

Application No: 13/4857C

Location: Land at Rose Way, off Hassall Road, Sandbach, Cheshire, CW11 4HN

Proposal: To develop proposed site to include 4no. two storey detached houses, with off road parking and landscaping to the front and garden to the rear. The access road will be an extension off the existing Rose Hill road.

Applicant: M Styles

Expiry Date: 14-Jan-2014

#### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

#### **MAIN ISSUES**

**Principle of Development**  
**Sustainability**  
**Design Considerations**  
**Highway Safety and Traffic Generation**  
**Landscape and Tree Matters**  
**Impact on Residential Amenity**  
**Flooding and Drainage**

## **1. REFERRAL**

This application has been 'called in' for determination by the Southern Planning Committee by Cllr Corcoran. The reasons for 'call-in' are:

- i) Poor access – the access is via an unadopted road and the access onto Hassall Road is below standard in terms of visibility splays
- i) Not sustainable – the site only meets 4 out of 15 of the NWDA sustainability toolkit distances to facilities. There is little employment in the area. The site fails the economic, social and environmental aspects of sustainability.
- ii) Out of keeping with the surrounding area – this is high density housing in an area of bungalows and large gardens
- iii) This is a garden grab scheme
- iv) There is an ongoing dispute over the rights of access to the site

## 1. SITE DESCRIPTION

This application relates to the rear garden associated with no. 77 Hassall Road, Sandbach. The site stretches to the rear of no.s 77 to 81 (inclusive) and measures 0.16 hectares. The site is adjoined to the north by a new residential development of 39 houses referred to as 'Rose Way'. To the east, is open countryside designated fields and to the south are the gardens associated with other properties fronting Hassall Road. To the west is residential development. The site falls entirely within the Settlement Zone Line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

## 2. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 4 detached two-storey dwellings on the rear garden associated with no. 77 Hassall Road, Sandbach. The turning head for the adjoining development at 'Rose Way' would be extended into the site and the proposal would utilise the neighbouring development's vehicular access off Hassall Road.

## 3. RELEVANT PLANNING HISTORY

11/3414C – OUTLINE PLANNING APPLICATION FOR 39 RESIDENTIAL DWELLINGS OVER 1.29HA. ACCESS FROM HASSALL ROAD WITH LANDSCAPING RESERVED – Approved 14-Aug-2012

12/1998C - Erection of 39no. Dwellings and Associated Works including Foul Water Pumping Station – Approved 07-Dec-2012

## 4. PLANNING POLICIES

National Planning Policy Framework

### Local Plan Policy

#### Congleton Borough Local Plan:

PS4	Towns
GR1	New Development
GR2	Design
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR17	Car parking
GR18	Traffic Generation
GR21	Flood Prevention
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
H2	Provision of New Housing Development

#### Cheshire East Local Plan Strategy – Submission Version

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design  
Policy IN 1 Infrastructure  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy

### **Other Material Policy Considerations**

SPG2 - Provision of Private Amenity Space in New Residential Development  
The EC Habitats Directive 1992  
Conservation of Habitat & Species Regulations 2010  
Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

## **6. OBSERVATIONS OF CONSULTÉES (EXTERNAL TO PLANNING)**

### **Environmental Health**

No objection subject to conditions restricting hours of construction / piling, a condition requiring submission of an environmental management plan and conditions / informatives relating to contaminated land.

### **Highways**

No objection

### **Flood Risk Manager**

No objection – It is noted that drainage for the additional houses is indicated as discharging to mains sewer in this application. Due to the topography and location of this site in close proximity to the ordinary watercourse, the lower elevations of this site immediately adjacent to the southern boundary may be subject to localised flooding and overland flows due to the restrictive nature of the installed culvert pipework. These matters should be fully addressed by the developer in consultation with Flood Risk Manager PRIOR to any further development.

### **United Utilities (UU)**

No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/surface water sewer and may require the consent of the Local Authority.

## **7. VIEWS OF THE SANDBACH TOWN COUNCIL**

Object on the grounds that:

- i) This proposal is garden grabbing, against National Policy

- i) Inadequate access via unadopted road
- ii) Poor visibility onto Hassall Road becomes increasingly dangerous with the addition of more housing.

## **8. OTHER REPRESENTATIONS**

Letters have been received from 18 addresses objecting on the following grounds:

- There is a culvert / watercourse to the rear of the site which should be restored
- Loss of wildlife / newts have been seen in the ditch
- Loss of trees
- Issues of flooding
- Site is unsustainable
- Garden grabbing / contrary to PPS3
- The access is not to standard and will be made more unsafe with a further 4 houses
- Proposal will add to congestion and noise
- Would require the removal of mature trees and hedgerow
- Developer has already breached conditions on adjacent development
- Disturbance to residents with more construction
- Overdevelopment - Too many houses on the site and too close together
- Design is out of keeping and unacceptable
- No provision to maximise solar gain
- Loss of view / privacy / outlook
- Loss of property values
- Contamination due to previous use as builders yard
- Lack of infrastructure to support development
- Loss of green space
- Sandbach cannot cope with anymore houses

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The proposed development is located within the settlement zone line for Sandbach, where local plan Policy PS4 (Towns) permits development provided that it is in keeping with the town's scale and character. Policies SD 2 and SE 1 of the Cheshire East Local Plan Strategy – Submission Version also support this approach. The main consideration is therefore whether the proposed development is of acceptable design and would not result in a detrimental impact on the amenities of neighbouring properties, highway safety or ecology.

