

Application No: 14/5608N

Location: Land to the south east of Hankelow Manor, Land adjacent to Hankelow Manor, Hankelow Lane, Hankelow, Cheshire

Proposal: Infill development of two, two storey, detached residential dwellings

Applicant: Hume

Expiry Date: 10-Feb-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.**

## **PROPOSAL**

The application seeks full planning permission for the erection of 2 two-storey detached dwellings with attached double garages. Vehicular access would be taken from a central access off Hall Lane.

## **SITE DESCRIPTION**

The site is situated on the north western edge of the settlement of Hankelow, within the Open Countryside as defined in the adopted local plan. It is part of a larger paddock laid to grass and the land is fairly level. It is bounded by a residential property to the east, and to the north east, beyond Hall Lane. There is agricultural land to the south west and Manor Farmhouse, a Grade ii listed building to the north west, part of the Hankelow Manor Complex. Further along Hall Lane to the north west, there is another listed building, Grade ii\* Ball Farmhouse. The site is visible from Hall Lane and Hankelow Public footpath 1. There is a line of mature trees and a hedge on the Hall Lane frontage which continues along the frontage of Manor Farmhouse, and trees on the boundary with Manor Farmhouse.

## **RELEVANT HISTORY**

None relevant to this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

National Planning Policy Framework.

### **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  
RES.3 – Housing Densities

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:**

#### **Parish Council:**

None received at the time of report writing.

### **REPRESENTATIONS:**

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

At the time of report writing one objection has been received which can be viewed on the Council website. This raises issues about the following:

- Overdevelopment
- Village development boundary
- Greenfield site
- High water table
- Highway safety
- Privacy
- Future development

### **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**

### Sustainability of Location

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”*

Accessibility is a key factor of sustainability that can be measured. A 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.

Although a locational sustainability assessment has not been provided by the applicant for this scheme, the application site is located within 30m of the Hankelow Settlement Boundary.

A appeal decision made on 5<sup>th</sup> February 2014 for the provision of 10 no. dwellings on a site a greater distance from the Hankelow Settlement Boundary was allowed (LPA Ref: 12/2309N/PINS Ref: PP/R0660/A/13/2190651), with the Inspector concluding in paragraph 14 that in locational terms, the site appeared to be *“reasonably accessible for a rural settlement.”*

This application site is located significantly closer to the village and its facilities than the site allowed at appeal, with easy access to bus stops, public house and village green and Hankelow Methodist Church. Audlem Road forms part of the National Cycle Network.

Audlem village centre, which has a greater range of facilities including a primary school and surgery is located approximately 2km south of the site.

The Inspector accepted in the previous decision that *“whilst the use of the car is likely to predominate, there are viable alternative modes of transport”*, and concluded that *“In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement.”*

As a result, it is considered that the application site is in a sustainable location, and as such would adhere to the NPPF.

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, 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 paddock between existing built development. 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.

### **Infill Development**

The applicant is of the view that the site constitutes infill development as defined in Policy NE.2 of the adopted local plan. This policy allows for *“the infilling of a small gap with one or two dwellings in an otherwise built up frontage.”* Policy PG.5 of the emerging local plan also repeats this requirement.

However, the neighbouring property to the north west of the site is set back significantly from the road. Its front garden can not be considered to be a built up frontage in policy terms. Therefore it could not be considered as the infilling of a small gap. As such the proposal constitutes a departure from the development plan.

### **Landscape and Trees**

Whilst the line of trees and Leyland Cypress provides some separation between the site and the listed building, and there is residential property to the east, and north east, the application site has a rural agricultural character with views from Hall Lane, between the trees to agricultural land beyond.

The proposal will require the removal of a protected Lime (identified as T4 in the submitted Tree Survey) and forming part of Group G1 of the Cheshire East Borough Council (Hankelow - Land off Hall Lane) TPO 2015. It is stated in the supporting arboricultural report that this tree is suppressed by adjacent protected Limes within the group. The protected group of 10 Lime trees located adjacent to Hall Lane can be easily seen along various points along the Lane with views north west and south east and from the public footpath (Hankelow FP1) looking north across the fields. Overall, the group makes a significant contribution to the amenity of the area and contributes to its sylvan setting. The removal of the suppressed Lime tree (T4), which is located centrally within the group would only marginally erode the integrity of the linear group of protected trees. As the adjacent flanking protected Lime trees are more dominant, the loss of the suppressed Lime would only be apparent when viewed immediately opposite the proposed driveway. Due to the more dominant adjacent trees, the resultant gap created by the access will in a relatively short time be reduced by the canopy growth of adjacent trees.

