

Application No: 14/0841N

Location: Land Off, SPINNEY DRIVE, WESTON

Proposal: Residential development of 4 detached houses

Applicant: G McDermott, CDM Developments (North West) Ltd

Expiry Date: 08-Apr-2014

**SUMMARY:**

The proposal is for housing within the settlement boundary of Weston where there is a presumption in favour of development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon design, highway safety, amenity and drainage and therefore satisfies the environmental sustainability role.

The proposal would contribute to employment and economic growth which satisfies the economic sustainability role.

Local concerns of residents are noted, particularly in respect of amenity and parking matters but the impact is not considered to be severe under the NPPF test.

The lack of affordable housing contributions render the development unsustainable.

**RECOMMENDATION:**  
**Minded to Refuse**

**APPEAL**

The Applicant has appealed against non determination of this application so the decision on this application has been placed in the hands of the Secretary of State. The purpose of this report is to seek a resolution from the Committee as to how the Council would wish to defend the appeal.

The Council must submit an Appeal Statement by 27<sup>th</sup> March 2015.

**DEFERRAL**

The application was deferred at the Southern Planning Committee meeting on 17<sup>th</sup> December 2014 for the following reason:

- to allow consideration of the impact of recent government guidance on the affordable housing requirements

- to allow planning officers to speak to the applicant regarding the concerns raised by the Parish Council
- to enable the applicant to provide clearer layout plans and clarify the separation distance to 63 Cemetery Road

No amended plans have been received in response to this deferral and the applicant lodged an appeal on 5<sup>th</sup> January 2015.

## **PROPOSAL**

The proposal seeks full planning permission for the erection of four detached dwellings with integral garages. The proposed dwellings would face on to Spinney Drive with separate accesses on to the highway.

An application for two detached bungalows with detached garages was approved on the site in 2013. (13/0830N)

## **SITE DESCRIPTION:**

The application site was originally part of the large rear garden of 63 Cemetery Road, which has now been separated from the site with a 2m high, vertically boarded fence. It is an almost rectangular shaped parcel of land 0.14 hectares in size, which actually faces on to Spinney Drive. The site previously contained several trees which have now largely been cleared.

The surrounding development is residential and the site is designated as being within the settlement boundary of the village of Weston.

## **RELEVANT HISTORY:**

13/0830N      2013   Approval for 2 detached bungalows with detached garages

## **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 50.

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant Saved Policies are:-

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

BE.5 – Infrastructure  
RES. 5 – Housing in Villages with Settlement Boundaries  
RES.3 – Housing Densities  
RES.7 – Affordable Housing

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:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
SC 5 Affordable Homes  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
EG1 Economic Prosperity

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

Supplementary Planning Document – Development on Backland and Gardens

### **Other Material CONSIDERATIONS:**

National Planning Policy Guidance.

### **CONSULTATIONS:**

**Highways:** No objections subject to provision of 3 parking spaces within the site.

**Environmental Health:** Recommend conditions and informatives relating to hours of construction, piling, dust control and contaminated land

**United Utilities:** No objection.

**Parish Council:** The Parish Council objects to this development and requests that it be refused for the following reasons:

The Parish Council are concerned about the proximity and likely overbearing effect that these four houses will have on the occupants of Nos 6 and 7 Westmere Close, given the fact that these bungalows have very shallow rear gardens. This is coupled with the fact that the rear gardens of the proposed detached houses will also be of a minimal depth. There will, in our judgment, be a serious overlooking problem from the rear bedrooms of all four properties on to the rear of these two bungalows. In consequence it is considered that the development will be prejudicial to the amenities of these occupiers and be seriously detrimental to the enjoyment of their dwellings and quality of life.

Whilst two storey houses as distinct from bungalows adjoin the application site on the SE side of Spinney Drive, the development on the NW side of Spinney Drive, opposite to the application site, as viewed from the rear of Nos 6 and 7 Westmere Close comprises single storey bungalows. This creates a much more open feel within the street scene at this point. The development of two bungalows as currently approved on the application site would be more in keeping with the character of the immediate area.

The Parish Council has received an objection from the occupier of 7 Westmere Close along with a request that the application be called in for Committee consideration.

The Parish Council is requesting that the Local Cheshire East Ward Councillor calls in the application for the reasons specified above and will be asking to address the Planning Committee in due course.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to adjoining occupants.

Eight representations have been received relating to this application expressing concerns about the following:

- Over development of the site
- Out of keeping with the character of the area
- Parking issues
- Highway safety
- Inadequate drainage
- Loss of light, privacy and outlook
- Concern about trees
- The developer should just build the 2 bungalows already approved
- Selfish and unreasonable behaviour by the developer
- Makes a mockery of the planning process

## **APPRAISAL:**

The key issues are principle, design, amenity, ecology, trees, highways and affordable housing.

### **Principle of Development**

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Section 6 expands further on delivering high quality homes. Paragraph 48 states that applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 states that policies should resist inappropriate development of residential gardens, where the development would cause harm to the local area.

The local plan Policy (RES.2) for unallocated residential development requires the consideration of design and amenity, this is considered to be consistent with NPPF policy for development on residential gardens. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

The main considerations therefore are whether the proposed development is of an appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties or highway safety and whether it is appropriate to require a contribution to affordable housing.