### **Sustainability**

To aid the assessment as to whether the application site is located within a sustainable location, there is a toolkit which was developed by the former North West Development

Agency. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The site does not comply with all of the standards advised by the NWDA toolkit, only meeting 4. Where the proposal fails to meet the standards, the majority of the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. However, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop in close proximity to the site. Accordingly, it is considered that this small scale site is locationally sustainable.

### **Design Considerations**

The proposed development would follow the same linear pattern introduced by the adjoining residential development at Rose Way, which is nearing completion. The properties would back onto the adjacent fields and would front a private drive which would run to the rear of nos 77 to 81 (inclusive). Given that the site is situated to rear of existing properties with a single point of access and because the site is self contained, there is little opportunity or need for frontage onto Hassall Road.

With respect to the design and external appearance of the development, the units would be similar to those at the adjoining development and would serve as a continuation of that street scene. Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies of the local plan.

### **Highway Safety and Traffic Generation**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The proposal would utilise the access serving the adjoining development of 39 houses, which is positioned directly in-between numbers 61 and 75 Hassall Road. With regards to visibility, on this previous application, the applicant demonstrated that visibility in the leading direction was achievable as per standards. However, visibility was much reduced in the non leading direction. To re-enforce slower speeds to make the access exemption

acceptable, contributions for a further speed reduction by the provision of a ramped junction table at the site access and Hassall Road was secured.

It is considered that the vehicle movements associated with 4 additional dwellings would not be sufficient to exacerbate existing traffic problems or issues of highway safety over the position that has already been accepted. This has been confirmed by the Strategic Highways Manager, who has also stated acceptance of the proposed parking provision. As such, the proposal is deemed to be acceptable in this regard.

### **Landscape and Tree Matters**

The site could accommodate the proposed development without substantial harm to the landscape character of the wider area and a garden of reasonable area would be retained for the existing property. Where possible, it is considered that it would be important to retain the existing boundary hedgerows and trees to maintain a green edge to the site. This could be secured by condition.

The character of the surrounding residential development is one of being within a wider urban / residential area rather than that associated with ribbon development. Further, owing to the unique shape and site characteristics, the development of the site will lead to a natural progression of development. The location and scale of the proposed development are entirely in scale and in proportion with the existing development and in the wider visual sense will not intrude, dominate or have a significantly adverse impact on the adjacent wider landscape and open countryside.

### **Impact on Residential Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties on Hassall Road, the minimum separation distances would be exceeded by at least 3 metres and adequate separation (circa 13 metres) with the end of the neighbouring rear gardens would be achieved. This would ensure that no material harms arises in terms of direct overlooking, loss of light or visual intrusion. Given that the proposal would continue the row of the existing properties at the adjoining Rose Way, the proposal would impact detrimentally on the residential amenity afforded to these units.

Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

### **Flooding and Drainage**

A Flood Risk Assessment was carried out for the adjoining scheme, to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA considered the impact on the surface water regime in the area should development occur. This proposal for 4 units would not significantly alter these requirements. Subject to a condition for details of further drainage (as recommended by the Councils Flood Risk Manager), the proposed development will not adversely affect on site and the neighbouring sites and their associated residual flood risk.

## **10. REASONS FOR APPROVAL**

This site is within the existing settlement zone line of Sandbach where there is a presumption in favour of development. Whilst it is accepted that the site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and majority of facilities are accessible to the site. A refusal could not therefore be warranted on grounds of sustainability.

To conclude highways matters, it is not considered that a refusal could be sustained on matters relating to highways given that this proposal would only add 4 additional units.

The proposal will not have a significant impact on the landscape character of the area and the design of the scheme would tie-in well with the surrounding development.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology and drainage/flooding. It therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

## **11. RECOMMENDATION**

**APPROVE** subject to the following conditions

- 1. Standard Time limit – 3 years**
- 2. Approved Plans**
- 3. Materials**
- 4. Submission of an Environmental Management Plan**
- 5. Hours of construction to be limited**
- 6. Details of pile driving operations to be limited**
- 7. Submission of contaminated land survey**
- 8. Submission of details of bin storage**
- 9. Details of drainage (SUDS) to be submitted**
- 10. Only foul drainage to be connected to sewer**
- 11. Retention of important trees**
- 12. Tree and hedgerow protection measures**
- 13. Arboricultural Specification/Method statement**
- 14. Landscape scheme**
- 15. Implementation of landscaping scheme**

16.                   Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
17.                   Removal of permitted development rights for classes A-E
18.                   Details of ground levels to be submitted

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In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



