

Application No: 13/0823N

Location: Red Acres, WINDMILL LANE, BUERTON, CW3 0DE

Proposal: Re- Submission of an application for 9 affordable houses for Housing Association within the green belt under Rural exceptions policy

Applicant: Markden City Homes Ltd

Expiry Date: 24-Apr-2013

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance Open Countryside/Landscape
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Impact on Protected Species
- Impact on Drainage/Flooding

REASON FOR REFERRAL

This application has been brought to Southern Committee

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two storey dwelling, brick outbuildings, timber and steel framed farm buildings and paddock land which is located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. The site is adjoined by residential development to the south and east. To the north and west is the wider open countryside. The southern site boundary is predominantly hedgerow, while the eastern boundary is also defined in part by a hedgerow. The site is currently accessed from a driveway off Windmill Lane.

DETAILS OF PROPOSAL

This application proposes the construction of 9 dwellings as a rural exception site. The scheme includes 1no. 4-bedroom dormer bungalow, 4no. 3-bedroom two storey semi detached dwellings, and 4no. 2-bedroom semi-detached dwellings. 4 dwellings would be rental units and 5 dwellings would be shared ownership units. The site would be accessed via a driveway from Windmill Lane

between Red Acres and No.7 Windmill Lane. The bungalow would also have a detached garage. The scheme also includes off street parking for the remaining dwellings, landscaping, and a retained vehicular access to field to the west.

RELEVANT HISTORY

12/2532N - Construction of 9No. Affordable Homes in Conjunction with Housing Association on Land within Open Countryside as a Rural Exceptions Site with Associated Access Road and Car Parking, Withdrawn 18 September 2012

11/3520N – Planning permission approved for Proposed New Bungalow on Infill Plot and New Vehicular Access to Existing House on 17th November 2007.

P07/0909 – Outline Planning permission approved for One Dwelling on 15th August 2007.

POLICIES

National Planning Policy

National Planning Policy Framework (2012)

Local Plan Policy

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy))

Policy TRAN.9 (Car Parking Standards)

Other Documents

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Local Development Framework – Development on Backland and Gardens Supplementary Planning Document

CONSULTATIONS (External to Planning)

Environment Agency – No objection subject to condition relating to the submission of a risk assessment and further pre commencement works.

Environmental Health – No objection subject to conditions relating to hours of construction condition, piling, lighting and contaminated land

United Utilities – No objection; advice letter issued

Strategic Highways Manager – No response received at time of writing report

VIEWS OF THE PARISH COUNCIL

Make General comments that:

- 1) In principle residents have no objections to the development
- 2) Potential risks with residents and agricultural machinery – suggestion made to relocate agricultural access
- 3) Visibility lanes should be assessed as the access forms onto a 30mph limit road.

OTHER REPRESENTATIONS

11 letters of objection received from nearby residents and a petition with 22 names, the salient points being that:

- Application for 10 houses and a shop
- Proximity of development to rear boundary of neighbouring dwelling
- The criteria for affordable housing
- Proposed farm access to new development would result in highway safety issues
- Highway safety issues as a result of the proposed layout, cars reversing down access roads.
- Highway safety issues as existing road is set to national speed limit
- Insufficient parking proposed
- Development would result in highway safety issues & accidents
- Drainage unable to support existing rainwater
- Sewerage system unable to cope with existing demand
- Concerns relating to damage hedgerows between application site and neighbours
- Will the remaining fields to the rear of the site remain in agricultural use
- Impact of any street lighting proposed in the future
- Irregular bus services in Buerton
- Destruction of habitats, wildlife and protected species
- Existing road network cannot support existing volume of traffic
- Unsustainable location; no amenities
- No school in the area
- No employment or employment opportunities in the area
- Already existing housing for sale in the area
- Impact upon amenities of neighbouring residents

- Housing in the Open Countryside
- Questions whether the dwellings are affordable due to their scale
- Sufficient provision of affordable housing elsewhere in Cheshire East
- Issues with construction traffic and where the vehicles will park
- Existing roads in poor state of repair
- Potential flood risk – area liable to flooding
- Only half of the application site is Brownfield
- National speed limit road, not 30mph
- Concerns for road and pedestrian safety
- Insufficient cycle routes
- Impact on house prices
- Cannot realistically walk to Audlem

2 letters were also submitted objecting to the comments submitted by the Parish Council.

