

Application No: 16/0507N

Location: THE BUNGALOW, SADLERS WELLS, BUNBURY, CW6 9NU

Proposal: Outline planning application for the erection of a single two storey dwelling on land adjacent to The Bungalow, Sadlers Wells.

Applicant: W STOCKTON

Expiry Date: 29-Mar-2016

SUMMARY

The proposed development is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, the amenity of the neighbouring properties, trees, protected species, drainage and flooding or highway safety. The development is therefore considered to comply with the relevant policies in the Neighbourhood and Local Plan and a recommendation of approval is made.

APPROVE subject to conditions

REASON FOR REFERRAL

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

“substantial impact on the flood plain, the loss of eleven trees, including two trees, design impact on the adjacent conservation area”

The application was deferred at Southern Planning Committee on the 10 March 2016 due to local concern and compliance with Neighbourhood Plan Policies.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the large rear garden of property known as ‘The Bungalow’, which is situated off Saddlers Wells Bunbury and served by an existing vehicular access off Saddlers Wells, currently used by the applicant’s property ‘The Bungalow’. The site is bound on three sides by mature hedges and trees and to the south of the site lies a bank of trees which are under Tree Preservation Order.

The site is designated as being within the village settlement boundary of Bunbury.

DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of a two storey detached dwelling. Matters of access from Saddlers Wells are sought for approval at this stage with layout, appearance, landscaping and scale being reserved for later consideration. Although the application is in outline form an **indicative** site layout plan with proposed elevations have been submitted showing the scale and general layout.

RELEVANT HISTORY

No recent, relevant applications relating to this site.

LOCAL & NATIONAL POLICY

Development Plan:

The Bunbury Neighbourhood Plan 2015 – 2030 (BNHP) was made on 29th March 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

H1 Settlement Boundary
H2 Scale of Housing Development
H3 Design
LC1 Built Environment
LC2 Backland Development
ENV3 Environmental Sustainability of Buildings
BIO1 Biodiversity

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

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.7 – Conservation Areas
RES.4 – Housing in Villages with Settlement Boundaries
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention

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 7 The Historic Environment
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

National Policy:

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

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No Objection

Environmental Health: No Objection subject to Informative

Nature Conservation: No Objection

Landscape: No Objection

Forestry: No Objection - subject to tree protection conditions

Flood Risk: No Objection – subject to flood mitigation scheme

Built Heritage: No Objection – *“it should have minimal impact upon the character and appearance of Brook Cottage in this extended part of the conservation area, provided the existing tall hedge is retained and the proposed new building is located towards the south of the site.”*

VIEWS OF THE PARISH COUNCIL

Bunbury Parish Council: Raises objection on the following grounds:

- Backland development and compliance with the NHP;
- Wildlife impacts;
- Loss of trees;
- Flooding and drainage;

- Conservation area impacts;
- Amenity Impacts.

OTHER REPRESENTATIONS

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

One representation has been received in support.

44 no. representations have been received in objection to this application. They express concerns / objections on the following grounds:

- Conflict with the Bunbury Neighbourhood Plan in relation to:
 - Backland Development
 - Village character
 - Affordable housing and size of proposed house
 - Impinges green corridor
- Amenity
 - Loss of privacy overlooking
 - Overbearing impacts
- Access and highways safety issues
- Impact and loss of important trees and hedgerows
- Design and impact on the character of the area including proximity to conservation area.
- Stability of riverbank
- Drainage and flood impact
- Harm to natural environment
- Impacts to protected species

Other issues were raised including loss of views - these are not material considerations which can be taken into account within the planning application process. A full record of all received representations and comments can be viewed on the Councils web pages.

APPRAISAL

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

Principal of Development

The site is designated as being within the Village Settlement Boundary of Bunbury as designated within the Crewe and Nantwich local Plan 2011 and Bunbury Neighbourhood Plan, where there is a presumption in favour of small scale developments in keeping with the character and scale with adjoining development, and subject to compliance with other policies in the adopted plans.

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”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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;

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

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

Appearance and Design

This is an outline planning application with all matters reserved. Therefore the layout drawing is only indicative. Should the application be approved, appearance, landscaping and scale would be determined at reserved matters stage.

This site lies in a low lying backland parcel of land which is currently well screened due to extensive boundary hedges and bank of trees. Residential gardens surround the site on three sides with the host dwelling ‘The Bungalow’ to the north west, ‘The Willows’ to the south and ‘Brook Cottage’, within the Lower Bunbury Conservation Area, to the north. To the east lies a water course with line of trees and beyond which are a row of more modern dwellings located off The Acreage.

Objections to the proposals have been received raising concern as to the impact of the proposals on the character of the area with particular reference to the sites proximity to the Lower Bunbury Conservation Area and conflict with the BNHP. In addition a number of objections have

been received raising specific objection to the principle of the proposed Backland Development in relation to the Bunbury Neighbourhood Plan (BNHP).

