

Application No: 12/0457N

Location: Land off Wyche Lane Bunbury

Proposal: Extension to Time Limit on Application P07/0867 for 10 Affordable Houses

Applicant: Muir Group Housing Association Ltd

Expiry Date: 03-May-2012

SUMMARY RECOMMENDATION:

Approve subject to Section 106 Agreement and conditions.

MAIN ISSUES: The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

REFERAL

The application has been referred to Southern Planning Committee because it is a major development

DESCRIPTION OF SITE AND CONTEXT

Full planning permission was granted in March 2009 for an affordable housing development of ten houses along the frontage of the former football field, situated between the village centre and the area of Higher Bunbury to the east.

The scheme comprises 3 pairs of semi-detached dwellings fronting onto the road and a single larger detached dwelling at 90 degrees to the road. A further block of 3 mews houses is located to the rear of the site. A parking court has been provided in the centre of the site, with areas of open space to the rear corners. Vehicle access to the parking court is from a single T junction midway along the site frontage.

DETAILS OF PROPOSAL

This application seeks permission to extend the time limit imposed on the planning permission to allow a further 3 years for commencement of development.

RELEVANT HISTORY

7/12804 (1986) Outline planning application for speculative housing development - refused and appeal dismissed – 1986

P04/0594	(2004)	Outline Application for Housing for Affordable Use – Refused
P04/0545	(2004)	10 Two Storey Houses – Refused. Appeal dismissed 6 th June 2006.
P07/0867	(2009)	10 Affordable Houses - Approved
11/2575N	(2011)	Variation of condition 2 and 17 of planning permission 07/0867 – Withdrawn

POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas

Local Plan Policy

- NE.2 (Open countryside)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- RES.5 (Housing In The Open Countryside)
- RES.8: (Affordable Housing In Rural Areas Outside Settlement Boundaries -Rural Exceptions Policy)

OBSERVATIONS OF CONSULTEES

Highways

The Strategic Highways Manager has no comment or objection to make with regard to the above development proposals.

VIEWS OF THE PARISH / TOWN COUNCIL:

No comments received at the time of report preparation.

OTHER REPRESENTATIONS:

Letters of objection have been received from York Cottage, Dorwood and Edinbane making the following points:-

- A case has not been made sufficiently for affordable housing
- Traffic in the lane – only .2m wide in places is increasing as car ownership increases in some cases to beyond 2 cars per house.
- Shopping delivery vans are a common sight now every day as are other delivery vans most commonly linked to internet shopping. This traffic usage will only increase.

- These vans will make old people prisoners in their homes
- Will the Council be able to make it safe for them to walk to the shops and to the surgery or will the Council provide free transport.
- There will be significant difficulty arising over the land behind the proposed house in respect of its ownership, future usage and access
- The distribution of a significant area of green corridor and hedgerow linking two areas of the village is highly injurious to village as a whole and should resisted.
- Over the last four years new homes have been built that have caused more traffic in general around the village and congestion in many areas.
- Traffic census? The traffic situation is so acute that the Bunbury Parish Council have felt that due to the increase in traffic, a 20mph speed limit is soon to be introduced on School Lane and Bunbury Lane.
- Are new affordable homes still needed?
- Where is the environmental impact assessment and what does it say?
- Is there adequate sewer capacity? I believe that United Utilities are pumping sewage out of the system into tankers on a regular basis.
- Are there any spare School places?

APPLICANT'S SUPPORTING INFORMATION:

- Covering letter

OFFICER APPRAISAL

SCOPE OF THIS APPLICATION

Extensions to the time limits for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The application remains unchanged from the previous approval and there are considered to be no change in circumstances or Local Plan policy that would warrant an objection to the proposal.

With regard to need for affordable housing, the Housing Officer has confirmed that there is no recent localised housing needs survey specifically for Bunbury Parish. However, the 2010 Cheshire East Strategic Housing Market Assessment was a comprehensive study of housing throughout Cheshire East undertaken by an independent research firm on behalf of Cheshire East Council. The assessment provides evidence of the housing need in the geographical area of Bunbury which includes the parishes of Alpraham, Bunbury, Calveley and Wardle. The assessment demonstrates a net housing need in the above 4 parishes of 30 homes required in the 5 years from the date of the publication of the report.

