

Application No: 15/4413N

Location: LAND REAR OF WOODLANDS VIEW, 20, BRIDGE STREET,  
WYBUNBURY, CW5 7NE

Proposal: Erection of 19 no. dwellings, vehicular access, associated car parking and  
landscaping (Reserved Matters)

Applicant: SIMON CLUTTON, SIMON CLUTTON HOMES LTD

Expiry Date: 30-Dec-2015

## **Summary**

The principle of development has already been accepted as part of the outline approval on this site.

### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral.

### Environmental Sustainability

The landscaping details on this site are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications will be subject to an update report.

There are no protected trees on this site and the impact upon trees is considered to be acceptable.

The land level details and the design/amenity impacts will be subject to an update report.

### Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout/parking provision is considered to be acceptable

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

## **RECOMMENDATION**

**Approve with conditions**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Clowes for the following reasons:

*Wybunbury Parish Council and Residents have raised the following comments in relation to alterations to the above planning application:-*

*1) The section of the road in front of dwellings 9 & 10 is suitably engineered to provide a sufficiently extended turning point for refuse lorries, emergency vehicles etc and as such is welcomed.*

*However this road continues in what is an over-engineered adjacent section extending in front of dwellings 11, 12 & 13 (which is effectively a cul-de-sac).*

*In design terms this is out of keeping with other highway termination points on the development which have been finished as 'private drive areas' with complimentary road surfaces.*

*The road section in front of dwellings 11, 12 & 13 should also be a 'private drive area' reflecting the road design treatments elsewhere in the development.*

*2) The Parish Council and residents of Willowmead (on Sally Clarke's Lane) remain deeply concerned about the proposed drainage arrangements and their efficiency in maintaining and protecting properties and open space at the lowest, northern perimeter of the site.*

*Recent weather conditions have resulted in significant drainage problems being exposed in the gardens of the two houses currently being built at the foot of the site.*

*The garden boundaries collapsed into Sally Clarke's Lane following heavy rainfall in November and despite interim repairs, these have also been eroded each time there is heavy rainfall.*

*Photographs have been forwarded to Mr Paul Reeves (CEC Flood & Drainage Officer) and he has visited the site on two occasions in December. (Photos available on request)*

*At the time of writing, there are no revised reports from either CEC Highways Officers or Drainage Officers on the Planning Website and until these are provided with suitable reassurances, this application should be refused.*

*3) The Parish Council is disappointed that the number of bungalows has been reduced but are pleased that*

*(i) There are six affordable properties proposed to be 'pepper-potted' throughout this development*

*(ii) that two bungalows are positioned appropriately behind Willowmead to minimise issues of overlooking created by the steep gradient of the site.*

*The Parish Council requests that these affordable properties are prioritised for Wybunbury families and Wybunbury residents who have expressed a wish to 'down-size'.*

## **PROPOSAL:**

This is a reserved matters application for 19 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single priority junction off Bridge Street. The access was approved as part of the outline application.

The development would consist of 2 to 3 bedroom units. All units would be 2 stories in height. The development would consist of the following mix:

- 2 x two bed bungalows
- 5 x two bed houses
- 12 x three bed houses

## **SITE DESCRIPTION:**

The site of the proposed development extends to 0.80 ha and is located to the west of Bridge Street and to the south of Sally Clarkes Lane. The site is within open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site is residential development (fronting Bridge Street). To the north is Sally Clarkes Lane which includes one dwelling known as Willowmead and a site which has planning permission for two dwellings. To the south of the site is Wybunbury Delves Primary School and to the west of the site is agricultural land.

The land is currently in agricultural use and includes a small car sales garage at the junction with Sally Clarkes Lane. The land levels on the site are uneven with the land level rising to the south of the site.

## **RELEVANT HISTORY:**

13/4635N - Outline application for residential development at 30 dwellings per hectare net with Primary access off Bridge Street and some other matters reserved. Resubmission of 13/1421N – Approved 8<sup>th</sup> May 2014

13/1421N - Outline application for residential development at 30 dwellings per hectare net with Primary access off Bridge Street and other matters reserved – Refused 17<sup>th</sup> July 2013

12/3274N - All matters left reserved seeking approval of access, appearance, landscaping, layout and scale for 2no. Dwellings – Approved 18<sup>th</sup> October 2012

P08/0811 - Outline Application for Two Dwellings – Approved 11<sup>th</sup> October 2010

P95/0654 - O/A for demolition of repair garage and erection of 4 dwellings – Refused 19<sup>th</sup> October 1995

