

Application No: 11/4396C

Location: ELWORTH HALL FARM, DEAN CLOSE, SANDBACH, CHESHIRE, CW11 1YG

Proposal: Variation Of Approved Plans Condition To Allow For Substitution Of House Type On Plots 5,12 & 20 And Handing Of House On Plot 15.

Applicant: Rowland Homes Ltd

Expiry Date: 29-Feb-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES

- Principle of Development
- Design
- Amenity
- Trees and Landscape
- Affordable Housing
- Flooding and Drainage
- Highway Safety
- Contaminated Land

REFERRAL

The application has been referred to planning committee because it relates to variation of conditions attached to a major development, which was originally considered by Southern Planning Committee.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application relates to a redundant farmstead on the edge of Elworth. The site was formally occupied by the farmhouse, a number of brick built agricultural buildings with more modern additions, the garden area to the farmhouse and associated farmyards. These have now been cleared and works have commenced on redevelopment. The site is bounded to the south, east and west by suburban residential development and by open countryside to the north. There are two access points to the site from Dean Close and Wrenmere Close.

Planning permission has been granted on appeal for the erection of 25 dwellings and associated works. This application seeks approval for a variation of the approved plans condition to allow for the substitution of the “Belgrave” house type for the “Atherton” house type of Plots 5, 12 and 20 and the handing of the house on Plot 15.

2. PREVIOUS RELEVANT DECISIONS

10/2006C (2011)	The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 25 dwellings and associated works. - Appeal allowed
---------------------	--

3. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control
PPS25 Development and Flood risk.

Local Plan Policy

PS8 Open Countryside
GR21Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H4 Residential Development in Towns
H13 Affordable Housing and low cost housing

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy
Cheshire East Strategic Housing Market Assessment 2010

4. OBSERVATIONS OF CONSULTEES

Environment Agency

The application does not require a formal response from the Environment Agency as it falls outside the scope of referrals we would wish to receive.

Highways

The Strategic Highways Manager notices that in this application for a variation of plans the developer has included for an upgrade of the carriageway serving plots 15 – 20. This upgrade shows an increase of carriageway width to 5.5 metres and the provision of two footpaths.

This is unacceptable to the Strategic Highways Manager as it increases the capacity of the proposed road to serve up to 400 dwellings (less those already served via existing infrastructure). It would significantly increase traffic generation from the site and would be inappropriate against the existing background traffic for this residential area. It is important that as with previous approvals for this site, the proposed design caps the number of dwellings which can effectively be served by this development.

The Strategic Highways Manager would therefore recommend that an amended plan be provided to show the design category of this road to be of a joint use design with a width of 4.8 metres and two service strips.

If the application detail is not amended in this way the Strategic Highways Manager would not be able to support this application.

Locally there are many existing link footpaths which will provide sustainable links to the site. DfT (GoTA) guidance requires new sites to promote sustainable travel options and it is reasonable that development should provide monies for the maintenance of those existing footway links by Cheshire East Council. Some of the footway links have poor surface condition and it is considered reasonable that they receive maintenance to help promote their more regular use.

Condition:- Prior to first development the developer will provide a detailed suite of plans to show construction details and levels for the proposed internal layout to the satisfaction of the LPA

Condition:- The developer will contribute a sum of £10,000 towards local management and maintenance of existing sustainable footway links.

Informative:- The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the adoption of new highway infrastructure.

5. VIEWS OF THE PARISH / TOWN COUNCIL:

Sandbach Town Council

Members were unable to comment on this application due to insufficient information. It was felt that comparable plans needed to be presented to enable Members to better understand the proposed changes.

As such, Members request CEC delays its decision until such time as Sandbach Town Council receives full details with which to make informed comment.

6. OTHER REPRESENTATIONS:

Letters have been received from 7, 15 and 17 Boothsmere Close making the following points:

- Residents are not against some development of the farm building area.
- However since the development has commenced no consideration has been made to a number of areas which impact significantly on local residents
- it has become far from the sensitive development residents would have welcomed.
- the plans for the site seem to change by stealth, residents already are burdened with a development far removed from that which was originally presented to them in the various applications through 2010 and 2011.
- Although this application lists only the changes to plots 15-20 the siting of plot 21 is significantly impacting on 7 Boothsmere Close and is significantly different to that set out in the original plans which were consulted upon
- This plan also places plot 21 a lot closer to 7 Boothsmere Close than previous proposals, yet this isn't highlighted as a change.
- Siting a proposed garden 3 foot above 7 Boothsmere Close, and within 6 foot of the kitchen window, hence looking directly into the house from above intrudes on privacy.
- Given the fact that changes to plans appear to happen regularly residents would therefore object to any further changes to the development.
- Furthermore residents are aware that the marketing of the current development is very much being positioned as "phase 1" implying further development on the adjoining farm land.
- Anything that is designed to increase the potential for development on farm land should be totally rejected, that land is still farm land, and no changes should be made to facilitate further development on it.
- The comments of the Highways agency with regard to the widening of the road and residents share their disapproval of such and also note the comments of Sandbach Town Council with regards to insufficient information and would support this view also.