APPLICANT'S SUPPORTING INFORMATION

- Supporting Statement
- Affordable Housing Need Statement
- Protected Species Survey
- Flood Risk Assessment

OFFICER APPRAISAL

Principle of Development

The application site lies solely within the Open Countryside, as defined by the Local Plan Proposals Map, on the edge of the settlement of Buerton. Buerton itself does not benefit from a Settlement Boundary and is also whitewashed as Open Countryside. Policy NE.2 of the Local Plan restricts development in Open Countryside locations and residential development is generally (subject to certain criteria) an inappropriate form of development in such locations. An exception to Open Countryside Policy is for the provision of affordable housing.

Policy RES.8 states that planning permission may be granted for the provision of affordable housing as an exception to NE.2 subject to a number of criteria. To qualify as an affordable housing scheme there must be an identified local need for affordable housing; the site must be in a sustainable location, immediately adjacent to an existing settlement boundary or, exceptionally, within or adjoining the built up area of other rural settlements; and the scale, layout and design must be appropriate to the settlement.

The National Planning Policy Framework 2012 identifies that LPA's should be responsive to local circumstances and plan housing development to reflect local needs, particularly affordable housing, including through rural exception sites where appropriate. Local Plan Policies are considered to be consistent with the NPPF with regard to facilitating the delivery of affordable housing schemes in sustainable locations where there is an identified need.

Housing Need

The Interim Planning Statement on Affordable Housing states that any application should be supported by an up to date Housing Survey of the Parish. This application has been supported by some public consultation in the area that has been documented in the supporting information submitted as part of the application.

The Housing Strategy and Needs Manager has been consulted as part of the application and raises no objections to proposal, stating that Rural Housing Needs Survey were published in 2013 for the Audlem and Buerton areas. The surveys findings were as follows;

Buerton

The Rural Housing Needs Survey for Buerton was carried out in November 2012, questionnaires were sent out to 217 households and 75 were returned giving a response rate of 35%.

The survey established that there were 7 households which had a member of their household who wished to form a new household within the next 5 years, in 2 of these households there were 2 members of the household who wished to move, therefore a total of 9 residents of Buerton wish to form new households.

The survey also established that there were 6 households in Buerton where members of that household had moved out of Buerton because they could not afford to buy or rent in the area, of these 2 have said they want to return to Buerton.

Overall this gives a total of 11 residents who wish to form a new household in Buerton.

The Strategic Housing Market Assessment 2010 established an average house price of £280,425 and median house price of £250,000 in the Audlem sub-area which Buerton is included in.

In order to afford a mortgage of £250,000 a household would need to have an income of around £71,429 (this is based on a multiplier of 3.5 x income).

The income levels of 6 of the 7 residents who currently live in Buerton and the 2 households who want to return to Buerton are below £30k and this suggests that 8 of the 9 households who either currently live in Buerton or wish to return could only afford rent or subsidised home ownership as their incomes are short of that required to purchase on the open market.

Audlem

Audlem is one of the parishes which adjoins Buerton. A Rural Housing Needs Survey was carried out in January 2013 in Audlem, survey forms were delivered to 810 households in Audlem and 416 were returned. Although this survey is not being used to demonstrate affordable housing need for Buerton it is worth noting the level of affordable housing need in Audlem.

The survey demonstrated quite a high level of demand for affordable housing in Audlem with around 43 households requiring affordable housing. It doesn't appear that there are many sites in Audlem and with such a high housing need in that Parish alone it would be unlikely that the affordable housing need for Buerton could be met in Audlem.

Buerton comes under the Audlem sub area of the SHMA 2010. The SHMA identifies that for the sub area of Audlem there is an annual affordable housing need of 6 new homes each year between 2009/10 – 2013/14.

Cheshire Homechoice, which is the choice based lettings system for allocating social housing across Cheshire East, currently has 2 applicants who have selected Buerton as their first choice, whilst this number appears low there are only 10 affordable properties in Buerton, 4 of these are bungalows.

