

Application No: 14/1129N

Location: LAND TO REAR OF, THE RECTORY, 44, CHURCH LANE, WISTASTON

Proposal: Development of 11 no new residential dwellings at land to rear of 44 Rectory, off Windsor Road, Wistaston

Applicant: Frazer Lloyd-Jones, Thomas Jones & Sons Ltd

Expiry Date: 04-Jun-2014

SUMMARY RECOMMENDATION

Approve; subject to S106 agreement

MAIN ISSUES

Principle
Design, layout, form & character
Residential Amenity
Highway implications
Landscape and forestry issues

REASON FOR REFERRAL

The application is to be determined by Southern Planning Committee as it represents a Major application as defined within the scheme of delegation.

DESCRIPTION OF SITE AND CONTEXT

The application site is currently the garden area to the Rectory located off Church Lane in Wistaston.

The application site is situated within the Crewe settlement boundary, and is surrounded by residential properties to the north, east and south and the village hall and church located to the west of the application site.

DETAILS OF PROPOSAL

The application seeks full planning permission for 11 dwellings on site.

RELEVANT HISTORY

None

POLICIES

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land

Crewe and Nantwich Replacement Local Plan (2011)

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, utilities and resources
RES.2 Unallocated Housing Sites
RES.4 Housing in Villages and Settlement Boundaries
NE.5 Nature Conservation and Habitats

Other Material Considerations

National Planning Policy Framework
SPD: Development on Backland and Gardens

CONSULTATIONS (External to Planning)

Housing Strategy:

No requirement for affordable housing

Education:

No comments at the time of writing this report

Environmental Health:

No objections subject to conditions relating to pile foundations, travel planning, electric vehicle infrastructure, dust control, condition relating to gas protection measures and an informative for the hours of construction and deliveries to the site.

Public Rights of Way (PROW)

No objections subject to informative relating to the PROW.

Highways:

No objections, request a sum of £5000 be paid for local traffic issues in the area relating to parking and junction turning moments, and condition relating to design and construction plans. An informative is also required for as a S38 agreement would be required

VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston PC Object to the application on the following grounds;

- Overdevelopment of the site and over domination of existing properties on Rectory Close and Buckingham Close
- The development would exacerbate parking problems on Windsor Road and Church Lane
- The proposal does not offer anything towards the village community creating a loss of amenities – eg Village Fete and other functions

OTHER REPRESENTATIONS

To date, 124 representations have been received by the Council. A summary of the objections received is provided below, however the full documents can be viewed on file.

Several letters received were duplicates.

- Loss of green space / open space within village
- CEC already has 5-year HLS, so this site is not required for housing
- Site is not an allocated housing site within the CEC Local Plan Strategy, Submission Version
- Sufficient housing provided in Wistaston already
- Back land development
- Out of character with the village area
- Overdevelopment / high density development
- Site hosts village fete, used by brownies and guides to name a few
- Site currently used as overflow car park for church during weddings, funerals etc
- Site should be used to host charitable events
- Residents do not want additional housing in the area
- Housing would not be affordable & for local residents
- Represents garden grabbing
- Access issues, lack of visibility & blind spot on the road
- Impact upon traffic in the area
- Lack of parking proposed for new properties
- Increase amount of parking upon pavements
- Impact upon trees and hedges within and surrounding the site
- Ecological implications / impact upon wildlife
- Loss of privacy
- Loss of outlook
- Loss of light to neighbouring properties
- Increase in noise and pollution
- Carbon footprint of development
- Damage development would cause to existing roads
- Impact upon schools in local area
- Lack of bin storage
- Doesn't accord with code for sustainable homes
- No plan submitted for SUDs drainage
- Garage adjacent to neighbours boundary is a fire hazard
- Contaminated land issues
- Area should be / is designated village green
- Lack of infrastructure in area to support the development
- Impact upon services in the area
- Impact on sewage system
- Impact upon PROW
- Should application be approved, request a S106 agreement for contributions
- S106 agreement should seek to provide alternate site for village fete
- Loss of village space leading to anti-social behaviour
- No public consultation carried out
- Plans do not show how neighbouring dwellings have extended their properties
- Loss of view
- Proposal for financial gain only
- Proposed electric car charging points are gimmicks

- Revisions to layout do not improve the scheme

A letter was also received from the Diocese of Chester (land owner) who states the following;

- Land is private garden to the rectory, not public amenity space and as such no public right exists over the land
- Application has come forward to make other similar sites owned by the Diocese (some 300) more manageable and cost effective
- Would provide financial assistance for maintenance works etc

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement
Tree survey

OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary line of Crewe, and therefore the principle of housing is acceptable subject to other considerations such as highways, visual impact, and the amenity of nearby residents.

Local Plan policy RES.4 states that housing within the settlement boundary of Crewe is accepted, subject to being in keeping with the area, and not conflicting with policies BE.1 – BE.4.

Design, Layout, Character of the Area

The application site is sited within the residential area of Wistaston, to the north of the site is Rectory Close, comprised of 1970s semi-detached properties, to the east is Buckingham Close, typified of 1970s semi-detached properties, and to the south of the site is Windsor Road, typified of 1970s detached dwellings. Within the application site is The Rectory, a residential property associated to the local church.

The layout proposes 11 residential dwellings, comprising 10 semi-detached units and 1 detached property. The density of the layout is considered to be acceptable within the residential area. Access to the site would be taken from Windsor Road, with two dwellings providing a gateway type frontage to the site. The layout of the proposed site would be off the main access road within the site, scattered in a cluster layout with either a driveway or garage provided to each dwelling.

