

Application No: 15/1666N

Location: Land at Bowe's Gate Road, Bunbury, Cheshire, CW6 9PL

Proposal: The erection of 11 no. new dwellings including affordable housing

Applicant: Rural Housing Trust

Expiry Date: 10-Jul-2015

## **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the Council’s Landscape Officer has advised that its impact upon the wider landscape will not be significant. Owing to the size, shape and characteristics of the site, subject to appropriate landscaping (which would be secured by condition), a refusal on grounds of landscape impact / open countryside would not be sustainable.

The scheme would be well designed and would account for its proximity and relationship to all of the nearby listed buildings (including St Bonifaces Church) as well as the Higher Bunbury the Conservation Area. The access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The proposal would represent a sustainable form of development and would be limited in terms of its scale in accordance with the emerging policies of the Bunbury Neighbourhood Plan.

The detrimental impact of the development would be the loss of a green field and the minor loss of hedgerow which although regrettable, would not be significant enough to warrant refusal of this application,

As a result of the above reasons, it is considered that the proposal would represent sustainable form of development and is therefore recommended for approval.

## **RECOMMENDATIONS**

**APPROVE subject to conditions & S106 Agreement**

## **PROPOSAL**

This application seeks full planning permission for the erection of 11 dwellings (including affordable housing) on land to the south of Bowe's Gate Road, Bunbury.

## **SITE DESCRIPTION**

This application relates to a paddock situated to the southeast of the Grade I Listed St Bonifaces Church in Higher Bunbury. The site measures approximately 0.9 ha in size and is configured in an 'L' shape where it wraps around the rear of the properties referred to as 'The Old Coachhouse' and 'Birchfield'. The site is to the south of Bowe's Gate Road just outside of the Higher Bunbury Conservation Area, which is located to the west.

The site is bound by hedgerows along most of its perimeter and there are a number of mature trees to the west of the site, some of which are afforded protection under the 'Tree Preservation Order: The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973 (A5 and T36)'. Beyond the southern boundary of the site is the River Gowy. To the east and south are open countryside designated fields. A public footpath runs to the north east and east of the site.

The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local of Plan 2011 and is not allocated for any other purpose within the Local Plan.

## **RELEVANT HISTORY**

None

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

- 14 - Presumption in favour of sustainable development
- 47-50 - Wide choice of quality homes

55 - Isolated dwellings in the countryside  
56-68 - Requiring good design  
69-78 - Promoting healthy communities  
217 Implementation

## **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as 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.6 (Development on Potentially Contaminated Land)  
TRAN.9 (Car Parking Standards)  
NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

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:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 – Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Draft Bunbury Neighbourhood Development Plan**

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

H1 – Housing Development  
H2 - Scale of Housing Development  
H3/H4 – Affordable Housing  
H5 - Design  
LC1 - Built Environment  
LC2 – Landscape  
ENV2 – Countryside & Open Views

### **Other Material considerations:**

SPD2 – Development on Backland and Gardens  
The EC Habitats Directive 1992  
Conservation of Habitat & Species Regulations 2010  
Interim Affordable Housing Statement: Affordable Housing  
Bunbury Village Design Statement

## **CONSULTATIONS**

### **Cheshire Archaeology Planning Advisory Service**

No objection subject to a condition requiring submission of a programme of archaeological mitigation.

### **Environmental Protection**

No objection subject to conditions / informatives relating to hours of construction / piling and contaminated land.

### **Head of Strategic Infrastructure (Highways)**

No objection

### **Natural England**

No comment

### **Public Rights of Way Unit (PROW)**

No objection

## **United Utilities**

No objections, subject to conditions relating to foul water and surface water.

## **Bunbury Parish Council**

Bunbury Parish Council has no objections to this application subject to the following conditions:

- That the mill pond at Bunbury Mill be desilted at the cost of the developer before construction begins and any water from the site is discharged into the River Gowy
- That existing hedges/sandstone walls are retained except for the access to the site and any sandstone removed is stored on site for reuse
- That the variegated holly tree in the hedge fronting the site be retained and protected during the development
- That a detailed drainage report for the entire site be prepared, demonstrating how water run off to the River Gowey, which feeds the Bunbury Mill pond, will not be reduced by the construction of the development, before planning permission is granted
- That the affordable homes, plots 1 to 8, will be designated as shared equity homes

## **REPRESENTATIONS**

Over 300 representations (including one from the neighbouring Spurstow Parish Council), and a petition with 25 signatures on has been received objecting to this proposal on the following grounds:

