

Application No: 15/2080C

Location: The Hollies, 16, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA

Proposal: Construction of Dormer Bungalow with Integral Garage (re-submission of refused application 14/4769C)

Applicant: Andy Mines, Smithfield Court Ltd

Expiry Date: 01-Jul-2015

SUMMARY

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 or creates any highway safety concerns.

It is considered that the proposal is of an acceptable design that would not create any highway safety or amenity concerns.

As such, it is considered that the application should be recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REFERRAL

This application has been called in to Southern Planning Committee by Councillor Sam Corcoran on the following grounds;

'In summary, you should refuse on grounds of harm to the amenity/out of keeping with the area GR2. This is a large 5 bedroom house in an area of bungalows and smaller houses.'

PROPOSAL

This application seeks full planning permission to erect a detached dormer bungalow.

The application is a re-submission of 14/4769C which was refused by the Southern Planning Committee on the following grounds;

1. The proposed development by reason of its height, scale, massing and proximity to No 12 Booth Avenue would be detrimental to the visual amenity of the area and the amenities of the adjacent residential occupier. As such the development would be contrary to Policies GR1, GR2, GR3 and GR6 of the Congleton Borough Local Plan First Review 2005.

The applicant has amended the scheme by re-siting the unit further away from the dwellings to the rear of the site and by turning the unit into a dormer bungalow rather than a two-storey detached dwelling.

SITE DESCRIPTION

The site lies to the rear of Smithfield Lane within the Settlement Boundary for Sandbach and is surrounded by existing residential dwellings. To the west are the existing dwellings fronting Smithfield Lane, while to the east lie the properties fronting Booth Avenue which are predominantly dormer bungalows. To the north is the rear garden of 18 Smithfield Lane and to the south are two detached bungalows currently being constructed in what was the rear garden of 14 Smithfield Lane.

RELEVANT HISTORY

14/4769C - Detached House with Integral Garage – Refused 6th January 2015

14/4237C - Proposed construction of detached garage – Approved 29th October 2014

13/5199C - Proposed construction of 2 dormer bungalows in garden area - Resubmission of 13/3727C – Approved 20th January 2014

13/3727C - 3 bungalows in garden area – Refused 18th October 2013

11/1722C - Demolition of Existing House and Erection of 5no Two Storey Houses – Refused 8th August 2011

10/1179C - Demolition Of Existing House And Erection Of 7No. 3 And 4 Bedroom Houses. Resubmission Of Application No. 09/3069C (Determined 13th November 2009) – Refused 23rd July 2010

09/3069C - Demolition of existing house and erection of 7no. 3 and 4 bedroom houses – Refused 13th November 2009

08/1479/FUL - Demolition of existing house and erection of 7No. 3 and 4 bedroom houses - undetermined

13013/3 - New entrance and cloakroom and single garage – Approved 6th May 1981

7953/3 - First Floor Extension, 2 Bedrooms And Store (Residential) – Approved 20th October 1978

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development;

17 – Core planning principles,

47-50 - Wide choice of quality homes

56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as town.

The relevant Saved Policies are;

PS4 – Towns,
GR1 – New Development,
GR2 – Design,
GR6 – Amenity and Health,
GR9 – Accessibility, Parking and Service Provision,
H1 - Provision of new housing development,
H2 - Housing Supply
H4 - Residential Development in Towns

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,
PG.2 – Settlement Hierarchy,
SD.1 Sustainable Development in Cheshire East,
SD.2 Sustainable Development Principles,
SE.1 Design

CONSULTATIONS

Head of Strategic Highways (HSI) – No objections

Environmental Protection – No objections, subject to conditions relating to; hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme and informatives relating to hours of construction and contaminated land

Sandbach Town Council – No comments received at time of report

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants. To date, 1 letter of objection has been received. The main areas of concern relate to;

- Design – Scale and height not in character

Notwithstanding the above, the Planning Officer was contacted during the application process to be advised that a number of neighbours had not received letters about the planning application. As such, the Officer arranged for letters to be re-issued and the consultation period extended until the 4th June 2015. A further written update shall be provided prior to committee.

