

Application No: 16/2372N  
Location: Land At Bunbury Heath, WHITCHURCH ROAD, BUNBURY  
Proposal: Outline planning for residential development of 2 houses  
Applicant: Ms Redmond, Peckforton Estate  
Expiry Date: 12-Jul-2016

## **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5 and H2 of the Bunbury Neighbourhood Plan. The proposed development is considered to comply with these policies as it represents an infill development within an otherwise built up frontage.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

<b>RECOMMENDATION</b>
<b>APPROVE subject to conditions</b>

## **PROPOSAL**

This application seeks outline planning permission for the construction of two detached dwellings with matters of access only sought for approval. The proposal therefore merely seeks to establish whether the construction of two dwellings in this location would be acceptable as a matter of principle, and whether the means of access is acceptable.

The scheme has been supported by an indicative layout to show the construction of two detached dwellings fronting Whitchurch Road. Access would be via the existing track adjacent to the site with areas of parking and garaging sited to the rear of the site. The junction with Whitchurch Road would be widened to accommodate for passing traffic. Suggested elevations have also been provided demonstrating two storey dwellings.

The scheme initially proposed the construction of three units on the land. However this has been reduced to two properties.

The adjacent parcel of land to the north has an extant planning permission for its redevelopment with two two-storey detached dwellings approved under applications 14/0381N and 15/5521N.

## **SITE DESCRIPTION**

The site relates to a parcel of land which is located adjacent to the property known as Leafield. The land is undeveloped and appears to be used as paddock/grazing land. The site boundaries to Whitchurch Road and the track to the north are defined by established hedgerows. An existing field access is located to the west of the site from the track. Public Footpath Bunbury FP12 is located immediately opposite the site.

The site lies wholly within the Open Countryside as defined by the Local Plan Proposals Map. The settlement boundary line for Bunbury lies approximately 95m from the site at its closest. The surrounding area, in the immediate context, comprises mainly housing.

## **RELEVANT SITE HISTORY**

None relevant on site. However, applications on the adjacent plot are considered to be relevant:

14/0381N - Outline application for erection of two detached family houses and double garages, closing of existing shared access and provision of new shared access with associated landscaping – approved – 22/04/14.

15/5521N - Reserved Matters application following outline approval 14/0381N for the erection of two detached family houses and double garages – approved – 19/02/16.

## **LOCAL & NATIONAL POLICY**

### **Bunbury Neighbourhood Plan (March 2016)**

H1 Settlement Boundary  
H2 Scale of Housing Development  
H3 Design  
BIO1 Biodiversity  
T3 Pedestrian Footways

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

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under Policy NE2, as Open Countryside

The relevant Saved Policies are;

NE.2 Open Countryside  
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 the Open Countryside  
RT.9 Footpaths and Bridleways

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

Policy SD1 - Sustainable Development in Cheshire East  
Policy SD2 - Sustainable Development Principles  
Policy SE1 – Design  
Policy SE2 - Efficient Use of Land  
Policy SE4 - The Landscape  
Policy SE5 - Trees, Hedgerows and Woodland  
Policy SE9 - Energy Efficient Development  
Policy SE12 - Pollution, Land Contamination and Land Instability  
Policy IN1 – Infrastructure  
Policy PG1 - Overall Development Strategy  
Policy PG2 - Settlement Hierarchy  
Policy PG5 - Open Countryside

### **National Policy**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 – Achieving Sustainable Development; 14 - Presumption in favour of sustainable development; 17 – Core planning principles; 32 – Promoting sustainable transport; 47-50 - Wide choice of quality homes; 55 - Isolated dwellings in the countryside; 56-68 - Requiring good design; 69-78 - Promoting healthy communities; and, 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

### **Supplementary Planning Documents:**

SPD – Development on Backland and Gardens  
North West Sustainability Checklist

### **CONSULTATIONS**

**CEC Highways** – No objection

**United Utilities** – No objection

**Environmental Protection** – No objection subject to conditions relating to piling, contaminated land and dust collection.

**Bunbury Parish Council** – Do not object in principle to the development of two houses on this site; that is within the definition of infill in the Neighbourhood Plan, but make the following comments:

Design and Scale - The houses are too large when compared to existing surrounding properties. The setting and location in the landscape needs to be looked at.

