

Application No: 14/1908N

Location: 1, Stanley Boughey Place, Nantwich, Cheshire, CW5 6GQ

Proposal: Relocation of previously approved Studio Garage on application 12/4741N, within existing plot boundary, to ensure adequate clearance of existing foul sewer.

Applicant: David Major, Stewart Milne Homes

Expiry Date: 03-Jun-2014

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and a deed of variation of the Section 106 Agreement associated with 12/4741N.**

#### **MAIN ISSUES**

**Principle of Development  
Highways  
Trees and Landscape  
Amenity  
Design and the Built Environment  
Other Matters**

#### **REFERRAL**

This type of application would usually be dealt with under delegated powers; however this application has been called into planning committee by Councillor Peter Groves for the following reasons;

*'Can you please call this in on the following grounds :-*

- 1. Access stairwell to upper floors provides unrestricted and intrusive views into both adjoining residents properties and their gardens.*
- 2. The proposed upstairs windows do not have obscure glass and provide unacceptable views into adjoining properties and their gardens.*
- 3. The impact of the construction on a TPO protected tree as the proposed dwelling is being constructed in a root protection area.'*

#### **1. SITE DESCRIPTION**

The larger application site comprises previously developed land which forms part of the former Regent's Theological College campus and is located within the built up area of Nantwich. The application site forms one unit of a larger housing development site in Nantwich for No.59 dwellings. The site is still under construction in the main however a number of plots have been constructed at the entrance of the site.

This application relates to studio garage built within the curtilage of No.1 Stanley Boughey Place. The garage is currently being used as a visitor office and the house as a show home for the site.

There are a number of trees which sit between the boundary of the garage and the neighbouring properties to the north. These trees are covered by a Tree Protection Order.

## **1. DETAILS OF PROPOSAL**

This application is a full retrospective application for the position of the Studio Garage associated with No.1 Stanley Boughey Place (Plot 1). The garage has been constructed closer to the boundary with No.120 Crewe Road, Nantwich, than approved under 12/4741N. The applicant states that this is to ensure adequate clearance from an existing foul sewer which runs across the site primarily through the land designated to Plot 1.

## **2. RELEVANT PLANNING HISTORY**

The application site has a long history of use as a school and residential college/training centre. Planning permissions have been obtained for a variety of mostly minor developments in association with the use over the years.

However the most relevant current application is,

12/4741N - Application to erect 59 dwellings and associated works at land at COG Training Centre, Crewe Road, Nantwich – Approved with conditions and Section 106 Agreement 28<sup>th</sup> February 2013

## **3. PLANNING POLICIES**

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

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

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

SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE5 Trees, Hedgerows and Woodland

### **Crewe and Nantwich Replacement Local Plan Policy**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
NE.5 (Nature Conservation and Habitats)  
RES.2 (Unallocated Housing Sites)  
RES.11 (Improvements and Alterations to existing dwellings)

Extensions and Householder Development Supplementary Planning Document

### **National Policy**

National Planning Policy Framework

## **4. OBSERVATIONS OF CONSULTEES**

### **Environmental Health**

- No objections/comments to be raised. Suggest an informative for hours of operation to be attached to the permission.

**Highways** - The Strategic Highways Manager has no comment or objection to make regarding the above development proposal.

**5. VIEWS OF THE PARISH / TOWN COUNCIL** – None received at time of writing this report.

## **6. OTHER REPRESENTATIONS**

A letter of objection has been received from the occupier of No.120 Crewe Road. The main issues raised are;

- Proximity of building to boundary – 18inches from boundary and is too close and a threat to privacy

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Design and Access Statement
- Arboricultural Method Statement
- Arboricultural Impact Assessment

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site has a whole has permission for 59 dwellings and therefore the principal of residential development on the site has already been accepted. Furthermore the principal of a dwelling and studio garage on the plot has also been accepted in principal and therefore is not a matter for further consideration in this application.

Therefore the main issues of this application is the position of the garage and the impact on amenity by means of overlooking and overbearing impact on the neighbouring and the impact of the development of Trees covered by a Tree Protection Order.

