

Application No: 13/4635N

Location: LAND TO REAR OF WOODLANDS VIEW, 20, BRIDGE STREET,  
WYBUNBURY, CW5 7NE

Proposal: Outline application for residential development at 30 dwellings per hectare  
net with Primary access off Sally Clarke's Lane and some other matters  
reserved. Resubmission of 13/1421N

Applicant: Mr & Mrs Graham Poole

Expiry Date: 18-Feb-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE subject to S106 Agreement and conditions**

#### **MAIN ISSUES**

**Impact of the development on:-**

**Principal of the Development**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Public Open Space**

**Education**

**Flood Risk and Drainage**

#### **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

#### **1. DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development extends to 0.80 ha and is located to the west of Bridge Street and to the south of Sally Clarkes Lane. The site is within open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site is residential development (fronting Bridge Street). To the north is Sally Clarkes Lane which includes one

dwelling known as Willowmead and a site which has planning permission for two dwellings. To the south of the site is Wybunbury Delves Primary School and to the west of the site is agricultural land.

The land is currently in agricultural use and includes a small car sales garage at the junction with Sally Clarkes Lane. The land levels on the site are uneven with the land level rising to the south of the site.

## **2. DETAILS OF PROPOSAL**

This is an outline application for residential development at a density of 30 dwellings per hectare.

Access is to be determined at this stage and this would be via a new access to the south of Sally Clarkes Lane.

The indicative plan shows a scheme of 20 dwellings including 12 semi-detached two-storey dwellings and a terrace of 8 bungalows.

The layout plan shows that the proposed development would provide off-street parking for the dwellings at 24-46 Bridge Street (2 spaces per dwelling).

## **3. RELEVANT HISTORY**

13/1421N - Outline application for residential development at 30 dwellings per hectare net with Primary access off Bridge Street and other matters reserved – Refused 17<sup>th</sup> July 2013 for the following reason:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

12/3274N - All matters left reserved seeking approval of access, appearance, landscaping, layout and scale for 2no. Dwellings – Approved 18<sup>th</sup> October 2012

P08/0811 - Outline Application for Two Dwellings – Approved 11<sup>th</sup> October 2010

P95/0654 - O/A for demolition of repair garage and erection of 4 dwellings – Refused 19<sup>th</sup> October 1995. Reasons for refusal:

- Intrusion into the open countryside contrary to Structure Plan Policy
- Highway safety due to proximity to Sally Clarke's Lane and visibility splays

7/18456 - Demolition of commercial garage and two dwellings and construction of 11 terraced and 6 detached houses, together with associated roads, footpaths and landscaping – Refused 26<sup>th</sup> July 1990. Reasons for refusal:

- Development in the open countryside contrary to Structure Plan Policy
- Development would be out of scale with the village contrary to Structure Plan Policy
- The site is not allocated for development and is contrary to Local Plan Policy

7/12763 - Dwelling with integral garage – Refused 6<sup>th</sup> February 1986. Reasons for refusal:

- Outside the settlement boundary line as defined by the County Development Plan
- The development is not an infilling in an otherwise built up frontage and would be contrary to the Structure Plan
- Outside the Settlement Boundary and would adversely impact upon the character of the open countryside
- Sally Clarke's Lane is narrow with no turning facilities

#### **4. POLICIES**

##### **National Policy**

National Planning Policy Framework

##### **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)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

##### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

#### **5. CONSULTATIONS (External to Planning)**

**United Utilities:** No comments received at the time of writing this report.

**Strategic Highways Manager:** The Strategic Highways Manager has requested that the comments made as part of the last application are taken into account as part of the determination of this application:

*'The Strategic Highways Manager has undertaken a significant amount of negotiation for this development proposal since his initial recommendation of refusal on 15<sup>th</sup> May 2013.'*

*The reason for refusal was lack of information and incorrect junction geometry and subsequent to those early comments the applicants have engaged a highway consultant to resolve the access strategy for the site.*

*Subsequently site meetings have resolved the necessary design for the proposed junction and revised details have been provided which demonstrate that required design standards can be met and that a viable junction design to serve this site is available.*

*Planning conditions will be recommended which will control the highway aspects of this proposal should a planning permission be granted'.*

**Environmental Health:** Conditions suggested in relation to hours of operation, noise mitigation, dust control and contaminated land.