- The original plans were not clear in terms of trees being retained, the exact positioning of the edge of the development with regard to neighbouring property, the height of the land and other items.
- This uncertainty has led to a development which is based on unclear information at the consultation period, and a development not in the interests of the town of Sandbach and the locality.
- In short residents already believe this development impacts adversely on them in an unacceptable way, and are therefore opposed to any further changes which would further increase such impact and open up adjacent land for further development.
- By substituting larger house types on the plots in question that this will cause increased visual intrusion not envisaged in the original application.
- The plans which were approved upon appeal showed plots 15-20 as: 15 Bretherton; 16 Palermo; 17 Bretherton; 18&19 Siena; 20 Atherton.
- This proposal shows the same plots as: 15 Marlborough; 16 Bonham; 17 Marlborough; 18 & 19 Renishaw; 20 Belgrave
- In short not one of the original house types approved by the Planning Inspectorate have survived to this application.
- There seems to be references made to 'previously approved house types' yet no details of these - often much larger - house types appear on the planning website. The substitution of these new house types was not part of the original plans, which were thrown out by the council and it is incumbent on the council to resist any further attempt to detract from the view of the open countryside caused by this development.
- This application would appear to be much wider in scope than the stated change of house type on three plots and 'handing' of another one. If approving the submitted site plan would in any way give permission for these additional changes then the application should be refused as there would be a grave risk that the changes had not been given proper opportunity for consideration by the local community, town council, etc.
- Some of the additional changes are:
 - The road serving plots 15 to 18 has been substantially changed. It is noted that the highways officer has already objected to this change but residents would like to point out that the original plans not only were for a narrower road without footpaths but also featured a different road surface. Presumably this was designed to define this stretch as for a very limited amount of traffic and to highlight the likelihood of children playing in the road. This distinct surface should be retained so as to fulfil these purposes.
 - The plans give different house names than those approved.
 - The current 'Marlborough' plan of plot 15 using the information from the developer's sales brochure shows that there are significant internal and minor external differences from the previously approved house type ('Bretherton') on the same plot.
 - The approved plans show planting that is no longer present on the submitted plan (e.g. hedging between plots 15 and 16 and a small tree on plot 16).
 - The path from plot 16 to its garage has altered.

- Some of these changes may only be minor but they have a cumulative effect that makes them significant. The sales brochure for the development shows very substantial changes from both the approved plans and those submitted with this application. Specifically, it has plots 16 and 17 sited in a manner that would greatly increase the visual intrusion into the countryside and it also shows a through road to the surrounding fields which are described as “Future Phase 2 Residential Development”.
- It appears that many of the changes in the site plan submitted with this application are actually designed to facilitate such future development rather than to improve the current one.
- As such they should be rejected.
- Regarding the specific changes for which this application has been made, it is extremely hard to determine the visual impact without indicative before and after street scenes. It would appear that the changed ‘handing’ of plot 15 would increase the apparent gap between it and plot 16, worsening the overall visual appearance of the development.
- The larger houses on plots 5, 12 and 20 would also appear to result in a decreased visual appearance.

7. APPLICANT’S SUPPORTING INFORMATION:

N/A

8. OFFICER APPRAISAL

Principle of Development

The previous Appeal Decision established the acceptability in principle of 25 dwellings on this site. The scheme which was granted planning permission at Appeal can still be implemented and therefore this proposal does not represent an opportunity to revisit the principle of residential development on this site.

The main issues in the consideration of this application are the acceptability of the proposed Belgrave house type in terms of design, amenity, highway safety, drainage, trees ecology and contaminated land.

Design

The principal difference between the approved “Atherton” house type and the “Belgrave” now proposed are as follows:

- A small increase in the footprint to widen the projecting family room to the rear from 3.8m to 4.2m
- A change from a gable roof to a hip
- A small increase in overall ridge height of 0.46m from 7.5m to 7.96m
- Widening of the projecting front gable from 2.8m to 6.4m and corresponding increase in height from 6.8m to 7.96m to extend the lounge and bedroom 1 forward to fall in line with the porch.

