

Application No: 21/2650N

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

Proposal: Outline planning application for the demolition of converted residential barn and the erection of two detached dwellings and associated works on land to rear of Rose Cottage, 50 Stock Lane, Wybunbury.

Applicant: Mr M Beeston

Expiry Date: 19-Jul-2021

SUMMARY

The proposal seeks outline approval for the siting of 2 dwellings within the rear garden of No.50 Stock Lane. The application site is located within the settlement boundary for Shavington as defined by the Wybunbury Combined Parishes Neighbourhood Plan. As a result, the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

The siting of a pair two storey detached dwellings in this location would be in keeping with the character and appearance of the surrounding area, given the recent development of the Shavington/Wybunbury triangle allocation LPS 9 to the north and west and also future development to the east.

The proposal is acceptable in terms of highway safety, ecology, trees and drainage/flood risk subject to conditions being imposed.

The dwellings will be located an acceptable distance from all the surrounding residential dwellings in line with the separation distances set out in the development plan, and is located sufficient distance to result in any potential overbearing impact or be visually intrusive from neighbouring properties. In addition, the dwellings are sited with large plots occupying a reasonably discrete site being screened from POS and play space within the Shavington Park development to the north by existing tree cover and boundary vegetation and as a result would have no adverse impact on the provision or use of these facilities.

It is therefore considered that the proposal is acceptable and in general accordance with the Development Plan and therefore recommended for approval accordingly.

RECOMMENDATION – Approve with conditions

REASON FOR REFERRAL

This type of planning application would normally be dealt with under Delegated Authority, however the application is referred to committee at the request of Cllr Janet Clowes for the following reasons:

- *The land is currently open countryside and so, technically, not developable, however it is recognised that there is currently housing development taking place adjacent to the site (The Persimmon Shavington Park Estate, phases 1 and 2).*

- *The proposal is for two large 4-bed houses which it is claimed will have no impact on amenity. It is true that distances from other dwellings are sufficient but fails to explain that these properties will lie adjacent to the principle amenity areas that will serve the whole Shavington Park development, an area that was specifically designed to be set apart from houses in order to limit noise nuisance and maximise its amenity value for the residents of the 360 homes under construction.*

- *The applicant's design and access statement states that "...the land is level and set well into the new development by Persimmon Homes. All mains services are available at the site". Unfortunately, many Persimmon properties in this area have now had to be built on raised ground levels in order to solve the significant drainage issues in and around this site. This includes adjacent properties and roadways being built on raised land levels 1.5m higher along this part of Stock Lane.*

- *This will be to the further detriment of the public amenity sites currently under construction and adjacent to the west of the site (MUGA, allotments and play area), to which there will be no right of access from this application site.*

- *Two raised, two-storey dwellings will be in close proximity to single storey dwellings on the Persimmon development which may create further design issues.*

- *The flood report is inadequate in the light of the flood and drainage issues that have been experienced on the adjacent site. The start of phase 2 has been delayed for over two years whilst CEC planning officers have worked with Persimmon Homes to design complex flood and drainage mitigation systems to accommodate housing on this site (including raising the land levels, pumping stations, attenuation pond, French drains and holding storage). It must not be assumed that this application can be 'tied in' to the Persimmon development who only heard of the application at the Residents Liaison meeting on 21st June 2021.*

- *There is no consideration of how foul drainage will be managed. The three properties accessed by the Rose Cottage driveway, are served by a foul sewer that comes down the drive and crosses the back gardens of two properties on Stock Lane before joining the main sewer on Stock Lane itself. The foul sewer from the properties had to be repaired during the construction of the third property as foul sewage was leaking to the surface of the gardens in Stock Lane. These systems need to be assessed in terms of their longevity and capacity for what will be four substantial properties. A full drainage and flood report must be commissioned prior to any development on this site taking place.*

- *The applicant's design statement suggests that environment, ecology and tree reports are not required and draws instead on the Persimmon Reports of 2013/14/18. These are now out of date and inappropriate in the context of a new application on a site that was not included in those reports.*

- Bearing in mind that this application site is NOT part of the Shavington Park development, the access to the site, via a long and narrow driveway means that this is 'backfill development'. It will create an encapsulated nucleus of houses that lack direct connectivity with either community.