**Public Open Space:** Following a recent request, a contribution for off-site provision should be secured, specifically £20,000 for improving the existing children's play area at Main Road, Wybunbury.

**Public Rights of Way:** It appears unlikely, that the proposal would affect the PROW, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent.

**Natural England:** If undertaken in strict accordance with the details submitted the development is not likely to have a significant effect on the Wybunbury Moss SSSI. In relation to protected species refer to the Natural England standing advice.

**Education:** A development of 20 dwellings will generate 4 primary and 3 secondary aged pupils.

An analysis of both the existing primary and secondary provision has indicated that there is some surplus currently in both sectors. However based on the large number of developments currently being considered through the planning process and by an appeal panel then it is felt that this surplus should be considered used. On this basis the following contributions will be required:

Primary -  $4 \times 11919 \times 0.91 = £43,385$

Secondary -  $3 \times 17959 \times 0.91 = £49,028$

## **6. VIEWS OF THE PARISH COUNCIL**

Wybunbury Parish Council: **Object on the following grounds:**

- Some of the bedrooms in the development will be overlooking bedrooms in existing adjacent properties.
- The access is dangerous being immediately adjacent to Sally Clarkes Lane and visibility is poor at this point.

**Hatherton and Walgherton Parish Council:** No comments received at the time of writing this report.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 3 local households raising the following points:

### Principal of development

- There is no need for more housing in Wybunbury
- There needs to be a cumulative consideration of housing within Cheshire East
- Insufficient information submitted with this application
- There is already an approval on the Shavington/Wybunbury Triangle
- The approval of the Wybunbury/Shavington Triangle would increase the accommodation in the area by 90%
- The development would provide an access for a further site within the SHLAA and could lead to a further 33 dwellings
- Lack of pre-app consultation
- Loss of open countryside
- The site is not sustainable
- There have been previous refusals on this site
- Inaccuracies within the planning documentation
- Approving this development would be premature ahead of the local plan

### Highways

- Increased traffic within the village
- Increased traffic generation when going into Crewe
- Traffic congestion
- A further traffic survey should be carried out
- Cumulative highways impact from the approved developments in the area
- Increased risk of accidents on the bridge
- Highway safety
- Poor visibility at the site access point
- The proposed access would harm Sally Clarkes Lane
- There should be no alteration to the access of Sally Clarkes Lane
- There should be no obstruction of the access onto Sally Clarkes Lane
- Pedestrian safety
- Impact upon the bus stop
- Increased traffic speeds in on-street parking is removed from Bridge Street

### Green Issues

- Impact upon protected species
- The Badger mitigation details are not adequate
- Loss of agricultural land

### Infrastructure

- There are drainage problems and there are potential flooding issues
- Previous surveys have indicated that the sewer will need to be replaced
- The local Primary School is already full

- Capacity issues at local schools
- Lack of information on the treatment of the PROW

#### Amenity Issues

- Overbearing impact
- Loss of day light
- Loss of privacy
- Land levels on the site mean that there would be a greater impact upon residential amenity
- Noise and disruption from construction of the dwellings
- Increased noise
- Noise from the existing school
- Light pollution from the existing school site

#### Other issues

- Inaccuracies within the Design and Access Statement
- The additional access to the school would be a security risk
- The desk top study is inadequate
- Loss of property value

A petition signed by 14 residents who are in support of the application has been submitted as part of this application.

The full content of the objections is available to view on the Councils Website.

## **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Bower Edleston Architects)
- Tree Survey (Produced by Peter Jackson)
- Highways Report (Produced by Access Highway Design Planning Consultancy)
- Affordable Housing Statement (Produced by Bower Edleston Architects)
- Affordable Housing Statement (Produced by Bower Edleston Architects)
- Phase I Desk Study (Produced by Demeter Environmental Ltd)
- Protected Species Survey (Produced by EVR Ecology)

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

### **Principle of Development**

The site lies in the Open Countryside, as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy concerns.

In addressing this, members should be mindful of the key principles of the National Planning Policy Framework

This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“*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.”

