

Application No: 12/0166N

Location: The Bank, STATION ROAD, WRENBURY CW5 8EX

Proposal: Demolition of Bank and Build New One Dormer Bungalow (Resubmission)

Applicant: Mr T Morgan

Expiry Date: 28-Feb-2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of Streetscene /Open Countryside
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety
- Impact on Protected Species

REASON FOR REFERRAL

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Davies, for the following reason:

"this is a building worthy of retaining and should be able to be converted into a property. I would like Councillors on the Planning Committee to see the situation"

The application has been deferred from the previous meeting for members to carry out a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application site forms a small unoccupied building located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The building is a modest singles storey property set within a modest curtilage. The building is not in any existing use. The building is set close to the public highway and a railway line. Adjacent to the site is Wrenbury railway station and level crossing. There are residential properties opposite the site and fields to the side and rear.

DETAILS OF PROPOSAL

This is a full planning application for the demolition of the existing building and its replacement with a detached dormer bungalow. The building would be 9m in width, 5.6m in depth, and would be 2.8m to eaves and 6m to ridge. The scheme includes two dormer windows in both the front and rear elevations. A single garage is also proposed which would be 3m in width and 5m in depth. The dwelling would be set within a domestic curtilage of 30m in length and 16m in width.

RELEVANT HISTORY

11/2688N – A planning application was withdrawn for the Change of Use from Bank/Shop to Bed-Sit with Rear Extension on 5th September 2011.

P07/0750 – Planning permission refused for Change of Use from Bank/Shop to Dwelling, Rear Extension, Garage and Change of Use of Agricultural Land to Garden on 29th May 2008. This application was refused on the ground that the scale, form and design of the building would harm the open countryside, that the building is incapable for conversion without major reconstruction, that no Great Crested Newt Survey was submitted, that no Noise and Vibration Assessment was carried out and lack of evidence of alternative uses on the site. The application was dismissed at appeal.

7/11205 – Planning permission was approved for change of use to ladies and childrens clothing shop on 19th July 1984.

POLICIES

Local Plan Policy

- NE.2 (Open Countryside)
- NE.5 (Nature Conservation)
- NE.9 (Protected Species)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- RES.5 (Housing in the Open Countryside)
- TRAN.9 (Car Parking Standards)

National Guidance

PPS1 – Delivering Sustainable Development
PPS3 - Housing

Draft National Planning Policy Framework (2011)

CONSULTATIONS (External to Planning)

Environmental Health – Insufficient information submitted with regard to noise and vibration. It is recommended that a condition be attached to any approval for a scheme to be provided which details how the proposed dwelling would be protected from noise and vibration. A condition relating to construction hours is recommended. A further informative relating to contaminated land is also advised.

Strategic Highways Manager – No objection subject to informatives ensuring that the access is constructed to CEC standard

United Utilities – No objection

Network Rail – No objection in principle. However advise that at no point should the sight or sight distances of the level crossing be obscured or deteriorated during the construction and operational period including the parking of vehicles, equipment and materials. A trespass proof fence of at least 1.8m in height should be provided to the railway side boundary. Drainage should not be onto Network Rail land and soakaways should not be within 10m of the boundary. Network rail would need to be consulted on any changes to ground levels, and the development should not impact upon the safe operation of the railway.

VIEWS OF THE PARISH COUNCIL

None received at time of writing report

OTHER REPRESENTATIONS

None received at time of writing report

APPLICANT'S SUPPORTING INFORMATION

Plans, Forms, Photographs, e-mail correspondence and a Noise and Vibration Monitoring report

OFFICER APPRAISAL

Principle of development

This application site is located within the Open Countryside and forms a former bank building. There are no Policies within the Local Plan for the replacement of non residential buildings to residential buildings. In the absence of any such specific Policy any approval would be a departure to the Local Plan. However, it would be necessary to look at other Policies for residential development in Open Countryside locations, and any other material considerations in this instance.

Policy NE.2 is the overarching Policy for development in Open Countryside locations which only allows for appropriate development. Policy RES.5, which relates to residential development in Open Countryside locations, states that residential development will be restricted to limited infilling, or a dwelling which is required by a person engaged full time in agriculture or forestry.

No evidence has been submitted to demonstrate that the dwelling is required for a person engaged in agriculture. With regard to infilling, the policy states that this should be a small gap within an otherwise built up frontage. The existing building is a standalone building not immediately bounded on any side by residential development and therefore cannot be considered as infill development. Therefore the proposal does not satisfy Local Plan Policy for residential development in an Open Countryside location.

There is a presumption in favour of the use of brownfield land over greenfield land. The application building and its immediate curtilage is previously developed land, and is therefore brownfield land, which weighs in favour of the development. However the dwelling is not sited entirely within the curtilage of this building and requires the use of the field to the rear of the site, which is Greenfield land. In addition the residential curtilage and garage would be sited on Greenfield land.

The existing building on the site is approximately 74 cubic metres in volume. The proposed dwelling would be 226 cubic metres and the garage would be 48 cubic metres. The proposed development would have a total volume of 274m³. In the light of this the building would be more than 3.5 times greater in volume than the building which it replaces. Therefore the existing building is being replaced by something which is significantly greater. In the absence of guiding policy it is considered that this additional volume would be unacceptable in this open countryside location.