## **Sustainability**

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 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

***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

*These roles should not be undertaken in isolation, because they are mutually dependent.*

## **ENVIRONMENTAL ROLE**

## **Design**

The proposal is for 4 detached dwellings fronting onto Spinney Drive. They would be constructed of traditional materials and would have a traditional design. The surrounding development has a variety of forms including 2-storey dwellings and bungalows and the dwellings would not be out of keeping with the character and appearance of the streetscene. As such it is considered that the proposal is in compliance with Policy BE.2 (Design) of the adopted local plan

## **Highways**

The proposal shows 3 parking spaces including an integral garage. The Strategic Highways Manager has stated that garages are too short to function as such. Subsequently an amended plan has been submitted showing a garage 3m x 5.5m which meets the requirements of the parking standards set out in the Development Strategy – Submission Version.

The proposal is considered to be in compliance with Policy BE.3 (Highways).

## **ECONOMIC ROLE**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*

The proposal would generate economic benefits by virtue of employment created during construction.

## **SOCIAL ROLE**

### **Amenity**

There are dwellings surrounding the site of the proposed dwellings on three sides. The distances between the neighbouring properties and the proposed dwellings and existing boundary treatments mean that the development would not cause any significant adverse impact on the amenities of these properties.

The Supplementary Planning Document, Development on Backland and Gardens sets down that the distance between principal elevations should ideally be 21metres. In the case of this proposal the new dwellings would be between 21 and 23 metres away from the principal elevations of the properties on Westmere Close, which is in compliance with the required separation distances. Concerns have been expressed by local residents about loss of privacy that would result from the erection of 2 storey dwellings; however; given that the development would achieve the required separation distances, a reason for refusal on these grounds could not be sustained. This also applies to the new extension being constructed to the property to the north of the site on Cemetery Road.

Other objections relate to light loss; however it is not considered that any light loss would not be significant due to the scale and siting of the proposed dwellings. Having regard to loss of outlook, there is no right to a view over other peoples land and it is considered that the new dwellings would not create an oppressive outlook that would warrant a reason for refusal.

Concerns have also been expressed about the properties having an adverse impact on privacy and light. Whilst the development meets all the minimum requirements, it is considered reasonable to remove permitted development rights for alterations to ensure that amenity is protected by having control over further development.

Environmental Protection have requested conditions and informatives relating to construction times and piling in order to protect the neighbouring dwellings from noise and disturbance during the construction phase of the development, and gas protection measures and this is considered to be necessary and reasonable.

It is therefore considered that the proposal would be acceptable in terms of residential amenity and in compliance with Policy BE.1 (Amenity) of the adopted local plan.

### **Affordable Housing**

As part of the Strategic Housing Market Assessment (SHMA) Update 2013 Weston is located in the Haslington and Englesea sub-area. The SHMA Update 2013 shows that for this sub-area there is a requirement for 44 new affordable units per year between 2013/14 – 2017/18, made up of a need for 1 x 1 bed, 11 x 2 bed, 19 x 3 bed, 10 x 4+ bed and 1 x 1 bed & 1 x 2 bed older persons accommodation.

In addition to this information taken from the SHMA Update 2013 Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 32 applicants who have selected Weston as their first choice. These applicants have indicated they need 14 x 1 beds, 12 x 2 beds, 4 x 3 beds and 2 x 4 beds.

The village of Weston has a population of below 3,000 and as such the threshold highlighted above will apply and 30% affordable housing will be required on this site.

The recently produced Planning Practice Guidance on Planning obligations states at Paragraph 12 that:

*'in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development'*

The guidance is a material consideration which must be given weight in the planning balance.

However, the guidance must be weighed against the Council's adopted policy position on affordable housing. In this case the Council's guidance is in the form of Policy RES.7 and the Interim Planning Statement on Affordable Housing. The IPS states that:

*'Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate'*

Noting the particular site circumstances and viability of the proposed development, it is considered that an affordable housing contribution is justified at the lower level, as identified in the IPS and the housing need identified within the SHMA. As such a contribution in-lieu of on-site affordable housing will be required in support of this application.

In response to this the applicant has provided a viability report and this has been assessed by external consultants on behalf of the Council. The viability assessment is not accepted by the Council's consultants and as such a contribution in-lieu of affordable housing will be required in this case.

## **Response to Objections**

The representations of the members of the public have been given careful consideration in terms of impact on amenity, highway safety, trees and drainage and these issues are addressed in the report.

## **Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is within the Settlement Boundary of Weston, an established residential area, and is in accordance with development plan policy RES.2 (Unallocated Housing Sites), therefore there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The Government has stated that small scale developments such as this should not be required to provide affordable housing.

The lack of a contribution to affordable housing means that the development would not fulfil the social role of sustainable development. The three roles of sustainable development must be mutually dependant, therefore the proposal would not constitute sustainable development.



## RECOMMENDATION

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**Minded to refuse for the following reason:**

**1. The proposed development would not deliver a contribution to affordable housing contrary to the requirements of Policy RES.7 of the Borough of Crewe and Nantwich Replacement Local Plan and the Interim Planning Statement: Affordable Housing (February 2011). The lack of this affordable housing therefore means that the development would not deliver sustainable development contrary to the requirements of the National Planning Policy Framework.**

**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.**

**As this application is the subject of an appeal, authority be delegated to the Principal Planning 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.**





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