

Planning Reference No:	10/3966N
Application Address:	Land Adjoining The Backlands Crewe CW1 3TZ
Proposal:	New Two Bedroomed Bungalow on Land Adjoining 45 Holland Street and The Backlands
Applicant:	Mr R Peart
Application Type:	Full Planning Permission
Grid Reference:	370087 356898
Ward:	Crewe North
Earliest Determination Date:	17 November 2010
Expiry Dated:	6 December 2010
Date of Officer's Site Visit:	22 October 2010
Date Report Prepared:	9 November 2010
Constraints:	Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- Principle of Residential Development
- Design Standards
- Listed Building Considerations
- Amenity
- Nature Conservation
- Drainage
- Highway Safety
- Contaminated Land

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor Beard on the following grounds:

'Issues relating to highways principally access also the relationship to other buildings and the impact on the neighbouring area, with these taken into consideration that a previous application for this site was refused.'

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located within a residential estate in Crewe North approximately 300m to the west of the northern railway line which runs from Crewe to Liverpool Lime Street. There are two areas of designated public open space within 250m walking distance of the site and the site lies within the settlement boundary of Crewe although it is an unallocated site within the Local Plan. The predominant land use within the surrounding area is residential and the site is surrounded by a mix of interwar semi-detached properties along Evans Street and Holland Street with 1970s/ 1980s bungalows along The Backlands and no's 51 and 53 being 1980s mews style properties. The Backlands is a small cul de sac located off Evans Street. Whilst the site in question is

accessed off The Backlands the existing dwelling on the site is known as 45 Holland Street; this property lies perpendicular to the road frontage.

The overall site area measures 1052 sq. m with the plot containing an existing dwelling and its residential curtilage which has been subdivided with a concrete post and close board panel fence. The piece of land which would host the proposed dwelling measures 262 sq. m and is sited directly to the rear of the gardens of no. 51 and 53 Holland Street. At present, this section of the site is bounded by a mix of panel fencing and shrubs and hedgerow and is utilised for the storage of domestic paraphernalia including a pre-fabricated concrete garage. The existing dwelling at 45 Holland Street is a Grade II listed building; the structure is two storey, rendered and as mentioned above is perpendicular to Holland Street to the south and The Backlands to the north.

3. DETAILS OF PROPOSAL

The proposals relate to the demolition of the existing pre-fabricated garage and the proposed erection of a single storey bungalow.

The bungalow would be 'L' shaped with the gable end facing north measuring 7.5m wide, the total width of the building visible from this aspect would be 12m and this elevation would contain a visible chimney breast facing towards the access point off The Backlands. The chimney would project 0.29m above the overall ridge height of the bungalow which would measure 5m to the ridge of the pitched roof. Patio doors and a covered porch are also proposed within the northern elevation. The western elevation also contains a gable although this gable would be recessed below the ridge height of the north-south section of the property by 0.5m. The length of the gable on the western elevation would be 6m and the total length of this elevation would be 10m. The eastern elevation contains no gable and only one ground floor window which would serve bedroom 2; this elevation measures 10m in length. The southern elevation which would face the rear of no's 51 and 53 measures 12m in width and contains four ground floor openings and two rooflights which would serve the utility room and kitchen.

4. RELEVANT HISTORY

10/ 0203N Construction of Three Bedroom Dormer Bungalow withdrawn 29 March 2010

5. POLICIES

The relevant development plan policies are:

Regional Spatial Strategy

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

Local Plan Policies

RES.2 (Unallocated Housing Sites)
RES.3 (Density)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities & Resources)
BE.2 (Design Standards)
NE.5 (Nature Conservation and Habitats)
BE.6 (Development On Potentially Contaminated Land)
BE.9 (Listed Buildings – Alterations and Extensions)

Other Material Considerations

PPS1 Delivering Sustainable Development
PPS1 Climate Change Supplement
PPS3 Housing
PPS5 Planning for the Historic Environment
PPG13 Transport
PPS22 Renewable Energy
PPS23 Planning for Pollution Control

SPD Development on Backland and Gardens
Draft Interim Planning Policy on the Release of Housing Land
Letter to Chief Planning Officers: Revocation of Regional Strategies
Letter to Chief Planning Officers: New Powers for Local Authorities to Stop 'Garden Grabbing'
Biodiversity and Geodiversity Guidance Document
Letter to Chief Planning Officers: Abolition of Regional Strategies

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: no response received at time of writing report

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

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

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.