APPRAISAL

The key issues are:

- The principle of the development
- The acceptability of the design
- The impact upon amenity
- The impact upon highway safety

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 or creates any highway safety concerns.

Other Material Considerations

Amenity

The closest neighbouring dwellings to the application site would be the applicant’s property, No.16 Smithfield Lane to the west, the newly constructed dormer bungalow to the south, 14B Smithfield Lane and the 2 properties to the east, No’s 12 and 14 Booth Avenue.

The recommended separation distance between directly facing principal windows as stated in the Supplementary Planning Guidance Note 2 is a minimum of 21.3 metres.

The front elevation of the proposed dwelling would be approximately 20.3 metres from the rear elevation of No.16 Smithfield Lane, the applicant’s property.

It would be approximately 21.2 metres from the closest section of No.14 Booth Lane and approximately 22.9 metres from the closest section of No.12 Booth Lane.

The previous application was partly refused due to the impact upon neighbouring amenity for the occupiers of No.12 Booth Lane.

The previous application was sited approximately 21.7 metres away from this neighbour at its closest point. The refused application sought a two-storey dwelling (comprising of 2-storeys of brick wall), whereas the proposed development comprises of a 1 ½ storey dormer bungalow.

As such, the dwelling refused was also of a greater mass and bulk than the dwelling now sought.

This reduction in mass and bulk and the re-siting of the dwelling further away from this neighbour reduces its impact and it is therefore considered that the dwelling would not be visually intrusive for the occupiers of No.12 Booth Lane.

Given the large separation distance between the application unit and the properties on Booth Lane, it is also not considered that the proposed development would have a detrimental impact upon the light or loss or create any unreasonable overlooking of these neighbouring properties.

Although the proposed development would not strictly adhere with the 21.3 metre separation standard with the applicant's dwelling, No.16 Smithfield Lane. It is still considered that this neighbouring property is located far enough away so not to create any unreasonable loss of privacy, light or be visually intrusive for the occupiers of this neighbouring unit.

The recommended separation distance between side-to-side relationships between dwellings is only restricted if one of the dwellings includes a sole window to a principal habitable room within this elevation.

Within the side elevation of No.14B Smithfield Lane, the newly constructed dormer bungalow to the south of the application proposal, there are no windows present. Within the proposed relevant side elevation of the application property, no such windows are present.

As such, it is not considered that the application property would have a detrimental impact upon the amenities of the occupiers of No.14B Smithfield Lane with regards to loss of privacy, light or visual intrusion.

It is considered that sufficient outdoor amenity space would remain for the occupiers of No.16 Smithfield Lane and the future occupiers of the application unit.

With regards to environmental disturbance, the Council's Environmental Protection Officer has advised that she has no objections to the proposed development subject to conditions relating to; hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme and informatives relating to hours of construction and contaminated land.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

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 regards to layout, the proposed unit would be sited almost completely in the middle of the space between No.16 Smithfield Lane to the west and the occupiers of the properties on Booth Lane to the east.

It would also be constructed largely 'in line' with the recently constructed bungalows to the rear of No's 12 and 14 Smithfield Lane and would also front in a westerly direction to match these properties.

The surrounding area predominantly comprises of single-storey dwellings located on Smithfield Lane and Booth Avenue.

The application unit sought would be a detached dormer bungalow, a form reflective of the local area.

Indeed, the application unit closest neighbouring property, including No.14B Smithfield Lane, the newly constructed dormer bungalow to the south, comprises of a detached dormer bungalow.

The height of the proposed dwelling (approximately 6.7 metres) would be largely reflective of this neighbouring dwelling which has an approximate height of 6.5 metres.

