

Application No: 14/0841N

Location: Land Off, SPINNEY DRIVE, WESTON

Proposal: Residential development of 4 detached houses

Applicant: G McDermott, CDM Developments (North West) Ltd

Expiry Date: 08-Apr-2014

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

Principle of the Development

Design

Highways

Amenity

Affordable Housing

**REASON FOR REFUSAL**

The application has been called in to Committee by Cllr John Hammond on the following grounds:

*“Should the Officer recommendation be for approval then I support the request of Weston & Basford Parish Council that the application be determined by Committee in view of the significant adverse impact of the proposal on the amenity of neighbouring bungalows, namely 6 & 7 Westmere Close.”*

**DESCRIPTION OF SITE AND CONTEXT**

The application site was originally part of the large rear garden of 63 Cemetery Road, which has now been separated from the site with a 2m high, vertically boarded fence. It is an almost rectangular shaped parcel of land 0.14 hectares in size, which actually faces on to Spinney Drive. The site previously contained several trees; however these have now largely been cleared.

The surrounding development is residential and the site is designated as being within the settlement boundary of the village of Weston.

## **DETAILS OF PROPOSAL**

The proposal seeks full planning permission for the erection of four detached dwellings with integral garages.

The proposed dwellings would face on to Spinney Drive with separate accesses on to the highway.

An application for two detached bungalows with detached garages was approved on the site in 2013. (13/0830N).

## **RELEVANT HISTORY**

13/0830N     2013   Approval for 2 detached bungalows with detached garages

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Policy**

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
SC 5 Affordable Homes  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
EG1 Economic Prosperity

The relevant policies saved in the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
RES. 5 – Housing in Villages with Settlement Boundaries  
RES.3 – Housing Densities  
RES.7 – Affordable Housing

## **CONSULTATIONS (External to Planning)**

### **Highways:**

There are no objections in principle to these proposals.

Proposed off –street parking is nominally within CEC guidelines at 3 spaces per dwelling for each 4 bed house. However the garages, each envisaged as accommodating one space, are too short to function correctly, unlike the 13/0830N application previously,(6m. required).

Vehicular visibility from the proposed driveways to Spinney Drive, including the bend, is adequate, and pedestrian visibility to the footway would be satisfied by boundary treatment no higher than 0.6m.

The four proposed footway dropped crossings and removal of any redundant ones must be by agreement with the Highway Authority under S184 of the Highways Act 1980.

### **Environmental Protection:**

Recommend conditions and informatives relating to hours of construction, piling, dust control and contaminated land

### **United Utilities:**

No objection.

## **VIEWS OF THE PARISH / TOWN COUNCIL:**

The Parish Council objects to this development and requests that it be refused for the following reasons:

We are concerned about the proximity and likely overbearing effect that these four houses will have on the occupants of Nos 6 and 7 Westmere Close, given the fact that these bungalows have very shallow rear gardens. This is coupled with the fact that the rear gardens of the proposed detached houses will also be of a minimal depth. There will, in our judgment, be a serious overlooking problem from the rear bedrooms of all four properties on to the rear of these two bungalows. In consequence it is considered that the development will be prejudicial to the amenities of these occupiers and be seriously detrimental to the enjoyment of their dwellings and quality of life.

Whilst two storey houses as distinct from bungalows adjoin the application site on the SE side of Spinney Drive, the development on the NW side of Spinney Drive, opposite to the application site, as viewed from the rear of Nos 6 and 7 Westmere Close comprises single

storey bungalows. This creates a much more open feel within the street scene at this point. The development of two bungalows as currently approved on the application site would be more in keeping with the character of the immediate area.

The Parish Council has received an objection from the occupier of 7 Westmere Close along with a request that the application be called in for Committee consideration.

The Parish Council is requesting that the Local Cheshire East Ward Councillor calls in the application for the reasons specified above and will be asking to address the Planning Committee in due course.

### **OTHER REPRESENTATIONS:**

Eight representations have been received relating to this application expressing concerns about the following:

- Over development of the site
- Out of keeping with the character of the area
- Parking issues
- Highway safety
- Inadequate drainage
- Loss of light, privacy and outlook
- Concern about trees
- The developer should just build the 2 bungalows already approved
- Selfish and unreasonable behaviour by the developer
- Makes a mockery of the planning process

### **OFFICER APPRAISAL**

#### **Principle of Development**

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Section 6 expands further on delivering high quality homes. Paragraph 48 states that applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 states that policies should resist inappropriate development of residential gardens, where the development would cause harm to the local area.