Environmental Health Advisory Note:

1. 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, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.

Conservation Officer: no response received at time of writing report

7. OTHER REPRESENTATIONS:

None received at time of writing report

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Heritage Statement

9. OFFICER APPRAISAL

Principle of Residential Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

Regional Spatial Strategies are shortly to be abolished however at present, the policies still constitute part of the Development Plan. Policy DP4 provides a hierarchy for the development of sites and prioritises Brownfield sites above Greenfield sites.

On 9th June 2010 the Coalition Government amended PPS3; Garden land was classed as Greenfield rather than Brownfield land. As such the application site represents a Greenfield site within the settlement boundary. At Table 7.1 within the RSS provides Greenfield and Brownfield land targets for areas across the North West region. The Local Planning Authority is currently above the 60% indicative target proportion of housing provision to use Brownfield land & buildings and therefore permitting development on Greenfield sites would not at present prejudice the Council's compliance with this target. In addition it should be noted that the Draft Interim Planning Policy on the Release of Housing Land stipulates that the Local Planning Authority cannot currently demonstrate a five year housing land supply.

PPS3 states that failure to demonstrate five years housing land supply is a material consideration and recent appeal decisions have indicated that this could justify residential development on Greenfield sites outside of settlement boundaries. The Draft Interim Planning Policy on the Release of Housing Land seeks to direct such development firstly to Brownfield sites and Greenfield sites in and around Crewe given the anticipated investment in infrastructure likely to come forward.

In terms of the implications for these proposals, whilst RSS policy indicates that Brownfield sites are preferable to Greenfield locations, there is a defined need for additional housing development within the Borough, and if permission were granted this development would not prejudice the Council's position in respect of the Brownfield land targets.

Turning to Local Plan policies, the application site is situated within the settlement zone line of Crewe as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy RES.2. The policy makes no distinction between Brownfield and Greenfield Land.

In terms of other material considerations, a SPD entitled 'Development on Backland and Gardens also reiterates the presumption in favour of residential development within urban areas.

In terms of density, the proposals would result in a development density of 50 dwellings per hectare which is at the upper limit of the density standards contained in policy RES.3. That said, PPS3 as amended no longer includes density standards and this is a material consideration.

The main emphasis of the changes put forward by the Government is to emphasise that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas.

As such the principle of residential development on the site is therefore accepted provided that the proposals accord with all other relevant policies within the Development Plan.

The key issue is therefore whether the dwelling would respect the character of the area without raising issues in respect of amenity, highway safety, drainage or any other relevant planning matters. This is considered below.

Design Standards

The Backlands is a cul de sac, which serves two bungalows built in the 1970's/80's and the parking area for 45 Holland Street. The cul de sac is tucked behind the properties fronting nearby roads such as Holland Street, Evans Street and Warrington Avenue. 45 Holland Street is the only two storey property accessed off The Backlands and as such this listed building is prominent within the immediate locality. It is therefore an unusual setting when compared to the wider architectural characteristics of the area, which is predominantly two storey semi-detached housing set within large plots set back from the road frontage.

Policy BE.2 seeks to encourage high quality design which reflects characteristics of the area and would not detract from the streetscene.

The design of the dwelling reflects the scale, proportions and features of the existing bungalows along The Backlands. Whilst the footprints are different, with the existing bungalows having rectangular footprints, the proposed dwelling would reflect existing characteristics of these bungalows such as the front-facing chimney on the gable end. In addition the overall height of the property would be similar to the existing bungalows and the construction materials and external appearance of this property would be similar. That

said, it is considered necessary to condition details of materials. If this were not controlled effectively the choice of materials could render the entire development inappropriate or unsympathetic. This would ensure that the proposed dwelling would respect the existing character of The Backlands. Whilst the site is only partially visible from surrounding roads, as the dwelling would be single storey this would reduce the visual prominence of the dwelling, ensures that it would not screen the elevations of the listed building from existing vantage points and ensure the bungalow would remain subordinate and thus not detract from the listed building. This accords with guidance within the SPD which states at para 3.12 that 'buildings should generally be subordinate in height or no taller than those of the frontage development.'

Replicating the existing bungalows would also serve to augment the environs of the listed building as the site currently is in an untidy state and detracts from the listed building.

Car parking to the front of the property could result in a car dominated frontage however as this site is not prominent from public vantage points and both the existing bungalows have similar parking arrangements, it is unlikely that the proposed position of the car parking would have a detrimental impact upon the character of the area.