In addition to the above on 3rd April 2012, Markden Homes and Plus Dane carried out a consultation event and interested residents were invited to express interest in the properties. 13 people have registered an interest in the properties and 10 of these appear to have a clear local connection.

The Rural Housing Needs Survey identified a clear need for 8 affordable homes taking account of the incomes and local house prices, and the proposal is for 9 dwellings. However taking account of the other need information including the consultation event carried out on the 3 April 2012 and the lack of affordable housing delivery anticipated in the Audlem sub-area, it is not considered that this is an unreasonable level of provision.

In summary, the evidence submitted suggests that there is a need for affordable housing in Buerton. The up to date Needs Survey offers support for the need of affordable housing in the area, providing a clear argument in favour of the proposal.

Sustainability of Site

Policy RES.8 identifies that rural exceptions schemes may be acceptable where the site is in a sustainable location immediately adjacent to the settlement boundary. Buerton is a settlement which does not benefit from a settlement boundary and as such the scheme does not satisfy that criterion. Policy RES.8 goes on to state that, exceptionally, the site be within or adjoining the built area of other rural settlements. This is echoed within the Interim Planning Statement on Affordable Housing. The application site is located adjacent to the settlement of Buerton and as such would satisfy that exceptional criteria, in terms of the site itself. However, the criteria makes it clear that any site should be sustainable. Again, this is also reflected in the Affordable Housing Statement, and is a key principle of the NPPF.

Buerton is a small, isolated village within the Open Countryside, which comprises ribbon development along Woore Road, frontage development along Windmill Lane, and three cul-de-sacs off Windmill Lane. There are approximately 80 dwellings within the settlement. While there are a reasonable number of dwellings within the settlement, the level of services that the settlement offers, such as schools, shops, public houses etc is nil. The only exception is a bus service between Whitchurch and Audlem which passes the site and an area of open space. The bus service does not appear to be a regular service through Buerton. Within the settlement is a former primary school which has closed in recent years.

The nearest larger settlements to the application site which do offer extended amenities and services are Audlem, which is approximately 3km to the west along the A525, and Woore, which is approximately 5km to the east along the A525. These settlements are considered to be of a distance which is not realistically walkable due to the distance and lack of footpaths. Cycling is

also considered to be unrealistic due to the traffic volumes and narrow winding nature of this, largely de-restricted road.

In the light of the above it is considered that this is an unsustainable location. As such, the key assessment with regards to the application is whether the need for affordable housing in the area outweighs the fact that the site is unsustainable.

Conclusion of Principle of Development

Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development. An up to date survey has been submitted, and it is considered that there is evidence available of the need for affordable housing in the area. The site is not located within a sustainable location, however the proposed development would be located on the edge of an existing settlement. Buerton has few local amenities, however is situated within 3km of Audlem where all service needs are covered. Evidence has been submitted that suggests there is a specific need for affordable housing within the locality, and in this case, it is considered that the need for the housing outweighs the unsustainable location of the site.

The principle of affordable housing within the area is therefore accepted.

Impact on Character and Appearance of Open Countryside

The application site is located in the Open Countryside and residential development, by its very nature, has the potential to cause harm to the character and appearance of the open countryside. The application site forms a mixture of residential curtilage and small holding. Within the small holding are a number of timber and steel framed sheds. These existing buildings occupy much of the application site. The proposed development would be contained to the east and south by existing residential development. In addition the scheme would replace existing buildings on the site which are in agricultural use. The proposed development would not extend significantly beyond the northern and western extents of existing built development on the site and therefore built residential development on this site is unlikely to represent a significant incursion into the Open Countryside or to cause demonstrable harm on the landscape character. While it is appreciated that the character of the site would change from rural to urban, the harm, due to site characteristics is likely to be limited. In addition there has been no objection from the Council's landscape consultation on these grounds.

The nature of surrounding development comprises bungalows to the south and two storey detached dwellings to the east. The scale of the proposed properties which includes a detached dormer bungalow and 4 blocks of two-storey semi-detached properties would not be considerably out of character with adjoining development. The appearance of these buildings is relatively simple and they would not be in any way prominent. The layout of the development, in terms of its cul-de-sac approach would reflect the pattern of existing development within the settlement, which is characterised by cul-de-sacs off Windmill Lane, and as such is considered to be appropriate.

