

Application No: 14/0841N
Location: Land Off, SPINNEY DRIVE, WESTON
Proposal: Residential development of 4 detached houses
Applicant: G McDermott, CDM Developments (North West) Ltd
Expiry Date: 08-Apr-2014

SUMMARY:

The proposal is for housing within the settlement boundary of Weston where there is a presumption in favour of development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon design, highway safety, amenity and drainage and therefore satisfies the environmental sustainability role.

The proposal would satisfy the social sustainability role by providing in an existing settlement where there is existing infrastructure and amenities.

The proposal would contribute to employment and economic growth which satisfies the economic sustainability role.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable scheme.

Local concerns of residents are noted, particularly in respect of amenity and parking matters but the impact is not considered to be severe under the NPPF test.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve subject to conditions.

PROPOSAL:

The proposal seeks full planning permission for the erection of four detached dwellings with integral garages. The proposed dwellings would face on to Spinney Drive with separate accesses on to the highway.

An application for two detached bungalows with detached garages was approved on the site in 2013. (13/0830N)

SITE DESCRIPTION:

The application site was originally part of the large rear garden of 63 Cemetery Road, which has now been separated from the site with a 2m high, vertically boarded fence. It is an almost rectangular shaped parcel of land 0.14 hectares in size, which actually faces on to Spinney Drive. The site previously contained several trees; however these have now largely been cleared.

The surrounding development is residential and the site is designated as being within the settlement boundary of the village of Weston.

RELEVANT HISTORY:

13/0830N 2013 Approval for 2 detached bungalows with detached garages

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, 49 and 50.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- RES. 5 – Housing in Villages with Settlement Boundaries
- RES.3 – Housing Densities
- RES.7 – Affordable Housing

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SC 5 Affordable Homes
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

Supplementary Planning Document – Development on Backland and Gardens

Other Material CONSIDERATIONS:

National Planning Policy Guidance.

CONSULTATIONS:

Highways:

No objections subject to provision of 3 parking spaces within the site.

Environmental Health:

Recommend conditions and informatives relating to hours of construction, piling, dust control and contaminated land

United Utilities:

No objection.

Weston Parish Council:

The Parish Council objects to this development and requests that it be refused for the following reasons:

The Parish Council are concerned about the proximity and likely overbearing effect that these four houses will have on the occupants of Nos 6 and 7 Westmere Close, given the fact that these bungalows have very shallow rear gardens. This is coupled with the fact that the rear gardens of the proposed detached houses will also be of a minimal depth. In the parish Councils judgment there will be a serious overlooking problem from the rear bedrooms of all four properties on to the rear of these two bungalows. In consequence it is considered that

the development will be prejudicial to the amenities of these occupiers and be seriously detrimental to the enjoyment of their dwellings and quality of life.

Whilst two storey houses as distinct from bungalows adjoin the application site on the SE side of Spinney Drive, the development on the NW side of Spinney Drive, opposite to the application site, as viewed from the rear of Nos 6 and 7 Westmere Close comprises single storey bungalows. This creates a much more open feel within the street scene at this point. The development of two bungalows as currently approved on the application site would be more in keeping with the character of the immediate area.

The Parish Council has received an objection from the occupier of 7 Westmere Close along with a request that the application be called in for Committee consideration.

The Parish Council is requesting that the Local Cheshire East Ward Councillor calls in the application for the reasons specified above and will be asking to address the Planning Committee in due course.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants.

Eight representations have been received relating to this application expressing concerns about the following:

- Over development of the site
- Out of keeping with the character of the area
- Parking issues
- Highway safety
- Inadequate drainage
- Loss of light, privacy and outlook
- Concern about trees
- The developer should just build the 2 bungalows already approved
- Selfish and unreasonable behaviour by the developer
- Makes a mockery of the planning process

APPRAISAL:

The key issues are principle, design, amenity, ecology, trees, highways and affordable housing.

Principle of Development

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a

good standard of amenity for all existing and future occupants of buildings. Section 6 expands further on delivering high quality homes. Paragraph 48 states that applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 states that policies should resist inappropriate development of residential gardens, where the development would cause harm to the local area.

