protection for trees.

The site lies within Area A4 of the Middlewich Road No 2. Sandbach TPO 1988.

There is insufficient information within the submission to allow full consideration of the impact on the protected trees:

1. The site layout plan does not provide a true representation of the crown spread of trees on the site. (The plans in the Lowther tree survey report are not reproduced to scale therefore comparison is not possible).

2. The levels data does not show how levels would alter in the vicinity of the pond in relation to the banking to the north and east of the site and trees thereon. (In addition to datum points, site sections showing existing and proposed levels may assist).

3. The Tree Data table is missing from the tree survey report.

4. The tree report states that the driveway access bridge would provide access to the property once construction is complete and that the bridge would not be used for construction access. If this is the case, information needs to be provided on how the site would be accessed and managed for construction without breach of tree root protection zones or threat to trees.

In the absence of the above, the application could be refused. Please re consult should further information be obtained.

Strategic Highways Engineer: No objection

Environment Agency: No objection

Ecology: no comments received at time of writing report

7. VIEWS OF THE PARISH COUNCIL

No comments received at time of writing report

8. OTHER REPRESENTATIONS:

Letter of objection from Sandbach Golf Club on the following grounds:

- Increased flood risk
- Loss of habitat

Letter of representation received from the occupants of 4 and 7 Rowan Close The main concerns are as follows:

- Loss of habitat/ environmental quality
- Removal of trees
- Drainage/ flood risk
- Amenity
- Protected species
- Access and highway safety
- Works associated with infilling of pond
- Development of Greenfield site
- Impact on structural stability of adjacent dwellings
- Unwanted precedent
- Inaccuracies in submission
- Design

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement; summary

- Background and Site History
- Use
- Amount
- Layout
- Scale
- Landscape and Ecology
- Appearance and Design
- Access
- Sustainability and Climate Change

Protected Species Survey; summary

- Would result in loss of habitat but not significant disturbance to Great Crested Newts
- There is some potential impact in the short term which can be addressed with reasonable avoidance measures (RAMs)
- Creation of additional habitat features during development would be desirable and is an ideal opportunity to improve the wildlife value of the area
- No evidence of bats or barn owls or breeding birds

Protected Species survey Addendum; summary;

- No evidence of bats, breeding birds, barn owls or water voles

Response to Cheshire Wildlife comment; summary;

- Based on local and national requirements only ponds within 100m are required to be surveyed
- The 3 ponds mentioned have major problems which would limit their value to Great Crested Newts

- Conditions of pond unsuitable to Lesser Silver Water Beetles

Tree Report; summary

- Survey identified and recorded 11 trees which could potentially be affected by the development of the site
- 4 trees recorded as category A those of high quality and value
- 4 trees recorded as category B those of moderate quality and value
- 2 trees recorded as category C those of low quality and value
- 1 tree recorded as category R due to the presence of white rot
- No trees would be removed or pruned
- Trees 945 and 949 require crown lifting
- The proposed driveway would enter the site between trees. The access road would be bridged over the root protection area of these trees with no excavations or ground disturbance within these areas.
- Recommends all trees protected by semi-permanent barriers
- For traffic movements in root protection areas (RPAs), the ground protection should be designed by a likely engineer to accommodate the likely loading.
- The bridge would be sited on beams located outside of the RPAs- this would prevent any damage to the tree root system
- The bridge would then be lowered into place in sections

Supporting Information in respect of land levels and historical maps

10. OFFICER APPRAISAL

Principle of Residential Development

The site is situated within the settlement zone line of Sandbach as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy PS4 of that Plan. In terms of the acceptability of the principle of constructing a new dwelling, policy H1 states that the structure plan requirements for additional dwellings will be met through completions, commitments, windfall sites and the development on allocated sites. The proposal, if approved, would constitute a windfall site and therefore would accord with this policy.

It should be noted that the structure plan figures referred to in the text for policy H1 are not up to date. More recent figures in respect of housing targets have been published within the North West of England Plan: Regional Spatial Strategy to 2021. Whilst Eric Pickles recently announced the government's intention to abandon Regional Spatial Strategies, the housing figures included are nevertheless the most up to date and represent the latest guidance in respect of housing targets.

PPS3 states that Local Development Documents and Regional Spatial Strategies policies should be informed by a robust, shared evidence base, in particular, of housing need and demand, through a Strategic Housing Market Assessment and land availability, through a Strategic Housing Land Availability Assessment.