The Arboricultural Assessment provides a basis for a proposed no dig construction off Hall Lane and installation of services drawing. The latter proposes both electricity and water supply to be routed between Lime trees (T3 and T50 through the no dig driveway or in the same position by way of a trenchless (moling system). The latter is the least damaging option and this should be controlled by condition.

The proposed no dig driveway is standard specification and is broadly acceptable subject to a detailed construction specification/method statement. It is considered that the driveway would have to be constructed first and protected during the development process or that a

temporary above ground road be placed for construction traffic. For wheeled or tracked construction traffic movements across the proposed access, any ground protection should be designed by an engineer to accommodate the likely loading of construction vehicles and may involve the use of reinforced concrete slabs or other proprietary system.

Conditions can be imposed to address these issues.

## **Design**

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 development comprises two large detached dwellings with attached garages, with a shared access of Hall Lane. The surrounding development comprises a variety of property types including bungalows, terraced cottages and substantial detached dwelling houses. It is therefore considered that the proposal is in keeping with the locality and is acceptable in design terms, in compliance with Policy BE.2 of the adopted local plan.

## **Highways**

Hall Lane is a relatively narrow road but has good visibility from where the point of access would be taken. There is adequate parking for in excess of 3 vehicles at each dwelling and vehicles could enter and leave in a forward gear.

Given that this is a development of 2 dwellings, it is considered that there would be no adverse impact on highway safety and that a refusal on these grounds could not be sustained.

## **Ecology**

The application is supported by a habitat survey report prepared by a suitably qualified ecological consultant. It is considered that whilst the submitted report is not extensive it provides sufficient information to allow the determination of the application.

The proposed access to the site will result in the loss of hedgerow; Hedgerows are a priority habitat and a material consideration. It is considered that the loss of hedgerow must be compensated for. It is recommended that replacement hedgerow planting is secured by condition. In addition a condition should be imposed for the protection of nesting birds.

## **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, 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 Hankelow and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

The proposal is for 2 dwellings on this site. Adequate separation distances 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 would be capable of meeting or exceeding the minimum separation distances required.

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

Subject to the conditions 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.

## **Built Heritage**

Whilst this proposal will result in the construction of two houses on a field which adjoins Hall Lane, it needs to be recognised that there is a line of mature trees between the proposed development site and the Manor which will provide a visual shield between the development site the Manor, its lawn and drive.

In addition the proposed new houses will be set back a little from the lane to mirror the footprint of many other older properties on Hall Lane and Hankelow Green and they will have large rear gardens which will reduce their footprint on this open field, with the field behind the development site also remaining un-developed to retain much of the open setting of the Manor to the rear.

The proposal is considered to be socially sustainable.

## **Response to Objections**

There has been one objection to the proposal, expressing concerns about overdevelopment, village development boundary, greenfield site, high water table, highway safety and privacy. These issues are addressed in the main body of the report. For the reasons explained in the report the objections could not be sustained as a reason to refuse this application.

## **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 economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of a paddock and the loss of designated open countryside.

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 following conditions:**

- 1. Commencement**
- 2. Approved plans**
- 3. Materials to be submitted**
- 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 6. Submission of details of any external lighting.**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree retention**
- 9. Tree and hedgerow protection measures**
- 10. Method Statement/Construction Specification for no dig driveway between trees T3 and T5**
- 11. Method Statement/Construction Specification for temporary ground protection between trees T3 and T5**
- 12. Submission of landscaping scheme**
- 13. Implementation of landscaping scheme**
- 14. Submission of details of boundary treatments**
- 15. Breeding bird survey for works in the nesting season**
- 16. Submission of details of features to be included in the development for breeding birds, including House Sparrow**
- 17. Provision of electric vehicle charging point for each dwelling**

**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.**



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