

Application No: 16/4926N

Location: Woodlands House, 61B, LONDON ROAD, STAPELEY, CW5 7JL

Proposal: Single dwelling

Applicant: Mr & Mrs Clarke

Expiry Date: 06-Dec-2016

## **SUMMARY**

**The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

**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 Policies NE.2 and RES.5. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.**

**Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.**

**It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).**

**The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. While subject to appropriate conditions the proposal would be acceptable in terms of impact upon amenity and design.**

**The single reason for refusal on highway safety has now been addressed and therefore it is considered that the proposal is acceptable and is in accordance with Local and National Planning Policy and therefore has been recommended for approval accordingly.**

## **RECOMMENDATION**

**APPROVE Subject to conditions**

This size of development would usually be decided under delegated powers however Cllr Peter Groves has called this application in for the following reasons.

**1.1. Main Road Access**

*The junction of London Road/ Wybunbury Lane/ Holly Cottage is already a difficult junction for vehicles, pedestrians and cyclists (Figure 3). Adding another property and the increase in vehicular movement will only make it worse.*

*I therefor object due to intensification of use and overall public safety*

**1.2. Proposed access route to Property**

*The proposed route to the property runs DIRECTLY alongside my boundary fence/The Woodlands Development.*

*The following points are of most concern;*

*1. Inches away from an area used daily by children under 5 for child minding activities;*

*2. Very narrow (<2m) at the points along the proposed route;*

*I. Unhindered and fast access for emergency vehicles, in particular, a FIRE ENGINE, if needed to attend in a timely manner;*

*II. Safe access and passage for cars, delivery vans, septic tank emptying;*

*III. Safe delivery and movement of building materials;*

*3. Noise as it is close to our conservatory which is used as an office on a daily basis;*

*We have experienced noise and disturbance problems for the past year with deliveries before 8:00am, work on Sundays and even scaffolders erecting scaffold at 6:30am!*

*I therefore object on the grounds of loss of amenity, Policy BE. 1, BE.3 and public safety.*

## **SITE DESCRIPTION**

The site relates to a parcel of land which is located to the rear of a detached dwelling which is currently under construction/almost completed. The application site lies predominantly within the Open Countryside as defined by the Local Plan Policies Map. However a small part of the site is located within the settlement boundary of development along London Road, Stapeley. The site is surrounded on all sides by built development of residential and commercial nature. The site is excluded from the Green Gap.

## **PROPOSAL**

This application seeks planning permission for the construction of one detached dwelling. The plans show that the proposed dwelling would be two storey with a single storey projection on the rear. A detached garage is also proposed. The dwelling would be accessed via an access from London Road which serves the dwelling under construction/almost complete to the front of the site.

This application is the resubmission of a previously refused application 16/2016N.

## **RELEVANT SITE HISTORY**

16/2016N - Single dwelling – Refused 1<sup>st</sup> August 2016

**Reason for refusal**

1. The proposed development would be accessed via an existing point of access on the junction of London Road and Wybunbury Lane. The alignment of the junction, relationship with adjoining driveways and poor visibility amounts to a substandard point of access. The intensification of this substandard access would fail to provide safe access and egress arrangements and as such result in an adverse impact on highway safety. The proposed development would therefore be contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

*No other relevant planning history relating to the application site itself – however planning history relating to construction of dwelling to front*

## **LOCAL & NATIONAL POLICY**

### **Stapeley & Batherton Neighbourhood Plan (Draft – Regulation 14)**

Policy GS 3 – Landscape Quality, Countryside and Open Views  
Policy GS4 – Important Views and Vistas  
Policy GS5 – Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving  
Policy GS7 – Environmental Sustainability of buildings  
Policy T1 – General Transport Considerations  
Policy T2 – Walkable Neighbourhoods  
Policy T3 – Pedestrian and Cycle routes  
Policy T4 – Footpaths, Cycleways and Bridleways  
Policy T5 – Cycle Parking  
Policy T6 – Bus Services  
Policy C5 – Scale, Design and Amenity  
Policy H1 – Scale of Housing Development  
Policy H3 – Tenure Mix  
Policy H4 – Design  
Policy H6 – Housing Development  
Policy H8 – Adapting to climate change

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

NE.2 Open Countryside  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
RES.5 Housing in the Open Countryside

### **Cheshire East Local Plan Strategy**

Policy SD1 - Sustainable Development in Cheshire East  
Policy SD2 - Sustainable Development Principles  
Policy SE1 – Design  
Policy SE2 - Efficient Use of Land

