

Application No: 15/0299C

Location: LAND ADJACENT TO 9, ST PETERS RISE, SANDBACH, CW11 3EP

Proposal: Change of use from amenity land to residential garden. Removal of fencing to rear boundary to allow access to maintain garden

Applicant: Mr Terence Coppenhall

Expiry Date: 18-Mar-2015

### **CONCLUSION:**

Local concerns from Sandbach Town Council have been raised. Issues received are concerned with what is considered to be a detrimental impact on visual amenity for locals. However, the change of use is not considered to be incongruous within its setting nor detrimental with regard to visual amenity for the local residents, in relation to Local Plan Policies and the NPPF.

Subject to conditions, the proposal is considered to be acceptable in terms of its removal of PD in order to prevent development on the site in terms of fences and outbuildings, therefore ensuring the nature of the existing parcel of land is retained and as to not create any issues of highways visibility.

The application site is within the Settlement Zone for Sandbach and the scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject conditions.

### **SUMMARY RECOMMENDATION:**

**Approved with conditions**

### **REASON FOR REPORT:**

This application has been called in for determination by the Committee as the applicant is a member of staff at Cheshire East Council.

### **PROPOSAL:**

Planning permission is sought to change the use of the land from 'amenity land' to 'residential garden land' (Use Class C3) serving as an extension to the garden associated with No. 9 St Peters Rise,

Sandbach. The application also seeks to remove the existing fencing to the rear boundary to allow access to maintain the garden.

#### **SITE DESCRIPTION:**

The estate was built in the 1970s where there are buffers of open grassed amenity land to the properties which side onto Lawton Way. These spaces serve to soften the impact of the built development and allow for open views and aspects within the estate.

The site comprises of a roughly triangular shaped parcel of amenity land, located on a corner plot, between Lawton Way and St Peters Rise. The site falls within the Sandbach Settlement Zone and is not allocated for any other purposed in the adopted Congleton Borough Local Plan First Review (2005).

The site has been planted with hedging on the boundary, has some shrubs and is well mown and has the appearance of being part of the domestic garden of number 9 St Peters Rise.

#### **RELEVANT HISTORY:**

None

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

The National Planning Policy Framework

##### **Development Plan:**

The Development Plan for this area is the Congleton Borough Local Plan 2005 First Review

The relevant saved policies are: -

PS4 – Towns  
GR1 – New Development  
GR2 – Design  
GR4 - Landscaping  
GR6 – Amenity and Health

Supplementary Planning Guidance Note 2: Provision of Private Open Space in New Residential Developments

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP.1 – Presumption in Favour of Sustainable Development  
SD.1 Sustainable Development in Cheshire East  
SD.2 Sustainable Development Principles  
SE.1 Design

## **CONSULTATIONS:**

**Highways:** The loss of the land is not considered to compromise the strict technical visibility splays of the junction. However highways believe the openness of the junction does actually advantage the safe operation of the junction itself. The use of the cross visibility over the land is considered to reduce junction capacity and have the potential to cause issues especially for drivers who are not familiar with the site.

**Sandbach Town Council:** Members urge Cheshire East Council to look at the issue of enclosing large parcels of amenity land on this housing estate and object to this change of use, due to the detrimental impact on the visual amenity for locals.

## **REPRESENTATIONS:**

None

## **APPRAISAL:**

### **Principle of Development**

PS4 (Towns) of the Congleton Borough Local Plan First Review 2005 states that “*within the settlement lines of towns, there is a general presumption in favour of development provided it is in keeping with the town’s scale and character and does not conflict with other policies of the Local Plan*”.

The application site lies within the Settlement Boundary for Sandbach, therefore the principle of residential development is acceptable providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

### **Amenity**

In terms of neighbouring residential amenity the closest neighbouring dwelling to the site in question, is Number 9 itself (the applicant). The land is situated on a corner plot between Lawton Way and St Peters Rise, with the applicant lying on the only neighbouring side of the plot of land. The neighbour to the rear of the land is Number 1 Etherow close and is not considered to be affected by any amenity issues. The triangular piece of land faces the Co-operative on the adjacent side of Lawton Way which faces into St Peters Rise.

It is accepted that views will be possible from the street and from the rear of Number 1 Etherow close. However this is not considered to be detrimental as the land will remain predominately as it is now, which is already considered to carry the appearance as an area of garden.

### **Design**

With regard to the design of the proposed dwelling Policy GR.2 (Design) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

With the above in mind the surrounding area is predominantly residential with pockets of amenity land scattered throughout. However, there have been previous applications which have been granted permission for similar proposals including the change of use from amenity land to residential. These are all situated in the immediate neighbouring area and vary in size. There has been an identical proposal at the same position on the next road along, on the corner plot of Etherow close and Lawton Way, which was approved in August 2014.

Additionally, with the removal of PD, it will not be possible for the applicant to be able to undertake any works of development including fences and outbuildings, without applying to the Local Planning Authority for approval. Thus, the plot of land, would remain predominately in its existing form and therefore it is not considered that any issues of visual amenity would be caused.

Therefore, the proposal to change the use of land from amenity land to residential would not be out of character with the area, nor would it be incongruous amongst its existing setting.

Overall it is considered that the proposed development is will be acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

### **Highways:**

The Strategic Highways Manager has stated that the loss of this land would not compromise the strict technical visibility splays of the junction. However the Strategic Highways Manager has always resisted the loss of the land on this estate as the openness of the junction does actually advantage the safe operation of the junction itself.

In relation to the comments from the Strategic Highways Manager, despite issues being raised, it has been stated that the change of use of this land would not compromise the strict technical visibility splays of the junction and therefore it is not considered that a reason for refusal can be sustained.

### **Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is in within the Settlement Boundary for Sandbach, and an established residential area, and is in accordance with development plan policy PS.4 (Towns), therefore there is a presumption in favour of development.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Standard three year time limit**

2. Plans
3. Removal of PD, fences, outbuildings.

In order to give proper effect to the Board's/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 her 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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