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 26<sup>th</sup> July 1990

7/12763 - Dwelling with integral garage – Refused 6<sup>th</sup> February 1986

## **POLICIES**

### **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.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside.

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

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)**

As the examination of this plan has now been suspended, its policies carry limited weight. 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

#### **Other Considerations:**

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  
Interim Planning Statement Affordable Housing

#### **CONSULTATIONS:**

**CEC Flood Risk Manager:** There are no details of the drainage for this site. It has become evident that overland surface water flows from this site appear to be causing localised flooding issues off site and notably affecting the highway and adjacent property boundary

**United Utilities:** No comments received.

**CEC Environmental Health:** The following conditions are suggested: compliance with the submitted environment management plans, implementation of the noise mitigation measures contained within the submitted acoustic assessment, bin storage and electric vehicle infrastructure. An informative is suggested in relation to hours of operation.

**CEC Head of Strategic Infrastructure:** No objection subject to the imposition of planning conditions.

**CEC Strategic Housing Manager:** No objection.

**Natural England:** No comments to make.

#### **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Wybunbury Parish Council:** Wish to make the following comments:

1. The access to the front of dwellings 9 & 10 is suitably engineered to provide sufficient turning for refuse vehicles. However there remains an over-engineered section to the front of the dwellings on plots 11-13. In design terms this is out of keeping with the other private access drives within the development.
2. The Parish Council remain deeply concerned about the drainage arrangements both for the highways and the dwellings and their efficiency in maintaining and protecting properties and open space at the lowest northern part of the site. Recent weather conditions have resulted in significant drainage problems being exposed in the rear gardens of the two houses currently being constructed. This could be exacerbated once the development is completed due to the incline of the road and the problems in the past (including the water run-off when the garage was at the bottom of the site. The garden boundaries have collapsed into Sally Clarkes Lane following heavy rainfall in November and despite interim repairs, these have been eroded each time there has been heavy rainfall.
3. The PC is disappointed that the number of bungalows has been reduced but are pleased that the 6 affordable units are pepper-potted throughout the site and that the bungalows are sited behind Willowmead to minimise overlooking issues.
4. The type of protective fence is noted on the plan but not mentioned in the written summary on the site fencing section. Also the property marked as No 21 on the plan will suffer from noise at school play times – no mitigation measures have been identified to overcome this and this should be agreed before the application is approved
5. The Parish Council has no objection if items 2 and 4 listed above are addressed before approval is given.

**REPRESENTATIONS:**

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

Letters of objection has been received from 2 households raising the following points:

- The application is not a true representation of the outline approval
- The type of housing proposed and the layout has altered following the outline approval
- The car parking provision is no longer available to all Bridge Street residents
- The turning circle as part of the outline application has now been removed
- Service and emergency vehicles will find it difficult to manoeuvre within the site
- A drop-off point for primary school pupils was proposed as part of the outline application – this would have alleviated traffic congestion on Bridge Street during school start and finish times
- The proposed road layout discriminates dwellings at 42-46 Bridge Street due to the proposed private driveway to serve plots 19-22
- The site layout has omitted the existing gate sited within the post and rail fence at the rear of 46 Bridge Street
- The development is over dense and the proposed parking area should be deducted from the housing density
- Who will own and maintain the proposed parking spaces
- It is unreasonable/unsafe to expect residents to walk within the carriageway. Footways should be provided throughout the development
- The development would provide an access for the adjacent site
- The acoustic assessment is missing as required by the condition attached to the outline planning permission
- There is no mention of Badgers within the application documents

- The site fails to meet the distances set out within the North West Sustainability Checklist
- There is no information within the application relating to surface water management
- The applicants should have entered into pre-app discussions
- The application does not comply with the outline approval
- There are no bungalows proposed on the application site
- Loss of privacy caused by the 2 dwellings which are under construction
- Bad design
- There should be consultation with all local residents
- Overbearing
- Asbestos contamination
- Smells
- Light pollution
- Noise and disturbance
- Parking problems

An objection has been received from Wybunbury Delves Primary School raising the following points:

- The application raises significant safeguarding issues for children as part of the construction and occupation phase. Proximity of the proposed development to the school boundary and playground
- The acoustic report is missing from the application
- A secure boundary is imperative to the safety of children
- The siting of the school playground means that balls often pass over the boundary fence. The frequency that this occurs is likely to create tension and frustration with local residents
- Potential conflict with future residents should parents decide to park on the proposed development as part of the school run
- The Design and Access Statement refers to 'education impacts' the school completely refute the bland statement that mitigation can be covered by a S106. The impacts created if the application is approved will be complex and beyond the scope of a S106.

