

Application No: 12/3227C

Location: 1, BOUNDARY LANE, CONGLETON, CW12 3JA

Proposal: Demolition of Existing 3-Bedroom Bungalow and Detached Garage and Development of Four 3-Bedroom Semi-Detached Houses

Applicant: J Hayes, Northmeadow LTD

Expiry Date: 17-Oct-2012

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Design, Impact on the Character and Appearance of the Locality/Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking
- Impact on Protected Species
- Impact on trees and landscaping
- Impact on contaminated land

1. REASON FOR REFERRAL

This type of application would usually be dealt with under delegated powers, however Councillor David Brown has called the application into Southern Planning Committee on the grounds of Highway Safety and Amenity impact, and the number of objections.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is situated on Boundary Lane, within the Congleton settlement zone line. The existing site comprises a detached single storey bungalow and a single detached garage. The existing access to the site is at a 45 degree angle to the corner of Maxwell Road and Boundary Lane.

3. DETAILS OF PROPOSAL

This proposal seeks full planning permission to demolish the existing dwellinghouse and garage and replace it with 4no semi detached dwellings, with associated access.

4. RELEVANT HISTORY

No planning history

5. POLICIES

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

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
GR3 Density, Housing Mix and Layout
GR4 Landscaping
GR6 Amenity and Health
GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision

SPG2 Provision of Private Open Space in New Residential Developments

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager – None received at time of writing this report

United Utilities: No objections

Environmental Health – No objections subject to conditions for hours of operation and pile foundations, and a note about contaminated land.

7. VIEWS OF THE TOWN COUNCIL – No objections

8. OTHER REPRESENTATIONS

Letters of representation have been received from the occupiers of 39 residences, Cllr Brown and Cllr Mason. The main issues raised are;

- Over development of the plot,
- Traffic is already very bad in the area this will only make it worse, (mainly at school times),
- Two dwelling would sit much better on the site than four,
- Noise impact due to increase in number of properties,
- Four dwellings will have a detrimental impact on the streetscene,
- On road car parking in the area is already very difficult, (mainly at school times)

- Inadequate amenity and car parking provision,
- Overlooking from the proposed dwelling,
- Devalue property prices in the area,
- Impact on light to rear garden, side windows and driveway of No.3 Maxwell Road,
- Amenity impact on opposing properties,
- Queries about the electricity cable between No.3 Maxwell Road and No.1 Boundary Lane,
- Would be more environmental friendly to retain the bungalow and improve it,
- Increase in traffic, parking and driveway may increase danger to children walking to school,
- The proposal is garden grabbing and Greg Clarke, the Minister for Decentralisation announced recently that private residential garden would no longer be considered as 'Brownfield' and therefore development would not be permitted on such land,
- A risk assessment should be carried out on the proposed drive ways,
- Loss of views of the hills,
- Recent development in the area has caused large lorries to effectively close the road up, the proposed construction would be four times as worse,
- The police have been called on a number of occasions due to congestion issues at school times,
- Concerns raised with the manner the Congleton Town Council reached their consultation response, given no residence were aware of the meeting,
- The legal title states that plots should be used for one or more bungalows, not dwellings,
- The front elevations of the dwellings are not in keeping with the surrounding streetscene and should not include gable projections,
- Bus stop and streetlamp will need moving,
- Impact on drainage
- The separation distance between Plot 4 and 42 Boundary Lane is only 13m which does not meet the 21.3m required for principal windows,
- Plot 4 has an insufficient garden area of less than 65 sqm,
- The proposed building will be sited 5m beyond the frontage of the existing bungalow and No.3 and 5 Boundary Lane, forming an intrusion into the current streetscene,
- Plot 4 does not meet the separation distance between habitable rooms and boundaries,
- No.42 Boundary Lane will overshadow Plot 4,
- Separation distance between the proposed dwelling and those on the opposite side on Maxwell Road is also lower than the standards, however is the same as the current situation,
- The gables proposed will increase overshadowing on the neighbours on Maxwell Drive,
- The contrasting design of the proposed dwelling which appear obtrusive in the streetscene,
- The design and access statement notes that there is a shortage of semi-detached dwellings in the area however there are seven for sale within the ¼ mile of the application site and 17 within ½ mile, in fact bungalows are more in need,
- A footpath should be constructed along Maxwell Road,

A petition containing 106 signatures has also been submitted.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Contaminated Land Questionnaire

10. OFFICER APPRAISAL

Principle of Development

The application site is situated within the Congleton Town settlement boundary where there is a presumption in favour of development. The proposal site lies within a garden plot for an existing bungalow and therefore is considered to be Greenfield land.

