

Application No: 11/1722C

Location: Gwenstan, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA

Proposal: Demolition of Existing House and Erection of 5no Two Storey Houses

Applicant: Mr S Bourne, Brighthouse Homes (Sandbach) Limited

Expiry Date: 12-Jul-2011

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

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

REASON FOR REFERRAL

Called in by Councillor S Corcoran on the grounds of the height of the dwellings and the development not being in keeping with the surrounding area, and loss of privacy and amenity to neighbouring properties.

DESCRIPTION AND SITE CONTEXT

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

DETAILS OF PROPOSAL

The proposal is for five dwellings, four to the rear of the site and one facing onto Smithfield Lane.

Plot 1 would be a four bed detached property facing onto Smithfield Lane. Plots 2 to 5 comprise two pairs of semi-detached dwellings linked by a pair of garages in the centre. All 5 dwellings would have two storeys.

RELEVANT HISTORY

09/3069C 2009 Refusal for the erection of 7 dwellings

10/1179C 2010 Refusal for the erection of 7 dwellings (Appeal dismissed)

POLICIES

National Guidance

PPS3 – Housing

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making 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

RDF1 Spatial Priorities

L2 Understanding Housing Markets

L4 Regional Housing Provision

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

SPG2 –Private Open Space

Other Material Considerations

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*

- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

CONSIDERATIONS

Environmental Health:

Recommend conditions relating to contaminated land and hours of construction and piling.

Highways:

The Strategic Highways Manager has no objections subject to conditions requiring a detailed design and construction specification for the proposed access, for the access to the site to be substantially completed before other construction works begin and fully completed prior to the first occupation of the dwellings.

United Utilities:

No objection, subject to the site being drained on a separate system with only foul drainage connected into the foul sewer.

VIEWS OF TOWN/PARISH COUNCIL

The proposed development is over-intensive for the site and uncharacteristic with the street scene. The number, scale and design will have an adverse impact on the locality and, as such, contravenes policies GR1, GR2, GR5 and GR6 of the Local Plan. Furthermore, as a development on a garden site, the proposal is contrary to PPS3.

OTHER REPRESENTATIONS

27 representations have been received relating to this proposal one in support and 26 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

The letter of support states that the proposal would be an improvement to the current situation and a 'sensible utilisation of a very large plot'.

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.

On 9th June 2010 the Coalition Government amended PPS3. As a result garden land is now classed as Greenfield rather than Brownfield land. Nevertheless the application 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, which also does not have a saved policy relating to backland development.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within Sandbach and the Borough generally.

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. In addition the Inspector that determined the previous appeal concluded that a

development of seven houses would not have an adverse impact on highway safety. 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 five dwellings; four to the rear of the site and one facing onto Smithfield Lane. Access would be taken from Smithfield Lane, adjacent to number 16. A small area between the access road and number 16 is proposed for placing bins and recycling, this is not designed to be used to store the bins on a daily basis, it is only to be used on collection days.

Plot 1 would be a four bed dwelling with an integral garage. Whilst Plots 2 to 5 would be three bed properties, and unlike the previous proposals there would be no accommodation in the roof space.

Following the refusal and dismissal at appeal of the previous application, the amount of dwellings has been reduced by two and the access moved to alongside number 16. The subsequent design seeks to address the concerns of the Inspector about views from Smithfield Lane being harmed by the mass of the dwellings. The use of the linked garages seeks to break the massing up and give more open views within the site.

Having regard to design, there are a variety of property types within the vicinity of the site including 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 comprises a mixture of bungalows and two storey properties.

It is considered that subject to a condition requiring the submission of external materials for written approval, the development would be in compliance with Policies GR1 and GR2 of the adopted local plan.

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 four of these dwellings would be in excess of 21.3 metres away from the properties on Booth Avenue, which exceeds the requirements set out in SPG2 (Private Open Space). There would be no significant adverse impact on the amenities of the dwellings on the side boundaries of the site.

The dwelling proposed for Plot 1 would be adjacent to 12 Smithfield Lane, in a position similar to that of the existing bungalow. Given its size and siting, it is considered that there would be no significant adverse impacts on the residential amenities of this property.

Several of the objectors to the application have expressed concerns relating to loss of privacy. Whilst the development meets the requirements of SPG2 (Private Open Space), it is considered necessary to remove permitted development rights for extensions and alterations to the roof from plots 2 to 5, to ensure that there is no adverse impact on the amenities of neighbouring properties in the future.

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.

Landscaping

The site contains a number of trees and there are some lengths of hedge. The submission does not include a tree survey. Of the existing trees in the vicinity, two Oak trees in the north eastern corner (one off site, one in the site), are the most significant although due to their position they are not widely visible from the public domain. As a minimum the development as proposed would require the removal of some existing lengths of hedgerow and an Apple tree. The lengths of hedge and the tree which would be lost are not significant and subject to replacement planting this is considered to be acceptable.

Whilst a young and apparently healthy Oak is shown for retention in the garden of plot 2, it is considered that this tree could not reasonably be retained in the long term in this situation as it would completely dominate the garden. The loss of this tree would be regrettable. However it is not considered it to be so prominent to wider public view as to merit TPO protection. It is recommended that conditions be imposed relating to tree and hedge protection and landscaping.

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.

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. Access substantially completed prior to commencement of construction of the dwellings**
- 11. Access fully completed prior to occupation of the dwellings**
- 12. Submission of landscaping scheme**
- 13. Implementation of landscaping scheme**
- 14. Submission of details of boundary treatments**
- 15. Tree protection scheme**