- The access is onto Stock Lane. Stock Lane has a 40 mph speed limit (not 30mph as stated in the application design statement).

- This access was originally the single driveway to Rose Cottage but which now serves the barn conversion and a third property built on the eastern part of the site. Under P06/1232, a passing bay was to have been provided but this was not delivered. There have been ongoing issues associated with vehicles having to reverse (in either direction) as there is no room to pass. The driveway is "nominally" 4.5m wide. This is disputed for part of its length and has implications for refuse and emergency vehicles.

- The Access and Design statement states that the driveway will widen at its western end to provide extra width and turning space however refuse vehicles do NOT currently access this drive. Residents currently have to wheel their bins down to the junction of Stock Lane. It is unreasonable to expect the residents of the proposed new dwellings to wheel full bins along what will be a considerable distance to Stock Lane.

- Due to the lack of detailed, current reports in this application, and the failure to address the recognised concerns regarding access, foul and surface water drainage and impact of neighbouring amenity spaces and services, I respectfully ask that this application is refused.

PROPOSAL:

The application is in Outline with all matters reserved including access. The proposals relate to the construction of two detached, two-storey 4-bedroom dwellings within the paddock area to the rear of Rose Cottage .

The application also includes the demolition of a partially converted barn subject to planning approval P06/1232 to enable access to the new dwellings

Site access will be via the existing private driveway from Stock Lane serving Rose Cottage (No 50 Stock Lane) and also 52 A Stock Lane. It is proposed that this widened to facilitate a passing bay.

SITE DESCRIPTION:

The application site (0.28 HA) currently a grassed paddock which essentially forms part of the rear residential curtilage of Rose Cottage (No.50 Stock Lane). A former barn on the eastern side of Rose Cottage has been partially converted to a dwelling under planning approval P06/1232, but the scheme has not been completed.

Rose Cottage and the adjacent detached bungalow (No.50A Stock Lane) , are accessed via a private driveway leading from Stock Lane.

The application sites' northern, western and eastern site boundaries adjoin a large residential development site. This is known as the Shavington/Wybunbury triangle which is the subject of allocation LPS 9 of the Cheshire East Local Plan Strategy, much of which is either developed or under construction. Shavington Park (Phase 1 & 2) is being developed by Persimmon Homes and lies to the north and west of the site. A scheme for Anwyl homes (21/4136N - Phase 3) adjoining the eastern site boundary was resolved to be approved by SPB earlier this year subject to the location of required off-site habitat being agreed and the completion of a S106 Agreement.

Hedgerows and extensive tree cover lie alongside the site boundaries, including a group of mature Black poplars. An existing drainage ditch (ordinary watercourse) passes alongside the eastern and northern site boundaries.

RELEVANT HISTORY:

P06/1232N - Barn Conversion To One Dwelling, Redundant Barn At Rose Cottage 50 Stock Lane Shavington. Approved 19-Dec-2006

POLICIES

National Planning Policy

National Planning Policy Framework

Cheshire East Local Plan Strategy

MP1 Presumption in favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG6 Open Countryside
PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE9 Energy Efficient Development
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
IN1 Infrastructure
CO1 Sustainable Travel and Transport

Saved Policies of the Crewe and Nantwich Local Plan

BE.1 – Amenity
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources

BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species

Wybunbury Combined Parishes Neighbourhood Plan
Made on the 6th April 2020.

Policy H1: Location of New Houses
Policy H4: Design
Policy H5: Adapting to Climate Change
Policy E1: Woodland, Trees, Hedgerows and Boundary Fencing
Policy E3: Biodiversity
Policy T11 - Traffic Management
Policy T12: Parking
Policy T13: Traffic Generation
Policy T14: Drainage

Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)

The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

PG9 Settlement Boundaries
GEN 1 Design Principles
ENV5 Landscaping
HOU8 Backland Development
HOU10 Amenity

CONSULTATIONS:

United Utilities: No objections subject to a condition requiring the approval of drainage details.

