

Application No: 15/2331N
Location: Land South Of, CHESTER ROAD, ALPRAHAM
Proposal: Outline application for up to nine dwellings.
Applicant: A Harding
Expiry Date: 14-Jul-2015

SUMMARY:

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. 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 make a free-standing assessment as to 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.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape, trees and ecology.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION:

Approve subject to conditions and a Section 106 Agreement to secure affordable housing provision

PROPOSAL

Outline planning permission with all matters reserved is sought for the erection of up to nine dwellings. Although the application is in outline form an **indicative** site layout plan has been submitted showing a linear form of development with detached and semi-detached properties, with access being taken directly from the A51.

SITE DESCRIPTION

The application site comprises a rectangular parcel of land situated on the southern side of the A51. There is housing to the west and north of the site and also to the east with a playing field in between. There is a hedgerow to the front of the site, but no significant trees within it.

The site is designated as being within Open Countryside in the adopted local plan.

RELEVANT HISTORY

No relevant planning history relating to this site.

NATIONAL & LOCAL POLICY**National Policy:**

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside
- 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 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- PG5 Open Countryside
- EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection.

Environmental Protection:

Request conditions/informatives relating to noise disturbance and air quality.

United Utilities:

No objection subject to conditions relating to drainage.

Parish Council:

With reference to application 15/2331N, Alpraham Parish Council object on the following main grounds:

1. There is a significant Highways safety issue and we understand that there is no support from Cheshire East Highways for an access to this development directly onto the A51.
2. There is no indication of a significant financial contribution to mitigate against the major impact this development would have on the community or to enhance the proposed recreational amenities the residents need and support.
3. The application is not in line with the adopted Alpraham Community and Parish Plan 2015 and thus against the wishes of the majority of residents.

4. Should approval be given to this and/or similar applications we would expect a financial contribution of at least £15,000 per dwelling re item 2 above. In addition in this case we would expect that a combined single vehicle access route only from the A51 joining the existing Sandy Lane/ Cinder Lane be considered. We would expect also that the first part of the existing route to the field gate down Sandy Lane/Cinder Lane be retained as a pedestrian/cycle only access route with all vehicular access via any approved new route.

REPRESENTATIONS:

At the time of report writing eleven representations have been received which can be viewed in full on the Council website. These express concerns about the following issues:

- No need or demand for additional housing in Alraham
- Alraham is a small settlement with limited amenities and facilities
- Development on greenfield land
- Loss of agricultural land
- Dangerous access
- Increase in traffic
- Traffic survey not representative
- Infrastructure in the area is poor (gas, electricity etc)
- Drainage issues
- Flooding
- Loss of outlook
- Increased noise
- Light pollution
- Loss of privacy
- Over looking
- Loss of hedgerow and impact on wildlife
- Any new housing in Alraham should be affordable

APPRAISAL

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

Principle of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act

2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

The issue in question is whether this proposal 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.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

This is a material consideration in support of the proposal.

Sustainable Development

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 make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14.

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 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

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;

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

ENVIRONMENTAL ROLE

Open Countryside Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In this case the site is designated as Open Countryside in the adopted local plan, but the site consists of a small area of a field with existing development to the north, east and west. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained.

Landscape

The site is currently part of a relatively large field set between existing built development and while its loss would be unfortunate, it is not considered that there would be significant and

severe harm to the overall character of the landscape of the area. As such a refusal on landscape impact could not be sustained.

Design

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

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The indicative layout shows a linear form of development similar to that on the opposite side of the road, which would not appear inappropriate in this context, where there are a variety of property designs and sizes in the vicinity.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

As stated above the application is in outline form with all matters reserved for future consideration.

The indicative layout shows an access on to the A51. However there is an application to the south east of the site for up to twenty dwellings, a multi-use games area, a pavilion and improved recreational facilities (15/4922N). This site takes access onto Cinder Lane and from there onto the A51. In order that the layout does not frustrate this proposed development to the south east and lead to the creation of two access points in close proximity onto the A51, it is considered that at reserved matters stage, access to this site should be taken from the south east corner onto Cinder Lane.

The Head of Strategic Infrastructure (HSI) is satisfied that a development of nine dwellings can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

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.