Highways Safety - Access and visual splays need to be carefully considered and strongly enforced

### **REPRESENTATIONS**

One letter of objection received in respect of revised scheme for two dwellings. The salient points being:

- Positioning and size of dwellings are overwhelming
- Overdevelopment of site
- Insufficient garden space
- Impact on residential amenity
- Windows will look directly into house and garden
- Not in line with building line
- Loss of outlook
- Impact of additional traffic and safety hazard for deliveries and refuse collection.

5 letters of objection to original scheme for 3 dwellings. The salient points being:

- Lane is nothing more than a track and would be extremely dangerous
- Three houses out of keeping

- Encroachment
- Size and design not in keeping
- Traffic increase significant
- Impact on neighbours through privacy, noise and light reduction
- Impact on flora and fauna
- Not infill in accordance with neighbourhood plan
- Properties closer to adjacent than shown on plans
- Traffic speeds greater than 30mph
- Loss of ancient hedgerow
- Great Crested Newts and Barn Owls will be affected

## **APPRAISAL**

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

### **Principle of Development**

The site is designated as being within the Open Countryside where Policy NE.2 (Open Countryside) of the Borough and Crewe and Nantwich Replacement Local Plan states that development will only be permitted if it falls within one of a number of categories. The Bunbury Neighbourhood Plan, identifies the site as falling outside of the settlement boundary and therefore within the Open Countryside. In accordance with H2 of the Neighbourhood Plan, and NE.2 and RES.5 of the Local Plan housing development can be acceptable where it represents the infilling of a small gap in an otherwise built up frontage. Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version identifies that housing development will only be acceptable where it is the subject of a number of criteria.

The application site is adjoined to the rear by residential development, while to the north is a parcel of paddock/grazing land. That land to the north has planning permission for residential development; however this approval has not been implemented. On this basis it is considered that the development constitutes a small gap in an otherwise built up frontage. Therefore, housing development on this site would satisfy the criteria for housing development in the open countryside as set out in Policies NE.2 or RES.5 of the Local Plan, or H2 of the BNP.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

### Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended

strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

This is a material consideration in support of the proposal.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**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;

**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

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

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

## **Environmental role**

### Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

A locational sustainability assessment has not been provided by the applicant for this scheme. Notwithstanding this, planning permission has been approved by Committee for the construction of two dwellings immediately to the north of the site which has been accepted as an appropriate location for housing development. This is a significant material consideration in the determination of this application and its proximity to services and facilities would match very closely to that approved development.

Therefore, in light of recent permissions, and particularly given the modest scale of the proposed development, it is considered that the proposal is sustainably located with reasonable access to services and facilities.

## Open Countryside Impact

The application site represents an area of grazing land which lies between a residential property to the south, and a development site to the north. The application proposals, which would ultimately change the character of the site, would undermine the open countryside protection policies which seek to protect the countryside for its own sake.

## Impact on Landscape Features

The indicative plans indicate that the proposed development may require the removal of the established hedgerow fronting onto Whitchurch Road, and part of the hedgerow adjoining the track to facilitate appropriate access arrangements and requisite visibility splays. The loss of this hedgerow is regrettable however its removal has already been approved under the consent for housing to the north of the site. There is appropriate scope within the site to secure mitigation hedgerow, while it is considered that a replacement or transplanted hedgerow may be feasible along the roadside boundary to retain the character of the site.

## Design

The application is in outline with matters reserved relating to scale, layout and appearance. Notwithstanding this, an indicative layout and elevational drawings have been provided.

The layout indicates how the site could be laid out and indicates the provision of two detached dwellings with principal elevations fronting Whitchurch Road. The immediate surrounding area comprises a mixture of detached and semi-detached dwellings which front Whitchurch Road. The plan shows the dwellings set back from the dwelling to the south (Leafield), but set forward of the positioning of the dwellings approved to the north. It is considered that the proposed development. It is considered that two detached dwellings could be provided on this site which respects the pattern of development in the area and without representing an overdevelopment of the plot.

The proposed development would include the construction of two storey dwellings, the adjoining existing and approved dwellings are two storeys and therefore in principle, the construction of two storey dwellings would be of appropriate scale. It would be necessary to ensure that their height is appropriate in the context of the existing dwelling and as such it would be necessary to ensure that a streetscene elevation be provided to support the reserved matters application. Details of existing and proposed levels would be necessary to ensure that there would be no significant land level changes and the height of the development is appropriate.

