

Design, Access & Planning Statement

Demolition of existing building and erection of No 2 dwellings (C3) land adjacent 59 Kennel Lane, Witherley, CV9 3LJ.

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Introduction

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This Statement has been prepared in accordance with the requirements of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the provisions of the Town and Country Planning (General Development Procedure) (Amendment) Order 2010 and Town and Country Planning (Development Management Procedure) (Amendment) Order 2015.

In accordance with the National Planning Policy Guidance (NPPG), the level of detail presented in this statement is proportionate to the scale and complexity of the application. References were made to the relevant planning policies. These are predominantly the adopted and saved Local Plan policies as they take primacy in the determination of such an application where they are NPPF & NPPG compliant.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Policy Guidance

National Planning Policy Guidance (NPPG) April 2014
National Planning Policy Framework (NPPF) December 2024

Core Strategy & Development Management Policies DPD

Core Strategy (2009)

Policy 12: Rural Villages

Policy DM1: Presumption in Favour of Sustainable Development

Policy DM10: Development and Design

Policy DM4: Safeguarding the Countryside and Settlement Separation

Policy DM11: Protecting and Enhancing the Historic Environment

Policy DM12: Heritage Assets

Witherley Neighbourhood Development Plan

Policy H1: Residential Site Allocations

Policy H2: Settlement Boundary

Policy H5: Design

Other relevant guidance

Good Design Guide (2020)

Principle and other material planning considerations

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and the need to provide action to build more houses and to boost economic growth. Although now superseded by the NPPG, it remains fully reinforced by the NPPF (2024) where the Government's aim remains to significantly boost the supply of housing.

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

“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; and

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.”

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the Framework (Dec 2024) as a complete document.

The Government is committed to ensuring the planning system should not act as an impediment to housing provision. All Local Authorities need to significantly boost the supply of housing irrespective of the status of the immediate 5 YHLS. In reference to their report “Building More Homes” (July 2016) the cross-party House of Lords Economic Affairs Committee Chairman Lord Hollick stated:

“We are facing an acute housing crisis with home ownership – and increasingly renting- being simply unaffordable for a great many people. The only way to address this is to increase supply. The country needs to build 300,000 homes a year for the foreseeable future.”

This conclusion was reinforced in November 2016 when the RPTI released a Policy Statement on identifying new housing development opportunities entitled: Where should we build more homes? Under section “land within existing built up areas will not meet all our needs” the Statement concludes:

“Even with an enhanced urban renewal and regeneration programmes of action and funding, land within existing built up areas will not meet all our housing needs in full. Some of the future housing needs will have to be met on greenfield land around our towns and cities. The experience of our members clearly indicates that this can be done without undermining the priority to be given to brownfield sites through a planned, managed and phased approach to development.”

Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

On the 30th July 2024, the Deputy Prime Minister wrote to all local authority Leaders and Chief Executives in England stating:

“Underpinning plan making – at the strategic and local level – must be suitably ambitious housing targets. That is why we have confirmed today that we intend to restore the standard method as the required approach for assessing housing needs and planning for homes, and reverse the wider changes made to the NPPF in December 2023 that were detrimental to housing supply.

But simply going back to the previous position is not enough, because it failed to deliver enough homes. So, we are also consulting on a new standard method to ensure local plans are ambitious enough to support the Government’s commitment to build 1.5 million new homes over the next five years. The new method sees a distribution that will drive growth in every corner of the country.”

Due to the age of relevant housing policies within the adopted 2009 Core Strategy, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. In addition and since the publication of the revised NPPF on the 12th December 2024, the LPA can no longer demonstrate a robust 5YHLS due to the revised standard method of housing calculation.

In these circumstances Paragraph 125 of the Framework states planning policies and decisions should:

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.”

Additionally, paragraph 128 of the Framework states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently surplus but not allocated for a specific purpose in plans, where this would help to meet identified development needs such as a shortfall in the 5YHLS.