CEC Environmental Health: No objection, subject to conditions for EVI and contaminated land with informatives for construction hours, pile foundations and site specific dust management plan.

Highways: No objection

Flood Risk Officer: No objections in principle subject to conditions for the submission of a detailed drainage strategy and for Ground levels and Finished floor levels.

Wybunbury Parish Council:

Object and comment as follows:-

- 1.0 *The planning application states that Stock Lane is a 30 mph road when in fact it is a 40 mph road.*
- 1.0 *Length of drive without a passing bay as stipulated in original Barn planning application P06/1232 has never been implemented & requires implementing to comply with the previous application.*
- 2.0 *Width of drive (less than 4.5m) for construction, fire service and refuse collection.*
- 3.0 *The application states they will control the height & the splay of the fencing etc. at the mouth of Rose Cottage drive, how are they going to achieve this when they don't own the land at this point or show any covenant applying to the owners of No 52 or 48 Stock Lane.*
- 4.0 *There are current problems with the foul sewer from the existing properties down Rose Cottage drive, 3 No at present this would make the No 4.*
- 5.0 *Using Persimmon Environmental Impact, Protected species surveys and Arboriculture Impact Assessment this application does not comply as there should be a separate survey & assumptions should not be used.*
- 6.0 *The application states there are no wet areas or ponds which is incorrect as there is a ditch & wet areas by the Prow & at the head of the paddock.*
- 7.0 *The proposed 2 No new dwellings will be adjacent to the Children's play area, has this been considered with relation to noise generation & the effects on the two new properties.*
- 8.0 *The application says the site is well screened then it talks of removing existing trees for safety reasons & replanting the areas where they have been removed from & close board fences.*
- 9.0 *They say that the proposed properties would match in with others in the area when in fact they will be an isolated group of dwellings along with Rose cottage so should match in with the design of Rose cottage & the barn that is proposed to be removed.*
- 10.0 *They quote the EA flood risk area knowing full well that persimmon are having surface water flooding & water removal & the fields to the North currently in the ownership of Anwyl Homes always has a lot of standing water in the winter months.*
- 11.0 *They have not said how they propose to remove or dispose of the surface water generated on the site as soakaways cannot be used on this site, if it's the intention to dispose of it to any ditch or the Cheer Brook have the advised Persimmon homes as it could affect their surface water disposal calculations.*
- 12.0 *Is this back garden development or rear land infill??*
- 13.0 *What effect will this development have on Phase 3 of the Shavington Park development?*

Wybunbury PC objects to this application on the grounds that the information is incorrect & misleading & should be refused.

REPRESENTATIONS:

Letters of objection have been received from 2 neighbouring properties. The main issues raised are;

- Stock Lane has become a very busy road due to new housing developments in the area. Stock Lane has a 40 mph speed limit NOT 30 mph as stated in the planning application.
- Access onto Stock Lane has limited visibility with very minimal splay towards No 48 to the left. There is no splay to No 52 on the right. This cannot be altered due to existing boundaries.
- obstruction and safety hazard from additional bin collection at end of driveway on Stock Lane
- Repetition of damage to boundary fence at the entrance by traffic entering the driveway to No 50

- Damage to driveway by the heavy equipment using the drive for the build
- Access driveway of inadequate width to serve development being less than 4.5m wide.
- Inadequate access for Construction and Emergency vehicles.
- Passing bays not provided in accordance with approval for barn conversion (P06/1232)
- Detrimental to highway safety as lack of passing bay would result in vehicles reversing onto Stock Lane .
- No drainage details
- Exacerbate existing foul drainage/sewerage problems
- Loss of privacy due to overlooking of properties alongside accessway from passing construction vehicles

OFFICER APPRAISAL

Principle of Development

The application site is situated within the open countryside as designated by Policy PG6 of the CELPS and also by the Adopted Crewe and Nantwich local plan. However this small site is essentially landlocked between the existing settlement boundary and the development of the surrounding Shavington/Wybunbury Triangle (LPS 9). The site is becoming enclosed by built form and associated features of the allocated site, and consequently its open countryside function is minimal.

