

Application No: 12/3902N

Location: 2, CEDAR GROVE, NANTWICH, CW5 6GZ

Proposal: PROPOSED DWELLING IN CURTILAGE OF BEECH HOUSE 2 CEDAR GROVE

Applicant: MR & MRS W J GREEN

Expiry Date: 05-Dec-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 trees and landscaping
- Other Matters

1. REASON FOR REFERRAL

This type of application would normally be dealt with under delegated powers; however Councillor Peter Groves has called the application in to Southern Planning Committee for the following reasons;

It is alleged that the Application will have the following consequences :-

- The development will harm the amenities of neighbouring properties (particularly 8-14 Gingerbread Lane and 3 Cedar Grove) by virtue of its size, density, overdevelopment of the site, and will be overbearing, thus not respecting or enhancing the surrounding area. The development will be at a higher elevation than the properties in Gingerbread Lane. Loss of existing views from neighbouring properties would adversely affect residential amenity of neighbouring owners.*
- The development will cause loss of visual amenity by virtue of overlooking my property and garden, exacerbated by the higher elevation of the site. My garden will be overshadowed, with a reduction of sunlight and daylight entering the garden, thus causing lack of light to vegetation and trees. This will prevent the use and enjoyment of this amenity space.*

- *The development will also ruin an unobstructed view from my property (from both ground and first floor) and particularly the loss of open space in terms of the view it creates.*
- *The development will exacerbate vehicular usage of Cedar Grove during construction and when completed. Construction presents potential hazards from noise, vibration, dust and movement of heavy machinery in a small residential cul de sac where children may be resident, and to the adjoining properties in Gingerbread Lane. There may be possible harm to existing trees in trying to fit the work into a restricted site. The development would probably result in loss of parking space for present residents of Cedar Grove and would increase on street parking in a narrow road.*
- *With reference to LPP (development of backland and gardens) 3.35. The garden does not appear to be proportional to the size of the dwelling, which garden should be at least 50m2*
- *Non enforcement by the Council of the 'Tree Replacement Notice' for number 2 Cedar Grove under Section 207 of the T & C Planning (Trees) Act, allowing time limit of four years to elapse.*

2. DESCRIPTION OF SITE AND CONTEXT

The application site forms the side garden area of No.2 Cedar Grove, Nantwich. No.2 Cedar Grove is a detached dwelling with a moderately sized side and rear garden sited at the end of a cul-de-sac. The application site is surrounded by residential development on all sides, with a hedges and trees surrounding the site.

The land charge for the site shows a tree with a preservation order (TPO 016 (T15)). The tree was felled with permission in 2006 due to a decay issue and a replacement tree was required. The Tree Survey submitted with the application states that a replacement tree was planted however has subsequently died.

3. DETAILS OF PROPOSAL

The proposal seeks outline planning permission with all matters reserved for one dwelling on the site. An indicative plan has been submitted with the application to show a two storey four bedroom house on the site with an integral garage.

4. RELEVANT HISTORY

No relevant planning history

5. POLICIES

The development plan includes the Regional Spatial Strategy for the North West (RSS) Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Local Plan Policy

NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on potentially contaminated land)
TRAN.9 (Car Parking Standards)

Supplementary Planning Documents

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

Other Material Considerations

National Planning Policy Framework 2012

6. CONSULTATIONS (External to Planning)

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

Environmental Health – No Objections subject to conditions for construction hours and an advisory note regarding contaminated land.