It should be noted that Policy LC2 (Backland Development) of the BNHP resists development which would result in adverse residential amenity impacts on neighbouring property and does not preclude the residential development of backland sites and as such subject to residential amenity impacts, further assessed below under social considerations, the use of backland site for residential development is considered acceptable.

With regards the impacts upon the adjacent conservation area, the site is located adjacent to an old house known as 'Brook Cottage' and the Lower Bunbury Conservation Area was recently extended to include this building in recognition of its early origins. There is a tall hedge between Brook Cottage and the development site and it is noted that properties within this part of the Lower Bunbury conservation area are predominantly modern in age.

Consultation with the councils Heritage Officer raised no objections to the proposals and comments received argue that it would have minimal impact upon the character and appearance of 'Brook Cottage' in this extended part of the conservation area, provided the existing tall hedge is retained and the proposed new building is located towards the south of the site.

It is considered that the low lying and relatively well screened nature to of the site would have minimal visual impact on the character and appearance of 'Brook Cottage' and that of the conservation area and locality in general and due to the surrounding form of development the introduction of a further modern dwelling is not un-acceptable in principle.

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 indicative layout shows the proposed dwelling centrally positioned within the plot with access and parking located to the north leading to a double garage, the suggested scale and siting of the dwelling within the reasonably generous plot, and would not be out of keeping with that of the nearby dwellings, and not out of character with the locality in general.

It is therefore considered that, subject to condition requiring boundary treatments to be approved, that the site is capable of accommodating a dwelling and would not be out of character with the area or have adverse impact upon the neighbouring conservation area, and would therefore accord with Policies H2, H3, LC1 and LC2 of the Bunbury Neighbourhood Plan (2015-30) and; Policy BE.2 and BE.7 of the Crewe and Nantwich Local Plan 2011.

Highways

The indicative layout shows an access off Saddlers Wells using an existing access shared with 'The Bungalow' with proposed parking and turning and parking for up to three cars and a double garage.

A number of objections have been received relating to safety of pedestrians on Saddlers Lane and in particular vehicles using its junction with School Lane which is noted to have limited visibility.

The Head of Strategic Infrastructure (HSI) is satisfied that a development of a single dwelling can be safely accommodated on the adjacent highway network and would provide satisfactory off street parking in accordance with CEC minimum parking standards; accordingly, the HSI has no objection to the planning application.

It is considered that the proposal for a single dwelling would not result in significant increase in traffic using Saddlers Wells or the junction with School Lane and the proposals would provide satisfactory parking.

The proposal is therefore considered to be acceptable in highway terms and in accordance with Policies BE.3 and BE.5 of the adopted local plan.

Trees

The proposed development site is bounded to the north by the Lower Bunbury Conservation Area, and to the south by a 1973 Tree Preservation Order titled The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973.

The application is supported by an Arboricultural Statement (Ref CW/8023-AS1) dated 1st February 2016 by Cheshire Woodlands. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

Objections have been received in relation to the loss of mature trees on the site and potential for adverse impacts to the TPO block located to the South of the site, particular concern has been made in relation to the felling of beech tree on site.

The application identifies the loss and removal of eleven trees for development and two trees for other reasons, from within the site edged red. These are mainly Lawson Cypress which form two linear groups of trees (hedgerows). The Arboricultural report identifies the trees individually and collectively as low value (Category C specimens).

Consultation with the Councils Arboricultural Officer concurs with this designation and notes that none are currently protected, or considered worthy of formal protection. Nor is it considered that the removals would significantly impact upon the Conservation Area.

In response to concerns regarding the felling a mature beech the southern boundary of the site, and which stood on the edge of the G11 of the 1973 Tree Preservation Order. Following a site visit by the Councils Arboricultural Officer where a calculation of the trees age by counting the annual growth rings was undertaken, it is noted that the tree presented an age consistent with the serving of the Order, but would have been a sapling in 1973, and unlikely to be considered for formal

protection at the time. In addition the absence of the species beech listed in the first schedule confirms that the tree was not protected and therefore its removal has not been a transgression of the TPO legislation.

The Councils Arboricultural Officer confirms that that subject to appropriate mitigation measures and prior approval of a construction method statement that the footprint provided within the indicative site plan dwg no. 1258-01 Rev A could be accommodated on site without significant impacts upon retained trees.

It is therefore considered that subject to the approval of tree protection mitigation and method statements details in relation to any reserved matters application, there would be no significant impacts to retained trees or that of the setting of the conservation area and as such the proposals would accord with Local Plan Policy BE.7 (Conservation Areas).

Ecology

The site consists of parcel of land currently in use as a residential garden, the site is predominately grassed with surrounding trees and hedges and small water course which runs along the southern boundary.