The site has therefore been included within the revised Shavington settlement boundary defined by the draft SADPD. This can now be given significant weight as modifications to proposed settlement boundaries have not been required by the SADPD Inspector.

The village settlement boundary proposed by the draft SADPD importantly reflects that of the made Wybunbury Combined Parishes Neighbourhood Plan (WCPNP) which also includes the application site, No.50 Stock Lane and the entire Shavington/Wybunbury triangle. Policy H1 of the WCPNP states that

“Within the Settlement Boundary of that part of Shavington that falls within the designated area (See Fig 2i), housing proposals will be supported where they are in keeping with the scale, role and function of that settlement and of the neighbourhood plan area as a whole”

Given its relationship with the allocated site (LPS 9) and existing residential properties along Stock Lane, it is considered that the small-scale development of the application site with two dwellings would be visually, physically and functionally related to the settlement.

The site is also within walking distance of Shavington which has shops, public houses, a primary and secondary school and a regular bus service to the wider range of facilities and employment opportunities available in Crewe and Nantwich. As such it is considered to be locationally sustainable

In this instance as the Cheshire East Local Plan Strategy was adopted 12 July 2017 and the WCPNP was Made in 2020, the Neighbourhood Plan is the most up to date document in respect of the defined Shavington Settlement boundary and therefore must be given full weight.

It is therefore considered that the proposed development of the application site is acceptable in principle. The main issues of this outline application are therefore the impact of the

development on local character, integration of the development with its surroundings, amenity, highway safety, nature conservation and drainage/flood risk.

Impact on the character and appearance of the area

The application site is a small paddock within the residential curtilage to the rear of No.50 Stock Lane, where a pair of detached houses are proposed. It is therefore characterised as a form of backland development.

There are no specific policies within the Wybunbury Combined Parishes Neighbourhood Plan which identify if Backland development is considered to be acceptable or not. However, Policy H4 relates to the design of new housing, requiring it to respond to and integrate with local surroundings, adjoining development and landscape context as well as the wider built environment.

Emerging Policy HOU 8 Backland development of the SADPD (main modifications version) states that;

Proposals for tandem or backland development will only be permitted where they:

- 1. demonstrate a satisfactory means of access to an existing public highway in accordance with Policy INF 3 'Highway safety and access' that has an appropriate relationship with existing residential properties;*
- 2. do not cause unacceptable harm to the amenity of the residents of existing or proposed properties; in accordance with Policy HOU 10 'Amenity'*
- 3. are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and*
- 4. are sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatments and other characteristics.*

The application site is essentially part of the large rear garden of No.50 Stock Lane. The site is adjoined by the allocated Shavington/Wybunbury triangle development (LPS 9) to the west, north and east Proposed allotments of the allocated site (Persimmon - Shavington Park) adjoin the western site boundary with Public Open Space (Village Green) and a Multi-use play area (MUGA) to the north. The existing ribbon of development alongside Stock Lane, lies beyond Rose Cottage and 50A to the south.

Indicative plans have been submitted to show the siting of a pair of detached houses within a relatively large plots. Although the site layout will be addressed at the Reserved Matters stage, it is the case that a rear garden depth of around 18m can be achieved with the northern site boundary. Existing vegetation and trees alongside site boundaries will largely screen the site from the proposed MUGA and POS of Shavington Park to the north, as well as from future development of Phase 3 of the LPS 9 to the west. Therefore given this relationship it is not considered that the development of two detached houses within this reasonably discrete site will have a harmful impact on the provision of POS/play facilities within the Shavington/Wybunbury triangle development.

Similarly given the size of the site, it is further considered that the siting of the dwellings can easily be adjusted to provide a greater off-set distances from site boundaries such as with the

allotment site adjoining the western boundary or the watercourse (ditch) to the north and east

There is no direct access between the site and the Shavington triangle development. However, access into Shavington Park is available via a pedestrian link following the route of a public footpath from Stock Lane which is within easy walking distance of the site.

