

Application No: 14/0183N

Location: ADJ 16 HUNTERSFIELD, SHAVINGTON, CREWE, CW2 5FB

Proposal: 4 no. detached houses and ancillary works

Applicant: Renew Land Developments Ltd

Expiry Date: 24-Feb-2014

### **SUMMARY RECOMMENDATION**

Approve with Conditions

### **MAIN ISSUES**

Principle of Development

Amenity

Design

Access

Trees and Hedgerows

Nature Conservation

Drainage

### **REASON FOR REFERRAL**

The application has been called in by Councillor Brickhill. The reason is the following:-

*"...members may like to consider whether the site is outside the publish perimeter of Shavington and is in open countryside contrary to policies NE2 and NE4. Members may also like to consider whether the extra four houses are really necessary given the adjacent Triangle application for up to 400 houses and whether they would consider this green field to be a very necessary open space between the existing houses and the new development which would prevent loss of privacy and amenity and possible damage during the construction process."*

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is a slither of open land, and immediately to the south of houses on Huntersfield and east of Dig Lane. Huntersfield is a relatively modern close of houses that is immediately to the south of Newcastle Road. This slither of land forms part of the greater site known as the Shavington/Wybunbury Triangle that benefits from outline planning permission for residential development for 365 houses (12/3114N).

## **DETAILS OF PROPOSAL**

The now amended proposed development is for the construction of a four houses of which two would be detached and two would be semi-detached. This application seeks full planning permission. The detached houses would have four bedrooms and integral garage. The semi-detached house would have three bedrooms and separate garages at the front of the drive.

## **RELEVANT HISTORY**

12/3114N – Outline Application for Residential Development of up to 360 Dwelling, Local Centre of up to 700 sq m. Etc – Approved 23/01/14  
P95/0310 - 4 detached dwellings – Refused (Restraint Policy and Proximity to Rear elevations ) 01/06/95

## **POLICIES**

### **National**

National Planning Policy Framework

### **Local Plan Policy**

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
NE.2 – Open Countryside

Development on Backland and Gardens Supplementary Planning Document

### **Emerging Local Plan Policy**

CS6 - The Shavington/WybunburyTriangle  
SE1 – Design  
PG5 – Open Countryside

## **CONSIDERATIONS (External to Planning)**

### **Highways**

No comments received at the time of writing.

### **Environmental Health**

No comments received at time of writing.

### **United Utilities**

No objection but state a public sewer crosses the site that cannot be built over and would require an access strip width of 6 metres in accordance with current issue of "Sewers for Adoption." A modification may be necessary or a sewer diversion may be necessary at the applicant's expense.

Natural England – Any comments will be reported to the meeting.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Wybunbury PC object on the following grounds:-

*"This is a failed previous planning application P95/0310 when it was refused by Crewe and Nantwich B C on the following grounds: the development is too close to the rear elevations of houses recently built to the north, the proximity posed a risk to anyone in the garden during construction phase - this would equally apply to the current application particularly in respect of residents at Nos. 7 and 8 the walls being immediately adjacent to the existing boundaries. The plot of land forming this application was initially included in 12/3114N (the Triangle site), but was subsequently removed. The hedgerow was protected and therefore could not be removed. The triangle sites approval now means there is no need to provide four houses squeezed into a narrow site. The hedgerow has been reduced in height prior to the application being submitted to avoid any suggestion of the need for protection of the hedgerow. This is at odds with the applicants own ecology statement which states where possible trees and hedgerows should be retained and gaps closed with native species. There are privacy issues with the proposed development as it overlooks the rear gardens of Nos. 5, 6, 7 & 8 Huntersfield. Access to the site needs to be investigated, as the road identified to be used as access crosses the driveways of 16 and 17 Huntersfield. The estate access road is also narrow, with two 90 degree bends and no footpaths."*

Shavington PC object on the following grounds:-

### *"Failed previous planning application P95/0310*

*Planning application P95/0310 (again an application for 4 dwellings) was previously refused by Crewe & Nantwich Borough Council on the following grounds: the 'proposed development is too close to the rear elevations of the houses recently built to the north.'*

*The Parish Council understands that at the time the residents objected that the proposed new dwellings partly on the grounds that they would be sited too close to their boundaries and posed a risk to anyone in the garden during the construction phase. This would also apply to the current application particularly in respect of the residents at Nos. 7 and 8, as again the wall of one of the dwellings is directly next to some of the existing boundaries.*