Cheshire Homechoice is the 'choice based lettings' system that is used throughout Cheshire East. It started in April 2010 and took over from the previous housing waiting lists. People in need of affordable housing now register with Cheshire Homechoice. This allows those registered to apply for affordable homes that become available on a weekly basis in Cheshire East. Successful applicants are chosen as a result of their suitability. Applicants state what would be their preferred location for a home and can have their local connection verified. This is particularly important in rural areas where Cheshire Homechoice adhere to a community connection criteria.

Interrogation of Cheshire Homechoice shows that since Cheshire Homechoice started 8 people have been allocated homes in Bunbury, the majority of them in the new scheme at Oak Gardens. There are currently 55 people registered who have placed Bunbury as their first choice for location of a home. Of these, 38 have had their local connection to Bunbury Parish verified.

The above demonstrates that there is still a significant need for affordable housing in the Parish of Bunbury. Consequently, it is not considered that there have been any changes in circumstances in terms of need for affordable housing which would warrant a refusal of the application.

The landscape officer has confirmed that there have been no changes in circumstances in terms of trees and hedgerows on the site and taking into account the previous approval, subject to the use of similar conditions, there is no forestry or landscape comment.

Whilst the concerns of neighbouring occupiers are noted, in the absence of any objection from the Strategic Highways Manager, it is not considered that any increase in traffic on Wyche Lane over the last 5 years is sufficient to substantiate a reason for refusal.

At the time of report preparation the comments of the Council's ecologist were awaited in respect of whether an updated protected species survey would be required to identify any changes in habitats on site since the previous application. A further updated will be provided on this issue to Members prior to their meeting.

With the exception of the position of the access into the field to the rear, which is the subject of a separate application for variation of conditions (12/0459N refers) considered elsewhere on the agenda, the design and layout of the scheme remain the same as previously approved. The surrounding development has also remained unchanged since the time of the previous application. Consequently no new design or amenity issues are raised. The proposed relocation of the access to the land at the rear is considered to be acceptable for the reasons set out in the report relating to application 12/0459N. It is not considered that

there have been any other material changes in circumstances relating to this site since the previous approval.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that there have not been any significant, material changes since application P07/0867 was permitted. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to a Deed of Variation to the existing Section 106 Agreement to reference the new permission and conditions. The conditions proposed are as per the previous consent with the exception of condition 17 and condition 2.

For the reasons set out in the report relating to application 12/0459N (considered elsewhere on this agenda) it is recommended that condition 2 relating to adherence to approved plans is varied to allow the position of access to land at the rear to be amended and condition 17 which restricts use of the said access to maintenance vehicles only is removed. An additional condition requiring the access track to be surfaced using "Top-trek" or a similar material (details to be submitted and agreed) is also recommended.

RECOMMENDATION

APPROVE subject to the following:

- **A Deed of Variation to the existing Section 106 Agreement to reference the new permission**
- **The following conditions:**
 1. **Standard Time Limit**
 2. **Amended plans**
 3. **Materials**
 4. **Remove permitted development rights – extensions and ancillary buildings**
 5. **Access to be constructed to sub-base level prior to first occupation**
 6. **Landscaping scheme to be submitted**
 7. **Implementation / maintenance of landscaping**
 8. **Boundary treatment to be submitted and implemented**
 9. **Full drainage details to be submitted and implemented.**
 10. **Obscure glass to first floor window in east gable of unit 1.**
 11. **Scheme of tree protection to be submitted and agreed**
 12. **No lighting of fires / storage of materials etc. in protected area**
 13. **Specification for paths / drives etc. under trees to be submitted and agreed**
 14. **Implementation of wildlife mitigation measures.**
 15. **Hedgerow removal to take place outside bird nesting season**
 16. **Details of finished floor levels to be submitted and agreed**
 17. **Track to be surfaced using "Top-trek" or a similar material – details to be submitted and agreed.**