- Alterations to the canopy over the front door from a lean to arrangement to a gable, and a new lean to canopy over the garage door
- Omission of the hanging tiles from the front elevation.

The increase in the footprint, the changes to the front canopy / porch and the omission of the tile hanging are comparatively minor and would not have any material impact in visual terms. Overall, it is considered that these properties will be in keeping with the character of the adjacent suburban development in Dean Close, Wrenmere Close and other surrounding roads.

However, the resulting increase in the height and mass of the front gable, particularly when taken cumulatively with the increase in the overall ridge height and change from a gable to a hipped roof will have a very significant and material impact on the overall appearance of both the side and front elevations of the building.

Nevertheless, it is considered that the proposals will not appear out of keeping with the surrounding development, and that increase in the general bulk and massing of the buildings will not have any significant impact on the openness of the countryside, given that they will be viewed as part of a group of contiguous properties. Therefore, whilst the comments of local residents are noted, it is concluded that there would be no adverse effect on visual amenity, including the character and appearance of the open countryside arising from the proposed change of house type.

The proposed handing of plot 15, which will result in the house on that plot appearing as a mirror image of the previously approved dwelling, when viewed from the front, will also have no adverse impact on the overall design and appearance of the scheme as a whole.

Residential amenity

The site is surrounded by residential properties in Boothsmere Close, Wrenmere Close, Dean Close and Lawton Way to the south and west, and open countryside to the north and east. With the exception of plot 5, all of the plots affected by this application are adjacent to the northern and eastern site boundaries and adjoin the open countryside. With the exception of Plots 5 and 12, all of the dwellings subject to this application are separated from existing houses by other proposed properties that will remain unchanged. All of the houses concerned are separated from existing residential properties by distances in excess of 28m, which is greater than the 21.3m minimum separation distance set out in the Supplementary Planning Guidance adopted by the former Congleton Borough Council.

Therefore, whilst the increase in the ridge height and the bulk and massing of the front gable has the potential to generate amenity implications, and the comments of local residents are noted, in view of the separation distances involved, and the relationship between the existing and proposed dwellings, it is not considered that a refusal on amenity grounds could be sustained.

Highway Safety

As originally submitted, as well as the amendments to house type, the site plan showed an upgrade of the carriageway serving plots 15 – 20. This upgrade included an increase of carriageway width to 5.5 metres and the provision of two footpaths. This is considered to be unnecessary to serve the level of development which has been approved on this site and an amended plan has been requested from the developer. An update on this matter will be provided to Members prior to their meeting.

The Strategic Highways Manager has also requested conditions requiring detailed drawings showing the construction details and specification for the highways within the site. It is proposed to replicate the same conditions that were attached to the original approval in this respect. Prior to first development the developer will provide a detailed suite of plans to show construction details and levels for the proposed internal layout to the satisfaction of the LPA and a financial contribution towards local management and maintenance of existing sustainable footway links. Similar conditions were requested at the time of the original application on this site. However, the Inspector who dealt with the appeal did not consider it necessary to impose them. The proposals do not involve any increase in the intensity of the use at the site and no changes are proposed to the approved parking, access and servicing arrangements. As a result it is not considered that the proposed amendments raise any material traffic generation, access or parking issues. Consequently, it is not considered to be reasonable to impose the conditions at this stage.

Drainage and Flooding

Given that there is no increase in the amount of development proposed on the site, it is not considered that the application raises any drainage or flooding issues over and above those which were considered at the time of the previous application. The Environment Agency has confirmed that the proposal does not warrant a formal response.

Trees and Landscape

The site is bounded by a number of protected trees. However, with the exception of plot 20, the majority of the plots affected by this application are a considerable distance from the trees in question. It is not considered that the property proposed on plot 20 will have any materially greater impact on the trees than the approved dwelling. The Council's landscape officer has examined the application and recommended that conditions are imposed as per the Inspector's decision.

Ecology

The original application was accompanied by a number of surveys and ecological issues were considered by the Inspector at Appeal and conditions were imposed accordingly. It is not considered that the change of house type raises any new ecological issues. It is also noted that the Council's ecologist has examined the proposals and raised no objection.