### *Removal from previous 'Shavington Triangle' planning application*

*The plot of land forming this application was initially included in 12/3114N (the Triangle site), but was subsequently removed. The hedgerow bordering the site of this current application was identified as being protected, and as a caveat of outline approval of 12/3114N was required to be maintained and thus couldn't be removed.*

*As a result of the approval of the triangle site, and the removal of this small piece of land from that application there is no need to construct an additional 4 houses squeezed into a narrow site. The residents feel that the land would create a welcome small buffer between existing homes and the very large triangle site development.*

#### *Removal of Hedgerow prior to submitting a planning application*

*Prior to the submission of this application agents of the registered land owner attended the site and reduced the hedgerow (and trees contained in it) from 20 feet to as little as tree stumps in some places, clearly to improve the appearance of the site before submitting the application to Cheshire East Council where restrictions may have been imposed to protect the hedgerows.*

*This is at odds with the applicant's own Ecology Statement which states 'Wherever possible trees and hedgerows should be retained and enhanced at this site during the proposed development. Any gaps in hedgerows should be planted with native species.'*

#### *Impact on Privacy*

*There are privacy issues with the proposed development as it overlooks the rear gardens of 5, 6, 7 & 8 Huntersfield.*

#### *Access to the Site*

*Access to the site needs to be investigated, as the road identified to be used as access crosses the driveways of 16 and 17 Huntersfield. The estate access road is also narrow, with two 90 degree bends and no footpaths."*

### **OTHER REPRESENTATIONS**

Nearly 30 letters of objection have been received on the following grounds:-

- Loss of privacy and outlook
- Housing Supply is satisfied
- Site is designated as Open Countryside by Policy NE2. Contrary to both NE2 and NE4.
- Previously refused applications on the site
- Inappropriate design
- Access is inadequate across accessway.
- Inadequate parking
- Increase in traffic
- Loss of important ecology, wildlife and hedgerows
- Loss of open space
- Should be retained as green gap/play space
- Emergency access

This is a brief encapsulation of the objections and the full content of each letter is published on the Councils website.

### **APPLICANT'S SUPPORTING INFORMATION**

Design & Access Statement

## **OFFICER APPRAISAL**

### **Principle of Residential Development**

It is of overriding weight that the principle of development has previously been accepted within the very recent outline permission of January 2014. Planning history pre-dating this is no longer extant or of relevance and was judged with a different policy backdrop.

The site does presently lie within an area of open countryside as designated by policy NE2 of the Crewe and Nantwich Local Plan 2011. However, in this particular instance, of even greater significance is the emerging site allocation policy CS6 of the Cheshire East Local Plan of March 2014. This policy commits the overall site, of which the application site is a constituent part, to the delivery of 350 new homes, appropriate retail provision to meet local needs, community hub and village green and the provision of green infrastructure. The policy acknowledges the outline planning permission.

The principle of residential development on the land to the south which surrounds this site to the east and south with the settlement boundary to the north and west is therefore set and the proposal complies with up to date local policy and the NPPF. This site already forms part of the Councils five year land supply through the extant permission and it remained part of the site edged red and is identified on the approved plans list attached to permission 12/3114N. It has not been omitted from that permission. The legal control or ownership of the site is a civil matter that is not the remit of a planning application to assess.

### **Amenity**

The physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwellings is a key consideration. The proposal would have a minimal impact upon the residential amenities of the nearby residents. The initial submission proposed for detached house but Officers were concerned in respect the visual impact of a side elevation on the boundary to the rear of houses on Huntersfield. In response the applicants have submitted revised proposals to amalgamate 2 plots to form semi detached houses and thus provide a gap to the boundary. The proposal now provides separation of 13.8 metres and respects local plan SPD guidelines on distances between gable ends and habitable windows which requires a separation of 13.5 metres and is therefore acceptable. The proposed house next to 16 Huntersfield would carry on the pattern and run and would not be detrimental to amenity. In layout terms it is more comfortable and respects the pattern of development on Huntersfield and Dig Lane.

### **Design**

The amended proposals are for a built form very similar to those on Huntersfield. The area has no specific character and the relationship with neighbouring development is within context. Huntersfield is a fairly modern development and of a red brick suburban vernacular and this proposal would follow suit. The amended layout is an efficient use of the oblong shape of the site. Therefore, the proposals comply with extant Policy BE1 Design and emerging Policy SE1 Design. However lingering concerns remain regarding the proposal for garages in front of the semi-detached houses. It is considered that these would be visually

obtrusive in the new development and amended drawings have been requested that omit these as part of the proposals.