A representation has been received from Cllr Clowes raising the following points:

- The outline application demonstrated a site layout and mix of housing stock which responded to a number of important local requirements and received some general support in Wybunbury village. The key elements of the outline design were:
  - The provision of 24 car parking spaces to the existing residential properties fronting Bridge Street. However on the current plans there are 4 residential properties on Bridge Street which do not have spaces behind the dwellings and as a result the benefit will be lost
  - The site steeply slopes and the application included a number of bungalows directly behind the dwelling known as Willowmead to avoid overlooking issues – the reserved matters application does not include the provision of bungalows and due to land level changes the dwellings will have an over-bearing impact upon Willowmead and cause a loss of privacy
  - The application does not include any affordable bungalows. The Wybunbury Housing needs survey identifies the need for 16 bungalows for older people.
  - The applicant has already been working on site in close proximity to a Badger Survey contrary to condition 11 of the outline planning permission
  - Condition 10 of the outline planning permission requires detailed flood and drainage plans – no details have been submitted

- The Primary School are concerned that a detached house 1.5m from the boundary creates potential child safeguarding issues and a potential conflict in terms of noise associated with the school and the impact upon residential amenity. Condition 7 requires an acoustic assessment and this has not been provided together with details of barrier treatment to the school boundary
- The outline application included the provision for a turning circle and this has been omitted and would not comply with highways requirements
- It is requested that the application be refused.

## **APPRAISAL**

The principle of residential development has already been accepted following the approval of the outline application 13/4635N.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

### **Procedural Issues**

The description of development as part of the outline application is unusual in that it does not refer to a number of dwellings but a '*residential development at 30 dwellings per hectare*'. One of the letters of objection states that the development does not comply with the outline approval and that the proposed parking area should be excluded when the density is calculated. This is not accepted as the red-edge site area as shown on the location plan submitted as part of the outline application identifies the whole application site. This development has a density of 25 dwellings per hectare and as a result it complies with the outline application.

### **Affordable Housing**

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The development would provide 6 affordable units which equates to 30% provision and accords with the S106 Agreement attached to the outline approval. The affordable housing units would include 4 x two bed houses and 2 x two bed bungalows and the units would be pepper-potted throughout the site.

On this basis the affordable housing officer has raised no objection to this application.

### **Highways Implications**

The wider traffic congestion issues in the locality and the point of access were considered as part of the outline application.

In terms of the proposed layout/internal highways design and parking provision an amended plan has been submitted following negotiations with the Head of Strategic Infrastructure. On this basis there are no highway objections to the proposed development.



## Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

- 21 metres between principal elevations
- 13.5 metres between a non-principal and principal elevations

In this case the main property affected by this development would be the dwelling known as Willow Mead which is located to the north of the site. Due to the land level changes and the application site being set at a higher level than Willow Mead amended plans have been secured during the course of this application to secure the provision of two bungalows on plots 3 and 4 which face towards the rear boundary of Willow Mead. This would secure a satisfactory level of amenity given the land level changes and the separation distance of approximately 23.5 metres.

To the east of the site there would be separation distances varying between 27 metres and 36 metres between the front elevation of the proposed dwellings and the rear elevations which front Bridge Street. This relationship is considered to be acceptable.

## Light pollution

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

## Noise

In accordance with Condition 7 attached to the outline planning permission an Acoustic Assessment Report has been submitted in support of this application.

The report shows that over the survey period the measured noise level was 61dB LAeq which demonstrates a need for mitigation. The design criteria recommended within BS8233:2014 recommend daytime noise in ground floor rooms of 35 dB LAeq in living rooms, 40 dB LAeq in dining rooms, for gardens it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T. The Acoustic Report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the adjacent school.

The mitigation recommended in this report (detailed below) means that the noise impact would be adequately reduced in gardens and habitable rooms without the need for any further mitigation. The mitigation measures below shall be implemented prior to first occupation and can be secured through the imposition of a planning condition:

- A proprietary acoustic timber fence of 2.8m in height shall be installed along the southern boundary of the housing site
- The acoustic fence shall be at least 20mm thick and the boards should have effective double-rebated edges, or cover strips over the joints, to ensure that there are no gaps.
- In relation to the sports field, an acoustic fence shall be installed on the first (southern) part of the western boundary, extending to 25 metres (i.e. to rear of Plots 20-22). This acoustic fence should be 2.5m high to the rear of Plot 22 and 2 metres in height to the rear of Plots 20 and 21. A standard 'reflective' timber acoustic fence would suffice for this boundary.