- Principle of the development / outside of village boundary
- Contrary to development plan policies
- Contrary to the Neighbourhood Plan
- Loss of open countryside and greenfield site
- Loss of views
- Will lead to a loss in tourism
- The area has become increasingly popular to visitors following filming of the ITV drama 'Homes Fires'
- Impact on stream that feeds nearby Mill and the Mill Pond
- 3 large dwellings at the rear are not in keeping with the area
- There should be no further expansions
- The site offers recreational amenity for children
- Not appropriate in this rural setting
- Design – Size and scale of development, impact upon local character including conservation area and listed buildings
- Views would be spoilt
- Development not in keeping with area
- Highway Safety – inadequate access off a narrow lane / visibility splays, additional traffic, increased impact upon highway safety, impact upon parking, safety for pedestrians, transport statement inadequate
- Traffic study is misrepresentative
- How will construction vehicles get to the site

- Loss of parking for the church
- Other application in the area have been refused
- There are more preferable sites for housing
- Impact upon the landscape
- Impact upon hedgerows
- Contrary to Bunbury Village Design Statement
- Contrary to Higher Bunbury Conservation Plan, outlined in the Character Appraisal and Management Strategy document of June 2007
- Loss of wildlife / impact on protected species
- Loss of hedgerow
- Impact on protected trees
- Noise and light pollution
- The affordable houses will not be affordable
- Street lighting could prejudice the character of the area
- Lack of infrastructure / services and amenities in the area
- Flooding - sewerage, surface water and drainage can't cope
- Development is unsustainable

## **APPRAISAL**

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on heritage assets
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage
- Affordable housing
- Residential Amenity

## **Principle of Development**

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside 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.'*

*An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.'*

Policy RES.5 of the Local Plan advises that *'Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...'*

The proposed development does not meet any of the above exceptions and as such, the proposal 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 issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

### **Bunbury Neighbourhood Plan**

Bunbury Parish Council has prepared a draft Neighbourhood Plan (NP) for the Parish of Bunbury. The consultation period for the plan will run until 21st May 2015.

The National Planning Practice Guidance (NPPG) states that an emerging neighbourhood plan may be a material consideration. The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

With respect to housing development, the Bunbury NP seeks to limit the number of houses by only permitting small developments of no more than 15 houses. The draft policies also seek to prevent 'co-location' of development in order to protect the character of the village.

In this case a development of 11 dwellings would be in conformity with the draft neighbourhood plan, namely Policies H2 and H5 which limits development to sites of up to 15 dwellings and there are no developments adjoining the site that would result in 'co-location'. Consequently, it is considered that the scale of this development would not prejudice the outcome of the neighbourhood plan making process.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **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.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development.

### **Sustainability**

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".*



Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- 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;

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

## **ENVIRONMENTAL ROLE**

The application site is located adjacent to the existing residential development at Higher Bunbury. The proposed housing development will be accessed directly off Bowe's Gate Road. The application site is located in close proximity to a number of facilities including a local primary school, convenience store, public house and post office which are all readily accessible by foot. On the whole, these facilities and amenities are accessible to the proposed development. Given the factors above and the designation of Bunbury as a local service centre, the proposed site it is considered to be locationally sustainable.

## **Landscape Impact**

The site has no national landscape designation. In the Cheshire Landscape Character Assessment the site is within the East Lowland Landscape Type, ELP1 Ravensmoor Character Area. In this area the landscape type is represented by generally flat agricultural land where the prevailing field pattern and condition of the hedgerows can account for subtle differences in landscape character.

The village of Bunbury is separated into four distinct areas, Bunbury Commons, Bunbury Heath, Upper and Lower Bunbury. The area of the site which is currently undeveloped forms part of an area of land outside of Upper Bunbury. The development of the paddock to the south and east of the St Bonifaces Church would be contained within the existing field boundaries which are delineated by hedgerows. Further, the shape of the site where it wraps around the development to the north east would alter the character of this section of Upper Bunbury but any harm would be minimised and set against the backdrop of the existing development. It would not represent an inappropriate incursion into the landscape.

The development would impact on visual receptors including a number of residential properties, road users and pedestrians on Bowe's Gate Road. However, owing to the existing field boundaries, shape of the site and surrounding features, the proposed development would be relatively contained and as such, any harm would not be significant enough to sustain a refusal on the grounds of landscape impact.

## **Trees**

Some of the tree specimens within and adjacent to the site area protected under the 'Tree Preservation Order: The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973 (A5 and T36)'.

The submitted Arboricultural Report (ACS Consulting dated March 2015) provides a detailed survey of existing trees within the application site which broadly accords with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations* (Sections 4.4-4.6). The report includes a Tree Constraints Plan that identifies Root Protection Areas (RPA's) and a shading diagram; however these were not originally plotted on the proposed layout plan as required by section 5.2.1 of BS5837:2012.