## **Access**

In Highway terms the proposed access, layout and parking provision would appear to be acceptable but the comments of the Highways Officer are awaited and will be reported to Committee as an update. The proposal requires use of the access way that serves 16 Huntersfield and the planning assessment must consider whether this would be acceptable in Highway safety terms. The legal rights over the strip are for the applicant to resolve (or not) and cannot be used to withhold planning permission.

## **Trees and Hedgerows**

It is considered by the Landscape Officer that the trees and hedgerows are not significant and the trees are grade C and not worthy of protection. Should the development be implemented it is proposed that the hedgerow, although not of notable value, would be utilised as boundary treatment and thus would be retained and that should be commended and is acceptable.

## **Nature Conservation**

The Nature Conservation Officer has confirmed that the proposed development is unlikely to have an adverse impact upon the features for which Wybunbury Moss was designated. A more detailed Appropriate Assessment under the Habitat Regulations is not therefore required in respect of this application. If planning permission is granted conditions are attached to safeguard breeding birds and ensure some additional features are provided for breeding birds and roosting bats as part of the proposed development. Although badger activity has been recorded on site there is no habitat on this or adjacent land and therefore development is not likely to have an adverse impact.

## **Drainage**

The necessity or not of a sewer diversion is a matter between the applicant and United Utilities and but a pre-commencement condition is proposed to be attached as a safeguard to ensure the issue is addressed by the applicant prior to implementation of the scheme.

## **CONCLUSIONS**

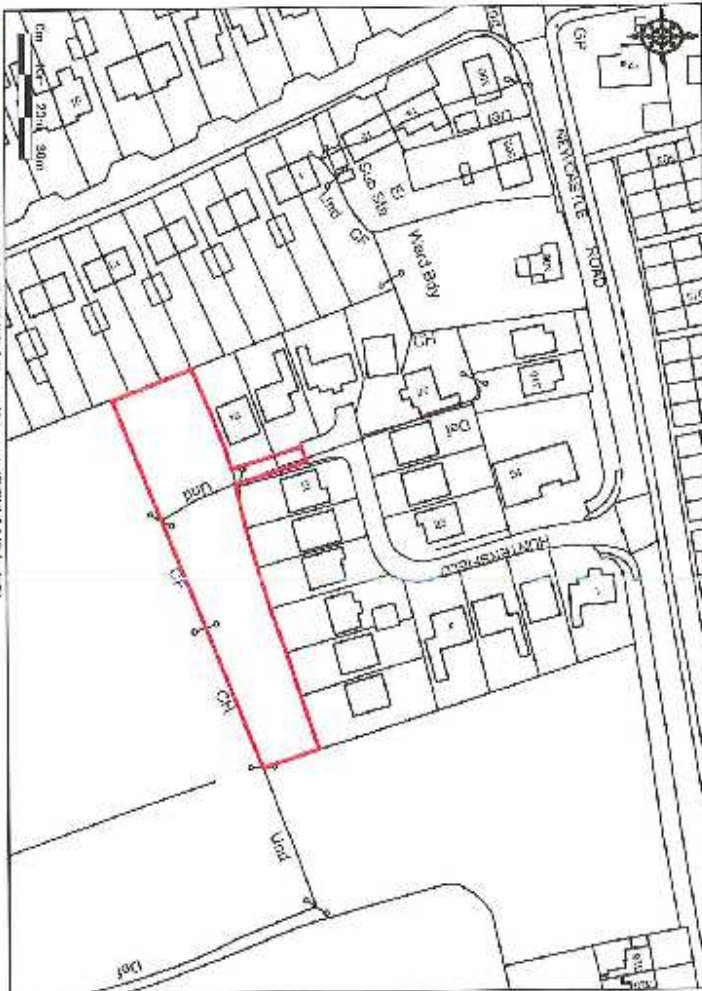
It is clear that the proposal accords with the present policy landscape of the emerging Cheshire East Local Plan CS6 (that is a specific site allocation) and that the principle of development is already established planning permission 12/3114N granted in January 2014. It would be untenable to recommend refusal of the application on policy and any refusal would be justifiably open to challenge. It would neither be possible to justify refusal on the notion of a buffer zone to future development on the greater site, as the principle of development is set within an extant planning permission. In the fullness of time it is possible that this may not be the ultimate scheme that is implemented, but it is acceptable in planning terms, and is recommended for approval.

**RECOMMENDATION – Approve subject to the following conditions**

1. Standard time limit
2. Approved Plans
3. Materials to be submitted and approved prior to implementation.
4. Drainage/sewer easement scheme to be submitted and approved prior to implementation

**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 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 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.**



Promap

LOCATION PLAN - LAND OFF HUNTERSFIELD, SHAWINGTON