Policy SE4 - The Landscape  
Policy SE5 - Trees, Hedgerows and Woodland  
Policy SE9 - Energy Efficient Development  
Policy SE12 - Pollution, Land Contamination and Land Instability  
Policy IN1 – Infrastructure  
Policy PG1 - Overall Development Strategy  
Policy PG2 - Settlement Hierarchy  
Policy PG5 - Open Countryside

## **National Policy**

National Planning Policy Framework (NPPF)

The National Planning Practice Guidance (NPPG)

## **Supplementary Planning Documents:**

North West Sustainability Checklist

## **CONSULTATIONS**

**CEC Highways** – No objections, subject to informative for a S184 licence for the amended vehicle crossing

**Environmental Protection** – No objection, informatives requested for Piling Hours, construction hours and contaminated land

**Forestry** – No objection

**Untied Utilities** – No objections

## **Stapeley Parish Council**

The Parish Council has considered the above application and objects on the following grounds:

- Highway safety – road access in view of additional vehicles which would be using the entrance.
- Loss of privacy.
- The plot is designated as open countryside.
- Conflicts with Neighbourhood Plan which has now reached Regulation 15 stage and states that this type of dwelling does not comply in terms of housing mix, tenure and location.
- The parking provision in the Neighbourhood Plan is based on one parking space per bedroom. (Policy H7 of the Draft Plan).

## **REPRESENTATIONS**

10 letters of objection received from nearby residents, the salient points being:

- Concerns raised regarding intensification of use of dangerous junction,
- Intensification of use by additional traffic will have an adverse impact on highway safety,
- Highway report carried out at mid-afternoon at the quietest part of the day
- Contrary to the Neighbourhood plan
- Impact on character of area
- Impact on neighbouring amenity
- Impact on Protected Species (bats, newts)
- Backland development
- Land wet – flooding issues
- Drainage issues – odour/emptying
- Impact on property values
- No levels plans submitted / current dwelling is built on higher ground than the true ground level of the site
- Contrary to local plan policy NE.2 (open countryside)
- Loss of trees
- Insufficient access for emergency vehicles
- Proposal beyond building line of London Road
- Noise and pollution from access drive
- Development out of keeping
- No street lights on the stretch of road
- Plans are not accurate

## **APPRAISAL**

### **Principle of Development**

The site, predominantly, is designated as being within the Open Countryside where Policy NE.2 (Open Countryside) of the Borough and Crewe and Nantwich Replacement Local Plan states that development will only be permitted if it falls within one of a number of categories. In accordance with NE.2 and RES.5 housing development is acceptable where it represents infilling of a small gap in an otherwise built up frontage. Policy PG5 of the emerging Cheshire

East Local Plan Strategy identifies that housing development will only be acceptable where it is the subject of a number of criteria. The proposed development does not represent an opportunity for infilling or any of the other categories set out in Policies NE.2 or RES.5 of the Local Plan. As a result, the proposed development constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

Policy H1 of the Neighbourhood Plan states, that ‘new development will be supported in principle provided that it is small scale, and in character with Stapeley and Batherton and delivered over the period of the Plan. The policy goes on to identify where housing development is acceptable, Infilling Development, Rural Exception Sites, Brownfield within the Parish, Redundant Buildings and Greenfield Development. As a result, the proposed development constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

### Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council’s position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council’s position, this cannot be given material weight in application decision-making.

The Council’s ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports.

However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

This is a material consideration in support of the proposal.

## **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;

**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;

**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

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

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

## **Environmental role**

### Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by

the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

A locational sustainability assessment has not been provided by the applicant for this scheme. Notwithstanding this, the application site lies immediately adjacent to the settlement boundary for Stapeley (which is acknowledged as being a sustainable location by its very nature). The surrounding area has seen significant residential development recently. The bus route runs along the A51 and there are bus stops less than 200m from the site. A range of services and facilities are located along Peter Destapleigh Way which are within reasonable walking distance from the site. It is considered, on balance, that the site can be considered to be locationally sustainable.

### Landscape Impact

The site is well contained visually, by existing residential and agricultural/commercial development. The construction of the site will read as being part of the cluster of buildings. The nature of the land provides no significant landscape impacts.

### Trees

There are no significant Arboricultural restrictions associated with the proposed development and the site edged red.

The site is devoid of any meaningful tree cover apart from a mature fruit tree located close to the North West boundary of the site. The tree is not visible from any public vantage points outside the site. Hedges are present on a number of boundaries; these are not considered to be a protectable feature under the 1997 hedgerow regulations forming part of a domestic garden curtilage.

The Tree Officer considered that with the inclusion of tree protection conditions, which include the trees located on the road frontage and either side of the approved driveway which serves both properties, shall remain in place for the whole of the construction period, not just the dwelling presently being built.