The draft Strategic Housing Land Availability Assessment for the Congleton Area has been produced in consultation with the Cheshire East Housing Market Partnership and its Congleton Area sub group. The Partnership endorsed the draft document for stakeholder consultation on the 17th March 2009. This indicated that in terms of existing commitments

the supply figure exceeds both the Local Plan and Regional Spatial Strategy targets although this does not take into account deliverability.

The RSS proposes a dwelling requirement of 5,400 dwellings for the former Borough for the period 2003 to 2021, which equates to an average annual housing figure of 300 dwellings per annum. This document forms part of the 'Development Plan' for the former Borough and supersedes the figures in both the Structure Plan and the Local Plan. Since 2003 1,443 (net) dwellings have been completed leaving a further 3,957 dwellings to be provided for the period to 2021, equating to approximately 330 dwellings per annum for the remaining period. In order to achieve a 5 year supply against the RSS provision taking into account up to date completions, a supply of 1,650 is required.

This therefore indicates that there is a demand for additional housing land. Policy H2 indicates that housing should be evenly distributed between the five subdivisions of the borough and indicates that 25% of permissions should be provided in the Sandbach area. Of the permissions granted, the monthly housing update indicates that approximately 42% of recent permissions were located within the Sandbach area. Whilst this is above the 25% target in policy H2, it should be noted that the purpose of this policy is to prevent development being concentrated in particular areas; given that there is still a distribution of housing supply across the five areas and given that the supply and demand of housing within the area has changed considerably since the publication of this policy, it is not considered that the provision of one additional dwelling on the site would prejudice the provision of sufficient housing in the right locations.

Notwithstanding the comments from Cheshire Wildlife Trust, policy H12 within the Local Plan has not been saved and therefore does not comprise part of the statutory development plan.

With regard to backland development, the Government's Coalition Agreement of 20th May 2010 includes a commitment to 'giving councils new powers to stop 'garden grabbing'. In this regard the update to PPS3 (9 June 2010) has re-classified garden land as Greenfield rather than Brownfield land. However it should be noted that this is in response to concerns mainly in the South East of England about the extent to which developers are redeveloping existing domestic curtilages.

Table 7.1 within the RSS states that at least 80% of housing provision within the former Congleton borough area should be provided on Brownfield sites. The former Congleton Borough Council area achieved 82% on Previously Developed Land last year.

In any event, the development plan includes policies which allow the development of windfall sites within settlement boundaries subject to a number of criteria. There is nothing in these policies to restrict windfall developments only to proposals on previously developed land. It should also be noted that the classification of sites as Greenfield has not been used to resist barn conversions which are considered acceptable in principle. As such, the proposals should be determined on their own merits.

The site lies within the settlement boundary of Sandbach where there is a presumption in favour of development and as the RSS housing targets have not currently been met, it is considered that the redevelopment of the site for housing is acceptable in principle.

Drainage

Foul sewerage would be disposed of via the mains sewer and surface water would be disposed of via soakaways. Neighbours and Cheshire Wildlife Trust have expressed concerns in respect of the impact that infilling the pond would exasperate drainage issues within the area.

However in terms of the implications for drainage to the adjacent golf course the topographical levels of the golf course are some 1.44m below the actual water level within the pond and therefore any drainage issues surrounding run-off or a high water table would ensue in any event.

As the proposals would undoubtedly affect the amount of porous surface areas available for water percolation, it is considered reasonable and necessary to condition sustainable urban drainage measures.

A replacement albeit smaller pond would be provided as part of the proposals which would help to mitigate for the loss of the existing pond as a water storage area.

No comments have been received from United Utilities and therefore in the absence of this it is considered prudent to condition drainage details.

Flood Risk

The site is not within a designated area of flood risk.

Notwithstanding the comments received, the Environment Agency has no objections to the proposals; whilst residential development is sensitive development and should therefore not be encouraged within areas at risk of flooding, the site is not situated within a flood plain. There are no known issues in relation to flooding associated with drainage issues and in any event drainage details are to be conditioned accordingly as stipulated above.

Sustainability and Climate Change

The site is within easy cycling and walking distance of Sandbach town centre and is accessible by public transport. As such the occupants of the proposed dwelling would have the opportunity to travel to and from the site by more sustainable modes of travel and thus the proposals would contribute to reducing emissions of carbon dioxide.