The Inspector in considering the 2007 application for extensions noted that *“Together with its proposed garden to be enclosed from the adjoining field, the new dwelling would extend its bulk, and its domestic influence and paraphernalia, as a prominent incursion into the open countryside. The new buildings would be highly visible from Station Road, particularly on the approach from the north-west, in which the field gateway together with the proposed 3m wide access to the appeal site would together open up a view, in depth, of the extension, garage and garden. The diminutive existing building itself, in contrast, has a visual impact which is both minimal and confined to the immediate road frontage”*. It is considered that these proposals would have a similar, if not greater, impact to that previously observed by an Inspector.

It is noted that Cheshire East Council also cannot demonstrate a 5 year housing land supply and, in such instances, favourable consideration should be given to suitable schemes for residential development. Whilst this is acknowledged it is considered that this scheme for one dwelling would not outweigh the harm identified.

Impact on the character and appearance of the streetscene and Open Countryside

As identified above, the proposed development would be significantly larger than the development which it replaces. As such this, unjustified development, would cause significant detrimental harm on the character and appearance of the open countryside. Furthermore, the proposal requires the use Greenfield land to accommodate the dwelling itself and associated garage and curtilage. This is considered to be inappropriate development in the open countryside which would cause harm to its character and appearance.

Impact on the Amenity of Nearby Properties and Proposed Dwelling

There are no properties immediate opposite to the site, however, there are residential properties within close proximity. Notwithstanding this, these properties are sited and of sufficient distance away from the application site that they would not be detrimentally impacted by the proposed development through loss of daylight, privacy, overbearing or in any other way.

The proposed dwelling is sited in very close proximity to a railway line. Therefore, consideration needs to be given to the amenity impact that may be borne on any future occupants of that property. A noise and vibration survey has been submitted to support the application. Environmental Health consider that this survey is insufficient and the report does not state as to which Noise Exposure Category of PPG 24 the site falls into and what proposed noise mitigation measures are required to protect the proposed occupants from noise. Notwithstanding this deficiency, Environmental Health have concluded that a condition can be attached to any permission for the further information to be submitted prior to the commencement of development.

Impact on Highway Safety

The application proposes the construction of a new vehicular access, and off street parking and turning area. The proposals would provide off street parking for at least two vehicles, which is an acceptable off street provision. The Strategic Highways Manager has commented that they have no objection to the application provided that the access is constructed to CEC standard. Therefore, it is considered that there are no highway safety issues arising from this development.

Impact on Protected Species

The application proposals have been supported by an e-mail from the Council's Nature Conservation Officer stating that no survey for Great Crested Newts would be required for an application for minor extensions to the building. This application proposes the demolition of the building. The application building is of an age, design and condition which has the potential to support habitat for bats. As the application has not been supported by a Protected Species Survey to determine the presence/absence or use of the building for bats then there is insufficient information to determine the impact that the proposals would have. In the absence of such information the scheme would be contrary to Policies NE.5 and NE.9 of the Local Plan and guidance contained within PPS9.

Other Matters

The submitted plan shows an agricultural track to the north and west of the application site. Overhead photographs, and the Council's GIS, show that the junction with Station Road is actually much closer to the application site, with the track crossing the proposed residential curtilage. The development may not be able to be carried out without diverting this track. Notwithstanding this, the application has been considered on the basis of the change of use of the land to the extent shown in the application forms.

CONCLUSIONS AND REASON(S) FOR THE DECISION

There is no Policy within the Local Plan which allows for the replacement of non residential buildings with residential properties. The development does not satisfy Local Plan Policies relating to new residential properties in Open Countryside locations. The proposed development is unacceptable in principle. Whilst the application is, in part, a brownfield site, the scale of the property in relation to the existing building and the use of a large area of Greenfield land would cause unacceptable harm on the character and appearance of the Open Countryside.

In addition the application has not been supported by a Protected Species survey with regard to bats and the proposal may therefore cause an adverse impact on Protected Species.

RECOMMENDATIONS

Refuse for following reasons:

- 1) The proposed development includes the creation of a dwelling, garage and curtilage in this Open Countryside. In Open Countryside locations new dwellings are only permitted where they form infilling development or are associated with agriculture. The development does not fall into either of these criteria. In addition the proposed dwelling and garage would be over 3 times greater in volume to the building it replaces. It is acknowledged that part of the site is brownfield, however, the dwelling, garage, and large curtilage will require the use of Greenfield land to accommodate the proposed development. It is therefore considered that the proposed development is unacceptable in principle and would cause significant harm to the character and appearance of the Open Countryside. The proposed development would therefore be contrary to Policies NE.2 (Open Countryside), BE.2 (Design Standards) and RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 2) Insufficient information has been submitted to determine the impact that the proposed development would have on protected species, namely bats, and any mitigation measures which may be required. The proposed development therefore has the potential to cause adverse harm on Protected Species. To allow the development, in the absence of this information, would be contrary to Policies NE.5 and NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS9.**