The siting of a pair of detached houses within this site will achieve an acceptable relationship with the adjoining development, and also be of a character which satisfactorily reflects the sites context.

Given the siting of the houses to the north and behind Rose Cottage, this would not result in an unacceptable impact on the street scene of Stock Lane or from any other public vantage points. It is therefore considered that the proposal would have no significant impact on the character or appearance of the area.

Design

Policy SE1 (Design) of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. This policy is supplemented by the Cheshire East Design Guide SPD.

Whilst all matters are reserved in respect to his outline this application however, indicative plans show a pair of detached, two-storey dwellings, which is considered to be appropriate in its context and achieve an acceptable relationship with the adjacent Shavington Triangle development. The proposals are acceptable and would not appear out of character with the area, and detailed matters including appearance, layout and landscaping will be addressed at the Reserved Matters stage.

As such, the proposal is considered to adhere with Policy SE1 of the CELPS.

Amenity

The Design Guide and Emerging SADPD set out the generally acceptable spacing standards between windows in residential dwellings. A separation distance of around 18m between front elevations, increasing the 21m for rear elevations is acceptable, and 13m between principal and secondary windows/blank gables is acceptable.

The nearest dwelling (two storey house) of the Shavington Park development (Persimmon Phase 2) is Plot 210. This is located 23m to the south-west of the southern site boundary. Plot 53 is the nearest property of the approved Anwyl Homes development which will constitute Phase 3 of the Shavington triangle allocation. This is located about 18m from the north-eastern corner of the site.

The scheme can therefore readily achieve the required separation distances with dwellings of the Shavington/Wybunbury Triangle development.

In addition, the indicative site plan also demonstrates that an acceptable relationship with Rose Cottage can be achieved with a separation distance of 21m being provided between facing principal windows.

Representations have raised concerns in respect of large construction/delivery vehicles passing close by to properties along the driveway access resulting in a loss of privacy from overlooking. However, given this is a small-scale development vehicle movements of this kind would only occur on a few occasions over the temporary and short period of construction, and consequently would not therefore result in an unacceptable loss of amenity.

Whilst the new houses may need to be constructed at higher levels as set out in the flood risk section below, it is not considered that this would have any detrimental impact on the amenities of nearby properties or have an unacceptable visual impact on the appearance of the locality.

It is therefore considered that the proposed development would not have any significant impact on neighbouring amenity in terms of overlooking, loss of light to principal windows or visual intrusion.

Highways

The proposal is to demolish the existing partially converted barn and erect 2 dwellings with off-road parking while utilising an existing access off Stock Lane. Stock Lane is a classified B-road with a 40mph speed limit.

The existing access is currently used by 2 dwellings, and also potentially by a third unit should the approved barn conversion be completed. As part of the previous barn conversion proposal, and as a form of highways mitigation, a passing bay along the drive was proposed, but this was never implemented.

The access is a private drive of single car width and is approximately 70m long and the proposal would therefore result in an extra unit using it. To mitigate the impact of the additional vehicle movements, the applicant has proposed to make the access wider by removing the conifers that run along both sides of it and tarmac these sections. In addition, approximately half-way along the access, the width will be increased again to 5.2m for the remaining length of the drive (approx. 16m) by trimming back the conifers / hedging to thereby allow 2 cars to pass. A turning area for service vehicles will also be provided at the northernmost end of the driveway.

The Highway Officer advised that access visibility onto Stock Lane is acceptable and is currently considered to operate safely. In view of the proposed mitigation, (driveway widening) and that the proposal would only result in a net increase of 1 additional dwelling being served by the access drive, no objections are raised by the Highway Officer. A condition is recommended to ensure that the proposed increased width of the access is included as part of a Reserved Matters application.

The proposal is therefore considered to be acceptable in Highway Safety terms and no objection is raised.

Ecology

The Council's Ecologist has considered the application and addressed the following ecological issues associated with the proposed development.