The proposed dwelling would have a regular shaped floor plan which would help in minimising heat loss through external wall areas.

The house would be constructed to reach code For Sustainable Homes Code 4. Wherever possible sustainable sources of materials, particularly for timber and joinery products, would be used and waste materials from the construction process would be recycled. The structure would be insulated 44% in excess of the requirements of Part L of the current Building Regulations and all new windows would be double glazed using low E class. Water use would be reduced by the installation of aerated taps so as to reduce flow rates and dual flush toilets with reduced capacity cisterns would be installed. A water meter would be installed which discourages excessive consumption.

Rainwater would be collected in underground water harvesting tanks and would overspill to soakaways. This water would be recycled for flushing wc's and also outside watering of plants. Permeable surfacing would be employed where possible and a significant proportion of the plot would be available for soft landscaping which would reduce surface water run off during periods of heavy rain.

The fenestration to the rooms of the house has been designed to ensure that a good level of natural daylight would reach all the principal rooms and thus the requirement to use artificial (and energy consuming) light sources would be reduced.

Energy efficient light fittings for both internal and external illumination would be installed as too would a high efficiency gas boiler.

Protected Species

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the existing mature trees on the site are suitable habitats for Bats, Barn Owls and Breeding Birds. Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or nesting places,

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is
- No satisfactory alternative and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- A requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- A licensing system administered by Natural England.

Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that

significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Notwithstanding neighbours’ comments, the document Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements March 2009 states that the impact of development on Great Crested Newts is highly variable and site specific. The distances stated in the document are for guidance only. For large developments it may sometimes only be necessary to survey ponds 250m away. Conversely, for minor developments it may be necessary sometimes to consider ponds further than 100m. An impact assessment in the absence of a full survey may be appropriate in some circumstances.

The Council’s ecologist has confirmed that due to the site circumstances a 100m radius of the site will suffice.

As proposed tree work (felling or lopping) is to occur, the protected species survey has surveyed bats, breeding birds and barn owls. The guidance document also indicates that Water Voles, Great Crested Newts and Lesser Silver Water Beetles should have been surveyed.

The results section of the survey as originally submitted however omitted the results for bats, barn owls and breeding birds. Further information has since been received in respect of these indicating that the development will have no impact on these species. This information has been forwarded to the Council’s ecologist for comment.

The ecologist’s report explains that following detailed survey work the existing garden pond divided between no. 6 and no. 7 Rowan Close was found to have a very low ecological value. A purpose designed and suitably planted and populated wildlife pond would by way of contrast add to local biodiversity.

In conclusion the proposals if conditioned to be in accordance with the recommendations of the protected species survey and addendums would not have an adverse impact upon protected species provided that there are no objections from the Council’s ecologist.

Nature Conservation and Habitats

As recommended above, the rear garden of the new dwelling would feature a purpose designed and suitably planted and populated wildlife pond which would assist in increasing the habitats and biodiversity of the locality, as would the planting of native species hedgerows to define the side boundaries of the rear garden and the creation of a marsh/wildflower area in the space enclosed beneath the proposed bridge in the front garden.

The proposed pond would be partially infilled with a reed bed and common reed being planted, and the hedging proposed would incorporate hawthorn and blackthorn hedging. Whilst the replacement pond would be smaller, it would be possible to enhance the wildlife value of this in comparison to the nature conservation value of the existing pond.

Notwithstanding the comments from Cheshire Wildlife Trust the applicant has demonstrated that the existing pond is man made. Whilst this does not necessarily diminish its conservation value, the pond contains fish, ducks and has been domesticated considerably all of which have adversely affected its conservation value.

Whilst policy NR3 seeks to protect against the loss of nature conservation resources, in this instance the existing pond has limited nature conservation value and the proposals offer an opportunity to improve the nature conservation value of the site. As such the proposal would not conflict against nature conservation objectives at a local or national level.

Trees

The site contains a number of trees which are protected by area A4 of the Middlewich Road II Sandbach Tree Preservation Order which came into effect on 22 June 1988. The first schedule to the order describes the trees concerned as mixed deciduous and coniferous trees. A Maple and Silver Birch have been felled with the benefit of tree preservation order consents and a further application will be made to fell a Maple tree infected by honey fungus. Tree planting is proposed within the hedgerow along the north eastern boundary of the new property using native species which are known to be more resistant to honey fungus. The tree survey also suggests some crown lifting to trees 945 and 949. However, this is not as a result of the proposals but due to the presence of crossing branches and encroachment to adjacent trees. A further tree (952) contains white rot and potentially honey fungus but it is not proposed to remove it at this stage.

