

Application No: 14/2082N

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

Proposal: 2 no. semis and 2 no. detached houses and ancillary works-resubmission of 14/0183N

Applicant: Renew Land Developments Ltd

Expiry Date: 18-Jun-2014

**SUMMARY:**

The Planning balance is conclusive in support of the development taking into account the planning history (and appeal decision) and the design, amenity and sustainability issues all being resoundingly in favour of the proposed development.

**RECOMMENDATION:**

Approve with conditions

**PROPOSAL:**

This is a full planning application for the construction of a four houses of which two would be detached and two would be semi-detached. The detached houses would have four bedrooms and integral garage. The semi-detached house would have three bedrooms.

**SITE DESCRIPTION:**

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).

**RELEVANT HISTORY:**

14/0183N – 4 detached houses and ancillary works – Refused 24/4/14. Appeal Allowed 24/9/14. (Full costs awarded to the appellant against Cheshire East Council)

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

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs: 14, 49 and 55.

### **Development Plan:**

The Development Plan for this area is the Crewe & Nantwich Local Plan, which allocated the whole site as open countryside, under policy NE2.

The relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

NE.2 – Open Countryside

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

CS6 - The Shavington/Wybunbury Triangle

SE1 – Design

PG5 – Open Countryside

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

Development on Backland and Gardens Supplementary Planning Document

### **CONSULTATIONS:**

**Highways:** Any comments will be reported as an update.

**Environmental Health:** Conditions requested regarding pile foundations, lighting, dust control, contamination.

### **PARISH 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."*

## **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants.

More than 10 letters have been received objecting on the following grounds:

- Loss of privacy and outlook
- Site is designated as Open Countryside by Policy NE2
- Inappropriate design on new proposals that should be new application
- Access is inadequate
- 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 very brief summary of the objections and the full content of each letter is published on the Council's website.

## **APPRAISAL:**

### **Principle of Use**

It is of overriding weight that the principle of development has previously been accepted within the very recent outline permission of January 2014. Furthermore, the recent appeal decision has given permission for 4 houses on this application site with costs awarded against the Council. 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.

### **Landscape**

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.

### **Ecology**

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 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 the development is not likely to have an adverse impact.

## **Design and Layout**

The application has been amended in comparison to the appeal scheme to re-position the two detached houses that are proposed. A detached would face centrally onto the access point and abut the rear of the site. The 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 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.

## **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 proposal provides separation of distances that respects and complies with all local plan SPD guidelines. In layout terms the proposals are in keeping with the surroundings and respect the pattern of development on Huntersfield and Dig Lane.

## **Highways**

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

## **Response to Objections**

The proposals meet Council standards on design and amenity and the principle of the development is set by the Inspectors decision on the previous appeal scheme.

## **PLANNING BALANCE**

The planning balance and history are overwhelmingly in favour of the proposal especially given the recent appeal decision and costs award against the Council decision to refuse the

previous application. Thus, this application modestly amended application should be approved.

#### **RECOMMENDATION –**

**Approve subject to the following conditions**

- 1. Time- 3 years**
- 2. Plans**
- 3. Scheme of landscaping**
- 4. Landscaping completion**
- 5. Boundary Treatment**
- 6. Materials**
- 7. Permitted Development rights**
- 8. Hours of construction**
- 9. Nesting bird survey**
- 10. Breeding birds**

**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 Principal Planning 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 Principal Planning 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.**



(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.