Nevertheless, Policy PS4 (Towns) of the Congleton Local Plan does not differentiate between either Brownfield or Greenfield land being more preferable within the settlement boundary and therefore the general principle of development is acceptable.

Paragraph 47 of the National Planning Policy Framework requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
specific policies in the Framework indicate development should be restricted.”*

Consequently, it is considered that the contribution to housing land supply, and the above provisions of the NPPF, the proposal is therefore considered to be acceptable in principle and the application turns on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily access with an appropriate level of parking provision, whether there would be an adverse impact on Protected Species and Landscape features, and whether there are any other issues relating to contaminated land.

Design

The application site currently comprises an empty single storey bungalow in a fairly large curtilage. The surrounding area is a mix of design and styles of dwellings; however the

immediately surrounding properties are largely semi-detached dwellings, with a mix of dwelling on the opposite side of Boundary Lane.

The proposal seeks permission for two pairs of semi-detached dwellings and the demolition of the existing bungalow. The proposed properties are three bedroomed dwellings with a roof height the same as the adjacent dwellings on Maxwell Road. All the proposed dwellings will have gable side elevations except plot 4 which will have a hipped roof. This is at variance with the large majority of dwellings in the surrounding streetscene which have hipped roofs. Furthermore, the gable projections off the front elevations of the dwellings are also different from the surrounding houses. This said the existing dwellings are fairly plain in their appearance and of no particular architectural merit. The proposed dwellings have been designed in such a way as to provide an element of interest to the elevations and therefore although differing from the majority of dwellings in the area it is considered that the design is suitable for the position and will not have a detrimental impact on the character or appearance of the streetscene. The proposed dwelling includes bay windows on the front elevations which are a key design element taken from the properties on Maxwell Road and will help to create an element of continuity within the streetscene.

The dwellings have been designed to sit in the current building line of Maxwell Road, and plot 4 to 'turn the corner' to address Boundary Lane. This creates active frontages facing both roads and it is considered that this will provide a good relationship with the streetscene. Furthermore, traditional detailing such as lintels, eaves details and window and door heads and cills have been proposed which will help to harmonise the dwellings with the more traditional properties on Boundary Lane.

Impact on the Amenity of adjacent properties and future occupants

Loss of Privacy/Overlooking/Overshadowing

The proposed dwellings are to be sited on the existing dwelling plot of No.1 Boundary Lane. The proposed four two storey dwellings will in no doubt appear more imposing on the surrounding neighbours than the existing single storey bungalow. However, the impact of the development needs to be addressed in accordance with the separation guidance and if there is suitable amenity space for the future occupiers of the dwelling.

Supplementary Planning Guidance note 2: Private Open Space suggests that a separation distance of 21.3m is maintained between opposing elevations with principle windows, and 13.8m between elevations with principle windows and flank elevation or elevations with secondary/obscure glazed elevations.

The proposed dwellings will be sited a minimum of 23m away from the front elevations of the dwellings on the opposite side of Maxwell Road and therefore the proposal is considered to be of a suitable distance from the opposing dwelling to maintain the amenity of the neighbouring properties.

Furthermore a separation distance of 4.2m will be achieved between No.3 Maxwell Road and the side elevation of Plot 1. This is a suitable distance between flank elevations with secondary/obscure glazed windows. The width of the property will mimic the width of No.3 Maxwell Road and will be sat on the same build line and therefore the proposed building will not have a significantly detrimental impact on neighbouring amenity.

To the rear, the dwellings will face towards the rear garden and side elevation of No.3 Boundary Lane. The proposed dwelling will have a 9m rear garden and will be 12m away from the side elevation of the No.3. The existing bungalow is sited 7m away from the side elevation of No.3 and also had windows on the side elevation. It is considered that although the separation distance of 13.8m between principal windows and secondary windows is not reached between the rear elevations of Plots 3 and 4 in this instance the dwellings will be sited further away than the existing bungalow and therefore the building will have a negligible impact on over looking and overbearing impact than that which already exists at the site.