### **Highways**

The proposal has no additional impact on highway safety over and above that of the original permission. There is to be 4 parking spaces available on the site for the dwelling and given there have been no highways objections from the Strategic Highways manager it is considered that the proposal is acceptable.

### **Trees**

The application site is bounded by a group of trees within the site are covered by a existing Tree Preservation Order; the Crewe and Nantwich Borough Council (St. Josephs, Nantwich) Tree Preservation Order 1986 which protect individual and group of trees along the northern boundary with Crewe Road, as well as the central section of the larger site and part of the southern boundary with Regents Gate and St Josephs Way. The Order also extends protection to trees outside the development site within the existing development of St. Josephs Way

The garage has been constructed within the Root Protection Area (RPA) of a number of the protected trees. The application is accompanied by an Arboricultural Method Statement and Arboricultural Impact Assessment. In this case the Councils Tree Officer has visited the site and although the garage has been constructed within the RPA of the protected trees he

does not consider that any significant harm has been done to the health and well-being of the protected trees or that there would be a detrimental impact upon the trees.. Therefore the proposed development complies with Policy NE.5 (Nature Conservation and Habitats) of the Local Plan.

## **Amenity**

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows.

It was noted in the original officers report for the development (12/4741N) that consideration was given to the impact of the proposed development on the dwelling on Crewe Road, noting that *'These properties have exceptionally long rear gardens and as a result the minimum separation distance of 21m will be considerably exceeded between these dwellings and the proposed development'*.

At that time the garage associated with Plot 1 was sited further away from the boundary fence with No.120 Crewe Road which is the adjoining neighbour to the garage. This application is retrospective and therefore the impact of the revised position of the garage is visible on site. The garage has three windows within the roof and a wooden staircase with a door into the first floor area. There is a minimum separation distance of 52m from the rear elevation of the garage to the rear elevation of the neighbours property at No.120 Crewe Road. This distance clearly still meets the accepted separation standards between windows.

However, it is acknowledged that the first floor window of the garage facing north does look directly over the rear garden of No.120 Crewe Road. There appears to be a break in the tree coverage at this point and this may increased the perceived overlooking from No.120 Crewe Road. However, revised plans have been received and this was noted at the time of the Planning Officers site visit, the window in the north elevation has been obscure glazed and it stated it will be a fixed light. This is secondary window (one of three) and therefore it is considered that this is reasonable. It is therefore considered that with the addition of a condition to ensure that the window is retained as shown on the revised plans that this element will not have a significant impact on the amenity of the neighbours.

There is also an external timber staircase which is sited on the east elevation of the garage which allows external access to the first floor of the garage. This staircase is set back an additional 2m from the boundary with the adjacent neighbours and does not have the same direct view over the neighbour's gardens due to the protected tree coverage in between. Given the nature of the staircase is purely to access the first floor it is considered that there is a limited potential overlooking impact on the neighbour's amenity and it would not be reasonable to refuse the application on this element.

It is therefore considered that the repositioning of the garage within the plot is acceptable as conditioned and in line with current planning policy.

## **Design**

The design of the garage has not changed from that which was approved in the original permission/discharge of conditions application. Therefore it is considered that the design of the studio garage is acceptable and therefore complies with Policy BE2 (Design) of the Local Plan and the provisions of the NPPF in this regard.

## **8. CONCLUSIONS**

The site lies within the settlement boundary for Nantwich, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The repositioning of the garage 3m closer to the neighbours rear boundary is considered to be acceptable subject to a condition to ensure that an obscure glazed, non opening window is retained on the first floor elevation. It is not considered that the development has had a significant or detrimental effect on the protected trees. It is therefore considered that the proposal is acceptable and in line with the relevant local plan policies.

## **9. RECOMMENDATION**

**APPROVE subject to completion of a deed of variation of the Section 106 agreement linked to 12/4741N:**

**And the following conditions:**

- 1. Compliance with amended plans**
- 2. Window in the first floor north elevation to be retained as obscure glazed and non opening in perpetuity**

**Informative – This application relates solely to the Studio Garage associated with Plot 1 (1 Stanley Boughey Place) and this application should be read in conjunction with all the conditions and legal restrictions relating to planning application 12/4741N and any subsequent amendments/discharge of condition applications.**

**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 Principal Planning Manager has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

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