

Application No: 15/3336N

Location: ROSE COTTAGE, 50, STOCK LANE, WYBUNBURY, CHESHIRE, CW2 5ED

Proposal: Removal of condition 10 (Dwelling Type) on approval 15/0482N - Outline application for 3-4 bedroom detached dwelling with access from existing private driveway.

Applicant: Mark Beeston

Expiry Date: 16-Sep-2015

SUMMARY:

Outline consent was approved by Southern Planning Committee on 10th June 2015 (15/0482N) and Members added an extra condition, in addition to those recommended in the report, restricting the reserved matters application to being only for a bungalow.

The proposed dwelling would be sited in excess of the 21m required separation distance from the nearest residential property and number 50 Stock Lane is also a two storey dwelling.

It is therefore considered that this condition is not '*necessary*', and as such would fail to adhere to the conditions tests within paragraph 206 of the National Planning Policy Framework. As such the condition should be removed.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

This is an application for the removal of condition 10 on planning application 15/0482N which is as follows, '*Notwithstanding any details submitted with this application, the reserved matters application shall be for a bungalow or dormer bungalow.*'

The original application was for the erection of one detached dwelling with all matters reserved apart from access.

The **indicative** layout showed a detached dwelling in the centre of the plot with a detached garage and the Design and Access Statement refers to a '*detached single or two storey dwelling of 3 or 4 bedrooms*'.

SITE DESCRIPTION

The application site lies within the open countryside on the edge of the village of Shavington. It is an area of garden land to the rear of a linear form of development along Stock Lane. The housing fronting Stock Lane, adjacent to the site comprises largely bungalows and number 50 is a two storey dwelling.

RELEVANT HISTORY

15/0482N Outline approval for a detached dwelling

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance is paragraph 206.

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

CONSULTATIONS:

Parish Council:

None received at the time of report writing.

REPRESENTATIONS:

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

At the time of report writing 3 representations, including one from the local ward councillor, have been received which can be viewed on the Council website. They express several concerns including the following:

- Impact on the amenity of the occupiers of 46 and 48 Stock Lane
- Overdevelopment
- A two-storey dwelling would be out of keeping
- Loss of privacy
- Overlooking
- Loss of outlook
- Drainage issues
- It should be a bungalow

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.

Outline approval for a detached dwelling was granted by Southern Planning Committee in June 2015, subject to 10 conditions.

Condition 10 of the permission stated:

'Notwithstanding any details submitted with this application, the reserved matters application shall be for a bungalow or dormer bungalow.'

Reason: In the interests of amenity in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Paragraph 206 of the NPPF states that *'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*

The applicant is seeking to remove this condition. The principle of the erection of a dwelling on this site has therefore been established and the main issue is whether this condition meets the tests for a condition as set out in the NPPF.

Residential Amenity

The reason given for the condition was residential amenity. The Crewe and Nantwich Borough Council Supplementary Planning Document relating to infill and backland development recommends a minimum separation distance of 21m between principal elevations and 13m between and principal and a flank elevation for 2 storey properties.

The separation distance between number 48 Stock Lane and the proposed dwelling would be in excess of 25m and therefore there would be no significant adverse impact on residential amenity caused by the proposed development.

It is acknowledged that the properties in front of the site, facing Stock Lane are bungalows. However it is not considered, given the separation distances between them and the approved new dwelling, that a restricting any development to being a bungalow is either reasonable or necessary.

Furthermore, as this application relates to an outline planning application and the scale of the development is yet to be agreed. This issue would be considered under further reserved matters applications or via a new full planning application and would remain within the control of the Council, even if the condition were removed.

Given that such matters are not for consideration at this stage of the application process, and given that there be a separation distance well in excess of the required 21m, between the proposed dwelling and the closest neighbouring properties, it is not considered that this condition is *'necessary'* and as such, would fail to adhere with the conditions tests within the NPPF.

There were no design reasons for the inclusion of this condition.

As such, it is considered that this condition is unnecessary and its removal recommended.

Response to Objections

Councillor Clowes has put forward that the condition should be retained due to the impact on residential amenity and because it would adhere to the design principles of the outline approval

for development on 'Shavington Triangle' (12/3114N). However the condition requiring only bungalows adjacent to properties on Stock Lane (14/1160N), was removed by Strategic Planning Board in August 2014 as it was not considered to be necessary on an outline application where these issues would be dealt with at reserved matters stage.

The issues raised by the other two objectors relate to the principle of allowing a dwelling on the site and this was established when Southern Planning Committee approved the previous application (15/0482N). This application does not present an opportunity to revisit that issue.

Conclusion – The Planning Balance

Outline consent was approved by Southern Planning Committee in June 2015 and Members added an extra condition, in addition to those recommended in the report, restricting the reserved matters application to being only for a bungalow.

As this application relates to an outline planning application and the scale of the development is yet to be agreed. This would be considered under further reserved matters applications or via a new full planning application.

The proposed dwelling would be sited in excess of the 21m required separation distance from the nearest residential properties and number 50 Stock Lane is also a two storey dwelling. It is therefore considered that this condition is not '*necessary*' and as such would fail to adhere to the condition tests within paragraph 206 of the NPPF.

Therefore the condition should be removed.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 5. 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.**
- 6. Reserved matters to include details of any external lighting.**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree and hedgerow protection measures**
- 9. Breeding bird survey for works in the nesting season**

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.