The comments from the Council's Landscape Architect indicate that there is insufficient information within the submission to allow full consideration of the impact on the protected trees. The applicant has submitted additional plans in response to this, and these have been passed to the Council's Landscape Architect for comment.

In conclusion the proposals if conditioned accordingly would not have an adverse impact upon the protected trees provided that the additional information submitted overcomes the objections from the Council's ecologist.

Amenity

Overlooking/ Overshadowing

The principle windows would all be contained within the front and rear elevations of the house in order to avoid overlooking and any consequent loss of privacy to adjoining dwellings. The windows in the front elevation of the proposed house would face across its own front garden and have a view beyond that along the length of the close. This latter view would be filtered by the existing trees on the house frontage which are protected and would remain. The minimum distance between the front elevation of the proposed dwelling and that of the nearest house it faces towards no. 8 measured corner to corner would be in the region of 38m. The windows to the rear elevation of the proposed dwelling would face north eastwards over the Sandbach Golf Course. There would be no windows at all in

the side elevation of the proposed house nearest to no. 7. In any event that elevation would not directly face the frontage of no. 7 and is at its nearest point some 27m from the side elevation of the proposed house. The side window serving the kitchen/ dining room would be at ground floor level and face away from the host dwelling at an oblique angle. At its nearest point the window would be approximately 14m from that property and would be screened from it by the proposed boundary treatment. The layout and design of the proposed dwelling would thus ensure that no mutual overlooking or loss of privacy would be occasioned between it and any of the existing adjoining dwellings.

Conditions relating to boundary treatment and removal of permitted development rights for alterations should be imposed in the interests of safeguarding amenity.

Amenity Space Requirements

Even allowing for the space to be taken by the proposed wildlife pond, sufficient useable private garden area would be available to the occupiers of the proposed dwelling.

The area of amenity space to be provided for the purposes of the dwelling, excluding the hardstanding and garden area to be provided at the front of the property and the pathways on either side of the dwelling, is above the minimum 65 sq. M in the former Congleton Borough Council's SPG 2 private open space.

The area of private amenity space which would remain attached to the parent dwelling would be approximately 265 sq. M ,excluding the side/ front garden.

The rear garden lengths of both the proposed house and the parent dwelling at no. 6 would be in excess of the 10.7m minimum set out in SPG2.

Noise/ Disturbance

The use of the site for residential development is considered compatible with the existing surrounding land use which is predominantly residential.

Noise and disturbance associated with domestic use would not have a detrimental impact upon neighbouring amenity.

Traditionally, noise and disturbance associated with the construction phase of development is not considered to have a significant adverse impact upon neighbouring amenity as it is for a finite period and disturbance can be controlled under Environmental Health legislation. However due to the complexity of the works associated with the redevelopment of the site, Environmental Health has recommended that conditions be imposed in respect of construction hours and piling of foundations. These will be conditioned accordingly.

Design

The properties of Rowan Close, having been built by the same builder and being part of one development, have a consistency of architectural style and size. They are all executive detached houses of contemporary appearance having 4 bedrooms or more and are set in their own gardens. Usually the boundaries to the front gardens are marked by low walls or hedges or remain open. The scale, massing and design of the proposed house seek to respect these characteristics of the locality.

The proposed dwelling would be set back on a building line similar to that of no. 5 and 6 Rowan Close and slightly further back from the frontage private drive of no. 8 Rowan Close.

The proposed siting of the dwelling would ensure that an appropriate continuity of built frontages would be maintained around the head of the cul de sac and that the new building would not appear incongruously positioned in relation to the other dwellings in the locality. The new house would form an appropriate visual end stop to the built development on Rowan Close.

The proposed footprint of the new dwelling is similar to the parent dwelling at no. 6. The proposed dwelling would have a ridge height of 9.6m which is above the ridge height of the neighbour which is 9.4m. However because the ground floor level of the proposed house would be some 850mm lower than that of the host dwelling there would be a visible step down in the ridge heights of the respective dwellings of 650mm when viewed from the close. Having regard to its setting and the screening provided by existing and proposed landscaping and because of the congruity in size and appearance between the dwellings in the close and that now proposed, it is not considered that the proposed house would appear either prominent, over dominant or inappropriate within the streetscene because of its scale or appearance. The proposed size of the dwelling is synonymous with the size of the existing dwelling.