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

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

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

**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.

### Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In October 2013 the Cabinet Member agreed the Cheshire East Local Plan Pre-Submission Core Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, an annual average of 1350 homes per year. This figure represents not only the objectively assessed need for housing based on the latest household projections but also a policy “boost” to allow for an enhanced level of economic development once the downturn recedes.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum. This calculation took account of the High Court judgement in the Hunston Properties case (subsequently reinforced at the Court of Appeal). For whilst the RSS has clearly been revoked, it remains the only examined housing figure for the current period and itself represented a step change in housing growth when it was adopted (reversing the previous policy of restraint). Accordingly the three Appeal decisions published on 18 October 2013 all use the RSS base.

In terms of the existing supply the Inspector found that there is currently:



*‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’ (Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- n specific policies in the Framework indicate development should be restricted.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

### Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

*‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’*

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

*‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the*

*intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.*

*Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'*

Since then the Council has published the Pre-Submission Core Strategy which is supported by fuller evidence and takes account of the 16,000 comments made during the two consultations in 2013. Accordingly its weight should correspondingly increase in decision making. Never the less, given the stance taken in the above appeals the emerging Local Plan can only be given moderate weight in the determination of this planning application.

### Conclusion

- The site is within the open countryside which is subject to Policy NE.2 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies for the supply of housing land are out of date and there is a presumption in favour of development unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only moderate weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

### **Location of the site**

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post office (1000m) – 580m
- Cash Point (1000m) – 580m
- Primary School (1000m) – 100m

- Local meeting place (1000m) – 650m
- Public House (1000m) – 430m
- Child Care Facility (nursery or crèche) (1000m) - 450m
- Bus Stop (500m) – 100m
- Public Right of Way (500m) – 100m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Amenity Open Space (500m) – 600m
- Children's Play Space (500m) – 650m
- Outdoor Sports Facility (500m) – 600m
- Convenience Store (500m) – 580m
- Post Box 580m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3900m
- Secondary School (1000m) – 4800m
- Medical Centre (1000m) - 5380m
- Pharmacy (1000m) – 3900m
- Leisure Centre (1000m) – 4900m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Wybunbury, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for a sustainable village (Wybunbury is classed as a sustainable village in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Bridge Street from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

## **Landscape**

The application site is an L-shaped parcel of land which includes a small garage and utilitarian buildings to the Bridge Street frontage and a rectangular parcel of land to the rear. The land has uneven land levels and generally rises towards the boundary with Wybunbury Delves Primary School.

As part of the last Local Plan Inquiry, the Inspector states that he was satisfied that there was no requirement for additional housing location over the Borough as a whole, and more particularly in the village of Wybunbury. Notwithstanding this, in terms of the landscape impact, the Inspector stated that the development would *'be highly visible, to the extent that I consider it would have a significant visual impact upon the setting of the village'*.

However it is not considered that this conclusion remains appropriate. From the case officer and Landscape Officers site visit the site would only be glimpsed from a small section of Bridge Street with the main view point when crossing the bridge. Other views would be from Sally Clarkes Lane and distantly across the playing fields at Wybunbury Delves Primary School from Wybunbury Road. It should also be noted that since the Local Plan inquiry outline permission has been granted for 2 dwellings on Sally Clarkes Lane which would reduce the landscape impact even further.

The proposed development would respect the linear form of development along Bridge Street and the existing boundary hedgerow would be retained to provide a green buffer to the open countryside to the west. Therefore it is considered that the site does have the capacity to support this proposed residential development.

### **Affordable Housing**

Wybunbury has a population below 3,000. As such there is a requirement to provide 30% affordable housing on sites of 0.2 hectares or 3 dwellings or more under the Councils Interim Planning Statement on Affordable Housing (IPS).

Wybunbury is located in the Wybunbury and Shavington sub-area in the Council's Strategic Housing Market Assessment Update 2013 (SHMA). In this sub-area the SHMA identified a requirement for an additional 54 new affordable housing units per year between 2013/14 – 2017/18, these are made up of 8 x 1 beds, 20 x 2 beds, 7 x 3 beds, 12 x 4+ beds and 1 x 1 bed older persons accommodation & 7 x 2 bed older persons accommodation.

The Wybunbury Rural Housing Needs Survey 2012 (RHNS) was sent out to all households in the parish (620) and 282 households responded, which is a response rate of 45%. The survey established that there are 11 households that have at least one member who wished to form a new household within the Wybunbury Parish. Seven households had one member who wished to form a new household within the next five years, two households had two members and a further two had three or more members. Therefore overall this equates to at least 17 individuals. It is accepted that there may be persons from separate households in the same community who wish to form a joint household. Where there was more than one hidden household the household requiring the move the soonest was looked at further. Of these 9 out of 11 households had an annual income of below £35,000 per year.

