

Application No: 22/0496N
Location: 27, CREWE ROAD, SHAVINGTON, CW2 5JE
Proposal: Detached single dwelling
Applicant: TONKS, W J TONKS LTD
Expiry Date: 10-Aug-2022

SUMMARY

The site lies within the settlement boundary for Shavington and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 of the CELPS, RES.4 of the C&NLP and HOU1 of the SNP.

The site is sustainably located and is in easy walking distance of the centre of Shavington (a Local Service Centre), public transport and services and facilities. The development complies with Policies SD1 and SD2 of the CELPS.

The development is acceptable in terms of its impact upon residential amenity and complies with policy BE.1 of the C&NLP and HOU4 of the SNP (in terms of residential amenity).

The development is considered to be acceptable in terms of its impact upon the highway network and would comply with policies BE.3 of the C&NLP, Policy SD1 of the CELPS and TRA1 of the SNP with regards to highways matters. The car parking provision would comply with those within Appendix C of the CELPS.

There would be no harm in terms of flood risk, drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS, and NE.5 of the C&NLP and ENV3 of the SNP.

The impact upon trees is acceptable, this is due to the location of the culvert which runs through the trees, this means that they are not worthy of formal protection.

The proposed development would respect the character and appearance of the area/street-scene and complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD, HOU1 and HOU4 of the SNP.

Based on the above, the application complies with the Development Plan as a whole and is recommended for approval.

RECOMMENDATION

APPROVE with conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Marren for the following reason;

I have asked that this application be called in front of the Southern Planning Committee at the request of a local resident

If this development is allowed to go ahead it will connect into the UU sewer at the exact location that all the unlawful volumes of field water connects in the main sewer which UU suggest runs at over 100% capacity at times causing flooding to properties on Crewe Road from the UU system. He is of the belief that allowing this application will cause the current flooding problems for residents to worsen and has the potential for increased loss of services and utilities to properties 18 18a 20 22 Crewe Road.

The resident says that current drainage reports shows a riparian drain blocked underneath this site which also requires action before further development.

He is concerned that three other developments have been approved linking into the same sewer pipe at Green Farm last year which in the circumstances is completely unacceptable as the sewer is over 100% capacity and no planned improvement listed.

PROPOSAL

Full planning permission is sought to erect a two-storey dwelling with detached garage. The proposed dwelling would have four bedrooms.

Vehicular access to serve the development will be taken from Crewe Road to the east.

SITE DESCRIPTION

The application site is part of the curtilage of the dwelling at 27 Crewe Road.

27 Crewe Road is a detached bungalow which is finished in red brick with a tiled roof, the property is set within a large curtilage at a bend in the road.

The site lies within the Shavington Settlement Boundary.

There are residential properties surrounding the site to all sides.

RELEVANT HISTORY

22/2623N - Demolition of existing bungalow and erection of one detached replacement dwelling with garage – Application undetermined

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
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 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Crewe and Nantwich Local Plan (CNLP)

The relevant Saved Policies are:

RES.4 - Housing in villages with settlement boundaries
NE.5 – Nature Conservation and Habitats
BE.1 - Amenity
BE.3 - Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.6 - Development on Potentially Contaminated Land
TRAN.9 – Car Parking Standards

Neighbourhood Plan

The Shavington Neighbourhood Plan was made on 6th May 2021

HOU1 – New Housing
HOU2 – Housing Mix and Type
HOU4 – Local Character and House Design
ENV1 – Footpaths and Cycleways
ENV2 – Trees and Hedgerows
ENV3 – Water Management and Drainage
TRA1 – Sustainable Transport
TRA2 - Parking

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

126 - 136 Achieving well-designed places

142 – 169 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Other Considerations

Cheshire East Design Guide

National Design Guide

CONSULTATIONS (External to Planning)

United Utilities: Originally objected due to a large diameter water main crossing the site. Due to the proximity of proposed features to this pipeline, along with concerns regarding unrestricted UU access to the pipeline.

On 19th April, UU stated that they were now in a position to remove their objection and a condition is suggested relating to protection of the water main.

General comments are provided in terms of surface water drainage, water and wastewater services and UU infrastructure.

Head of Strategic Infrastructure: No objection.

CEC Environmental Health: Condition and informative suggested in relation to contaminated land.

Flood Risk Manager: No objection subject to the imposition of planning conditions and an informative.

VIEWS OF THE PARISH COUNCIL

Shavington Parish Council: No comment.