Contaminated Land

The surveys submitted with the previous application identified that the site could be affected by contaminated land. However, conditions requiring a full investigation and implementation of a programme of remediation were attached to the Inspectors decision which will adequately address the issue. It is proposed to replicate the same conditions to any fresh permission.

Affordable Housing

A number of affordable houses are proposed as part of this development. However, none of the plots affected by this application are affordable dwellings. Nevertheless a Deed of Variation to the existing legal agreement will be required to reference the new permission and to secure the provision of the affordable houses.

Other Matters

A number of other matters have been raised by local residents. Residents have commented that the plans have changed by stealth and are far removed from that which was originally presented to them in the various applications through 2010 and 2011. However, there have been no changes to the scheme approved since the Appeal decision.

Residents have commented that all of the house type names have been changed since the appeal decision. The names have been changed because the site is being developed by a different house builder to the one which secured the planning permission and the brand names of the house types have been changed accordingly. However, with the exception of the plots to which this application relates, the other dwellings are not materially different to those for approval was granted. Modifications are mainly internal and related to materials. The changes to the latter have been approved pursuant to the materials condition imposed by the inspector. Contrary to the claims of residents, the revised house types are not materially larger than those which were previously approved at Appeal.

Other comments are that the approved plans show planting that is no longer present on the submitted plan and the path from plot 16 to its garage has altered. These issues can be addressed through the conditions which will be imposed requiring a hard and soft landscaping scheme to be submitted and approved. Objectors have also stated that on the sales particulars plots 16 and 17 are sited

in a manner that would greatly increase the visual intrusion into the countryside. However, notwithstanding the sales particulars, this application does not involve any changes to plots 16 and 17 and any proposal to re-site them would require a further planning application to be submitted.

One resident comments specifically that plot 21 is higher and closer to 7 Boothsmere Close than on the original drawings. However, this application does not relate to plot 21 and no changes to this plot are shown on the drawings submitted with this application. Furthermore, no changes to this plot have been approved since the previous Appeal decision.

Residents comment that the marketing of the current development is being positioned as “phase 1” implying further development on the adjoining farm land and that anything that is designed to increase the potential for development on farm land should be totally rejected, that land is still farm land, and no changes should be made to facilitate further development on it.

This application does not seek approval for further development on the adjoining farm land. It is not considered that the changes, for which this application seeks consent, will facilitate that development. The only exception to this point is the widening of the access road, shown on the approved drawings, and, as stated above, a revised plan has been requested to address this issue. However, even if the proposed changes were to open up access to land beyond, it is a firmly established planning principle that an application cannot be refused because it may result in further development or planning applications in the future. Any development for land beyond the site would require the submission and approval of a further planning application which would need to be judged on its own merits and against the planning policies and other material considerations that applied at the time.

Officers consider that adequate information, including details showing the impact on the trees on site and the site boundary, was submitted with both the original application and the current proposal and that a comparison of the two sets of plans makes the nature of the proposed amendments clear.

9. CONCLUSIONS

This application seeks approval for a variation of the approved plans condition to allow for the substitution of the “Belgrave” house type for the “Atherton” house type of Plots 5, 12 and 20 and the handing of the house on Plot 15.

The previous Appeal Decision established the acceptability in principle of 25 dwellings on this site. The scheme which was granted planning permission at Appeal can still be implemented and therefore this proposal does not represent an opportunity to revisit the principle of residential development on this site.

The proposed amendments are considered to be acceptable in terms of design, amenity, highway safety, drainage, trees ecology and contaminated land. The proposal is therefore in accordance with the relevant local plan policies and in the absence of any other material considerations and, having due regard to all other matters raised, accordingly the application is recommended for approval.

10. RECOMMENDATIONS

APPROVE subject to the following

- A Deed of Variation to reference the new permission
- The following conditions:
 1. Standard time limit
 2. Approved Plans
 3. Submission / approval / implementation of detached garage details
 4. Submission / approval / implementation of samples of the materials
 5. Submission / approval / implementation of details of the finished floor levels
 6. Submission / approval of a scheme of landscaping, boundary treatments and tree protection
 7. Implementation of landscaping scheme
 8. Retention and implementation of tree protection
 9. Implementation of boundary treatments
 10. Submission / approval / implementation of details of the surfacing for the access road and shared surfaces
 11. Provision of car parking
 12. Submission / approval / implementation of drainage scheme
 13. Submission / approval / implementation of means of accommodating any breeding birds and roosting bats
 14. Submission / approval / implementation of details of external lighting to the access road and shared surfaces
 15. Submission / approval / implementation of contaminated land investigation / remediation.

