

Application No: 12/3727N

Location: Manor Orchard, FLOWERS LANE, LEIGHTON, CREWE, CW1 4QR

Proposal: Outline application for residential development

Applicant: D and S Wood

Expiry Date: 03-Dec-2012

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and S106 Agreement to secure Affordable Housing

#### **MAIN ISSUES**

Principle - Open Countryside

Design – Siting and Layout

Amenity

Highways

Ecology

Affordable Housing

#### **Reason for Referral**

The application has been referred to Southern Planning Committee as the proposal represents a Departure from the Development Plan.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is comprised of a triangular shaped plot at the roundabout junction of Flowers Lane / Minshull New Road / Bradfield Road / Smithy Lane. The site is grassed and relatively open with the presence of some timber sheds / outbuildings. The site is situated adjacent to the Crewe Settlement Boundary, but is designated Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

#### **DETAILS OF PROPOSAL**

The application seeks outline planning permission for residential development with all matters reserved. The indicative plans show varying options of between 3 to 4 dwellings.

#### **RELEVANT HISTORY**

P02/0273 Erection of Agricultural Buildings (Approved with conditions 30<sup>th</sup> May 2002)

P99/0524 Hay barn and implement shed (Approved with conditions 5<sup>th</sup> July 1999)  
P92/0786 Outline application for 2 number dwellings (Refused 23<sup>rd</sup> October 1992)  
7/15596 Outline application for detached bungalow (Refused 7<sup>th</sup> July 1988)  
P95/0498 Outline application for a dwelling (Refused 28<sup>th</sup> July 1995)  
P93/0869 Outline application for residential development (Refused 9<sup>th</sup> December 1993)

## **POLICIES**

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

NE2 (Open Countryside)  
NE5 (Nature Conservation and Habitats)  
NE9 (Protected Species)  
RES5 (Housing in the Open Countryside)  
BE1 (Amenity)  
BE2 (Design)  
BE3 (Access and Parking)

### **Other Material Considerations**

National Planning Policy Framework

### **CONSULTATIONS (External to Planning)**

#### **Highways:**

No objection.

#### **Environmental Health:**

No objection subject to the following conditions:

1. Land contamination assessment
2. Hours and details of any pile driving:  
Monday – Friday 09:00 – 17:30 hrs  
Saturday 09:00 – 13:00 hrs  
Sunday and Public Holidays Nil
3. Hours of construction:  
Monday – Friday 08:00 to 18:00 hrs  
Saturday 09:00 to 14:00 hrs  
Sundays and Public Holidays Nil
4. A scheme to minimise dust emissions arising from construction activities
5. Noise mitigation scheme

#### **United Utilities:**

No objection.

## **Ecology:**

No comments received at time of report preparation.

## **VIEWS OF MINSHULL VERNON & DISTRICT PARISH COUNCIL**

No comments received at time of report preparation.

## **OTHER REPRESENTATIONS**

At the time of report preparation an objection has been received from the adjacent property known as Manor House. In summary the objection relates to the following issues:

Overlooking to Manor House

Affect on daylight and evening sun

Flow of traffic on the access road and if it is wide enough for emergency vehicles

Provision of off-road parking

Existing access road does not relate to the one shown on the OS and the application plans

Access to Flowers Lane - the roundabout is one of the busiest in the area serving Leighton Hospital, Bentley and commuter traffic into Crewe

No pavement on Flowers Lane leading to or from the proposed exist which would prove hazardous to pedestrians particularly young mothers or disabled persons

What are the intentions for the unmarked building on the boundary of Manor House – is this a further residential dwelling

What sewage facilities will be provided for the development?

The orchard is a haven for wildlife; bats are often seen flying around. Will the development be detrimental to their habitat?

## **OFFICER APPRAISAL**

### **Principle of Development**

#### *Local Plan Policy*

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE2 (Open Countryside) states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The policy does however states that an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

## *National Planning Policy Framework*

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Consequently, the application turns on whether the development is sustainable and if any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. Whilst the site is situated within the Open Countryside, the proposal would result in an extension of the existing built form around the junction. Furthermore outline planning permission has also been granted (subject to S106) for large-scale residential development adjacent to the site under planning reference 11/1879N. The site is also situated adjacent to the Crewe Settlement Boundary and in proximity to the local amenities on offer within Leighton and the surrounding locality. There is also a small shop selling basic convenience goods within the garden centre at Bradfield Green. The local bus service into Crewe also operates in close proximity to the site. As a result the proposed development is considered to be sustainable and the principle is accepted.

