

Application No: 13/2809N  
Location: 158, WISTASTON ROAD, WISTASTON, CW5 6QT  
Proposal: 2 detached dwellings (outline)  
Applicant: MRS JANET JACKSON  
Expiry Date: 29-Aug-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site History;
- Principle of development;
- Design;
- Private Amenity Space/Density;
- Landscaping;
- Residential Amenity;
- Highways;
- Drainage;
- Trees; and
- Other Matters

**REFERRAL**

The application is referred to the Southern Planning Committee at the request of Cllr's Simon and Weatherill for the following reasons:

*'overdevelopment of the site and demonstrable harm to the boundary trees which are protected by TPOs'*

*'Both Wistaston and Willaston Parish Councils are objecting to this application on the grounds of Backland Development. This application should, therefore, go before the Southern Planning Committee for a proper debated decision'.*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a roughly rectangular parcel of land which is located wholly within the settlement boundary of Willaston. The application site is part of the garden of no. 158 Wistaston Road. The applicants property is a relatively large detached bungalow, and the boundaries demarcating the application site comprise a post and rail fence with hedgerow (patchy in places) and a number of trees (some of which are protected by Tree Preservation

Orders). The area is predominately residential in character and the surrounding properties comprise a mix of detached and semi detached properties.

## **DETAILS OF PROPOSAL**

This is an outline planning application with all matters reserved apart from access for the erection of 2 detached residential units.

The indicative plan shows that the existing access arrangements would be utilised to serve the existing property and the proposed dwellinghouses.

## **RELEVANT HISTORY**

7/12933 – Erection of Dwelling – Approved – 10<sup>th</sup> April 1986

## **POLICIES**

### **National Policy**

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

### **Local Policy**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.6 (Development on Potentially Contaminated Land)  
RES.2 (Unallocated Housing Sites)  
TRAN.9 (Car Parking Standards)

### **Other Material Considerations**

C & NBC Supplementary Planning Document – Development on Backland & Gardens

## **CONSIDERATIONS (External to Planning)**

**Highways:** No objections subject to a condition relating to details of kerbing and tactile paving and an Informative stating that the developer will enter a Section 184 agreement.

**Landscape:** No objection subject to conditions relating to tree retention and protection

## **VIEWS OF THE PARISH / TOWN COUNCIL**

### **Willaston Parish Council object for the following reasons:**

It is backland development encroaching on to Green Gap land and would be another cul-de-sac development opening on to the narrow Wistaston Road, close to its junction with the very busy Crewe Road;

The submitted plans show very little detail of the proposed properties, but from the information provided they appear to be out of character with the street scene and also appear to represent significant over development of the site;

There is a bus stop situated in the short stretch of road between the proposed site access and the junction with Crewe Road, which would create visibility problems for vehicles turning out of the site and cause a further road traffic hazard.

The proposed development will prejudice the amenities of neighbouring properties by way of visual intrusion.

### **Wistaston Parish Council object for the following reason:**

Backland development should be discouraged.

## **OTHER REPRESENTATIONS**

4 letters of representation received from the occupiers of 149, 155, 157 Wistaston Road and The Clive, which raises the following point:-

- This is excessive development for this area. Three extra properties on a plot of this size in NOT in keeping with housing in the immediate vicinity. Property 147 Wistaston Road had a similar development rejected in the recent past;
- The proposal for 3 dwellings (in effect a cul-de-sac development) in the garden of 158 is an excessive development and not in keeping with the other properties close by, some of which have been designated as being of special architectural interest;
- The access to the cul-de-sac is close to, and on the side of, incoming traffic from the junction with Crewe Road. Although traffic calming measures (20 mph) exist further up Wistaston Road the speed of traffic coming from Crewe Road with poor visibility around the bend makes the increase of traffic into 158 inappropriate;
- The plans include the removal of another mature tree, this time from the middle of the garden of 158. A mature tree has just recently been removed close to the front and side boundary which has had a significant visual impact on the appearance of the street;
- Two large monkey puzzle trees exist in the neighbouring garden, close to the boundary. I am concerned how a housing development close to these trees can be completed without damaging the roots and ultimately the health of these trees;