Para 4.02 of the Tree Report states that development should be located outside the RPA of trees and at para 4.04 that Plots should be so located as to avoid excessive shading. This is a full application that requires the project arboriculturist to carry out a detailed arboricultural impact assessment (AIA) in accordance with para 5.4 of BS5837:2012 in order that the impact of the development on existing protected trees can be fully evaluated.

The proposed access and provision of car parking/footpaths appears to conflict with the Root Protection Area (RPA) of a number of protected Chestnut and Sycamore trees within A5 of the TPO (part of G15 of the submitted Tree Report and T13/T14). The Council's Tree Officer has been in discussions with the applicant's Arboriculturist in order to fully understand the extent of the impact of the proposed access (and associated service provision) on the long term health, physiological viability and safe well being of these trees and identify whatever modifications are required that ensures the trees remain viable.

Following discussions, the applicant has submitted further detail regarding the construction techniques where the proposed access road would encroach within the root protection areas of the trees. The Council's Tree Officer is presently considering this detail and will be reported to Members by way of an update.

## **Ecology**

The application is supported by an Extended Phase 1 habitat survey and this has further been updated following initial comments from the Council's Nature Conservation Officer (NCO). The NCO has reviewed the submitted information and advised that protected species would not be materially harmed by the proposals. The NCO has commented that an oak tree within the site has potential to support roosting bats. However, based upon the submitted layout this tree would be retained as part of the proposed development. As such, it is considered that the proposal would not affect species protected by law and would accord with Policy NE.9 of the Local Plan.

## **Design Standards**

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and H5 of the emerging Bunbury Neighbourhood Development Plan largely support this local plan policy.

The proposed dwellings would be arranged around an ‘L’ shape with a row of 8 dwellings situated at right angles to Bowe’s Gate Road overlooking a greenspace between the site and St Bonifaces Church to the west. The internal road would then turn 90-degrees with a further 3 detached split level dwellings positioned towards the southern boundary of the site.

The corner unit at Plot 1, which would serve as the gateway to the development would be single storey and dual fronted to provide frontage onto Bowe’s Gate Road and the internal road to the development. This would begin the row of link detached mews style properties, which would increase in height along its extent from single storey to half dormer style two-storey properties. The design of Plots 1-8 would be successfully broken up with varying design details and alternate roof heights. The detailed design would be high quality and would be respectful to the rural context of the site.

Towards the southern end of the site, the levels drop away. To accommodate the change in levels, the 3 detached units at plots 9-11 would be split level and as viewed within the site, would have the appearance of a single storey dwelling. At the rear, these units would have large gable features with full height glazing overlooking view to the south. They would be contemporary in style and would be well articulated in design terms.

### **Impact on Heritage Assets**

The proposed development would be visible from views into and out of the Higher Bunbury Conservation Area and would have an impact upon existing views of Grade I listed church of St Bonifaces Church and from the Grade II listed Mill/ Mill House and from The Chantry which is a Grade II\* listed building.

The front of the site adjacent to the green will be set back from the road and the visually important trees/TPO trees will be retained. The proposed height, design and appearance of the new houses off the access road would be well designed and modest in terms of size and as such, would not impact detrimentally on the setting of the identified heritage assets.

The Conservation Officer has expressed concern regarding the inclusion of photovoltaics / solar panels on the dwellings. These could be excluded from the development by condition. Concern has also been expressed regarding the unbroken roof form of plots 1-8. However, the roof forms are successfully broken up as it steps up and down from single storey to two-storey and as such, would not cause visual harm to views in and out of the conservation area or views of the nearby listed buildings.

With respect to the 3 larger detached units towards the rear southern portion of the site, their modern design will be seen from wider views to the south. However, the impact on the character and appearance of the conservation area and visible listed buildings will not be adverse as they are

well designed and will provide some visual interest between the old and the new. They will not be overly prominent and as such, the impact of the proposals is acceptable.

## **Highways**

Access to the site is to be taken from a new priority controlled junction with Bowe's Gate Road. The Head of Strategic Infrastructure (Highways - HSI) has assessed the application and has confirmed that in terms of junction geometry, layout and visibility the access proposals are considered to be an acceptable solution to serve a development of 11 dwellings and would not give rise to concerns regarding highway safety.

Pedestrian access will be taken from Bowes Gate Road and a new footpath link is proposed from south-west corner of the site, which will connect the site with footpath 11 and 10 of the PROW network, which in turn connect the site to the centre of Bunbury Village. This would improve links between the development and the village and would assist accessibility.

With respect to traffic impact, the commuter peak hour and daily traffic generation associated with the development of 11 dwellings would not be expected to have a material impact on the operation of the adjacent or wider highway network owing to its small scale.

There has been concern expressed regarding existing parking issues in the vicinity of the site. The proposals for access result in the loss of three on-street parking spaces on Bowe's Gate Road opposite the site access. However, following amendments, these are re-provided within the site in close proximity to Bowe's Gate Road. Accordingly, there would not be a loss in provision.

