

Application No: 14/0381N

Location: Land At Bunbury Heath, WHITCHURCH ROAD, BUNBURY

Proposal: Outline application for erection of two detached family houses and double garages, closing of existing shared access and provision of new shared access with associated landscaping

Applicant: James France-Hayhurst

Expiry Date: 17-Mar-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- **Principle of Development**
- **Housing Land Supply**
- **Residential Amenity**
- **Design and Layout**
- **Open Countryside**
- **Highway Safety**

DESCRIPTION OF SITE AND CONTEXT

The application site is a garden/paddock found on the west side of the A49, Bunbury Heath with the open countryside and outside of the Settlement Boundary for Bunbury.

To the north lies a cluster of residential dwellings. To the south is a track, beyond which is a small field before there is another cluster of residential properties.

The site is border to the east and south (frontages with the highway) with a substantial mature hedge.

DETAILS OF PROPOSAL

This application seeks outline approval for one detached single storey dwelling on the site. All matters are reserved, apart from access, for subsequent approval, however indicative plans have been submitted to provide parameters of what could be achieved. These plans show two detached dwellings of approximately 98 square metres each with a detached garage of approximately 43 square metres. It has been indicated that the ridge height of the proposed dwellings would be between 8.5 metres and 8.75m with eaves height at between 5 metres and 5.2 metres.

It has also been indicated that the ridge height of the proposed detached garages would be between 5.3 metres and 5.6 metres with the eaves height being between 2.4 to 2.6 metres.

RELEVANT HISTORY

P95/0777 – Vehicular access and change of use of land to residential – approved with conditions 1995

P97/0222 – Vehicular access – approved with conditions 1997

POLICIES

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD.1 Sustainable Development in Cheshire East

SD.2 Sustainable Development Principles

SE.1 Design

PG.5 – Open Countryside

MP.1 – Presumption in Favour of Sustainable Development

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

Supplementary Planning Document - Development on Backland and Gardens

National Policy

National Planning Policy Framework

Other Material Considerations

Village Design Statement (2009)

CONSIDERATIONS (External to Planning)

Environmental Health

No objection with recommended conditions:

Hours of pile driving
Hours of construction
Contaminated land

United Utilities

No objection

Highways

No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Bunbury Parish Council has no objections and supports this Application, which they consider is in line with the current Village Design Statement (2009) and in keeping with the character of the surrounding area.

OTHER REPRESENTATIONS

4 letters of representation have been received which make the following points:

- Loss of privacy/daylight and outlook from neighbouring dwellings to the north of the application site
- Disruption during construction
- Loss of single access
- Proposed development may be out of character with the surrounding area
- Proposed access will not be safe
- Overshadowing and overlooking
- Potential relocation of existing road signs and electricity poles impeding outlook from neighbouring properties
- Disturbance to road surface from access to existing drainage
- Could set a precedent for further development encroaching on green space along the A49

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Habitat Survey

OFFICER APPRAISAL

Principal of Development

The site lies largely 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.

Policy PG.5 (Open Countryside) of the Cheshire East Local Plan Strategy – Submission Version is consistent with Policy NE2 and can therefore be accorded weight in this determination.

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 objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the 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 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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the Cheshire East Local Plan Strategy – Submission Version, of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon within the Local Plan Strategy – Submission Version or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy and Infilling a Small Gap

Policy NE2 (Open Countryside) allows for development which would infill a small gap with one or two dwellings in an otherwise built up frontage.

The existing development along the section of the A49 which contains the application site mainly takes the form of ribbon development with a cluster of properties to the north of the site and a handful to the south. However, it is not considered that there is a strong building line with pockets of development appearing sporadically along the A49 in the wider context.

The gap between the existing dwellings to the north of the site and those to the south is approximately 105 metres. An appeal decision from 2012 (Inspectorate ref: APP/R0660/A/12/2169141 Council ref: 11/4228N, 202 Crewe Road, Haslington) considered what could be considered as a “small gap”. In this instance the gap between two dwellings in which the application site was situated was approximately 75 metres. In paragraph 8 of the appeal decision the Inspector states that:

“This distance has not been contested and represents a substantially greater gap than that which could be reasonably be considered as being ‘small’.”

Further to this an appeal decision (APP/K0615/A/08/2084048) relating to application P08/0656, Estele, London Road, Stapeley the inspector stated in paragraph 6 of the appeal decision that:

“The appeal site forms part of the land separating Estele from the neighbouring semi-detached property, Hollies. Within this area are two garages, one between the site and the side elevation of Estele and the second located inside the front boundary of Hollies adjacent to the boundary with the appeal site. While the presence of the garages reduces the size of the gap between the dwellings I do not consider that they consolidate it to such an extent that the development would appear as an integral part of the existing sporadic group of dwelling.”

And in paragraph 7:

“I therefore conclude that the proposed development would not constitute infill development and would thus materially harm the character and appearance of the open countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011.”

The gap between the two above properties in the above application and subsequent appeal was approximately 46 metres.

With the above in mind it is not considered that the proposed development would constitute an 'infill' plot when viewed in context with the surrounding area and in the spirit of the Policy.

Therefore the proposed development is not in accordance with Policy NE2 of the Local Plan and PG.5 (Open Countryside) of the Cheshire East Local Plan Strategy – Submission Version.

Sustainability

The sustainability of the site is another key issue in the assessment of this application. The Framework supports a presumption in favour of sustainable development and with regard to new dwellings in the Open Countryside stating in paragraph 55 that housing should be located where it will enhance or maintain the viability of rural communities.