- There is already a large amount of housing development either in progress or under consideration within the local vicinity meaning the requirement for this development appears unnecessary;
- The car access is inappropriate. It appears the revised application has the same volume of parking (so assumed vehicle access) as the original application;
- Although the number of dwellings has been reduced I still consider this development excessive and not in keeping with the surrounding properties which stand in large gardens. The property which has been removed from the revised application was the one with the least impact on the street scene as it was behind the original property. I consider the mix of 1 bungalow and 1 house unsuitable, and the house particularly will have a greater impact on the street scene, potential to overlook and potential loss of privacy;
- As per my previous objection I remain concerned for the ongoing welfare of the Monkey Puzzle trees, both of which are protected by TPOs and are of an exceptional high quality;
- I notice a tree report has now been submitted to aid with site design, identifying trees of good quality and root protection areas. It is disappointing to note the tree mentioned in point 4 above is not included in this report, even though it is clearly shown on the existing site plan. As mentioned in my previous objection this is the second mature tree to be removed from site in the last few weeks. This could be construed as an attempt to remove trees which could impact negatively on the planning outcome, both in terms of scale and design of the proposed development.

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

## **OFFICER APPRAISAL**

### **Site History**

The application has been subject to extensive negotiations, as originally submitted the applicant proposed to erect three detached dwellings. However, it was considered that this proposal constituted over development and a revised scheme was submitted reducing the number of properties to two and amending the red edge.

### **Principle of Development**

The National Planning Policy Framework in one of its core principles states that planning should:

*“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*  
(Paragraph 17)

Furthermore, the National Planning Policy Framework (NPPF) states at paragraph 47 there is requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 7.1 years housing land supply.

In this case the site is located within Willaston and Policy RES.2 (Unallocated Housing Sites) of the Adopted Local Plan states that within the settlement boundaries of Crewe and Nantwich, which are defined on the proposals map, the development or redevelopment of unallocated sites for housing will be permitted. The proposed development is considered to be small scale and commensurate with the character of the local environ. The site is therefore considered to be sustainably located.

The principle of development is therefore acceptable and supported by the NPPF and the Local Plan.

## **Design**

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

The area is characterised by a mixed character and appearance and contains buildings of different styles and ages. The application is in outline form with all matters reserved (apart from access). The indicative layout shows that the proposed dwellings would be sited adjacent to the host property. According to the submitted indicative plans the proposed dwellings would consist of a detached bungalow and a detached two storey property. Both of the proposed dwellinghouses would front Wistaston Road, with car parking to the front and private amenity space located towards the rear. It is noted that the proposed dwellings are staggered as shown on the indicative layout plan. Nevertheless, looking at the full length of Wistaston Road it is clear that there is no strong building line in the area, and a number of properties are located much closer to the highway than the proposal, for example, 154 Wistaston Road. Overall, it is considered that the proposed development would not appear out of character and would respect the pattern of development to the north. It is considered that an acceptable design and layout can be secured at the reserved matters stage.

### **Private Amenity Space/Density**

According to the submitted indicative plans the proposed dwellinghouses would have a proportion of private amenity space located to the rear. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35

*'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m<sup>2</sup> per dwelling. The 50m<sup>2</sup> garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.*

It is considered that the proposed layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m<sup>2</sup> and would be commensurate with other properties in the immediate locality. It is considered prudent to attach conditions relating to boundary treatment and landscaping, in order to help assimilate the proposal into the local environment.

### **Landscaping**

This matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

### **Impact on Residential Amenity**

It is considered that the construction of new dwellings within an established predominantly residential area is compatible with surrounding land uses. However, the physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration. This primarily includes 154 Wistaston Road and the applicants dwellinghouse.