### Ecology

There are no significant buildings on site and based on the tree officers comments it does not appear that any significant trees would be lost, so considering the scale of the development, the Council's Ecologist does not feel that the proposals would be likely to have an adverse impact upon bats and consequently a detailed survey for this species is not required.

There is a pond located about 57m to the west of the site the site offers some opportunities for amphibians, The site however is not well connected to the pond in terms of its habitat linkages, therefore considering the scale of the proposed development, the Council's



ecologist advised that great crested newts are not reasonable likely to be affected by the proposed works.

## Design

The application proposes the construction of a detached two storey dwelling on land which would be sited to the rear of existing dwellings which front London Road and Wybunbury Lane. While London Road and Wybunbury Lane are generally characterised by road frontage development the application site is surrounded on all sides by development, with the sites setting therefore representing a cluster of buildings. The construction of a building on this plot is therefore not considered to be against the grain of development within the immediate setting.

It is considered that the footprint of the proposed development is acceptable and as such would not represent an overdevelopment of the site.

In terms of the scale of the proposed dwelling, is considered to be in keeping within the immediate area which are generally of a two storey nature and the proposals are considered to be acceptable in this respect.

The surrounding area includes dwellings of varying styles and designs. Given the lack of uniformity of dwellings within the immediate area it is considered that the design and appearance of the proposed dwelling is acceptable.

## **Economic Role**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’.*

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

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

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

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

With regard to the economic role of sustainable development, the proposed development will help, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Stapeley and south Nantwich. The proposal, although small, will generate economic benefits to the area.

## **Social Role**

The proposed development would provide one open market dwelling which in itself, would be a social benefit.

## **Amenity**

Policy BE.1 (Amenity) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

The proposed dwelling would be two storey with a height to ridge of 6.9m. The dwelling would be approximately 3.5m from the side boundary with No.59. The dwelling would be sited towards the rear of the garden and given its proximity and orientation it is unlikely to result in significant amenity issues. The proposed elevations show that there will be no principal windows on the side elevation facing towards the garden areas of the Woodlands Development.

The proposal would be 1m from the boundary with Holly Cottage which is defined by vegetation, beyond which is a linear structure. The proximity of the development to the boundary is mitigated by the presence of existing structures within the curtilage of that property, along with the large extent of land associated with that dwelling. No significant amenity issues would arise.

The proposed development includes principal windows within the front and rear elevations. The first floor opening would be 8m from the shared boundary and over 21m from the principal openings of the dwelling under construction to the front. The spacing is sufficient to protect the amenity of future occupants of both properties. The rear boundary is also well vegetated, while the proximity to this boundary is of sufficient spacing.

The proposed garage is single storey and would not amount to any significant overbearing or overshadowing impact, notwithstanding its close proximity to the boundary.

Concern has been raised with regard to land levels, however the revised block plan shows that the levels will be similar to those at the adjacent dwelling and this can be conditioned.

Furthermore, concerns have been raised that the increase in vehicle movements adjacent to the neighbour's boundary will have an adverse impact on neighbouring amenity. However, it is considered that a single driveway is unlikely to cause a significant impact in terms of amenity impact.

## **Access**

Policy BE.3 of the Local Plan confirms that development will be permitted provided that safe vehicular access and egress arrangements are provided.

The proposal is for a single dwelling with off road parking, utilising an existing vehicle access off London Rd. The existing access visibility is below standard and improvements have been sought. An updated access plan has been submitted that shows a kerb build out, with dropped kerbs, to connect existing kerblines on London Rd and Wybunbury Lane, as shown on plans WLH-JCT003 and WLH-JCT004.

This improvement will increase access visibility considerably and to standard. Southbound vehicles on London Rd turning into Wybunbury Lane currently do so at speed and these proposed works will have the added benefit of reducing these speeds.

It is therefore considered that the proposed amendments have overcome the reason for refusal on the previous application and is therefore considered to be acceptable in Highway Safety terms.

### **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

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 Policies NE.2 and RES.5. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. While subject to appropriate conditions the proposal would be acceptable in terms of impact upon amenity and design.

The single reason for refusal on highway safety has now been addressed and therefore it is considered that the proposal is acceptable and is in accordance with Local and National Planning Policy and therefore has been recommended for approval accordingly.

### **RECOMMENDATION**

**Approve with conditions**

- 1. Standard Time**
- 2. Approved plans**
- 3. Materials**
- 4. Surfacing materials**
- 5. Levels as stated**
- 6. Piling Foundations**
- 7. Tree Protection**
- 8. Removal of PD (including window on side elevations)**
- 9. Landscaping plan**
- 10. Landscaping implantation**
- 11. Boundary treatment**