Due to the isolated location of the site, the closest amenities and services are found in the centre of Bunbury which is approximately 1000 metres away. It is noted that a public footpath can be used which reduces the distance to the services at the centre of Bunbury by approximately 150 metres, however this will not always be practicable, especially during winter months.

To aid the assessment as to whether the application site is located within a sustainable location, 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 facilities 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 toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)

- Children's playground (500m)

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

- Primary School (1000m) – 800m
- Local meeting place (1000m) – 1000m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 53m
- Public House (1000m) – 1000m
- Supermarket (1000m) – 1000m

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

- Post box (500m) – 1000m
- Convenience Store (500m) – 1000m
- Outdoor Sports Facility (500m) – 800m
- Child Care Facility (nursery or crèche) (1000m) - 1200m

The following amenities/facilities fail the standard:

- Bank or cash machine (1000m) – 1803m
- Pharmacy & Medical Centre (1000m) – 2145m
- Railway station (2000m where geographically possible) – over 3000m
- Secondary School (1000m) – 4500m
- Children's Play Space (500m) – 1100m
- Amenity Open Space (500m) – 2500m

In terms of the economic, social and environmental role of planning, it is considered that, there are significant environmental dis-benefits of the scheme in terms of the impact upon open countryside. The proposed development would create two relatively isolated dwellings and result in the erosion of the substantial gap of approximately 105 metres between the existing dwellings to the north and those to the south of the application site. This in turn will lead to a harmful loss of open countryside along the A49 through Bunbury Heath.

Any economic benefits, which are likely to be limited to construction, would be limited. In addition there are social dis-benefits of the sites unsustainable location and little services and in the area to maintain and enhance. Any benefits of the scheme are significantly outweighed by the harm caused by the development.

Whilst the issues raised as part of the application have been fully considered, it is not considered that the proposal would not comply with policy NE.2 of the Local Plan, and would lead to the creation two isolated dwellings in a rural area, therefore contrary to advice within the Framework. Whilst Housing Land Supply and the creation of jobs and increased spending within the economy can be cited as being in favour of the development, the planning balance would not tip the balance in favour of the proposal.

Amenity

The Supplementary Planning Document on Development on Backland and Gardens advises that a distance of 21 metres should ideally be achieved between principal elevations of dwellings, with 13.5 metres between a principal elevation with habitable rooms and a side or blank elevation.

In terms of the residential amenity of neighbouring dwellings the submitted indicative layout shows that that proposed dwellings would be approximately 37 metres from the neighbouring dwellings to the north of the site.

To the dwellings to the south there is a distance of approximately 47 metres, while to the east there is a distance of approximately 35 metres to the nearest dwelling. Therefore the proposed development exceeds the recommended spacing distances between new and existing dwellings.

Furthermore, it is not considered that the proposed development would have a significantly detrimental effect upon surrounding residential dwellings in terms of loss of light, loss of privacy, overshadowing or overlooking.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

This is an Outline application, as such only a site layout with the indicative sizes of the proposed dwellings and detached garages have been submitted.

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an **indicative** layout has been submitted.

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.”

The design of the proposed development will be considered through the submission of a Reserve Matters or Full Planning application should this application be approved.

Highways and Access

It is proposed that the existing access to Orchard House and Orchard Barn be closed with the access to these and the two proposed dwellings being taken from a new access approximately 4 metres to the south of the existing.

The Applicant has indicated limited visibility at the existing access to Orchard House/Barn. The proposed access, for all three dwellings, lies just to the south and will provide improved visibility. The visibility is considered adequate for this location with a speed limit of 30mph.

The development proposals indicate suitable levels of parking for the proposed additional dwellings and the ability of the vehicles to enter and leave the site in forward gear.

Overall the Strategic Highways Manager considers the proposed access to be safe and provides for a sufficient level of car parking.

Therefore, the proposed development is in accordance with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

The issues raised regarding rights of access and land ownership in respect of the new access are a civil matter not something that can be controlled by the LPA.

Bunbury Village Design Statement 2009.

The Parish Council consider the proposal accords with the Bunbury Village Statement 2009. This document can be afforded only very limited weight in the determination of this application as a material consideration.

Page 16 sets out specific recommendations in regards to development in Bunbury Heath, with the relevant points to this application being:

- Future development should be small scale and not spread outside the existing built-up area
- New properties should conform to the character, scale and wherever possible, the building materials of the existing nearby properties

The design of the proposed dwellings is not for consideration at this stage.

The application site lies outside of the existing pockets of development along the A49 through Bunbury Heath. Therefore, the proposed development would not be in accordance with the Bunbury Village Design Statement since it is not within Bunbury Heath.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where according to Policy NE2 and RES5 of the Local Plan and Policy PG.5 of the Cheshire East Local Plan Strategy – Submission Version there is a general presumption against new residential development, although an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

It is not considered that the application and 'gap' between the existing dwellings to the north and the south can be accepted as an 'infill'. There have been a number of Inspectors Decisions in this area where smaller gaps in frontages have not been regarded as being 'infill' for the purposes of the Plan.

Overall, it is considered that the proposed development would be unsustainable and lead to an erosion in the physical gap between the existing pockets of development along the A49, and in turn would have a harmful effect on the surrounding open countryside.

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

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, and as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version

RECOMMENDATIONS

REFUSE:

1. The site lies in an area of open countryside where there is strict control over new development. The application site does not constitute a small gap in an otherwise built up frontage and therefore the proposed dwelling represents an unjustified and unwarranted intrusion into the open countryside. Furthermore, the application site is considered to be an unsustainable location. The proposal is therefore contrary to the National Planning Policy Framework and Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version 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.

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 Southern Planning Committee, 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 Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern

Planning Committee 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.