Although the footprint of the proposed unit would be larger than these 2 closest units, there are other examples of dwellings with similar footprints within the immediate vicinity.

As a result of the above, it is considered that the layout, scale and height of the proposed dwelling would respect the local character.

In terms of appearance, the dwelling would comprise of 2 dual-pitched dormer windows on the principal elevation. This elevation would also comprise of a central porch.

The rear elevation would comprise of 4 dual-pitched dormer windows. A single-storey side outrigger on the southern elevation is also proposed.

The unit would comprise of a dual-pitched roof and it is advised within the application that it would be constructed from suitable external materials.

These design features and finish would respect that of the recently constructed dwellings to the immediate south of the application site.

As such, it is considered that the dwelling would visually respect the design and finish of the immediate area.

As a result of the above reasons, it is considered that the proposal would adhere with Policy GR2 of the Local Plan.

Highways

Access to the proposed dwelling will be from Smithfield Lane via the private driveway which also serves the two recently constructed dormer bungalows dwellings to the rear of behind No's 12 and 14 Smithfield Lane.

The proposed dwelling will have space for the parking of at least three cars as well as turning space to allow egress in a forward gear.

The Head of Strategic Infrastructure (HSI) has raised no objections to the proposed development.

As such, it is considered that the proposal would adhere with Policy GR9 of the Local Plan.

Trees and Landscape

Trees

The site of the proposed development forms part of the garden to The Hollies and is laid to lawn with a number of trees and boundary hedges. The submission is supported by a tree survey, arboricultural impact assessment and arboricultural method statement.

There are a number of ornamental trees on site, eight of which would be removed to accommodate the development. The most significant potential constraint to development on the site is a mature Oak tree afforded Grade A in the tree report.

The arboricultural submission indicates that subject to protection measures and arboricultural supervision, this tree could be retained as part of the development. Recommendations are made for the protection of retained trees and hedges and some maintenance thereof.

The revised layout positions in the report the dwelling 2 metres further away from the tree and the Council's Tree Officer has advised that this should have no additional impacts than the previous proposal.

The Council's Tree Officer has advised that provided the Oak tree and boundary hedges are retained and protected in accordance with the submitted Arboricultural Method Statement, the proposals should not have any direct impacts.

In the event of approval, the Council's Tree Officer has recommended that a condition be imposed that ensures that all operations, tree protection measures and arboricultural supervision shall be in accordance with the submitted Arboricultural Method Statement dated 26th April 2015.

Landscape

The Council's Landscape Officer has advised that the vegetation to be removed is not significant in the wider landscape.

As such, it is considered that the proposed development would adhere with Policy NR1 of the Local Plan.

Planning Balance

Paragraph 14 of the NPPF states Local Planning Authorities should approve development proposals without delay where they accord with the Development Plan.

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.

Environmental Sustainability

It is considered that the proposal is of an acceptable design which does not raise any highway safety concerns.

The Council's Landscape officer has no significant forestry or landscape concerns subject to conditions.

Social Sustainability

The proposed development will provide a new dwelling on a site within an existing residential area and the Settlement Boundary of Sandbach.

The site is in a sustainable location in terms of Sandbach Town centre as well at a distance of approximately 0.8 of a mile.

No significant amenity issues would be created.

Economic Sustainability

The proposal is for a single dwelling and therefore has a very limited impact. However, it will to a very limited degree help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The proposed development is considered to comply with the relevant policies of the Development Plan. It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Section 38(6) of the Planning and Compulsory Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material consideration indicates otherwise. Therefore, it is recommended that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**
- 2. Approved plans**
- 3. Materials as per application**
- 4. Hours of piling**
- 5. Prior submission of piling method statement**
- 6. Prior submission of dust mitigation scheme**
- 7. Tree mitigation – Implementation**
- 8. Remove PD Rights – Extensions and Outbuildings**

Informatives:

- 1. NPPF**

2. Hours of construction

3. Contaminated Land

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 Planning (Regulation), 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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