This is also supplemented by paragraph 129 that states planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

Local List Requirements

Due to the scale and nature of the proposal, the level of detail submitted with the application is considered proportionate. Schedule 4 of the DMPO details the statutory consultations required before the grant of permission. If during the determination period the statutory consultees request additional information and this is not provided by the applicant, the LPA could refuse the application for this reason. On this basis this section forms a notice under Article 12(1) (DMPO Amended July 2015) as the applicant considers the submitted

information meets the requirements set out in article 34(6)(c) and any other information contained in the adopted Local List should be waived allowing the immediate validation of the application.

Relevant Planning History

22/00937/FUL: Proposal: Conversion, extension and alteration of former kennels and stables to form 7 no. dwellings, erection of replacement dwelling, erection of garages and formation of new vehicular access. Approved 19.05.23

Variation of Condition 02 (Approved Plans) and Condition 05 (Parking Spaces) for Planning Permission 22/00660/FUL. Date of Decision: 23/09/2022. Variation to include amendments to location of car parking provision. Approved 31.03.23

22/00660/FUL: Proposed two storey rear extensions to existing 2no dwellings. Approved 23.09.22

Amount, Layout & Design

The Framework seeks to protect communities from inappropriate development but not to curtail development where it accords with Local Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles, however it is proper to seek to promote or reinforce local distinctiveness and reflect the adjacent density and spatial layout of the adjacent built form.

The application site is a well known local landmark and is located outside of both the Conservation Area and settlement boundary of Witherley. Notwithstanding the minor and localised conflict with Policy DM4 in this respect, the recent planning history clearly demonstrates the LPA and village supports the residential redevelopment of the site that will provide a lasting link with both the history of the site and indeed the village as a whole.

The approved built form of the former hunt complex and the converted for worker cottages that now stand directly adjacent the site as 57 & 59 Kennel Lane, were designed, influenced and “fine-tuned” with input from the applicant, architect and HBBC Conservation Officer to provide a comprehensive and cohesive finished development featuring very high design standards and principles.

The proposed pair of semi-detached units continue the existing built form and design cues, whilst making efficient use of the remaining previously developed land and will appeal to the identified need for different types of housing including those wishing to take their first steps on the property ladder, or indeed those looking to downsize from under occupied former family homes. By offering a range of house types across the entire former Witherley Hunt residential development to include 2 bed options, the proposal is in full accordance with paragraphs 128 & 129 of the revised Framework in this respect.

Access Parking & Sustainability

The existing access will be utilised and parking can be accommodated within the scheme to meet the necessary requirements of the dwelling that will include charging facilities for electric vehicles.

PPG13 and associated guidance is replaced by the NPPF that states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

When considering the above, the modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will have effectively ‘nil detriment’ and will not therefore adversely affect the current road network capacity.

Ecology & BNG

The application is supported by the accompanying submission documents as appropriate

Affordable Housing & S106 Contributions

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Any contributions sought by the LPA will have to provide a site specific analysis of the impact of the proposed development upon on existing services. A description of how the contributions would be spent to specifically address those impacts and the timeframe will also form part of the justification.

If the LPA can demonstrate that any contributions are necessary to make the development acceptable in planning terms, that they are directly related, are fairly and reasonably related in scale and kind to the development, then in accordance with Regulation 122, the applicant would agree to the request of the associated contributions. The contribution will be secured via a signed Unilateral Undertaking or S106 upon receipt of the detailed justification supplied to the applicant by the LPA.

Conclusion & Justification

The main hunt residential complex and conversion of the former cottages will be read as a cohesive and spatially balanced development of built form with corresponding and commensurate areas of private garden amenity space, thereby respecting and maintaining the semi-rural setting and represents the type of organic, integrated and sustainable development that is appropriate within the local context that will form the “new gateway “ to Witherley as supported by the direction of travel in terms of Government and Local Plan policy.