Provided the dwellings are appropriately designed it is unlikely that the proposal will have a detrimental impact on the character and appearance of the area.

## Impact on Biodiversity

The application proposals would result in the development of a paddock and removal of hedgerow. The application has been supported by an extended Phase I habitat survey to determine the impact that the proposed development would have on protected species and

their habitats. The survey identifies that there are a number of ponds within 250m of the site, however the LPA's ecologist is satisfied that the application site offers very limited habitat for Great Crested Newts and that the proposed development would not result in the fragmentation or isolation of Great Crested Newt Habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' (RAMs). The LPA's Ecologist has confirmed that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application. However, they have suggested that a condition be attached to any approval for a reserved matters application to be supported by an updated method statement.

The scheme would result in the loss of hedgerow, however the LPA's ecologist is satisfied that there would be scope within the scheme to provide replacement native species hedgerow.

#### Highways Matters

The application is in outline with the means of access sought for approval at outline stage. The application proposals show that the dwellings would be accessed via the existing track to the north of the application site, which connects to the highway network via a junction with Whitchurch Road. The scheme shows the widening of the junction so that its carriageway width would be 6m. The plans also show visibility of 38.8m to the south and 88.1m to the north.

The access arrangements have been considered by the Strategic Infrastructure Manager who considers that the proposal would provide satisfactory access to serve the proposed development.

No objections have been raised with regard to the level of parking to support the development. The plot is of sufficient size to provide the level of parking that the development would demand.

#### Environmental Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, highway safety, and design, subject to conditions.

As a result of the above reasons, it is not considered that the proposed development would be environmentally neutral.

#### **Economic Role**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'.*

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

*'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.*

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'.*

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Bunbury, and the surrounding villages, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

## **Social Role**

The proposed development would provide two open market dwellings which in itself would be a social benefit.

## **Amenity**

Policy BE.1 (Amenity) of the Local Plan requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

The proposed indicative layout shows the proposed detached dwellings to be sited adjacent to Leafield to the south of the site. Within the side elevation of that property are secondary windows which would face towards the application site. As these openings are secondary it is not considered that there would be significant implications on residential amenity resulting from the development of this site. It is also considered that the proposed development could be provided which would not result in a breach of 45 degree standard from principal windows in the front or rear elevations of Leafield, and as such no significant loss of daylight to habitable rooms.

Given the amount of private amenity space that Leaffield enjoys it is considered that a development can be carried out on this site without resulting in an overbearing or overshadowing impact on the private amenity space.

Provided the openings to habitable rooms are provided within the front and rear elevations it is considered that there should be no overlooking or loss of privacy caused to the adjacent dwellings.

It is considered that a scheme can be provided on the application site which would provide an appropriate level of private amenity space for the requirements of future occupants of the development.

## **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5 and H2 of the Bunbury Neighbourhood Plan. The proposed development is considered to comply with these policies as it represents an infill development within an otherwise built up frontage.

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It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

## **RECOMMENDATION**

**Approve subject to conditions;**

1. **Submission of Reserved Matters (Appearance, Landscaping, Layout and Scale)**
2. **Time Limit for submission of reserved matters**
3. **Time limit for outline permission**
4. **Approved plans (access details)**
5. **Existing and Proposed Site Levels, and Finished Floor Levels to be provided for approval**
6. **Reserved Matters application to include streetscene elevation to demonstrate relationship with existing dwellings**
7. **Reserved Matters application for landscaping to include a comprehensive landscaping scheme, and include replacement of existing hedgerows which may be lost and to show a net increase in vegetation across site. Whitchurch Road boundary shall include provision of a hedgerow.**
8. **Access and visibility to be provided in accordance with the approved details prior to first occupation**
9. **Any further reserved matters application be supported by an updated Great Crested Newt Reasonable Avoidance Measures method statement**
10. **Details of piling to be provided (if proposed) prior to commencement of development**
11. **Scheme to minimise dust emissions during construction to be submitted and approved prior to commencement of development**
12. **Unexpected Contamination**

**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 Principal Planning Manager (Regulation), in consultation with the Chair (or in her 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.**



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