## Disturbance during the construction phase of the development

In this case there are the following conditions attached to the outline approval:

- Hours of construction
- Hours of piling works
- Dust control measures

As part of this reserved matters application an Environment Management Plan has been submitted. This includes air quality impacts, dust and emission control measures, noise, vibration and pollution control. This has been assessed by the Councils Environmental Health Officer who have requested that the compliance with this document is secured through the planning conditions.

It is considered that the suggested condition and the conditions attached to the outline consent would be adequate to protect residential amenity during the construction phase.

## **Land Levels**

Due to the sloping nature of the site there are concerns over the impact of the potential land level changes on this site from an amenity and design point of view. Further information has been provided in relation to this issue and an update will be provided.

## **Trees and Hedgerows**

Concerns have been raised about the impact upon the trees on this site. However it should be noted that none of the trees on the site are covered by a Tree Protection Order and could be removed in any event. On this basis the impact upon the trees on the site is considered to be acceptable subject to the implication of tree protection conditions.

## **Landscape**

A landscaping scheme has been submitted with this application and this has been considered by the Councils Landscape Architect who has stated that the proposed landscaping scheme is acceptable.

## **Design**

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

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 positive and externally orientated perimeter blocks are welcomed with all footpaths, parking areas and highways well overlooked by the proposed dwellings. The density of 23.7 dwellings per hectare is appropriate due to the village fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Wybunbury.

In terms of the detailed design the proposed dwellings include canopies, brick banding, gable detailing, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Wybunbury.

There is a Grade II Listed Building at Wybunbury Delves Primary School to the south of the site. Given the separation distance to this building and the scale of the development it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

## **Ecology**

### Wybunbury Moss Ramsar, SAC, SSSI

The application site is located within 500m of Wybunbury Moss. However it does not fall within any of the types of development associated with Natural England's impact risk zone associated with this location. Natural England have been consulted on this application but have chosen not to provide any comments.

### Other Protected Species

Potential impacts on other protected species associated with the proposed development were identified during the determination of the outline application at this site and an appropriate condition attached to the outline consent. This condition states that:

*The proposed development to proceed in strict accordance with the recommendations of the submitted Badgers: addendum to protected species survey and site assessment report number 2013 (14)/VC/01ADD unless varied by a subsequent Natural England license.*

The required works will be subject to a Natural England licence and will involve the closure of the existing sett and the provision of a new sett.

### Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and a material consideration. The hedgerow located on the western boundary of the site should be retained and enhanced as part of the proposed development.

## **Public Open Space**

The outline application includes a contribution of £23,349.31 towards off-site POS improvements.

## **Education**

This issue of education capacity was dealt with as part of the outline application and the education department determined that no education contribution was required.

In terms of the points raised in the objection from Wybunbury Delves Primary School the amenity/noise issues are dealt within in the amenity section above.

It is not unusual for dwellings to be sited in close proximity to schools across the country and general child safeguarding or balls crossing the boundary could not be used as a reason to resist this development. The siting of the dwellings in relation to the school is considered to be acceptable.

### **Flood Risk and Drainage**

As can be seen from the consultation response from the Councils Flood Risk Manager there are a number of concerns about the surface water run-off impacts of this development and negotiations were continuing at the time of writing this report. An update will be provided in relation to this issue.

### **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approvals on this site.

#### Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral.

#### Environmental Sustainability

The landscaping details on this site are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications will be subject to an update report.

There are no protected trees on this site and the impact upon trees is considered to be acceptable.

The land level details and the design/amenity impacts will be subject to an update report.

#### Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout/parking provision is considered to be acceptable

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

**RECOMMENDATION:**

**APPROVE** subject to the following conditions

1. **Approved Plans**
2. **External Lighting to be submitted to the LPA for approval in writing**
3. **Compliance with the submitted Environment Management Plan**
4. **Materials to be submitted and approved**
5. **Implementation of the approved landscape scheme**
6. **Boundary treatment to be submitted and approved**
7. **Tree Protection**
8. **Arboricultural Method Statement**
9. **Submission and Approval of a Construction Management Plan**
10. **Affordable Housing Details**
11. **Compliance with the mitigation measures contained within the submitted acoustic assessment**
12. **Bin Storage Details to be submitted and approved**
13. **External Lighting details to be submitted and approved**
14. **Remove Permitted Development for plots 3, 4 and 9-13 for extensions and dormer windows**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning Regulation, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