The design of the dwelling incorporates existing design features on properties within Rowan Close including 45 degree pitched roof, brick plinth details, projecting bays and gables, vertical tile hanging to give architectural emphasis, simple vertically proportioned windows set in dark frames, and shed stone lintels and stone step, quoin and cill details to give visual articulation to the main entrance area to the dwelling.

Permitted development rights for alterations and extensions should be removed to ensure that the property remains sufficiently respectful to its context and does not become increasingly overdominant or prominent within the context of the existing properties along Rowan Close.

In summary the design of the dwelling has been informed by its context and would sit comfortably within the close. As such the proposals would not have an adverse impact upon the appearance of the streetscene, the existing dwelling on the site or surrounding properties and such is considered to accord with the relevant local and national policies in respect of design considerations.

Highway Safety

The existing access drive to no. 6 Rowan Close from the public highway would be retained and adapted to serve both the parent dwelling and the proposed dwelling. Intervisibility between the two private access drives and also onto the public highway would be good and the proposals would provide a safe and convenient means of vehicular and pedestrian access for both the existing dwelling at no. 6 and the proposed dwelling.

There would be very little additional traffic generated onto Rowan Close arising from the addition of one dwelling and the capacity of the public highway would not be exceeded.

The layout provides for vehicles to enter and exit the front drive of the proposed dwelling in a forward direction. The visibility for users of the proposed access entering and leaving the site is good and it is also the case that vehicular speeds for traffic manoeuvring at the cul de sac head will of necessity be low. It is not considered that the proposal will result in any danger to users of the public highway or the private driveway leading to the property.

Emergency access would be readily available from the kerbside of Rowan Close to the proposed house and to the parent dwelling.

The scheme would fully comply with part M of the Building Regulations; paths would be at least 900mm wide and have cross-falls no greater than 1 in 40. Level access would be provided from the front drive and the main entrance would be ramped.

The Highways Authority has indicated that they have no objections to the proposals.

In light of the sustainable nature of the location and the provision of appropriate access and car parking facilities for both the existing dwelling and the proposed dwelling, it is considered that the additional vehicle movements associated with the development would not have a significant adverse impact upon highway safety.

Contaminated Land

PPS23 states that the presence of contamination in land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land but development presents an opportunity to deal with these risks successfully; contamination is not restricted to land with previous industrial uses, it can occur on Greenfield as well as previously developed land and it can arise from natural sources as well as from human activities.

Despite there being no known contaminants on the site, given that the site already has been developed for residential use and housing is a sensitive land use, it is appropriate to follow national guidance and adopt a precautionary approach to contaminated land issues. In light of the above and the comments from Environmental Health it is considered necessary to impose the conditions suggested in respect of contaminated land.

Other Matters

Inconsistencies

The comments received indicate that there are several inconsistencies within the protected species survey report and the other documentation. Clarification from the applicant has been sought in this regard.

11. CONCLUSIONS

The provision of an additional dwelling on this Greenfield curtilage site within the settlement boundary of Sandbach and within an established residential estate is acceptable in principle. The proposed development as conditioned, will not have an adverse impact upon neighbouring amenity, highway safety, nature conservation, protected species, protected trees, land contamination issues, drainage, flood risk and

represents a sustainable form of development which accord with the relevant development plan policies.

12. RECOMMENDATIONS

Delegated Authority to APPROVE subject to conditions and subject to no objections from the Council's Landscape Architect and Ecologist.

- 1. Standard**
- 2. Materials to match existing**
- 3. Approved plans**
- 4. Permitted development rights removed**
- 5. Drainage details including sustainable urban drainage measures**
- 6. Pond infilling details**
- 7. Replacement pond details**
- 8. Mitigation as suggested in protected species survey**
- 9. Tree protection measures**
- 10. Landscaping scheme to be submitted**
- 11. Landscaping implementation**
- 12. Recommendations of tree report to be implemented**
- 13. Construction hours**
- 14. Foundation pilling**
- 15. Contaminated land**
- 16. Boundary treatment**
- 17. Access and parking and visibility splays**
- 18. Bridge details**