Great Crested Newts

A number of great crested newt surveys have been undertaken of the ponds located in the proximity of the proposed development with no evidence of great crested newts having been recorded. The submitted ecological assessment identifies a further waterbody that was not included in the most recent round of surveys. Considering the lack of any evidence of great crested newts being recorded in the past and the scale of the current proposals the Councils Ecologist is satisfied that great crested newts are not reasonable likely to be present on site or affected by the proposed development.

Other Protected Species

No evidence of other protected species was recorded during the submitted survey. The Councils Ecologist that this species is not reasonable likely to be affected by the proposed development.

Bats

Evidence of bats was recorded within one of the outbuildings on site and both outbuildings on site were identified as offering potential to support roosting bats. Further bat activity surveys have been undertaken during the course of the application which did not record any recent evidence of roosting bats. The Councils Ecologist has therefore advised that roosting bats are not reasonable likely to be affected by the proposed development.

The status of roosting bats can change on a site over time. As bats have historically roosted within the buildings on site, it is recommended that a condition be attached which requires any future reserved matters application to be supported by an updated bat survey of the buildings on site.

The preliminary Ecological appraisal prepared by Cheshire Ecology Ltd, identified trees on the eastern boundary of the site with moderate potential to support roosting bats. If these trees are anticipated to be removed as part of the development of this site a further survey of these to establish the presence/absence of roosting bats will be required prior to the determination of the application. The agent has however confirmed that there are no proposals to remove these trees.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The hedgerows on site are partly ornamental and partly native species. Although no landscape details have been submitted in support of this outline application, these hedgerows are located on the site boundaries and it seems feasible for them to be retained as part of the proposed development. If any native hedgerow is unavoidable lost as part of any future reserved matters application,

compensatory planting sufficient to address its loss will be required to be provided as part of the landscaping scheme for the site .

Biodiversity Net Gain

Local Plan policy SE 3 requires all development to contribute positively to the conservation of biodiversity. The habitats on site are predominantly domestic in nature and so of limited biodiversity value. In this case, an enhancement of biodiversity can be achieved by using native species in the landscaping scheme and the provision of bird boxes etc . A condition is recommended that any future reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development.

In summary, the Council's Ecologist does not consider there to be any significant ecological issues associated with the proposed development subject to conditions being imposed to enhance biodiversity and the submission of an updated bay survey, and also that landscape/hedgerow issues are addressed at the Reserved Matters stage .

Landscape and Trees

The Landscape Officer has raised no objections to the scheme and considers that the proposal would not result in any significant landscape or visual impacts. Details of landscaping will be submitted at the Reserved Matters stage.

The application site is presently bordered to the north, east and west by established tree cover comprising of a linear group of mature, moderate quality B Category Hybrid Black Poplar which were designated as G10 of the survey associated with approved Reserved Matters application 18/2492N (Persimmon Phase 2) for residential development within the Shavington /Wybunbury triangle allocation to the west. The trees are visible from outside the site boundary and contribute to the landscape character of the area.

The tree Officer accepts that the position and present height of the trees would stand to dominate the plots as indicated on the submitted proposed site plan. The Design and Access Statement submitted with the application states that the intention is to fell some or all of the tall poplar trees; *due to the present and perceived 'danger of falling' on to the proposed dwellings, properties, and allotments of the adjacent Persimmon site.* Although arboricultural information demonstrating the current condition of the trees, issues of safety or provides clarification as to the anticipated extent of tree losses the Tree Office considers that this can be addressed as part of any future reserved matters application. This will need evaluate the trees and provide a site specific appraisal of their relationship with the proposed site layout on which to justify losses, and ensure that appropriate levels of mitigation are provided.

The submitted indicative block plan does however show several trees on the site boundary, that and all existing trees/hedgerow to be retained. The Tree officer therefore recommends it reasonable to impose conditions relating to tree retention and provision of a tree protection scheme.

Flood Risk and Drainage

The site is situated within Flood Zone 1, which is deemed to have a low probability of flooding

The Council's Flood Risk officer has assessed the proposal and has raised no objections to the principle of the development. However, details of surface water drainage and levels will need to be dealt with at the Reserved Matters stage when details of the site layout will be considered.