The local plan policy (RES.2) for unallocated residential development requires the consideration of design and amenity, this is considered to be consistent with NPPF policy for development on residential gardens. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the

amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

The main considerations therefore are whether the proposed development is of an appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties or highway safety and whether it is appropriate to require a contribution to affordable housing.

## **Design & Layout**

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings. This proposal is for 4 detached dwellings on a site with a mix of bungalows and two-storey dwellings. To the south of the site are two-storey dwellings and it is considered that the development would appear as a continuation of this part of nearby development.

The design of the proposed dwellings incorporates hipped and half hipped roofs and projecting porch and garage elements to break up the frontages, and the materials would be submitted for LPA approval. It is considered that the resultant buildings would be in keeping with the character and appearance of the area.

The proposal is therefore considered to be acceptable in design terms and in compliance with Policy BE.2 of the adopted local plan and Policy SE 1 of the Cheshire East Local Plan Strategy – Submission Version.

## **Amenity**

There are dwellings surrounding the site of the proposed dwellings on three sides. The distances between the neighbouring properties and the proposed dwellings and existing boundary treatments mean that the development would not cause any significant adverse impact on the amenities of these properties.

The Supplementary Planning Document, Development on Backland and Gardens sets down that the distance between principal elevations should ideally be 21metres. In the case of this proposal the new dwellings would be between 21 and 23 metres away from the principal elevations of the properties on Westmere Close, which is in compliance with the required separation distances. Concerns have been expressed by local residents about loss of privacy that would result from the erection of 2 storey dwellings; however; given that the development would achieve the required separation distances, a reason for refusal on these grounds could not be sustained.

Other objections relate to light loss; however it is not considered that any light loss would not be significant due to the scale and siting of the proposed dwellings. Having regard to loss of outlook, there is no right to a view over other peoples land and it is considered that the new dwellings would not create an oppressive outlook that would warrant a reason for refusal.

Concerns have also been expressed about the properties having an adverse impact on privacy and light. Whilst the development meets all the minimum requirements, it is

considered reasonable to remove permitted development rights for alterations to ensure that amenity is protected by having control over further development.

Environmental Protection have requested conditions and informatives relating to construction times and piling in order to protect the neighbouring dwellings from noise and disturbance during the construction phase of the development, and gas protection measures and this is considered to be necessary and reasonable.

It is therefore considered that the proposal would be acceptable in terms of residential amenity and in compliance with Policy BE.1 of the adopted local plan.

### **Affordable Housing**

The Strategic Housing section of the Council has objected to the proposal on the grounds that it does not meet the requirements of the Interim Planning Statement on Affordable Housing (IPS). The IPS states that there is a requirement for a provision of 30% affordable housing in settlements with a population of less than 3,000 where the proposal is for 3 dwellings or more and this applies to the village of Weston.

In response to this objection, the applicant has submitted a Financial Viability Analysis which is being assessed by external consultants. This report will be assessed by the Council's Housing Officer and an update provided prior to Committee determining the application.

### **Highways**

The proposal shows 3 parking spaces including an integral garage. The Strategic Highways Manager has stated that garages are too short to function as such. However there is adequate space to the front of the dwellings to accommodate the parking of 3 vehicles, therefore a condition should be imposed requiring submission of a drawing showing 3 parking spaces and these spaces should be available prior to first occupation of the dwellings and be retained thereafter. This may be submitted prior to the meeting, negating the need for this condition.

Subject to this condition, the proposal is considered to be in compliance with Policy BE.3 (Highways).

### **Other Matters**

Concerns have been expressed about whether there would be adequate drainage for the site. United Utilities have been consulted and have raised no objection; therefore it is considered that this concern has been addressed.

### **CONCLUSIONS**

Subject to the assessment of the viability reports, it is not considered that the development, subject to the conditions attached to the planning permission, would have significant detrimental impact upon the visual amenities of the area, or the living conditions of adjacent occupiers. If a contribution to affordable housing was required it would render the development unviable. Therefore approval of this application is recommended.

## **RECOMMENDATIONS**

### **APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. Time limit.**
- 2. Approved plans**
- 3. Materials to be approved.**
- 4. Submission of drainage details.**
- 5. Controls over any piling operations.**
- 6. Submission of gas protection measures**
- 7. Submission of parking plan showing 3 spaces to each dwelling**
- 8. Removal of permitted development rights for extensions and alterations to the roof**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

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