In addition to the information from the SHMA 2010 and the Wybunbury RHNS, information taken from Cheshire Homechoice, which is the Choice Based Lettings system used to allocate social/affordable rented housing across Cheshire East. This shows that there are currently 15 applicants who have selected Wybunbury as their first choice. Of these applicants, 2 require 1 beds, 5 require 2 beds, 6 require 3 beds and 4 require 4 beds, 2 applicants have not specified the number of bedrooms they require.

Therefore, as there is affordable housing need in Wybunbury, there is a requirement that 30% of the total units at this site are affordable, which equates to 6 dwellings. The Affordable Housing IPS also states that the tenure split the Council requires is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA 2010.

The affordable housing statement proposes 6 units of affordable housing which is acceptable as per the IPS (4 rented units and 2 units intermediate tenure). All of the proposed affordable units would be 2 bed houses and this would be acceptable.

As this application is an outline application, details of the proposed affordable housing scheme shall be provided at the first reserved matters and the details of the affordable housing scheme, include the mix of unit types and how these meet the required tenure split. Affordable housing would be provided by means of a legal agreement.

## **Highways Implications**

The application is in outline form with access to be determined at this stage.

The Strategic Highways Manager is mindful of the comments made by Wybunbury Parish Council regarding vehicle flow and proximity to the bridge over the brook which has priority working.

The Strategic Highways Manager states that the observed site conditions indicate that there is no material concern on highway technical grounds to refuse this application and he offers the following comments:

- Daily traffic flow for Bridge Street at 3780 vehicles per day is actually relatively low and well within the traffic capacity of this public highway.
- Traffic generation from this site will be less than 30 peak hour trips which, under Department for Transport guidance, is considered not to be a material impact where a public highway has capacity.
- The proposed junction design will provide visibility to the nearside kerb in both directions and is in accordance with accepted standards which, after the site visit, have been set within the guidance of Manual for Streets 2.
- Traffic approach speeds are generally low.
- The bridge over the brook is actually beyond the necessary visibility splays required for the junction which also means that it is beyond the necessary stopping site distance for traffic on approach.

These are the technical factors ruling the traffic generation, junction placement, visibility and stopping site distances. After the site visit, negotiations and the subsequent highway report provided by the applicant, it is clear that they are all adequately met.

In addition a revised junction design is proposed which will not be over scale for the development and the S.H.M. finds this satisfactory.

At the site visit, the applicant's highway consultant noted that the road markings in the vicinity of the site and bridge needed to be refreshed and stated that along with the provision of the proposed access and its markings that the applicant would be prepared to renew the related existing markings.

Given the revised design of the proposed access, which meets the required standards the Strategic Highways Manager considers that the scheme is acceptable on highways grounds subject to conditions.

## **Amenity**

In terms of the surrounding residential properties, the main properties affected are the properties which front onto Bridge Street and the property known as Willowmead which fronts onto Sally Clarkes Lane.

From the front elevation of the proposed dwellings to the rear elevation of the properties which front onto Bridge Street there would be a separation distance of approximately 30-35 metres. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Bridge Street is therefore considered to be acceptable.

To the north-west of the site is a detached dormer bungalow known as Willowmead and a site which has outline consent for two dwellings which is in control of the applicant. The indicative layout shows that the proposed dwellings which would face the rear boundaries of these properties would be single-storey bungalows (it should be noted that these properties would be set at a slightly higher level than Willowmead). However in this case the indicative plan shows that there would be a separation distance of approximately 24 metres between the principle elevations. Again this exceeds the standard separation distances set out in the Councils SPD and is considered to be acceptable.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to hours of operation, dust control and contaminated land. These conditions will be attached to the planning permission.

## **Trees and Hedgerows**

The submitted tree survey identifies two lengths of hedge on the northern boundary, both afforded a Grade A rating and a group of Hawthorn and Lime trees in the north west corner of the site, afforded a Grade C reference.

