

Application No: 14/5662N

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

Proposal: ERECTION OF 2 NO. DWELLINGS, VEHICULAR ACCESS,
ASSOCIATED CAR PARKING AND LANDSCAPING

Applicant: SIMON CLUTTON, SIMON CLUTTON HOMES LTD

Expiry Date: 10-Feb-2015

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The principle of allowing 2 dwellings on this site has already been established under an outline approval for 2 dwellings on the site in 2010. Subsequently a reserved matters application was approved for 2 dwellings in 2012.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of privacy, overbearing impact and lack of amenity space.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape, design and ecology.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve subject to conditions

DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 22nd April 2015 in order to allow Members to undertake a site visit.

Additional information has also been submitted relating to ecology, contaminated land and land levels. This has taken away the need to impose condition 8 as proposed in the previous report to Committee and now has an amended condition 7. Condition 6, previously required submission of updated protected species reports, these have been provided, therefore condition 6 has been amended accordingly.

CALL IN

This application has been called in to Southern Planning Committee by Councillor Janet Clowes for the following reason:

"I have been requested to call in the above application by Wybunbury Parish Council and local residents who will be impacted upon by the proposals.

History:

P05/1403: (15.12.2005) Permission given to demolish commercial garage and erect a single dwelling adjacent to Woodlands View, 20, Bridge Street, Wybunbury.

12/3274N: Permission given to erect two dwellings on current proposed site. These houses were permitted because they constituted 'In-fill' development between the proposed P05/1403 dwelling and Willow Mead (an established residence on Sally Clarke's Lane, adjacent to both sites).

The design was re-modelled at that time to ensure that the two houses were in a linear format facing Sally Clarke's Lane and conformed with the emerging linear streetscape with Willow Mead. This also ensured that Willow Mead was not overlooked by the new houses and the site would not appear 'over-developed' in the context of its very rural location at the end of the Village overlooking public green space (Sally Clarke Meadow).

13/4635N: Permission was eventually given (in the absence of a 5-year local housing land supply and Local Plan) for 30 affordable homes on a greenfield site in Open Countryside behind Willow Mead, both sites identified above and 14/5662N currently being considered.

The site P05/1403 has now been sacrificed to provide access into the 13/4635N site.

Material Objections to 14/5662N

1. Whilst it can be argued that the principle of development has been established on this site by granting of 12/3274N, it must be remembered that this was only permitted in the open Countryside, at that time, because in the context of the development at that time, it constituted in-fill development.

The fundamental alterations to the current design mean that the 2 proposed dwellings have been rotated by 90 degrees, the highways access is transposed off the new access into the 13/4635N site, and they no longer form part of the road frontage of Sally Clarkes Lane. The failure to build

the proposed dwelling P05/1403 means that these dwellings would no longer constitute in-fill development.

2. The rotation of the current design by 90 degrees creates a very different and adverse design relationship with Willow Mead creating a built environment on two sides of the property with bedroom windows overlooking Willow Mead's side aspect windows, gardens (to front and back) and their elevated veranda to the front of the property overlooking Sally Clarke's Meadow. (Due to the way in which this property is built into the slope).

It must be remembered that by virtue of the 13/4635N plans, Willow Mead will also now be bordered to the rear by eight single storey dwellings.

This constitutes an over-intrusive and over-bearing development in a rural setting.

3. The access road to site 13/4635N (and replicated in the plans for 14/5662N) extends behind Willow Mead to provide access to the eight single story dwellings and now to the proposed relocated dwellings.

This road in front of these proposed properties is overly wide and overly engineered for what is a simple access spur for a potential maximum of ten homes. It creates therefore a negative 'urban' design feature in this rural landscape that will detract from the development as a whole.

4. This application MUST be considered in terms of its part in the cumulative impact of all these developments on an elevated site that will be clearly seen by the public travelling out of the Village, and that will still have to be navigated by the Public accessing Sally Clarke's meadow (due to be landscaped this year following transfer to the Parish Council by CEC).

It is therefore requested that this application be refused."

PROPOSAL

This is an application full planning permission for the erection of 2 dwellings, vehicular access, associated car parking and landscaping.

Access would be taken from Bridge Street using the approved access for 20 dwellings to the rear of 20 to 46 Bridge Street (approved under application 13/4635N).

The dwellings would be two-storey in height with integral garages and 4 bedrooms and they would face onto the access road.

It should be noted that the principle of erecting 2 dwellings on this site has already been established under an outline and subsequent reserved matters application. (P08/0811 & 12/3274N)

SITE DESCRIPTION

The application site lies within the open countryside on the edge of the village of Wynbunbury. The application site land was once a field but had been used in connections with the garage fronting Bridge Street.

RELEVANT HISTORY

12/3274N – Reserved matters approval for 2 dwellings – Approved with conditions 18th October 2012

P08/0811- Outline Application for Two Dwellings – Approved with conditions 11th October 2012

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 26th July 1990

7/12763 – Dwelling with integral garage – Refused 6th February 1986

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

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
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats
- NE.9 – Protected Species
- NE.17 – Pollution Control
- NE.20 – Flood Prevention
- RES.3 – Housing Densities

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
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

Other Considerations:

North West Sustainability Checklist
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

CONSULTATIONS:

Highways: No objection

Natural England: No objection

Environmental Protection: Recommend conditions/informatives relating to pile driving, hours of working and contaminated land.