There is a separation distance of 12.4m up to 13m between the side elevation of Plot 4 and the front elevation of No.42 Boundary Lane. No.42 Boundary Lane is a two storey dwelling with four principal windows on the front elevation sited adjacent to the path with no front garden. The proposed site plan shows that No.42 is at a slight angle to the proposed side elevation of Plot 4 and therefore the separation distance increases from the west to the east. The side elevation of Plot 4 has been designed to appear as a principal elevation to help integrate the dwelling with both Boundary Lane and Maxwell Drive; it therefore has a number of large windows on all three elevations. At ground floor level the proposed dwelling will have a secondary lounge window, a front door and dining room window. At first floor level the windows will serve an en-suite, a bathroom and a secondary window bedroom window. All the windows on the side elevation either serve no habitable rooms or are secondary windows to habitable rooms. Therefore a separation distance of 13.8m would be acceptable in this instance rather than the 21.3m required between principle windows. Due to the orientation of the dwellings the ground floor dining room windows will not directly over look the ground floor window on No.42, and therefore it is considered unnecessary to require this window to be obscure glazed, however the separation distance reduces to only 12.4m between the secondary lounge window and the ensuite and Bathroom and therefore it is considered acceptable to require these windows to be obscure glazed to protect the amenity of the opposing neighbour. With the addition of an obscure glazing condition it is considered that in this instance the slightly lower separation distance will be acceptable.

Private Amenity Space

SPG 2: Private Open Space requires a minimum of 65m² of private amenity space for each new dwellinghouse. Plots 1, 2, and 3 all have the minimum of amount of private amenity space as required. However, Plot 4 only has a rear garden area of 54m², but does include a front garden area of 63m². It is therefore considered that each of the dwellings does have a suitable amount of private amenity space afforded to them. Albeit, Plot 4 has a slightly lower amount of private amenity space but will achieved an overall suitable amount of amenity space when included the space to the front.

Noise

A series of conditions relating to construction hours, and pile driving are suggested which will control the impact of the proposed development on neighbouring properties during construction.

Impact on Protected Species

Prior to the submission of the application the applicant contacted the Councils Ecologist with regards to the need for a protected species survey due the requirement to demolish the bungalow. The Councils ecologist noted that after assessing the dwelling and the extent of

available habitat for bats in the locality that it would not be necessary to supply a protected species survey with the application. It is therefore considered unlikely that the proposed development would have a significantly detrimental impact on protected species.

Impact on Highway Safety and Parking

A significant amount of concern has been raised in relation to the impact the proposal will have on highway safety in the area. It is acknowledged that the area appears to have a high number of traffic movements at school start and ends times but the majority of the time the area is fairly quiet.

The amended plans received on the 18th October 2012 show a 1.2m footpath created along the boundary of development site on Maxwell Road and Boundary Lane (there is currently no path at this point on the road). Furthermore, the driveway accesses onto Maxwell Road and Boundary Lane have been widened to ensure suitable visibility and width to allow safe entrance and egress onto the highway. At the time of writing, no Highways comments had been received and therefore comments on the amended plans will be made as part of an update report.

The proposal includes the provision of 200% car parking across the four dwelling and this is considered to be a suitable provision for the size of the dwellings.

Other matters

Objections have raised concerns that the proposal will affect property values in the area. The devaluation of properties is not a material planning consideration and therefore cannot be considered within the recommendation.

Furthermore, concerns have been raised regarding moving electricity wires, a lamp post and a bus stop. These issues are not material planning issues and would be considered under different legislation.

A number of objections note that the land has a clause within the deeds stating only bungalows should be constructed on the site. This is legal matter and would need to be dealt with as a private legal matter. Planning permission can be granted on any development site regardless of restriction within deeds.

Issues have been raised regarding the drainage of the site, United Utilities have been consulted on the application and have raised no objections to the proposal and therefore from a planning perspective the proposal is acceptable. Furthermore, the suitability of the drainage will be considered through the building regulations consent and therefore it is considered unnecessary to condition any further information is required.

11. CONCLUSIONS

The application site is situated within the Congleton settlement boundary and therefore the principle of development is acceptable. It is considered that there are no significant amenity or highway safety issues arising from the proposal as conditioned. The proposed development is therefore considered to be in compliance with Policies PS4 Towns, H1 Provision of New Housing

Development, H2 Provision of New Housing Development, GR1 New Development, GR3 Density, Housing Mix and Layout, GR4 Landscaping, GR6 Amenity and Health, GR7 Pollution, GR9 Accessibility, Servicing and Parking Provision and SPG2 Provision of Private Open Space in New Residential Developments of the Congleton Borough Local Plan First Review 2005.

12. RECOMMENDATIONS

APPROVE subject to the following conditions,

Conditions;

- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of landscaping scheme**
- 4. Implementation of the approved landscaping scheme**
- 5. Boundary treatment details to be submitted to the LPA and approved in writing**
- 6. Remove PD Rights for extensions and alterations to the approved dwellings**
- 7. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 8. Windows and doors to be timber and set in 100mm reveals**
- 9. All bathroom, en-suite and landing windows to be obscure glazed and non opening, Plot 4 side elevation lounge and bedroom windows to be obscure glazed**

Note – Contaminated Land



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