In terms of off-street parking provision for the new dwellings, the proposals are in accordance with CEC's minimum parking standards for residential dwellings.

Based on these conclusions, the HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network. Accordingly, the application is acceptable in terms of highways and parking..

## **Flood Risk and Drainage**

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

United Utilities have also reviewed the application and advised that they have no objections, subject to a number of informatives relating to the provision of water metres and general drainage advice.

Whilst comments have been received from both objectors and Bunbury Parish Council about the potential to contribute towards the Mill Pond, this would not be reasonably related to the development to be permitted. Contributions must offset planning harm generated by a proposal. This proposal does not cause planning harm to the Mill Pond.

## **ECONOMIC ROLE**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would

potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable.

## **SOCIAL ROLE**

The proposed development would provide new housing in a sustainable location including the provision of the requisite affordable units which would be to the benefit of the local area. It is considered that this offers social benefit in consideration of the sustainability of the application.

## **Affordable Housing**

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size.

Initially, the applicant proposed a contribution in lieu of affordable housing on site. However, this was not acceptable to the Council's Strategic Housing section and as such, the scheme has now been amended to include on site provision. This would comprise of a 50 / 50 tenure split on the advice of the Strategic Housing Manager, as it is acknowledged that it would be difficult for a Registered Provider to manage a single intermediate tenure unit in isolation. Consequently, it is proposed and accepted that the scheme would provide for 2 affordable / social rent and 2 intermediate tenures properties.

## **Residential Amenity**

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

For the erection of new houses, the proposal would be expected to adhere to specified separation distances between the proposed new dwellings themselves and the surrounding properties.

The Council's '*Development on Back lands and Gardens Supplementary Planning Document*.' details these minimum standards. Paragraph 3.9 of the SPD advises that '*As a general indication, there should ideally be a distance of 21 metres between principal elevations* (e.g. between properties fronting and backing onto each other), *13.5 metres between a principal elevation with windows to habitable rooms and blank elevations* (e.g. the front and rear of dwellings and the side of other properties)...

The closest residential properties to the site in question would be the occupiers of the properties to the north, on the opposite side of Bowe's Gate. The nearest proposed dwelling would achieve a minimum separation of some 34 metres, which would be more than sufficient to prevent direct overlooking, visual intrusion and loss of light.

The proposed units would be afforded a sufficient standard of private amenity including 50 metres squared private amenity space in accordance with Development on Backlands and Gardens

Supplementary Planning Document. As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

## **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the Council’s Landscape Officer has advised that its impact upon the wider landscape will not be significant. Owing to the size, shape and characteristics of the site, subject to appropriate landscaping (which would be secured by condition), a refusal on grounds of landscape impact / open countryside would not be sustainable.

The scheme would be well designed and would account for its proximity and relationship to all of the nearby listed buildings (including St Bonifaces Church) as well as the Higher Bunbury the Conservation Area. The access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The proposal would represent a sustainable form of development and would be limited in terms of its scale in accordance with the emerging policies of the Bunbury Neighbourhood Plan.

The detrimental impact of the development would be the loss of a green field and the minor loss of hedgerow which although regrettable, would not be significant enough to warrant refusal of this application,

As a result of the above reasons, it is considered that the proposal would represent sustainable form of development and is therefore recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to S106 Agreement making provision for:**

**Affordable Housing comprising:**

- **4 units on site 2 for social / affordable rent and 2 for intermediate tenure**

**and for the following conditions:**

- 1. Standard Time Limit (3 Years)**
- 2. Accordance with approved / amended plans**
- 3. Prior submission of facing and roofing material details**
- 4. Prior submission of surfacing material details**
- 5. Submission of details of boundary treatment**
- 6. Tree retention and accordance with submitted AIA**
- 7. Tree protection – Implementation including details of no dig construction**
- 8. Landscaping to be submitted including hedgerow planting to be supplemented**
- 9. Landscaping implementation**
- 10. Survey for nesting birds to be carried out if development is carried out in the bird nesting season**
- 11. Features for breeding birds to be incorporated**
- 12. Access to be constructed in accordance with approved plans**
- 13. Accordance with recommendations of ecological report**
- 14. Prior submission of a piling method statement**
- 15. Prior submission of any external lighting**
- 16. Prior submission of a dust mitigation scheme**
- 17. Drainage to be connected to foul sewer**
- 18. Removal of permitted development rights for gates, walls and fences**
- 19. Removal of permitted development right for extensions and outbuildings (Classes A-E)**
- 20. Submission of a programme of archaeological mitigation**
- 21. Submission of details of bin storage**
- 22. Details of footpath link to be submitted**

**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.**

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) 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.**

