DELEGATED REPORT

FILE REFERENCE: SMD/2015/0478

MAIN ISSUES:
Principle of development. Other matters including land ownership/civil matters. Amenity standards (for potential future occupants of the dwelling and for surrounding residents). Highways issues. Impact upon trees. Environmental Health. Drainage (Severn Trent Water).

PUBLICITY/REPRESENTATIONS:

Cheadle Town Council – No objections to the application.
County Highways – No objections on highways grounds subject to conditions.
Trees and Woodlands officer – No objections and no tree protection conditions are needed in this instance.
Planning Policy – No representations received.
Site notice
Environmental Health – No objections subject to conditions.
Severn Trent Water – No objections subject to condition.
Neighbour notification – 8 letters of representation received raising the following objections/concerns;

- Previous sale of the land was on the basis that the land was used as garden area only;
- The applicant does not own all of the land on which he seeks to build;
- Applicant does not have permission from neighbours to build on this land;
- Development would interfere with a right of way;
- Overdevelopment of the site;
- Existing parking problems would be worsened;
- Impossible to reverse out onto the busy main road, it is illegal and dangerous to do so;
- The proposed dwelling could include a garage within its boundaries. Removing the existing garage would allow for more parking/turning space for existing users;
- Existing sewage system under the site has been blocked on numerous occasions;
- Any overlooking would devalue and remove privacy from neighbours properties;
- Existing garage should be removed as it is built upon communal land;
- Ground of the access area is unstable and full of pot holes which would be damaged by any heavy construction traffic;

CASE OFFICER ASSESSMENT:
This is an Outline application for the erection of a detached dwelling with all matters reserved for later consideration apart from access. The Design and Access Statement informs that the intention is to erect a 1 and a half storey, dormer style dwelling with a detached garage. The submitted plan indicates that front and rear gardens would be provided with principal windows located within the front and rear walls/roof slopes only. It is noted that this is an indicative layout only and that only consent for the principle of development and access is sought at this stage. The indicative drawing has been supplied by the applicant to attempt to demonstrate that a dwelling could be positioned satisfactorily within the plot. During the site visit it was noted that the plot was overgrown and was evident that it had not been tended to for quite a while. Towards the rear of the site was a collection of dilapidated outbuildings and towards the front stands an old detached garage. Land levels within the site vary but there did not appear to be any significant levels changes which would necessarily prevent development of the plot. The neighbouring property to the south is higher in elevation. Apart from neighbouring dwellings, the application site is, at the moment, generally restricted from view, it is set well back from Froghall Road, is accessed via a shared access drive and is screened by the garage, panel fencing and a variety of vegetation types.

In terms of the principle of development there are no objections to the land being used for residential purposes. The application site is located within the Cheadle Town Development Boundary where there is a presumption in favour of development subject to all other material planning considerations being satisfied. In terms of access, the plot is within a sustainable location, within an existing built up residential area and within reach of many services and facilities and it is borne in mind that a 5 year housing land supply

cannot be demonstrated at this time. Following on from submission of the application it became clear that not all of the land included within the application site was owned solely by the applicant. A Certificate A had been submitted but neighbour representations made reference to the land ownership issues. The applicant subsequently submitted a Certificate and copy of a press notice. Neighbour representations were again received but the applicant has followed the correct procedure and the planning application can now be determined. It is unfortunate that there remains land ownership/access disputes but these are civil matters which need to be addressed separately by the parties involved, if the planning application is approved it does not automatically give the applicant/developer the sole right over the land (for example ownership or access) or permit them to implement the site without other necessary consents in place.

The application site is broadly rectangular in shape, the narrower section to the west links to Froghall Road whilst the main section to the east would be the area where the proposed dwelling would stand. The rear part of the site has a depth of approximately 23 metres and the indicative layout shows that a dwelling could be positioned on the site whilst achieving satisfactory rear amenity standards. The separation distance of over 30m from the rear wall of the proposed house to the dwelling to the rear (Victory Crescent) again is more than adequate and size of the application plot means that the final positioning of any dwelling could be amended if need be. The dwelling to the south (36) is higher in level to the application site and the indicative layout demonstrates that the site could be developed and not have any adverse amenity impact upon any of its principal windows. The dwelling to the north (number 44, within the blue edge) is set further forward than the intended dwelling. The indicative plan shows that a separation distance of 14.7m could be achieved between non-principal windows. A combination of good design, window positioning, boundary treatment and a suitable land levels condition would ensure that the proposed development was satisfactory in terms of amenity impact upon any future occupant of number 44 Froghall Road.

The County Highways officer raises no objections to the application subject to conditions including surfacing, drainage and retaining the garage for the use of parking only . It is intended that the existing Froghall Road shared access and parking area would be used. As mentioned earlier in the report, the applicant/developer does not necessarily have automatic rights to claim this land if the application is successful, civil issues must be satisfied.

The application site contains no protected trees. The Councils Trees and Woodlands officer has confirmed that he has no objections to the application. The officer notes that there is an early-mature Spruce tree at the north-eastern corner of the site and a well established young multi-stemmed Common Ash at the south eastern corner. If the proposed dwelling was built as per the indicative footprint it would be well outside of the root areas of these trees however the Ash has a poor structure and the Spruce would likely become overly dominant. The Trees and Woodlands officer states that neither tree is particularly significant to wider public amenity and probably neither is particularly suitable for retention in the context of this development. A Hawthorne hedge and Privet hedge to the north and eastern boundaries could be retained. A large Cherry Laurel shrub and some sapling Rowan trees at the western edge of the main part of the site would need to be removed but there is no objection to this. There are no objections in terms of impact upon trees and no tree conditions are required.

Environmental Health (E.H) officers have no objections to the application subject to conditions. The officers state that there may possibly be some surface coal measures in the vicinity but that a full investigation would be too onerous. A contamination condition which includes detecting the presence of surface coal measure is considered appropriate. It is also noted that the proposed development is near to existing properties so care needs to be taken during the construction phase to ensure that these activities do not cause any unreasonable disruption to neighbour's enjoyment of their properties.

The application forms state that the intention is to connect to the mains drainage system. Severn Trent Water has confirmed that they have no objection to this subject to the addition of a drainage condition if the application is approved.

RECOMMENDATION: It is concluded that for the reasons set out above, the application is approved subject to conditions.

Date 03/03/2016 **Signed** _____

Lisa Jackson

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date **Signed** _____