United Utilities: No Objections

7. VIEWS OF THE TOWN COUNCIL - No objection subject to no objection from the Highway Authority.

8. OTHER REPRESENTATIONS

Letters of representation have been received from the occupants of 6 local residences. The main issues raised are;

- A replacement TPO should have been planted on the proposal site and has not. The time limit for enforcement has passed however a further tree should be planted,
- Unacceptable impact on neighbouring amenity by means of overlooking and overbearing impact
- Over development of the site
- Will block light and views of adjacent neighbouring dwellings
- Does not respect the or enhance the surrounding area
- The proposed garden area does not meet the 50m² requirements in the Development of Backland and Gardens SPD.
- Garden grabbing is not acceptable
- Gingerbread lane is on considerably lower ground than the proposal site

- Insufficient parking provision for a dwelling of this size,
- Unacceptable noise and hazard will be created by construction traffic
- The website states this is an Full Planning application however the application form states Outline Application
- Will reduce parking provision for no.3 Cedar Grove who currently use the land to the front of the application site for parking and have submitted an equitable easement to land registry

9. APPLICANT'S SUPPORTING INFORMATION

- Contaminated Land Report (Risk Assessment)
- Tree Report
- Design and Access Statement

10. OFFICER APPRAISAL

Principle of Development

The development site is situated within the Nantwich settlement boundary which allows for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.2 (Unallocated Housing Sites) of the Local Plan. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5, and the adopted SPD on Development on Backland and Gardens.

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 making 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 accessed with an appropriate level of parking provision.

Appearance, Landscaping, Layout and Scale

As the application is outline, the appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application. The general layout proposed is considered acceptable as it loosely reflects the existing development on Cedar Grove. However, as flagged up at the pre-application stage the site is not capable of comfortably siting a four bedroom property with sufficient parking provision and amenity space. Therefore the dwelling as shown on the indicative plan is not acceptable. It is considered that a smaller three bedroom property without a garage would sit more comfortably within the plot. However, it is considered that the details could be conditioned and therefore would not constitute a reason for refusal.

Furthermore, a section of the hedge will be required to be removed to create the access point to the front of the site. Whilst it is considered unfortunate that this area of hedge would be lost, it is a fairly new specimen and is only of a limited value. The access would be in keeping with the adjacent streetscene and further landscaping would be required in the reserved matters application to mitigate this loss.

Amenity

Neighbouring amenity

A key consideration of the development would be the impact it would have on neighbouring amenity.

The indicative layout suggests that the dwelling will be sited on a similar build line to No.2 Cedar Grove. There would be a separation distance of 2m between the side elevation of No.2 Cedar Grove and the proposal site. This would be a similar situation to the existing dwellings on the cul-de-sac. There is a ground floor secondary window on the side elevation of No.2 and no windows proposed on the side elevation of the proposal. It is therefore considered that with some suitable boundary treatment between the two dwellings the proposal would be acceptable.

The indicative layout shows the dwelling would have a separation distance of 23m between the rear elevation of the proposed dwelling and No.8 Gingerbread Lane, 30m to the rear of No.10, 32m to the rear of No.12, 27m to the rear of No.14 and 30m to the rear of No.16. The separation distances would exceed the 21m required between principal elevations and opposing principal windows as noted within the Development on Backlands and Gardens Supplementary Planning Document, and therefore it is accepted that a dwelling could be sited on the plot without having a significantly adverse impact on neighbouring amenity.

A separation distance of 17m would be achievable between the front elevation of the proposed dwelling and the front elevation of No.3 Cedar Grove. The opposing dwellinghouse has several principal windows on the front elevation of the dwelling, however the proposed dwelling would not directly overlook the principal elevation on No.3 as the plot is orientated at an angle to the existing dwellings on the opposing side of the road. It is considered that on that basis a reduced separation distance would not have a significantly detrimental impact on neighbouring amenity due to overlooking of principal windows. There would also be a separation distance of 18m between the front elevation of No.4 Cedar Grove, and the proposal site. Again, the dwellings do not directly overlook each other and therefore it is considered unlikely that the proposal would have a significantly detrimental impact on neighbouring amenity.

As the separation distances have been achieved to the sides and rear and a suitable distance is maintained to the front it is considered that the proposal would not have an overbearing or overlooking impact on neighbouring amenity and therefore the proposal is acceptable.

