

Planning Reference No:	10/1179C
Application Address:	14 Smithfield Lane, Sandbach.
Proposal:	Demolition of existing house and erection of 7No. 3 and 4 bedroom houses. Resubmission of application No. 09/3069C (determined 13 th November 2009).
Applicant:	Mr S Bourne, Brighthouse Homes (Sandbach) Ltd
Application Type:	Full Planning Permission
Ward:	Sandbach East and Rode
Registration Date:	26 th April 2010
Earliest Determination Date:	14 th June 2010
Expiry Date:	21 st June 2010
Date report Prepared	18 th June 2010

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

- Principle of the development
- **Highways**
- Design, layout and scale
- **Density**
- Impact on the amenities of neighbouring properties
- **Amenities of future occupiers**
- **Landscaping**

1. REASON FOR REFERRAL

Called in by Councillor E Alcock on the grounds that:

“The previous application failed under GR1, GR2, GR6 and GR9. The new application still contravenes GR1, especially i. design, ii. landscape, v. traffic generation, vii. open space provision. GR2, especially i. A and D, ii. A, B, C and D and all of iii and greatly contravenes GR6.

The significant concerns are as follows:

Overdevelopment, no open space provision, not in character with surrounding properties, height is a great concern, overbearing to adjoining properties, loss of privacy, sunlight and daylight, visual intrusion, noise and pollution, traffic, extra parking on well used road.”

2. DESCRIPTION AND SITE CONTEXT

The application site is currently occupied by a bungalow with a large rear garden situated on the eastern side of Smithfield Lane. It is located within the Settlement Zone Line of Sandbach. The surrounding development is residential.

3. DETAILS OF PROPOSAL

The proposal is for seven dwellings, five to the rear of the site and two facing onto Smithfield Lane. Access would be taken from Smithfield Lane. A block of three garages would be sited to the rear of 12 Smithfield Lane. A small area between the access road and 12 Smithfield Lane is proposed for placing bins and recycling on collection day.

Plots 1 and 2 would face onto Smithfield Lane and would be semi-detached dwellings. Plots 3 to 7 would be five bedroom properties, with four bedrooms at first floor level and the master bedrooms accommodated in the roof space.

4. RELEVANT HISTORY

09/3069C 2009 Refusal for demolition of existing house and erection of 7 dwellings

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

SPG2 – Provision of Private Open Space in New Residential Developments

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

(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.

Reason: 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 and to comply with Policy NR6 of the adopted Congleton Borough Local Plan First Review

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.

Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policies GR2 and GR6 of the adopted Congleton Borough Council Local Plan First Review 2005.

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.

Reason: In the interests of amenity, having regard to the location of the site in accordance with policies GR2 and GR6 of the adopted Congleton Borough Council Local Plan First Review 2005.

Vehicle Movements

Due to the development taking place amongst residential properties, heavy goods vehicles should be restricted and shall only access the site from 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday. Therefore prohibiting overnight parking and early morning deliveries so reducing any unnecessary disturbance.

Highways:

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

Condition: Prior to first development the developer will provide a detailed design and construction specification plan of the proposed access for the approval of the LPA.

Condition: Prior to first development the developer will substantially construct the access (to exclude wearing course) so that an appropriate level of access is provided for the site construction. This will form part of the off-site highway works.

Condition: Prior to first occupation the proposed access will be completed and any remedial works to the partially completed access will be rectified. This will form part of the off-site highway works.

Informative: Prior to first development the developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 to protect CEC Highway Authority against Part 1 Claims.

Senior Landscape and Tree Officer:

The layout has only minor amendments to the layout from the previous submission 09/3069C and therefore my previous comments are replicated below with some minor changes. The site contains a number of trees and there are some lengths of hedge. The submission includes a tree survey report, which covers the site and adjacent land. (The survey is dated August 2008. I suggest the consultant arboriculturalist be requested to provide a statement confirming whether or not the findings are still valid). The majority of the trees and hedges are given relatively low ratings in the report although it is important to note that two Oak trees in the north eastern corner (one off site, one in the site), are given higher grades.

As a minimum the development as proposed would require the removal of some existing lengths of hedgerow and an Apple tree of relatively low value. The lengths of hedge which would be lost are not significant and subject to replacement planting I have no objection. Plot 7 and the adjacent garages are very tight to the southern boundary and greater separation would be preferable to ensure retention of the boundary hedge.

Whilst a young Oak is shown for retention in the garden of plot 3, (Grade B1), I consider this tree could not reasonably be retained in the long term in the situation. The loss of this tree would be regrettable although I do not consider it to be so prominent to wider public view as to merit TPO protection.

The form of development proposed appears to be out of keeping with the character of the surrounding area.

In the event the application is deemed acceptable, I recommend tree and hedge protection conditions together with landscape conditions.

Nature Conservation Officer;

No significant impacts identified.

Spatial Planning:

None received at the time of report writing.