Parish Council: Object to the proposal for the reasons given in Cllr Clowes in her call in.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 1 representation has been received which can be viewed on the Council website. It expresses several concerns including the following:

- The size of the plot
- Should be considered in conjunction with the larger site adjacent to it
- Bears no resemblance to the outline application
- Loss of privacy
- Overbearing impact
- Insufficient amenity space
- Adverse impact on the street scene

- Does not represent infill development

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle 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.

The proposed development does not fall within any of these exceptions. 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 principle of erecting two dwellings on the site was established when outline approval was granted in 2010 (P08/0811) and a reserved matters application was approved in 2012 (12/3274N).

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

Open Countryside Policy

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The proposal is an area where consent has already been granted for two dwellings, it is immediately adjacent to a site where outline consent has been granted for up to 20 dwellings and there are residential properties to the south, east and west of the site. As such it is considered that whilst the site is designated as Open Countryside in the adopted local plan, its loss would not cause a significant level of harm to the character and appearance of the countryside that would significantly and demonstrably outweigh the benefits provided by the proposed development.

Sustainability

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 National Planning Policy Framework definition of sustainable development is:

“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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. 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 everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (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).

- public right of way (500m)

In this case the development meets the standards in the following areas:

- Post office 580m
- Cash Machine 580m
- Primary school 100m
- Local meeting place 650m
- Public house 430m
- Childcare facility 450m
- Bus stop 100m
- Public right of way 100m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

It is considered that as the site lies adjacent to existing and future residential development in Wynbunbury, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Accordingly, it is considered that this is a locationally accessible site.

There are, however, 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 SUSTAINABILITY

The site is designated as being within open countryside and therefore not the first priority for development. It is however immediately adjacent to existing and future residential development and has already been granted consent for two dwellings. The site is within walking distance of services and facilities in Wynbunbury.

Trees & Landscape

There are no trees within the site; however there are some on the adjacent boundaries. As such, should permission be granted, a condition should be imposed requiring suitable tree protection measures as detailed in the submitted plans.

It is not considered that the proposals would result in any significant landscape or visual impacts, and landscaping proposals have been submitted with the application that would provide adequate landscaping for the site.

Ecology

The proposed development is located within 1km of Wynbunbury Moss SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar and West Midland Mosses SAC.

It is noted that from their consultation comments that Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and forms part of the application documentation. The assessment concludes that the proposed development is not likely to have any significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

It is also noted that that Natural England have advised that the proposed development is also not likely to damage Wynbunbury Moss SSSI.

The proposed development is unlikely to affect protected species, however, If planning consent is granted a condition should be imposed requiring compliance with the submitted updated protected species report. If development commences later than 31st April 2016, then an updated survey and mitigation measures should be submitted.

Design & Layout

This is an application for full planning permission therefore detailed design plans have 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 dwellings would be traditional two-storey properties that would be of an acceptable design and would be appropriate in terms of the character and appearance of the street scene.

It has been pointed out that the properties would not be sited in the same way as those previously approved. However this is not a reason to refuse planning permission if the design and siting are appropriate in their context as they are in this instance.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

The Strategic Highways Manager has no objection to the proposal provided that a condition is imposed requiring creation of the access prior to commencement of development. The access already has approval for the development adjacent to the site. Therefore the proposal is considered to be acceptable in terms of access and parking and in compliance with Policy BE.3 of the adopted local plan

Flood Risk and Drainage

The Flood Risk Manager has been consulted on this application and has no objection subject to a condition relating to drainage.s

ECONOMIC SUSTAINABILITY

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'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Wymbunbury, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

The site is within walking distance of Wymbunbury village, which offers a wide range of essential facilities and would contribute to the supply of housing in the local area.

Residential Amenity

The proposal is for two detached dwellings on this site that already has approval for a similar development. The approved development had the dwellings facing onto Sally Clarke's Lane, with a side elevation facing the property adjacent to the site (Willow Mead). This proposal has the two dwellings facing onto the new access road and therefore the rear elevations will face Willow Mead. There are windows in the side elevation of this property; however it is set at an angle to the site and the existing screening on the boundary would ensure that there would be no significant adverse impact on privacy levels.

Adequate private residential amenity space could be provided within the domestic curtilages of each property.

Should the application be approved conditions should be imposed relating to piling operations, external lighting, noise mitigation and contaminated land.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular the design and siting of the dwellings has been assessed by Officers and found to be acceptable.

Conclusion – The 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 principal of the development of two dwellings on this site has been established as acceptable as an infill plot.

The development 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.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 5. Submission of drainage scheme to include the disposal of foul and surface water**
- 6. Development to proceed in accordance with the submitted protected species report. If development commences after 31st April 2015, updated surveys and mitigation measures must be submitted.**
- 7. A Contaminated Land Site Completion Report, detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing prior to the first use or occupation of any of the dwellings.**

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 Head of Planning (Regulation) 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.

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