OTHER REPRESENTATIONS

Letters of objection have been received from 2 local households raising the following points;

- The submitted documents are incomplete and contain misleading information
- The development fails 8 out of 17 on the amenities checklist. This contradicts the CE objective to use the car less and cycle and walk more
- The site is located at a curve on Crewe Road and opposite 3 driveways. Question whether this is a safe vehicular access
- There have been several near misses for vehicles turning into and out of driveways to the west side of Crewe Road. A traffic study needs to be undertaken to quantify the risk of this new junction
- No visibility splays are provided on the plans
- The Flood Risk maps included within the submission do not reflect those on the government website.
- Flooding is known to be caused by a recent housing development in the area and the road outside the site has recently flooded to the extent that it is dangerous to vehicles and pedestrians

- Many hundreds of family homes are being built in Shavington – question whether this proposal is needed
- The authors of the documents do not live in Shavington and it does not appear that they have visited the site
- The UU water pipeline will need to be replaced in the future and this needs to be considered as part of the planning layout
- There is no information as to whether the existing dwelling will be redeveloped
- There is a UU high pressure water pipe serving Shavington within the site. Current legislation requires a 3m distance between the pipe and buildings
- The pipe is less than 1m from No 27 Crewe Road. If 27 Crewe Road is later redeveloped the buildings should be moved 2.5m to the south to comply with current legislation
- Development hasn't taken place earlier due to the inability to give the required distances along the full length of the pipe and not being able to cover the pipe with driveway or hard surfaces.
- If the pipeline is damaged it will cause serious flooding to properties on Crewe Road and disrupt utilities across Shavington
- The existence of the WSP report commissioned by CEC due to unlawful volumes of water from a development built in Shavington and flood mitigation carried out due to this, this point of Crewe Road is required for flood mitigation and may cause flooding to the proposed building plot.
- Due to an unlawful connection into the UU sewer and the fact that the sewer runs at over 100% capacity and floods, no further connection should be made as this will cause flooding and loss of utilities to neighbouring properties and the proposed dwelling. UU should be made aware as they informed the Council to remove the unlawful connection in January 2020 and no further action has taken place.
- The NP identifies that flooding must be considered in Shavington for all future developments as clear evidence of flooding was demonstrated to the Inspector.
- The road outside the development floods and flooding from water due to unlawful volume runs from the east to a low point outside the development site. Long terms drainage problems make the pavement unpassable.
- Infrastructure improvements to the sewer are required and engineers reports identify the problems with the drains running from outside the site towards Wessex Close. This drain has been identifies as requiring works to alleviate the problem.
- Allowing the development at this time will worsen current flooding issues. The existing problems and infrastructure should be repaired first as outlined within the Highways Report, the Highways Drainage Engineers Report, the WSP Report, the recommendations by UU and the SNP.
- Photos of flooding within the highway provided

Letters of support have been received from 1 household which raise the following points;

- The northern corner of the garage is close to the existing boundary fence. When laying foundations for the garage – the existing fence posts should not be disturbed.
- The proposal will bring a derelict site back into positive use and would benefit the area.
- The removal of the existing buildings would improve the visual appearance of the area as the buildings are in significant disrepair.

APPRAISAL

Principle of Development

The site is located within the Settlement Boundary of Shavington (a Local Service Centre). Policy PG2 states that in the Local Service Centres '*small scale development to meet needs and priorities*

will be supported where they contribute to the creation and maintenance of sustainable communities’.

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’.*

Policy RES.4 of the C&NLP states that within the Settlement Boundary of Shavington *‘housing on a scale commensurate with the character of that village will be permitted’.*

Policy HOU1 of the SNP states that within the settlement boundary, proposals for housing development will be supported where they are in keeping with the scale, role and function of Shavington and do not conflict with any other relevant policies within the local plan.

The principle of development is considered to be acceptable.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement 2020 indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council’s most recent Housing Monitoring Update (base date 31 March 2020) was published on the 11th March 2021. The published report confirms a deliverable five year housing land supply of 6.4 years.

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

In the context of five year housing land supply and the Housing Delivery Test, relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is close to the centre of Shavington. As such the site is considered to be sustainable and services and facilities could easily be accessed by non-motorised forms of transport. The site is considered to be sustainably located and complies with Policies SD1 and SD2 of the CELPS and ENV1 of the SNP.

Highways Implications

The proposed development would use an existing access point accessed off Crewe Road and the existing dwelling at No 27 Crewe Road would retain the other existing access point.

There is a footway outside the site which assists with pedestrian access to the wider area including to nearby bus services, although services are limited in this area. Pedestrian access is also available to the centre of Shavington and the services it provides.

The parking provision will be sufficient to serve the proposed development and would comply with the standards within Appendix C of the CELPS.

There would be adequate space within the site for cycle parking.