According to the submitted indicative plans the proposed detached two storey property will be set well off the boundary from no. 154 Wistaston Road. In addition, the front elevation of the proposed dwellinghouse is well set back from the front elevation of no.154. It was noted that there were several windows and a door in the side elevation of no. 154 which overlooked the application site. However, the majority of these windows were secondary windows and are not afforded the same level of protection. Furthermore, the boundary treatment separating the application site from no. 154 comprised a post and rail fence, with a hedgerow (albeit which is quite patchy) and is punctuated by two mature trees.

The proposed two storey detached dwellinghouse is well back, which will help to alleviate some of the problems associated with the proposed development. Furthermore, conditions relating to boundary treatment and landscaping will be attached to the decision notice, which will help to mitigate any negative externalities. In addition, to the above, it must be noted that this is an outline application, and the design and layout of the proposal are reserved for future consideration.

Turning to the impact that the proposal may have on the future amenities of the applicants property, which is a detached bungalow. It has been noted that there was a secondary window on the side elevation of the bungalow facing the application site. The applicant is proposing to erect a detached bungalow, which will be located adjacent to this property. It is considered given the nature and scale of the proposal, the proposed boundary treatment (which will be conditioned accordingly) will help to alleviate any problems associated with the proposed development.

The proposal will have a negligible impact on other properties in the locality and as such the proposal is in accordance with Policy BE.1 (Amenity).

## **Highways**

The proposed site has sufficient space within the proposed curtilage to provide off-site parking. Concern has been expressed that if the proposal is allowed will lead to road safety problems. Whilst such concerns are noted, colleagues in Highways have been consulted and they have no objections to the proposed development subject to condition. They consider that ample visibility can be achieved. It is considered that the proposal complies with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) and there is insufficient justification to warrant a refusal of the application.

## **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures,

infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

## **Trees**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

There are a number of trees on/adjacent to the site and some of these are protected by a Tree Preservation Order, which includes T2 Oak that is within the application site and T5 and T6 that are both Chile Pines and are growing just over the boundary in the grounds of 154 Wistaston Road. The submitted Arboricultural report states the proposed development as shown on the indicative layout plan will not have a detrimental impact on the viability of the trees. The Landscape Officer has been consulted and raises no objection subject to conditions relating to tree retention and protection and as such the proposal is in accordance with Policy NE.5 (Nature Conservation and Habitats).

## **Other Matters**

A number of objectors have stated that two trees have recently been felled prior to and during the submission of this application. Whilst the objections are noted, the trees which have been felled were not subject to a Tree Preservation Order, and whilst the loss of the trees is regrettable, their removal is not a breach of planning control.

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

The proposed dwellings would be sited within the settlement boundary for Willaston which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety, through the submission of a satisfactory reserved matters application. The proposal is therefore in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), RES.2 (Unallocated Housing Sites) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

## **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1) Commencement of Development (Outline)**
- 2) Submission of Reserved Matters**
- 3) Time Limit of Submission of Reserved Matters**



- 4) Materials to be submitted and Agreed
- 5) Details of Boundary Treatment to be Submitted and agreed
- 6) Details of Surfacing Materials to be Submitted and Agreed
- 7) Remove Permitted Development Rights
- 8) Details of Drainage Scheme to be Submitted and Approved
- 9) Maximum of 2no. Dwellings
- 10) Dwellings not to exceed 7.5m in height
- 11) Prior to first development the developer will provide a detailed design plan for the proposed access which will show details of kerbing and tactile paving on the pedestrian desire line and the details of construction requirements to satisfy the standards required by Cheshire East Council Highway Authority.
- 12) Landscaping Submitted
- 13) Landscaping Implemented
- 14) Prior to the commencement of development an Arboricultural Method Statement shall be submitted and Approved in writing by the Local Planning Authority.
- 15) Tree Protection Measures
- 16) Car Parking

**Informative:-** Prior to first development the developer will enter into and sign a Section 184 agreement under the Highways Act 1980 with regard to the re-construction of the vehicular crossing which will serve this development.

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