Occupier Amenity

The Council's Development on Backland and Gardens SPD requires a minimum of 50m² private amenity space for new dwellings. The indicative plans show approximately 50m² of private amenity space to the rear of the dwelling however there are currently trees and hedges bounding the site which reduce this and given the proposal is for a four bedroom family house it is not considered that this would be suitable amenity space for a family dwelling. However, as noted above the plans are indicative and reducing the size of the dwelling would allow an increase in amenity space for the dwelling and therefore it is considered that a suitable amount of private amenity space could be achieved at the site through the details of a reserved matters application.

Impact on Trees and Landscaping

There is a Beech hedge to the road frontage, and a Laurel hedge to the western boundary. There are two trees close to the western boundary; a young Sycamore off site and a mature Holly within the site.

The records show that a mature Beech tree on the site and protected by the Nantwich Rural District Council (Crewe Road/ Birchin Lane) TPO 1971 was removed in 2007 due to fungal decay and replacement planting was required by 12 March 2007. The submitted BS 5837 Tree Survey by Peter Jackson Developments Ltd dated June 2012 indicates that a replacement tree was planted but subsequently died. The time for enforcement of the replacement planting has lapsed and the LPA is not in a position to progress the matter further. Tree planting with an appropriate species could however, be required by under a landscape condition as part of the development and this would help to perpetuate tree cover in the vicinity.

The two existing unprotected trees and the hedges are therefore the only current vegetation to be considered as part of this application. The hedges are in good condition. The Sycamore is a young specimen of limited value. The Holly is a mature tree prominent to public view at the end of Cedar Grove. It appears to be in reasonable condition and retention would be desirable.

As an outline application with all matters reserved it is not possible to make a full assessment of the likely impact of the development on existing vegetation. Nevertheless, from the indicative site layout plan and plans within the tree survey report it appears that the following impacts would arise:

- A section of Beech hedge would have to be removed to allow access.
- Depending of the footprint of development there may be impact on the Laurel hedge.
- The off- site Sycamore tree should be unaffected.
- With appropriate protection and use of a no dig driveway construction it should be possible to retain the Holly tree.

It is therefore considered that with appropriate conditions, the proposal will not have a significantly detrimental impact on the existing vegetation in the area and a landscaping scheme could be implemented to mitigate for the loss of the TPO tree.

Impact on Highway Safety and Parking

As the application is outline with all matters reserved the access and parking does not form a detailed part of the application. However, the plans show the access could be achieved to the front of the site in a similar way as No.3 Cedar Grove and with the reduction of the dwelling it is considered that two cars could be sited off street.

The Highway Authority comments are still outstanding and therefore will form part of an update report to the committee.

Other Matters

Objectors in their letters of representation have stated that there open views will be restricted by the proposed development. This is not a material planning consideration, as nobody has the right to a view. The relevant material considerations with regards to this application have been fully addressed in the above report.

Within the letters of objection a neighbour notes that they currently use the turning area at the end of the cul-de-sac for parking and proposed dwelling will remove their ability to do this. The neighbour notes that they have given notice to land registry for an equitable easement to allow them to continue parking on the land. However this is a civil matter and landownership is not a material planning consideration.

11. CONCLUSIONS

The application site is situated within the Nantwich 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 development. It is also considered that the proposed development, as conditioned, is acceptable in all other respects. The proposed development is therefore considered to be in compliance with BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on potentially contaminated land), RES.2 (Unallocated Housing sites), and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Outline Time**
- 2. Time for Reserved Matters**
- 3. Approval of Reserved Matters**
- 4. Two Storey Dwelling only**
- 5. No habitable windows to side facing elevations**
- 6. Hours of construction**
- 7. Landscaping plan to include replacement tree planting**
- 8. Tree Protection**
- 9. Arboricultural method statement**
- 10. Removal of PD**
- 11. Approved Plans**

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