When viewed from Windmill Lane views of the proposed development would be limited as the proposals are sited to the rear of existing development. There would be some change in character from Windmill Lane due to the creation of the site access. However, it is unlikely that this would cause demonstrable harm to the character of the area.

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

Impact on the Amenity of adjacent properties and future occupants

According to the SPD on backland and garden development a separation distance of 21m between principal elevations and 13m between principal and flank elevations is sufficient to achieve an adequate standard of privacy and amenity between dwellings. The proposed dwellings would be sited to the west of existing dwellings on Windmill Lane. Unit 3 is sited directly to the rear of Kilderkin House at a right angle to it. A distance of 18m would be achieved from the gable of unit 3 to the rear elevation of this dwelling which is an acceptable spacing standard. In addition the dwelling itself is sited approximately 8m from the shared boundary and would not be overbearing.

Unit 1 would be sited to the rear of Red Acres and there would be a distance of 16m between the proposed flank elevation of Unit 1 and the rear elevation of Red Acres which is also an acceptable spacing standard.

The proposed bungalow would be sited along the southern boundary of the site. At the closest point, the dwelling would be between 1m and 3.5m from the boundary of No.10 Windmill Close. The bungalow would have an eaves height of 2.5m and a maximum height of 6m. The dwelling would be 31m from the rear of No.10 Windmill Close. From conducting a site visit at No.10 Windmill Close it is apparent that the dwelling has ownership of a parcel of land to the rear of the dwelling resulting in a rectangular garden. The proposed bungalow would abut the boundary of No.10 Windmill Close and would essentially consume the rear boundary of the property. A significant distance of 31m would remain between the rear elevation of No.10 Windmill Close and the side elevation of the bungalow, as such it is not considered that the proposal would result in any loss of privacy. The rear garden to No.10 Windmill Close slopes downwards towards the property, however due to the orientation of the bungalow there would be no loss of light to the rear amenity space or to the property itself. The key consideration is whether the bungalow would result in an overbearing impact to the rear amenity space of No.10 Windmill Close. Whilst it is agreed that the bungalow would be overbearing when viewed from the end of the rear garden, it is considered that the rear amenity space afforded to No.10 is large enough for the bungalow not to adversely impact upon the entire rear garden. Taking into account that the proposed dwelling is a bungalow, the impact would not be adverse enough to substantiate grounds for refusal. In addition the dwelling is sited at a satisfactory distance from the rear elevation of properties on Windmill Close.

Concern has been raised about the amenity impact upon No.7 Windmill Lane as a result of overlooking from the proposed dormer windows. That property is 36m from the proposed dwelling and its garden is 28m away, and as such would not result in any amenity issues to No.7. It is of merit to note that No.7 Windmill Lane is not immediately to the front of the bungalow.

Within the site, the spacing between dwellings are generally in accordance with the standards set out above. However, there is a distance of 20m between facing principal elevations between units 1 and 2, and 3 and 4, which is slightly below the suggested spacing standard. Given the layout and position of private driveways this would not cause an unacceptable level of amenity for these properties.

No objection has been raised by Environmental Health however they have suggested a number of conditions which could be attached to any permission.

Contaminated Land

Information regarding contamination was submitted under the previous application 12/2532N, and has been viewed by Environmental Health. Further investigations are required and a condition requesting a Phase II contaminated land survey be submitted to and approved by the Council.

Impact on Highway Safety

The site of the proposed development is shown to be accessed from Windmill Lane. No comments have been received from the Strategic Highways Manager with regard to whether the proposed development would cause any harm to highway safety. An update will be provided at Committee.

A minimum of two off street parking spaces should be provided for each dwelling which can largely be achieved. However, it is noted that this may not be achievable for Unit 8. Two spaces could be achieved in the curtilage of this property through the repositioning of the garden shed and this could be secured by condition.

Impact on Protected Species

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the nature conservation resource. Proposals for development that would result in the loss or damage of any site or habitat which supports protected species will not be permitted, unless this is compensated by the provision of a similar feature. In addition Policy NE.9

(Protected Species) states that development will not be permitted where it would have an adverse impact on protected species or their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF states that LPA's should aim to conserve and enhance biodiversity.