Ecology

Hedgerows are a priority habitat and hence a material consideration. Hedgerow 2 present on site has been identified as supporting native bluebells which is a species which is also a

material consideration in its own right. The submitted ecological survey report states that Hedgerow 2 is not considered to be 'Important' under the Hedgerow Regulations, however as native bluebell is a Red List species and is also listed on Schedule 8 of the Wildlife and Countryside Act, Hedgerow 2 would qualify as Important due to the presence of this species.

Based on the submitted illustrative layout plan it appears likely that Hedgerow 2 could be retained as part of the proposed development. However there is a risk that the bluebells associated with it could be lost if the hedgerow is disturbed during the construction phase. There will also be a loss of the hedgerow along the sites northern boundary as a result of the proposed site access.

It is considered that measures should be put in place during the construction phase to ensure the hedgerows on site are safeguarded during construction.

It is considered that if outline consent is granted a condition should be attached requiring the submission of a method statement for the safeguarding of the hedgerows to be submitted as part of any future reserved matters application.

If planning consent is granted it is recommended that conditions be attached to ensure protection for breeding birds and for features to be incorporated into the development for breeding birds and roosting bats.

Grass snakes are known to be present in the broad locality of the proposed development. The application site does not however provide any particularly notable habitats for this species. There is a low risk that any reptiles present on site could be killed or injured during the construction phase. To minimise this risk the applicant's consultant has recommended a suite of avoidance measures. If the application is approved, a condition should be imposed requiring compliance with these recommendations.

In order to avoid any adverse impacts on wildlife, particularly bats, it is recommended that a condition should be attached that details of any lighting proposed are to be submitted as part of any future reserved matters application.

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. The submitted ecology report identifies the potential presence of hedgehogs on the application site. If planning consent is granted a condition should be imposed requiring gaps to be incorporated into any boundary fencing used at the site..

Flood Risk

The site is within Flood Zone 1, which is at low risk of flooding. The Flood Risk Manager has been consulted and an update will be provided to Members prior to the Committee meeting.

Agricultural Land

Local Plan Policy NE.12 has been saved. The National Planning Policy Framework advises that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The application does not contain an Agricultural Land Assessment. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

ECONOMIC SUSTAINABILITY

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'

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Alpraham and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for nine dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site. The distances to existing residential properties and the properties proposed under application number 15/4922N, would be capable of meeting or exceeding the minimum separation distances required.

Should the application be approved, a condition should be imposed relating to piling. In terms of air quality, a condition should be imposed requiring an electric vehicle charging socket to be provided at each of the dwellings.

In order to protect the amenity of the future residents of the dwellings, a condition should be imposed requiring submission of a Noise Assessment and Mitigation Scheme

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

At the time of report writing, a response has not been received from the Strategic Housing Manager (SHM).

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 3 dwellings or more or than 0.2 hectare in size. The proposals are for nine dwellings therefore there is a requirement for affordable housing.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The applicant in their Planning Statement has agreed to incorporate two affordable dwellings on the site or accept a reasonable contribution to off-site affordable housing provision.

An update will be provided to members on the specific requirement for affordable housing provision prior to the meeting.

Education

A development of less than ten dwellings would not generate a requirement for an education contribution.

Health

There are four GP surgeries within 5 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

S106 Contributions:

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, the affordable housing would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Response to Objections

There have been eleven objections to the proposal, expressing concerns about highway safety, lack of infrastructure, loss of open countryside and impact on amenity. These issues are addressed in the main body of the report.

Conclusion – The Planning Balance

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. 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 make a free-standing assessment as to 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.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape, trees and ecology.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement to secure the affordable housing provision following conditions:

- 1. Commencement**
- 2. Submission of reserved matters**
- 3. Approved plans**
- 4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays**
- 5. Submission of Construction Management Plan**
- 6. Provision of an electric vehicle charging point to each dwelling**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Submission of tree/hedgerow protection scheme**
- 9. Breeding bird survey for works in the nesting season**
- 10. Compliance with the Extended Phase One Habitat Survey**
- 11. Reserved matters to include Noise Mitigation Scheme**
- 12. Reserved matters to include details of external lighting**
- 13. Reserved matters to include features for breeding birds and roosting bats**
- 14. Reserved matters to include details of boundary treatments**
- 15. Reserved matters to include existing and proposed levels.**

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.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