The boundary hedgerow is worthy of retention and would benefit from some infill planting. There are no trees of significant public amenity value on/adjoining the site. As a result, there are no significant forestry concerns in respect of the indicative layout.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

In this case the density of the site is appropriate and is consistent with that of the surrounding area of Wybunbury. The development would have a linear form that would respect the existing dwellings which front Bridge Street.

The indicative layout shows that the properties on the site would overlook the highway and parking areas. The properties would follow the ribbon of development which is located to the east and fronts Bridge Street. A prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

To the open countryside to the west, the boundary hedgerow could be provided/retained to act as a green buffer to the open countryside.

There are Grade II Listed Buildings located at Wybunbury Delves Primary School. However given the scale of the development and separation distances involved it is not considered that the development would impact upon the setting of the Listed Buildings on site.

Although there are some weaknesses with the indicative design, it is considered that an acceptable scheme could be agreed at the Reserved Matters stage and would comply with Policy BE.2 (Design Standards) and the NPPF.

## **Ecology**

### Wybunbury Moss SSSI

The Wybunbury Moss SSSI site is located 400 metres to the north of the site. Given the scale of the development and the separation distance involved, it is considered that there is unlikely to be any impact upon the SSSI. This issue has also been considered by Natural England who have raised no objection to this development in terms of its impact upon the SSSI.

### Habitats

#### *Hedgerows*

Hedgerows are a UK Biodiversity Action Plan priority habitat and a material consideration. The hedgerow located on the western boundary of the site should be retained and enhanced as part of the proposed development. This would be secured through the use of a planning condition should the application be approved.

### Protected species

An active protective species sett has been recorded on the boundary of the proposed development site. In the absence of mitigation, the proposed development is likely to have an adverse impact on the sett and potentially pose the risk of killing or injuring the resident animals.

To mitigate the potential impacts of the development, the applicant's consultant is proposing to construct an artificial sett in the adjacent field and then to partially or totally close the existing sett. Outline proposals for the timing of the works to reduce the impacts upon badgers have also been provided. This work would be subject to a Natural England license. The Council's Ecologist has

advised that the mitigation measures are acceptable and should be secured through the use of a planning condition.

### Breeding Birds

In order to safeguard breeding birds the Councils Ecologist has suggested the use of conditions relating to the timing of works and bird boxes.

### **Public Open Space**

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space within the village. This area is easily accessible from the application site via the existing PROW network and the POS Officer has suggested a contribution of £20,000 towards upgrading this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

### **Education**

In terms of primary school education, the proposed development would generate 4 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £43,385. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would generate 3 new secondary school places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £49,028. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required as part of this application. The application is in outline form and is considered to be acceptable in terms of its flood risk/drainage implications.

### **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 development would result in increased demand for both primary and secondary school places and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards both primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. As no provision would be made on site it is necessary to provide improvements off-site. This contribution is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. Following the recent appeal decisions the Council can no longer demonstrate a 5 year housing land supply it is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

The application is in outline form but, from the indicative plan, it is considered that an acceptable design solution can be secured and the development would not have a significant impact upon the landscape.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on site.

The necessary requirement for affordable housing would be provided and would be secured through a S106 Agreement.

The education impact can be mitigated through a contribution which the applicant is willing to make and would be secured via a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, and no objections being raised by the relevant consultees, it is not considered that the adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

## **11. RECOMMENDATIONS**

**APPROVE** subject to completion of Section 106 Legal Agreement to secure the following:-

**1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units). The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**2. Public Open Space contribution of £20,000**

**3. Education contribution of Primary £43,385 and Secondary £49,028**

**And the following conditions**

- 1. Standard Outline**
- 2. Submission of Reserved Matters**
- 3. Time limit for submission of reserved matters**
- 4. Approved Plans**
- 5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 6. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 7. Reserved Matters application to include a noise survey and noise mitigation measures**
- 8. Dust control measures**
- 9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 10. Prior to the commencement of development details of drainage to be submitted to the LPA for approval in writing.**
- 11. The proposed development to proceed in strict accordance with the recommendations of the submitted Badgers: addendum to protected species survey and site assessment**

report number 2013 (14)/VC/01ADD unless varied by a subsequent Natural England license.

12. Prior to undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.

13. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

14. The first reserved matters application to be supported by a plan to show the existing and proposed land levels on the site

15. The Reserved Matters application to include a off-street parking for the properties which adjoin the site fronting Bridge Street

**Informative:**

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales

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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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