The application has been supported by a Protected Species Report. This has been considered by the Council's Nature Conservation Officer. The buildings subject to this planning application do not for the most part appear to offer significant roosting opportunities for bats. Whilst bats are active around the site no evidence of roosting bats was recorded during the surveys undertaken. Bats do not present a constraint on the proposed development.

With regard to Barn Owls, concern has been raised that the proposed development would lead to a loss of foraging habitat for barn owls and it would be difficult to retain sufficient rough grassland habitat within the development site to maintain the current barn owl interest. It is therefore suggested by the Nature Conservation Officer that the adverse impact of the proposed development upon barn owls be offset by means of a commuted sum of £2,000 payable to the local barn owl group. The commuted sum would be used to implement barn owl conservation work in the Borough and should be secured through a section 106 obligation associated with the development of the site if the proposal is deemed to be acceptable.

Impact on Drainage and Flooding

Concern has been raised with regard to the drainage of the site and the implications that the proposed development would have on flooding in the area. Consultations have been carried out with United Utilities and the Environment Agency with regard to these issues.

United Utilities have stated that they have no objection to the proposed development. They also state that where possible this should be drained on a separate system with only foul drainage being connected to the foul sewer. Full drainage systems can be secured by condition.

With regard to flooding the Environment Agency have also raised no objection to the proposed scheme. They do note that the application site is within 60m of a watercourse which may be controlled waters which may have been affected by contamination from past uses. They have therefore suggested a condition to be attached on any permission for a remediation strategy to be submitted to deal with the risks associated with contamination.

In the absence of any objection from both these bodies it is considered that the proposed development can be satisfactorily drained and would not result in any flood risk, and it is not considered that a refusal on drainage grounds could be sustained.

Other Matters

Policy RT.3 identifies that in small residential developments occupied in schemes of less than 50 people reasonable contributions will be required towards the provision of children's play space and casual recreational open space public open space improvements. There is no existing equipped

play space in the area and a small contribution towards improvements could be considered to be reasonable in this instance if minded to approve the application.

Community Infrastructure 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 commuted sum in respect of loss of foraging habitat will ensure that the additional habitat provision can be made elsewhere in the Borough and that appropriate mitigation for the affordable dwellings can be made.

The contribution is necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS

The application site is not within a sustainable location, Buerton is a small village settlement that is within the Open Countryside, the very nature of these settlements dictates that few services would be available locally. The proposed development would be sited on the edge of the settlement. The application site has access to services in the neighbouring settlements of Audlem (3km) and Woore (5km), however only limited bus services are available. However, whilst recognising that the application site does not fall within a sustainable location, evidence has been provided that there is a clear need for affordable housing locally. The proposal would provide 9 affordable dwellings which would act to provide an adequate level of affordable housing within the Buerton area.

The siting, layout and design of the proposal is considered to be acceptable.

It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents, or upon protected species.

The objections received from residents have been considered fully, however do not offer grounds for refusing the application. No other material planning considerations would warrant refusal of the application. As such, the scheme is considered to be acceptable.

RECOMMENDATION:

Approve subject to Unilateral Undertaking / Planning Obligation to secure

- **9no. Affordable Dwellings**
 - **£2,000 contribution to used to implement barn owl conservation work in the Borough**
1. Commence development within 3 years
 2. Development in accordance with approved plans
 3. Submission of details/samples of external materials

4. Submission of a scheme of landscaping of the site including the retention of the hedgerow to the north and west boundary of the site
5. Implementation of approved landscaping scheme
6. Submission and implementation of details of boundary treatments
7. Submission and implementation of a tree protection scheme
8. Submission and implementation of an arboricultural method statement
9. Removal of permitted development rights for extensions, roof alterations and outbuildings
10. Limit on hours of construction
11. Limit on hours of piling
12. Lighting details submitted, approved and implemented
13. Submission of Phase 2 Contaminated Land Survey
14. Protection for breeding birds
15. Surveys for Environment Agency
16. Nature Conservation Enhancement
17. Limit on hours of construction
18. Submission of detailed drainage scheme

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