The Flood Risk Officer advises that ordinary watercourse modelling does identify some potential 1 in 100 year + CC% flooding along the eastern and northern site boundaries from an existing drainage ditch. This requires that property threshold levels need to be set at an appropriate level to avoid any additional risk. In addition, as works are being undertaken close to an existing watercourse embankment the LLFA recommends an easement of 8m from top of bank. Although, if this cannot be achieved the developer will need to demonstrate suitable maintenance plans are in place once constructed.

A condition is recommended that prior to the commencement of development, details of an overall detailed strategy / design limiting the surface water runoff generated are submitted and approved for the proposed development.

In addition a condition is required for the submission and approval of detail of ground levels and Finished floor levels (FFLs) for the dwellings. It is considered that levels information should accompany a Reserved Matters application.

United Utilities have been consulted and raised no objections with the scheme but highlight that the drainage hierarchy should be followed in respect of the surface water drainage scheme.

Whilst representations have raised issues in respect of foul drainage problems experienced at nearby properties, including blocked drains, matters relating to the operation and performance of the mains sewerage system are the responsibility of United Utilities as the relevant Statutory Undertaker. Whilst details of foul drainage arrangements have not been finalised, the applicant has pointed out that a connection to the existing main sewer in Stock Lane is available from end of the existing driveway access.

Therefore, subject to a condition for a detailed drainage scheme and levels information, the proposal is considered to be acceptable in terms of flood risk and drainage.

Other Matters

Most comments/objections which have been raised within the representations and by the parish council have been addressed within the main body of the report.

Issues raised in respect of ongoing development within the adjoining site (Shavington park – Persimmon), such as in respect of levels and drainage provision for specific plots, are not however relevant to the consideration of this application which should be considered on its own individual merits.

A condition has been recommended below for Electrical vehicle Infrastructure to be included. Waste bins will be contained within the site during the week, and pulled out to the end of the driveway on bin collection days, in the same manner as currently occurs for the existing properties, and it is not considered that the collection of additional bins will have any significantly greater impact.

CONCLUSION

The proposal seeks outline approval for the siting of 2 dwellings within the rear garden of No.50 Stock Lane. The application site is located within the settlement boundary for Shavington as defined by the Wybunbury Combined Parishes Neighbourhood Plan. As a result, the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

The siting of a pair two storey detached dwellings in this location would be in keeping with the character and appearance of the surrounding area, given the recent development of the Shavington/Wybunbury Triangle allocation to the north and west and future development to the east.

The proposal is acceptable in terms of highway safety, ecology, trees and drainage/flood risk subject to conditions being imposed.

The dwellings will be located an acceptable distance from all the surrounding residential dwellings in line with the separation distances set out in the development plan, and is located sufficient distance to result in any potential overbearing impact or be visually intrusive from neighbouring properties. In addition, the dwellings are sited with large plots occupying a reasonably discrete site being screened from POS and play space within the Shavington Park development to the north by existing tree cover and boundary vegetation and as a result would have no adverse impact on the provision or use of these facilities.

It is therefore considered that the proposal is acceptable and in general accordance with the Development Plan and therefore recommended for approval accordingly.

RECOMMENDATION: Approve with conditions

- 1. Standard Time Limit (Outline)**
- 2. Submission of Reserved Matters**
- 3. Reserved Matters application made within 3 years**
- 4. Approved plans**
- 5. Boundary treatment**
- 6. Implementation of landscaping**
- 7. Updated Bat survey**
- 8. Ecological Enhancement Strategy to be submitted**
- 9. Drainage strategy to be submitted and approved**
- 10. Levels to be submitted and approved**
- 11. Land contamination – Submission of risk assessment and remediation strategy if necessary**
- 12. Land contamination - Verification report**
- 13. Land contamination - Unexpected**
- 14. Land contamination - Importation of Soil**
- 15. Tree protection scheme to be submitted**
- 16. Tree and hedge retention**
- 17. Electric vehicle charging infrastructure**
- 18. Bin Storage to be provided prior to first occupation**

19. Driveway widening details

In order to give proper effect to the 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 his 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