The layout of the proposed development is considered to be acceptable, matching similar layouts of properties in close proximity to the site.

House Type A would provide 6 semi-detached units within the site. The dwellings would have gable frontage features and pitched roofs.

House Type B would provide one single detached dwelling within the site. The gable fronted dwelling with pitched roof would be of traditional design.

House Type C and B1 flank the entrance of the site providing a frontage onto Windsor Road and onto the main access within the site itself. The properties would be semi-detached, with part of the rear elevation of Type C attaching to the side elevation of type B1. The design of the properties would be traditional with gable frontages, measuring 8.4m in height.

Precise details of the scheme relating facing materials, hard and soft surfacing, landscaping and boundary treatment could be secured through appropriate conditions.

Residential Amenity

The Council's SPD: Development on Backland and Gardens gives spacing standards of 21m which should be retained between principal elevations and 13.5m between flank elevations and principal elevations.

The spacing distance of 21m would be retained between the proposed rear elevations of Plots 4 & 5 and No.30 and No.32 Rectory Close, and 24m between the rear elevation of Plot 3 and No.28 Rectory Close. These distances would prevent any adverse impact upon the residential amenities of the neighbours on Rectory Close in terms of loss of light, privacy, outlook or overbearing impact, and comply with the guidance within the Council's SPD.

A distance of 13.2m would be retained between the side elevation of Plot 7 and the rear elevation of No.10 Buckingham Close, again complying with guidance within the Council's SPD and preventing any adverse impact upon their residential amenity. Single storey garages are positioned 13m from the rear elevation of No.7 and 9 Buckingham Close, which again would be acceptable.

To the front of the site, a distance of 20m would be retained between No.10 Windsor Road and Plot 11, which on balance is considered to be acceptable. 24m would be retained between Plot 1 and No.6.

Spacing distances between the proposed dwellings within the site is considered to be acceptable and there would be no detrimental impact upon residential amenity.

The proposed rear gardens range from between 55sqm – 100sqm, therefore meeting the requirement within the Council's SPD of 50sqm.

The Rectory as proposed as being retained within the site. The layout and spacing distances within the site would prevent any loss of amenity to this dwelling. The remaining garden area to the dwelling would also exceed 50sqm.

Highways

Sufficient parking provision is proposed to each dwelling on site, complying with highway standards.

The Strategic Highway Manager (SHM) and states that the creation of 11 dwellings would not result in a material impact upon the public highway. As such, any impact caused by the development upon the highway could not be considered as 'severe' as is required by the NPPF.

The SHM requests that the developer enters into a S106 agreement in order to provide £5000 towards local traffic management and parking controls in the locality.

Ecology

The Council's Ecologist has viewed the application and does not envisage any issues arising as a result of the development, however does recommend that mitigation planting is carried out for the loss of the existing hedgerow. This and a condition protecting breeding birds should be attached to the Decision Notice.

Contaminated Land

The application is within 250m of a site which has the potential to create gas, therefore gas protection measures would be required on site. This information can be submitted as assessed as part of the planning conditions.

Air Quality

In order to reduce dust emission as part of the development, an Environmental Management Plan should be submitted to the Local Planning Authority, this information should form part of the planning conditions of the site.

In order to ensure that carbon dioxide emissions resulting from the development would be acceptable, a Travel Plan should be submitted to the LPA and approved, prior to the commencement of development.

The above controls, twinned with the provision of an electric vehicle charging point on the site would prevent the proposal from adversely affect the air quality of the area.

Forestry and Landscaping

The proposal would result in the loss of trees currently in place along the boundary to Windsor Road. Whilst some mitigation planting has been proposed by the applicant, this would reduce the adverse impact upon the landscape. However, it is of merit to note that the trees to this boundary are not protected, and that the site is within a residential area. Mitigation planting has been proposed, and the impact upon the landscape has to be weighed against the benefit of providing 11 residential units within the Borough. In terms of the planning balance, it is considered that the benefits would outweigh the slight harm.

The trees to the north of the site towards Rectory Close are held under TPO, the Council's arboriculturalist is satisfied that there would be no adverse impact upon these trees.

Other Matters

As the development seeks consent for 11 residential units, there is no requirement for a contribution for public open space.

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.

The development is likely to result in a minor increase upon traffic in the area, therefore it is justified to request a contribution for local area highway improvements.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed residential development is considered to be acceptable in principle, of suitable layout and design, would not adversely impact upon the amenities of neighbouring residents or the wider highway network. The proposal would comply with all relevant policies within the Local Plan, and the wider guidance within the National Planning Policy Framework. As such, the application is recommended for approval, subject to conditions and a S106 agreement for £5000 for the improvement of the local highway network.

Approve subject to S106 agreement for £5000 for improvements to the local highway & following conditions;

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A05EX - Details of materials to be submitted
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A05TR - Arboricultural method statement
10. A07TR - Service / drainage layout
11. A22GR - Protection from noise during construction (hours of construction)
12. A01GR - Removal of permitted development rights
13. A25GR - Obscure glazing requirement
14. Breeding bird protection
15. Breeding bird mitigation planting
16. Pile Foundations
17. Travel Plan
18. Electric Vehicle Point
19. Environmental Mgt Plan - Dust
20. Minimise dust
21. Contaminated Land - gas

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