Listed Building Considerations

PPS5 seeks to ensure that historic assets are retained and enhanced. In this regard, policy BE.9 states that proposals should respect the significant features of the building and should not detract from the character or setting of the building concerned.

The list description records some of the special features of the building. The description is as follows:

SJ 75 NW FORMER BOROUGH OF CREWE HOLLAND STREET 2/52 No.45 (The Old Farm) II Former farm house, now a dwelling, probably C16 in origin but with C17 additions and C19 and C20 alterations. Formerly timber framed, now rendered brick with slate roof. "T" shaped plan, 2 storeys and attic, 4 bays. An area of close studding in a former external wall is now hidden by a brick lean-to. Flush casements, gable barge boards, gable end stacks. Interior: Two inglenooks, moulded or bevelled beams and exposed ceiling joist in most ground floor rooms. Timbers in internal walls. Ledged and battened doors on ground floor. Jacobean staircase and two-panel doors. Oak floor boards at first floor level and in attic. Simple strutted trusses and oak purlins.

The existing listed building has been altered considerably in the past and has been largely severed from its former curtilage.

The proposed bungalow has been designed to reflect the existing bungalows within The Backlands in part to ensure that the design and scale of the proposed dwelling remains subordinate to the listed building and does not compete with it.

In terms of the impact on the curtilage of the property, this is in an untidy and unkempt area which makes little contribution to the character of the listed building. The construction of a modern bungalow in this location would have a limited additional impact on the setting of the building partly because of the poor quality of the surroundings but also because the land which formed the original setting of the farmhouse has already been built upon in the recent past.

Whilst the proposed bungalow would be located close to the rear section of the listed building there are already properties at no. 51 and no. 53 which lie close to its front

section, hence the impact of the proposed new dwelling would have a similar impact on the setting of the listed building.

In summary the proposed new dwelling would have no adverse impact upon the listed building or its curtilage.

Amenity

The SPD acknowledges that backland development typically involves constrained sites and this can result in amenity issues.

Overlooking

In terms of overlooking, the northern elevation would overlook the private drive known as 'The Backlands' and the curtilage of no. 16 Warrington Avenue beyond which is bounded by 1.8m high hedging and shrubs. This boundary treatment would however prevent overlooking of the rear amenity space for this dwelling. The existing boundary treatment to the east, south and west would also prevent overlooking, however as improvements to these boundaries are proposed it is considered necessary to condition details of this in the interests of neighbouring amenity.

The proposed rooflights are over 2.7m above floor level and therefore future occupants would not be able to use these windows to gain an outlook and therefore the presence of these windows within the development would not result in overlooking to no. 51 and 53 Holland Street. That said, as these windows would be 11.5m from the rear elevations the principal first floor windows would be able to see into the kitchen/dining room of the proposed dwelling which would have an adverse impact upon the amenities of future occupants. This could be mitigated by repositioning the windows to the front elevation.

Overdomination

The proposals would result in a 5m high gable wall 1.4m from the rear gardens of no. 51 and 53 Holland Street. That said, this would not result in a significant loss of light to the private rear amenity space of these properties as the gardens are north facing and 10m in length and therefore the garden would not be overshadowed. This elevation would not be overbearing to no. 51 and no. 53 Holland Street as the bulk and massing of this is broken up by the 'L' shape of the roof form which involves part of the roof pitching away from these properties and because the dwelling would be single storey with a relatively shallow roof pitch. Whilst a 2.7m section of gable wall would project above the fence line, the garden is 10m in length and the wall would be sited 1m off the boundary therefore whilst there would be an impact, it would not be significant.

The private amenity space for no. 45 Holland Street would be unaffected by the proposals as this is sited to the front of the plot adjacent to Holland Street and the scale of the dwelling ensures it would not breach the 45 degree code for neighbouring properties.

Amenities of Future Occupants

It should be noted that the bedroom windows to the property would be sited 1m from the site boundaries. As such these windows would receive a limited amount of light and virtually no outlook. Whilst light could be achieved through rooflights it is considered that the lack of an outlook is an indication that the proposals represent an overdevelopment of

the site, and would result in a very poor standard of amenity. This issue could not be addressed by reorientating the property or altering the internal layout which would raise other amenity/ privacy issues. As such this is considered sufficient justification to refuse the application.

