DELEGATED REPORT

FILE REFERENCE: SMD/2016/0326 application to vary condition 4

MAIN ISSUES:
Whether the proposed variation to Condition 4 is acceptable in terms of the distribution of the available amenity space per unit and the degree of privacy available within each area with particular regard to the heights of dividing fences. These in turn must take account of the highway visibility splay requirements.

PUBLICITY/REPRESENTATIONS:
Biddulph Town Council – "no adverse comments"
Neighbour / Site Notices – no representations

CASE OFFICER ASSESSMENT:

Original permission SMD/2015/0655 was for: Conversion of redundant stone masons showroom/living accommodation to 3no two storey dwellings, erection of a first floor rear extension, alterations to elevations and formation of off road parking.

Condition 4 stated: None of the proposed dwellings hereby approved shall at any time be separated in ownership from one another, or from the associated parking facilities, and the curtilage of the site shall not be sub-divided in any way other than as shown on the submitted site layout plans.
Reason:- To ensure that adequate amenity and parking space is provided for the reasonable enjoyment or benefit of each dwelling.

Applicant now asks to vary the condition on grounds that, "The condition makes sale of the properties difficult, as only a developer would wish to purchase 3 units as a whole. Discussions with estate agents have determined that the low rental estimates and remote location would make both sale and rental difficult. The units would be much easier to sell individually".

The application proposes: "…that the amenity areas are sub-divided using low 900mm fences, which could be conveyed on land registry and ownership deeds. Similarly, the 2 parking bays per unit on the land opposite would also be marked using cobbles/setts and conveyed in land registry and title deeds." The divisions to be set out as shown in submitted drawing PL06.

The amenity space in the original consent was to be a shared area. This proposal amends that to the provision of three defined areas. Whilst these areas would be small the separation of them is not considered problematic. The divisions in respect of the parking area raises no issues.

RECOMMENDATION:
Approve

Date 18/07/2016 **Signed** _____
Arne Swithenbank

DEVELOPMENT CONTROL MANAGER COMMENTS: Agreed

Date 21st September 2016

21/09/2016

X B.J. Haywood

Signed by: Haywood, Ben

Development Control Manager