## **Affordable Housing**

The site is located within Leighton Parish and in accordance with the IPP on Affordable Housing a minimum of 35% affordable housing will be required. This will equate to 1No unit and at the time of writing this report negotiations were continuing regard the tenure of the unit. This will provide a mix of housing and will contribute to affordable housing need within the Parish. This will be provided in an update.

## **Highways**

The Strategic Highways Manager has no objection to the revised proposal and as such it is considered that the development would accord with Local Plan policy BE3 (Access and Parking).

## **Design**

The application is outline with all matters reserved, however indicative layout plans have been provided with the application which shows three options of: (i) two pairs of semis (ii) two detached dwelling and one pair of semis (iii) three detached dwellings. The plans show that up to 4No dwellings can be accommodated on site and given the existing adjacent properties and the residential estate permitted under 11/1879N (subject to S106) the development would be seen in this context as opposed to isolated dwellings in the Open Countryside. Detailed design and landscaping would be subject to a reserved matters application.

## **Amenity**

A key consideration in the determination of the application is the impact of the proposal on neighbouring residential amenity.

Manor House is a semi-detached property situated adjacent to the application site. This property benefits from planning permission for a two storey side extension. No principal windows are proposed to the side elevation of this extension and the plans demonstrate that proposed dwellings could be set in from the common boundary. Nonetheless, given the absence of principal windows, there would be no overlooking or loss of privacy impacts to habitable rooms. If the extension was not constructed, a greater separation distance would be achieved between the side elevation of Manor House and the proposal, and again no principal windows would be affected. As the proposed development would be sited to the northwest of this property there would be no significant impacts of loss of light or overshadowing.

In terms of the adjacent development permitted under 11/1879N, an acceptable separation distance could be achieved between dwellings, and furthermore the siting and layout of the proposal contained in this application will be agreed at the reserved matters stage.

With regard to the amenity impacts on future occupiers of the proposed dwellings, private rear garden areas in excess of 50 sqm can be achieved per dwelling. The indicative site layout plans also show that there would be no other significant impacts on future amenity.

The proposal would comply with Local Plan policy BE1 (Amenity).

## **Ecology**

No comments have been received from the Council's Ecologist and these will be provided by update.

## **Highways**

It is noted that the neighbour objection refers to the site access, roundabout junction, lack of pavement, access for emergency vehicle and parking provision, however the Strategic Highways Manager raises no objection to the application. It is therefore considered that the proposal is acceptable in highways safety terms. The parking layout would be secured in a reserved matters application.

## **Other Matters**

### Drainage

The neighbour objection questions the type of sewage facilities proposed, however this would be covered by Building Control and it is noted that United Utilities raise no objection to the application.

### Plans

The neighbour objection refers to the OS plans and the application not relating to the existing access. Photos have also been submitted. From the site visits however, the plans however appear to correlate with existing site arrangements and aerial photographs on googlemaps.

### Existing building to be retained

The application does not seek consent to change the use of this building to residential accommodation and as such this cannot be considered as part of the application.

## **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, affordable housing, is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development is contrary to Local Plan policy NE2 (Open Countryside), and therefore represents a departure to the Development Plan. In terms of paragraphs 47 and 49, the Council cannot demonstrate a 5 year housing land supply. Paragraph 14 details the Framework's presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking. The application site is in adjacent to the Crewe Settlement Boundary with associated local amenities and public transport nearby, and would be a sustainable form of development, in line with the

Framework. The plans demonstrate that between 3 to 4 dwellings can be accommodated on site, and there would be no adverse amenity impacts. The proposal is also acceptable in highways safety terms.

**Recommendation: Approve subject to the proposal being satisfactory in ecological terms and subject to the following:**

The completion of Section 106 legal agreement to secure the following:-

1. A scheme for the provision of 1 affordable housing unit
- The type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

And the following conditions:

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Approved Plans
5. No principal windows to side facing elevation adjacent to Manor House
6. Hours of construction
7. Hours of any pile driving activities
8. Retention of Hedgerow boundary to Flowers Lane
9. A scheme to minimise dust emissions arising from construction activities
10. Noise mitigation scheme
11. Maximum of 4No dwellings

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