The local plan policy (RES.2) for unallocated residential development requires the consideration of design and amenity, this is considered to be consistent with NPPF policy for development on residential gardens. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

The main considerations therefore are whether the proposed development is of an appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties or highway safety and whether it is appropriate to require a contribution to affordable housing.

Amenity

There are dwellings surrounding the site of the proposed dwellings on three sides. The distances between the neighbouring properties and the proposed dwellings and existing boundary treatments mean that the development would not cause any significant adverse impact on the amenities of these properties.

The Supplementary Planning Document, Development on Backland and Gardens sets down that the distance between principal elevations should ideally be 21 metres. In the case of this proposal the new dwellings would be between 21 and 23 metres away from the principal elevations of the properties on Westmere Close, which is in compliance with the required separation distances. Concerns have been expressed by local residents about loss of privacy that would result from the erection of 2 storey dwellings. However; given that the development would achieve the required separation distances, a reason for refusal on these grounds could not be sustained. This also applies to the new extension being constructed to the property to the north of the site on Cemetery Road.

Other objections relate to light loss. However it is not considered that any light loss would not be significant due to the scale and siting of the proposed dwellings. Having regard to loss of outlook, there is no right to a view over other peoples land and it is considered that the new dwellings would not create an oppressive outlook that would warrant a reason for refusal.

Concerns have also been expressed about the properties having an adverse impact upon privacy and light. Whilst the development meets all the minimum requirements, it is considered reasonable to remove permitted development rights for alterations to ensure that amenity is protected by having control over further development.

Environmental Protection have requested conditions and informatives relating to construction times and piling in order to protect the neighbouring dwellings from noise and disturbance

during the construction phase of the development, and gas protection measures and this is considered to be necessary and reasonable.

It is therefore considered that the proposal would be acceptable in terms of residential amenity and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

The Strategic Housing section of the Council has objected to the proposal on the grounds that it does not meet the requirements of the Interim Planning Statement on Affordable Housing (IPS). The IPS states that there is a requirement for a provision of 30% affordable housing in settlements with a population of less than 3,000 where the proposal is for 3 dwellings or more and this applies to the village of Weston.

In response to this objection, the applicant has submitted a Financial Viability Analysis which is being assessed by external consultants.

During the life of this application the Government has introduced new Planning Practice Guidance relating to planning obligations and affordable housing. This is set out below:

“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home”*

In the light of this guidance, which is an important material consideration, it is no longer appropriate to require a contribution to affordable housing provision.

Highways

The proposal shows 3 parking spaces including an integral garage. The Strategic Highways Manager has stated that garages are too short to function as such. Subsequently an amended plan has been submitted showing a garage 3m x 5.5m which meets the requirements of the parking standards set out in the Development Strategy – Submission Version.

The proposal is considered to be in compliance with Policy BE.3 (Highways).

Sustainability

There are three dimensions to sustainable development - economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

***an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy;*

***an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental Sustainability

The application site is within the settlement boundary of Weston where there is a presumption in favour of development as it does not involve the development of greenfield land. The proposal is therefore considered to be environmentally sustainable.

Social Sustainability

The proposal will provide dwellings within an existing settlement. Government guidance states that Councils should not require affordable housing provision on small scale developments such as this. The proposal is therefore considered to be socially sustainable.

Economic Sustainability

The proposed development will help to maintain a flexible and responsive supply of housing, bringing direct and indirect economic benefits to the village, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal is therefore considered to be economically sustainable.

Response to Objections

The representations of the members of the public have been given careful consideration in terms of impact on amenity, highway safety, trees and drainage and these issues are addressed in the report.

Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is within the Settlement Boundary of Weston, an established residential area, and is in accordance with development plan policy RES.2 (Unallocated Housing Sites), therefore there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The Government has stated that small scale developments such as this should not be required to provide affordable housing.

It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Therefore, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Submission and approval of external materials for approval**
- 4. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. Submission and approval of gas protection measures**
- 6. Submission and approval of landscaping details including boundary treatments**
- 7. Implementation of landscaping**
- 8. Submission and approval of existing and proposed ground levels**
- 9. Removal of PD Rights – Extensions and Outbuildings**

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