A number of concerns have been raised relating to potential impacts upon local wildlife and protected species.

On reviewing the application the Councils Ecologist comments note the close proximity of the River Gowery and raised the potential for adverse impacts upon water voles and their habitat, and as such requested that a survey be undertaken. In response the applicant has provided Water Vole Survey Report' dated March 2016, which did not identify any evidence of water voles.

The Councils Ecologist has reviewed the provided survey report and advise there are unlikely to be any significant ecological issues associated with the proposed development, however if planning consent is granted condition be attached to protect nesting birds during development.

As a result it is considered that subject to recommended condition that the proposals would not cause any adverse impacts to protected species and therefore would accord with Policy NE.9 (Protected Species) of the Crewe and Nantwich Local Plan 2011.

Drainage and Flood Risk

The site lies on relatively low lying ground which slopes down towards a small watercourse, tributary to the River Gowery which runs along its eastern boundary.

Concerns have been raised relating to impacts on drainage and flood risk in the area and the provision of foul drainage within the site.

Consultation with the Councils Flood Risk Officer noted that whilst the site is located in flood zone 1, and therefore of low risk of flooding, the location of the watercourse to the East of the proposed development together with indications of a large amount of surface water flooding (1 in 30 year) to the east of the site and as indicated by the Environmental Agency's (EA) mapping system, that the area is at potential risk from surface water flooding. As a result it is recommended that the flood

risks need to be appropriately mitigated before development can commence on site. The Flood Risk officer recommends that should permission be granted that conditions be attached requiring a drainage strategy and mitigation measures together with a surface water drainage scheme to be approved.

Consultation with United Utilities raised no objection to the proposals.

It is considered that subject to the above conditions that the site would not raise any significant adverse drainage or flood risk and would accord with Policy BE.4 of the Crewe and Nantwich Local Plan 2011.

As a result of the above reasons, it is considered that the development would be environmentally sustainable.

ECONOMIC ROLE

It is accepted that the construction of an extension would bring the usual but limited economic benefit to the closest shops in nearby Sandbach 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.

As such, it is considered that the proposed development would be economically sustainable.

SOCIAL ROLE

Amenity

Policy BE.1 of the Local Plan and LC2 of the BNHP advises that new 'backland development' should not be permitted it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens (SPD).

Objections have been received raising concern as a result of loss of neighbouring residential amenity from overlooking and overbearing impacts.

As all matters are reserved, it should be noted that the precise positioning and impacts will be assessed at a later date.

From the indicative layout shown on dwg no. 1258-01 Rev A the nearest neighbouring properties with the potential to be impacted by the proposals would be 'The Willows' to the south with separation distance of over 28m to nearest elevation, 'Brook Cottage' to the north with separation of 22m and the rear elevation of the host property dwelling at 14m.

As shown within the provided indicative plans it is considered that a dwelling could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties, as set out in the Authorities SPD on 'Development on Backland and Gardens', which would be demonstrated and secured at reserved matters stage.

Environmental Health has advised that they have no objections to the proposal subject to the inclusion of informative on hours of construction and contaminated land.

The proposal is therefore considered to be in compliance with Policy BE.1 of the adopted local plan.

As a result of the above reasons, it is considered that the development would be socially sustainable.

Other Matters

In addition to the number of representations relating to the character, amenity, ecology, trees etc. which have been addressed above there have concerns have been raised relating to the affordable housing provision it should be noted that housing schemes on the scale proposed would not require the provision for affordability to be

CONCLUSION – THE PLANNING BALANCE

The site lies within the Bunbury Village Settlement Zone Line where there is a general presumption in favour of development. As such, the principle of four bed single dwelling in this backland site is considered acceptable subject to compliance with other relevant neighbourhood and development plan policies which in this case, relate to design, ecology, drainage, trees and residential amenity.

The NPPF largely supports the above Local Plan policies that apply in this case.

From an economic sustainability perspective, the scheme will assist in the local building business.

From an environmental and social perspective the proposal would be of an acceptable scale and layout that would have a minimal impact upon the amenities and highways safety, and not have adverse impacts upon trees or protected species. As such, the proposal would adhere to relevant Neighbourhood and Local Plan Policies and would also accord with the NPPF, and is therefore recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters excluding access)**
- 3. Approved plans**
- 4. Boundary Treatments**
- 5. Submission of Flood risk Mitigation Strategy**
- 6. Submission of drainage scheme to include foul and surface water at reserved matters stage**
- 7. Breeding bird survey for works in the nesting season**
- 8. Tree Mitigation Measures to be provided at Reserved Matters**
- 9. Construction method statement to be provided at Reserved Matters**

Informative:

- 1. NPPF**
- 2. Environmental Protection**

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.