No highway objections are raised and the proposal is deemed to adhere with Policy BE.3 of the C&NLP, Policy SD1 of the CELPS with regards to highways matters and Policies TRA1 And TRA2 of the SNP.

Amenity

The Crewe and Nantwich SPD 'Extensions and Householder Development' requires the following separation distances:

21 metres between principal elevations

13.5 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

To the north of the site is the detached dwelling at 33 Crewe Road. This property has a garage and blank side elevation facing the site. The separation distances to No 33 Crewe Road would vary from 8-14.5m and the relationship is considered to be acceptable.

To the south of the site is the detached dwelling at 27 Crewe Road (also owned by the applicant for this application). This dwelling has a number of windows to its side elevation facing the site at ground floor level and within a dormer at first floor level. No 27 Crewe Road is within a very poor state of repair and the architect has advised that it is unsafe to do a survey to determine what rooms the windows facing the site serve. However, it is stated that the ground floor windows are secondary, and the first-floor window serves a bedroom. An application has been submitted for a replacement dwelling at 27 Crewe Road (22/2623N which is still the subject of consultation). The impact upon No 27 Crewe Road (and vice versa) is considered to be acceptable and can be addressed as part of application 22/2623N.

To the east (front) of the site, the proposal would not directly face any existing properties which directly front onto Crewe Road.

To the west (rear) of the site is a detached dwelling at 4 Wessex Close. There would be a separation distance of 32.5m to the rear of this dwelling and the relationship is considered to be acceptable.

With regards to private amenity space, the minimum recommended standard detailed within SPD is 50 square metres. This requirement would be met for the existing and proposed dwelling.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points.

Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Furthermore, residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site.

There is a former pond, which has potentially been infilled, on the east of the application area, extending off-site to the south. According to the plans, it appears this area will be used as a driveway but should the former pond extend further west than the mapping indicates, it may encroach into the area of the proposed building footprint. Depending on the nature/extent of any backfill, there may be localised contamination/ground gas risks. The impact in terms of contaminated land can be controlled through the imposition of a standard planning condition.

Trees and Hedgerows

There are no trees within or adjoining the site which are protected by a Tree Preservation Order. There are two large trees to the site frontage which have been heavily pruned, these trees are in

very close proximity to the culvert which crosses the site and the proposed development would be clear of the canopy spread of these trees.

The proposed development is considered to be acceptable in terms of its impact upon the trees on and adjoining the site.

Landscape

Details of boundary treatment and landscape works could be controlled via the imposition of a planning condition.

Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

As noted above Policy HOU1 of the SNP requires development within the settlement boundary is in keeping with the scale, role and function of Shavington. Policy HOU4 states that development should ensure that the characteristic features and materials are representative of the settlement character of Shavington, the design and layout of new developments should demonstrate consideration of the Cheshire East Design Guide. Amongst other things HOU4 states that

- The design of new residential development should reflect the wide variety of building styles and materials which characterise the settlement.
- Wherever possible, the layout of new residential development should include front gardens, or have dwellings set back with open frontages.
- Wherever possible, existing landscape features should be retained on site to preserve the landscape character.
- Developers are encouraged to use sustainable construction practises, including the use of renewable and low carbon technology where appropriate, to achieve energy and resource efficiency.
- The density of development should be appropriate to the site and its surroundings. Proposals for the redevelopment of large properties should reflect the local character of existing development, the street scene and residential amenity.

Crewe Road in this location is characterised by a mix of house-types with bungalows and two-storey dwellings, detached and semi-detached dwellings, and varying roof forms (mainly hipped but some are pitched). The materials in the area are a mix of red brick and render with grey and red tiled roofs. The dwellings include features such as projecting gables, bay windows and header and sill detailing.

The proposed dwelling would be sited at a bend in the road and the dwellings to either side have a strong building line but varying front garden depths. The proposed dwelling would be sited marginally further forward than the dwelling to the south (27 Crewe Road). The dwelling would have a front garden depth of between 11-8m in length and due to the siting at the bend in the road it would not be unduly prominent. To the north the dwellings are angled differently and the front gardens are of varying depth, the siting of the proposed dwelling is considered to be acceptable.

The proposed dwelling would have a pitched roof and chimney. Although the dwellings within the vicinity of the site are largely hipped there are examples of pitched roofs (such as 11-17, 23 and 43 Crewe Road). The front elevation includes a projecting gable, and there are similar design features on other dwellings within the vicinity of the site (notably 37 and 39 Crewe Road).

The detailed design includes a brick plinth, brick quoins, header and sill detailing and ridge tile detailing. The detailed design of the proposed development is considered to be acceptable in this location

Policy HOU4 of the SNP encourages the use of renewable/low carbon energy. The agent has confirmed that they will provide an air source heat pump as part of this application and this will be secured via the imposition of a planning condition.