7. VIEWS OF TOWN/PARISH COUNCIL

Members were unanimous in **objecting** to this application as it contravenes Policies GR1 and GR2 through detracting from the character and appearance of the area. In addition the proposed development would result in the erection of new dwellings in close proximity to, and directly overlooking, rear gardens of the adjoining properties. The proposed development would therefore result in overbearing development and loss of privacy thereby having a harmful effect on residential amenity. The proposals are therefore contrary to the Congleton Borough Local Plan as policy GR6 seeks to ensure that proposals would not have an unduly detrimental effect on amenity due to i) loss of privacy and iii) visual intrusion.

8. OTHER REPRESENTATIONS

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

- Highway safety
- Increase in traffic movements
- Drainage
- Loss of light
- Loss of privacy
- Visual intrusion
- Overdevelopment
- Size of the dwellings
- Density
- Out of character with the area
- Lack of need for the dwellings
- Loss of a green space
- No provision of open space
- Impact of construction traffic
- Increase in noise levels
- Loss of trees
- Inadequate parking provision
- Extra bins creating disruption on pavements
- Proposed bin area could lead to smells and vermin

9. APLLICANT'S SUPPORTING INFORMATION

- Design and Access Statement, detailing the design rationale supporting the application
- Tree Survey Report
- Report on Bat Survey

10. OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Sandbach 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. On this analysis, the principle of housing development within the Settlement Zone Line of Sandbach 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 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.

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

Several of the objectors have expressed concerns relating to highway safety, traffic generation and parking provision. It is noted however that the Strategic Highways Manager has not objected to the proposal, subject to conditions being imposed. These conditions would ensure that detailed drawings of the access should be approved prior to the commencement of development, the access must be substantially constructed prior to the construction of the dwellings and the access must be completed prior to the occupation of the dwellings. It is therefore considered that a refusal on the grounds of adverse impact on highway safety could not be sustained.

Design, Layout and Scale

The proposal is for seven dwellings; five to the rear of the site and two facing onto Smithfield Lane. Access would be taken from Smithfield Lane. A block of three garages would be sited to the rear of 12 Smithfield Lane. A small area between the access road and 12 Smithfield Lane is proposed for placing bins and recycling on collection day.

Plots 1 and 2 would face onto Smithfield Lane and would be semi-detached dwellings. Plots 3 to 7 would be five bedroom properties, with four bedrooms at first floor level and the master bedroom accommodated in the roof space.

Following the refusal of the previous application, some changes have been made to the proposal and a detailed assessment of the character and style of the properties, in relation to those in the surrounding area, has been submitted. This highlights that there are properties in close proximity to the site that consist of many different designs and a variety of sizes. These include the two new dwellings at the end of Mill Row that are situated on the southern boundary of the site. These are large detached dwellings with rooms in the roof. To the east Booth Avenue contains detached properties and Smithfield Lane contains a mixture of bungalows and two storey properties.

Density

The proposal would provide a development equivalent to a density of 40 dwellings per hectare. Following the Ministerial announcement on 9th June 2010 PPS3 no longer

specifies a minimum density for housing development. Local authorities now have the flexibility to decide what density would be appropriate. Having regard to this proposal, the surrounding development does not have a uniform density of development and therefore the density of the proposal is considered to be acceptable.

Impact on Existing Amenity Levels

Having regard to neighbouring amenity, the properties at the rear of the site would face the rear elevations on Booth Lane. All of five of these dwellings would be in excess of 23 metres away from the properties on Booth Avenue, which exceeds the requirements set out in SPD2 (Private Open Space). These are the dwellings that would have the master bedroom in the roof, however the rear roof slope would only contain a rooflight, which would not cause detriment to residential amenity through overlooking.

The dwellings proposed for Plots 1 and 2 would be adjacent to 16 Smithfield Lane, and this property has two small windows in the ground floor, side elevation. The proposed dwelling on Plot 2 would have a landing and a hall window facing this side elevation and it is not considered that these would have any significant impact on the residential amenities of this property.

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 provided for each dwelling would be in compliance with SPD2 and would be acceptable.

As discussed above, the new dwellings would be sited in such a way as to meet the required separation distances set out in SPD2. It is considered however, that Permitted Development Rights should be removed from the proposed dwellings, as future extensions could have the potential to be detrimental to residential amenity.

Landscaping

The application contains a Tree Survey Report which gives relatively low ratings to the majority of trees and hedges on the site, other than two Oak trees in the north eastern corner, one of which is not in the control of the applicants. Some lengths of hedgerow would be lost, as would an Apple tree, however it is considered that subject to the submission of an acceptable landscaping scheme the site could be landscaped successfully. It is therefore considered that conditions should be imposed requiring the submission of details of tree protection, landscaping and boundary treatments in order to ensure appropriate landscaping of the site.

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. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Removal of permitted development rights**
- 4. Submission of details/samples of external materials**
- 5. Submission of detailed drainage scheme**
- 6. Submission of a Phase 1 contaminated land survey**
- 7. Limits on hours of construction**
- 8. Limits on hours of piling**
- 9. Submission of detailed access and junction plans**
- 10. Submission of landscaping scheme**
- 11. Implementation of landscaping scheme**
- 12. Submission of details of boundary treatments**
- 13. Tree protection scheme**

Location Plan: Cheshire East Council Licence No. 100049045