Noise and Disturbance

Given that the existing predominant land use is residential and that the proposals relate to residential, the noise and disturbance associated with the everyday use of a dwelling is acceptable. As there may be some disturbance during the construction period, it is considered reasonable to condition construction hours in the event of approval in light of the comments from Environmental Health.

Amenity Space and Bin Storage

SPD para 3.15 requires that adequate provision for bin storage is made and that this should not be to the front of the site although access to the front is required. As the proposals provide a rear bin storage area and passageway from this area to the front of the site, the proposals accord with this guidance.

In respect of garden space requirements, the SPD stipulates at para 3.35 a minimum of 50 sq. m per dwelling although this should be proportional to the size of dwelling. In this regard, the proposals provide 70 sq. m for this modest two bedroom bungalow which is considered a sufficient amount of amenity space. In addition the existing dwelling will retain far in excess of 50 sq. m which would provide space for a play area, bin storage and clothes line. As such the proposals would not have an adverse impact upon the private amenity space of the existing dwelling.

Nature Conservation

There are a number of existing mature trees and shrubs on the site however none of these existing trees and shrubs are required to be removed to facilitate the proposals. As such the development would not have an adverse impact upon existing trees provided that these are effectively protected during the construction period. This will be conditioned accordingly.

As the existing trees will not be disturbed and given that the existing garage is prefabricated with a flat roof, the site is highly unlikely to contain habitats associated with protected species and therefore no mitigation or further information is required as indicated by the Biodiversity and Geodiversity Guidance Document.

Drainage

The dwelling would be connected to the existing mains sewer and surface water would be disposed of via soakaways and the main sewer. It is unclear whether there is a main sewer along The Backlands and therefore it would be considered necessary to condition details of the drainage scheme in the event of approval.

Highway Safety

The proposals provide an area for the parking of vehicles measuring 47 sq. m. However it is unlikely that two vehicles would be able to utilise this area without overhanging the

highway. As this could represent a highway safety hazard it is considered necessary to condition details of the car parking layout to ensure that the layout discourages vehicles from overhanging the highway. As a consequence, this area could only comfortably provide space for one vehicle. Whilst this is below the two off street car parking spaces per dwelling within the car parking standards at Appendix 8.1 of the Local Plan, this is a sustainable urban location in close proximity to bus links. As such diminished car parking provision can be justified on sustainability grounds. However as the proposals would not accord with the car parking standards it is considered necessary to condition bicycle storage to further encourage sustainable transport choices.

In terms of the car parking available for the existing dwelling at no. 45 Holland Street, the remaining curtilage would provide an area measuring approximately 120 sq. m which would provide sufficient car parking and manoeuvring space for two vehicles.

Turning to visibility, the entrance point to the proposed dwelling would measure 4m wide; as details of boundary treatment are to be conditioned, the Local Planning Authority ensure that the southern boundary treatment would not impede visibility. The existing access point to no. 45 will be retained and no alterations to this are proposed.

Contaminated Land

Residential development is considered an end use sensitive to contamination. Whilst the land is currently utilised as garden this does not necessarily indicate that the land is not contaminated. As such and in accordance with the recommendations from Environmental Health, it is considered necessary to condition the submission of a Contaminated Land Survey. Whilst Environmental Health has provided a suggested wording for the condition, in light of recent guidance from DCLG it is suggested that the wording reflect the best practice guidance issued from central government.

Other Matters

Given the constrained nature of the site it is considered necessary to remove permitted development rights for extensions and outbuildings in the interests of neighbouring amenity, the amenity of future occupants, highway safety and on design grounds.

11. CONCLUSIONS

The proposals represent an overdevelopment of the site. The proposed dwelling may satisfy the Council's requirements in terms of separation distances to neighbouring dwellings and amenity space and issues surrounding highway safety and loss of light could be addressed, the proposals would result in a substandard form of development which would have a significant adverse impact upon the amenities of future occupants of the unit.

12. RECOMMENDATIONS

REFUSE

1. The proposed development represents an unacceptable form of development. The siting of the bedroom windows within 1m of the site boundaries would have a significant adverse impact upon the amenities of future occupants by reason of poor outlook and lack of natural light which is an indication that the proposed

dwelling is too large and constitutes an overdevelopment of the site. In so doing the proposals are contrary to policies RES.2 (Unallocated Housing Sites), BE.1 (Amenity) within the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance with the SPD Development on Backland and Gardens and recent amendments to PPS3 Housing.

Location Plan : Licence No 100049045