The proposed development would respect the character and appearance of the area/street-scene and complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD, HOU1 and HOU4 of the SNP the NPPF.

Ecology

Breeding Birds

If planning consent is granted a condition could be imposed to safeguard breeding birds.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Flood Risk and Drainage

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

Policy ENV3 of the SNP states that to ensure that development will not increase surface water flooding or overload the foul drainage system all proposals for new developments should, where possible, incorporate above ground, green, gravity reliant sustainable drainage systems (i.e. no mechanical or electrical based systems) including permeable surfaces for drives and paths.

The site currently sits within Flood Zone 1 (Low probability of flooding from rivers and the sea) as identified by the Environment Agency Flood Maps.

The application was originally the subject of an objection from the Councils Flood Risk Officer this was because there is an ordinary watercourse within the site boundary. It was not clear where this ordinary watercourse was positioned within the site. The applicant has since undertaken a ground penetration radar survey, and this proved successful in locating the pipe. Two trial holes have since

been excavated to confirm the location of the pipe. The culvert runs to a position in front of the driveway for No 27 Crewe Road and then moves north along the front boundary of the application site.

The proposed site plan shows that the proposed dwelling would be sited outside the 6 metre easement of the existing ordinary watercourse and the Councils Flood Risk Officer has confirmed that he has no objection in relation to this issue.

A large diameter water main crosses the site and this resulted in an objection from United Utilities. UU stated that they require a 10m strip (5m either side) to access the water main. The revised plans show that the water main is located 5m to the south of the proposed dwelling. UU have now confirmed that the revised plans address their concerns and they have removed their objection subject to the imposition of a planning condition.

The plans for the replacement dwelling as part of application 22/2632N show that the proposed dwelling would also be 5m from the water main. This development proposed as part of this application would not prevent the future redevelopment of the existing dwelling.

The site possesses some low risk of flooding (topographic low spots) from surface water which is located within the eastern section of development. The Councils Flood Risk Officer does not consider that this represents a constraint to the development and the developer will be expected to submit a robust drainage strategy, demonstrating the site is restricted to greenfield run-off volumes. The strategy must also include attenuation up to 1 in 100 years + CC% and an appropriate maintenance strategy for all below ground drainage infrastructure, including an inspection regime for the existing culverted watercourse. This issue will be controlled via the imposition of a planning condition.

The concerns relating to foul drainage from the site are noted. In this case United Utilities have been consulted as part of the application and have not raised any objection in terms of foul drainage. Details of the foul drainage connections for the site will need to be agreed with United Utilities.

The proposed development complies with policy SE13 of the CELPS and ENV3 of the SNP.

Land Levels

Finished floor levels of the proposed dwellings have not been provided on the submitted site plan. This issue would need to be controlled by condition.

CONCLUSION

The site lies within the settlement boundary for Shavington and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 of the CELPS, RES.4 of the C&NLP and HOU1 of the SNP.

The site is sustainably located and is in easy walking distance of the centre of Shavington (a Local Service Centre), public transport and services and facilities. The development complies with Policies SD1 and SD2 of the CELPS.

The development is acceptable in terms of its impact upon residential amenity and complies with policy BE.1 of the C&NLP and HOU4 of the SNP (in terms of residential amenity).

The development is considered to be acceptable in terms of its impact upon the highway network and would comply with policies BE.3 of the C&NLP, Policy SD1 of the CELPS and TRA1 of the SNP with regards to highways matters. The car parking provision would comply with those within Appendix C of the CELPS.

There would be no harm in terms of flood risk, drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS, and NE.5 of the C&NLP and ENV3 of the SNP.

The impact upon trees is acceptable, this is due to the location of the culvert which runs through the trees, this means that they are not worthy of formal protection.

The proposed development would respect the character and appearance of the area/street-scene and complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD, HOU1 and HOU4 of the SNP.

Based on the above, the application complies with the Development Plan as a whole and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions;

- 1. Standard Time – 3 years**
- 2. Approved Plans**
- 3. Details of material to be approved**
- 4. Landscaping details to be submitted**
- 5. Landscaping details to be implemented**
- 6. Boundary treatment details to be submitted and approved**
- 7. Unexpected contamination**
- 8. EV Charging point provision**
- 9. Breeding birds timing of works**
- 10. Submission of an ecological enhancement strategy**
- 11. Drainage strategy to be submitted and approved (including maintenance and management)**
- 12. Land levels to be submitted and approved**
- 13. Submission of a scheme to be submitted to protect the water main crossing the site from damage during the construction phase**
- 14. Air source heat pump details to be submitted and approved**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

