

Application No: 15/5425N  
Location: FIELDS VIEW, AUDLEM ROAD, HANKELow, CW3 0JE  
Proposal: Erection of detached bungalow  
Applicant: Mr A D Purton & Miss S Parkes  
Expiry Date: 26-Jan-2016

## **SUMMARY**

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. 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).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant

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**

## **DEFERRAL**

On the 3<sup>rd</sup> February 2016 Southern Planning Committee deferred this application for the following reasons;

*That the application be DEFERRED for the following:*

- *Better access plan, including levels and showing access to existing dwelling*
- *More detailed Highway Officer Report/comments*

These details have subsequently been provided, and on further consultation with the Strategic Highways Manager, further comments have been received which retains no objection to the proposals subject to originally proposed condition.

## **PROPOSAL**

The proposal seeks full planning permission for the erection of a bungalow dwelling and a single detached garage both to be finished in open brick under tiled roof and associated new access off the A529 (Audlem Road).

## **SITE DESCRIPTION**

The application site is a side garden, of a dwelling known as 'Fields View', Hankelow which fronts onto the A529 (Audlem Road). The site is within Open Countryside as designated within the Crewe and Nantwich Local Plan 2012.

Within the supporting design and access statement it is stated that the site has been previously developed for residential use.

The site forms the end of the broken strip of residential development extending from Hankelow village. A short row of detached dwellings lie to the south-west of the site whilst agricultural style buildings are located immediately to the north west. Brookfield Golf Course lies to the South whilst properties and Hankelow village green lie to the west.

A line of trees borders the rear and eastern boundary of the site.

## **RELEVANT HISTORY**

**10/4016N** – Planning permission was refused for the re-modeling of the existing bungalow and alterations to existing roof on 10<sup>th</sup> December 2010.

**7/15031** – Planning permission was approved for the formation of a new access on 25<sup>th</sup> January 1988.

**7/10407** – Planning permission was approved for a new access on 27<sup>th</sup> October 1983.

**7/09653** – Planning permission was approved to form an extension to form study

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs:

14, 17, 49 & 55

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open Countryside

NE.5 – Nature Conservation

NE.12 – Agricultural Land Quality

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.5 - Housing in the Open Countryside

TRAN.9 - Car Parking Standards

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:

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 5 - Open Countryside

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy EG 2 - Rural Economy

Policy SE 1 – Design

Policy SE 2 – Efficient Use of Land

Policy SE 4 - The Landscape

Policy SE 5 - Trees, Hedgerows and Woodland

## **Supplementary Planning Documents:**

SPD - 'Development on Backland and Gardens'

## **CONSULTATIONS:**

**Head of Strategic infrastructure:** The HSI is content that the visibility splays can be achieved from the proposed access in each direction. Accident data has been sought and there is no reason to suggest that the proposed access is unsafe (the speed limit in the vicinity of the site has recently been reduced from 60mph to 30mph). In order to construct the proposed site access the speed limit sign will need to be moved and this can be controlled through the imposition of a planning condition.

The proposed access will be safe and suitable and the HIS has no objection to this application subject to condition for access details.

**Environmental Health:** No objection subject to informative.

**Hankelow Parish Council:** No comments received at the time of report writing

## **REPRESENTATIONS:**

No representations received

## **APPRAISAL**

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

## **Principle of Development**

The site lies within the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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 would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. 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 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 receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgpool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing land.

This is a material consideration in support of the proposal.

### Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North and the Gables in Spurstow, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

## **Sustainability**

### 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 approximately 390m east of Hankelow Settlement Boundary.

An appeal decision made on 5<sup>th</sup> February 2014 for the provision of 10 no. dwellings on a site approximately 150m West of the application site 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 only located marginally further from the village and its facilities than the site allowed at the above appeal. The site lies within 700m north east of the nearest 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.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. 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**

### Landscape Impact – Open Countryside

Within application design an access statement it is stated that the site has been previously been developed for a residential dwelling and is considered to be 'brown field'. The definition of previously developed land in the NPPF excludes land in built up areas such as private residential gardens and land where the remains of the permanent structure have blended into the landscape. As the site is a private residential garden and the remains of the permanent structure no longer clearly visible in the landscape the site is not considered to represent 'previously developed land' as defined within the NPPF.

Notwithstanding the above, as the site is located within an existing residential curtilage it is considered to make only a minimal contribution to its intrinsic character and beauty of the surrounding countryside. In addition, with regards the impact of the proposed development on the openness of the surrounding countryside. The site forms the end of a row of dwellings, is well screened from surrounding countryside by a bank of trees to the east, an outbuilding to the north and the A527 to the south, and it is therefore considered that any impacts upon the surrounding countryside by the proposed dwelling would be limited.

The proposed landscaping with the retention of road side boundary hedge and replacement native hedging to the rear would help further screen the site and help the proposals sit within the areas semi-rural landscape.

In this particular case the harm to Open Countryside as defined under Local Plan Policy NE.2 is considered minimal due to the current its residential use together with its setting and screening, as such it is considered that low weight should be given to the impacts of the proposals on openness of the surrounding countryside.

### Design

Policy BE.2 and RES.5 of the Local Plan advises that proposals for new residential development within the Open Countryside will be permitted provided that they achieve a high standard of design, respect the character and form of the surroundings, and would not adversely affect the streetscene or rural character of the area by reason of its form, scale, height, proportions or materials used.

The proposed bungalow would measure approximately 12.4m by 11.2m, to be finished with brick / render and white uPVC fenestration under a tiled roof with maximum ridge height of 5.4m and eaves of 2.4m. The dwelling house would be set back from the neighbouring building line and approximately 11m from the highway.

The proposed garage would measure 7m x 4.2m to be finished with brick under tiled dual pitch roof with maximum height of 4m.

The surrounding area is considered to be semi-rural in nature with near by residential properties constituting a mixture of medium sized bungalows, and detached dwellings with mixture of curtilage sizes.

The proposed plot and dwelling size and garage would respect that of neighbouring properties and of the semi-rural character in general. The development would also respect the form of the immediate surrounding properties.

The design and scale of the proposals would not appear incongruous within a site which other than from the road is relatively well screened from surrounding countryside.

Subject to a condition to agree finishing materials the design of the proposed bungalow and detached garage with open brick finish with under tiled roof would be considered to be acceptable.

As a result of the above, it is considered that the proposed new dwelling would not have a detrimental impact upon the character of the dwelling, surrounding area, rural character or street scene and would adhere with Policy BE.2, RES.5 of the Local Plan and advice advocated within the SPD – 'Development on Backland and Gardens'.

### Access

The proposal seeks the creation of a new access on to the A529 (Audlem Road). Immediately adjacent the proposed access, on the road verge, is change of speed sign which would be affected by the proposals. The applicant initially provided a plan showing the layout indicating the access to the development but no visibility splay information, gradient or speed data.

The applicant has provided a plan layout indicating the access to the development including visibility splay information and has clarified that the access to the existing property 'Fields View' is to be retained. The Head of Strategic Infrastructure is satisfied that the access is safe and that visibility splays suitable to the speeds in this location can be achieved from the proposed site access to the nearside kerb in each direction.

In addition accident data has been sought from the Road Safety Team and although a fatality was noted on the A529 further to the northeast of the site access there is no reason to suggest that the proposed access is unsafe. The speed limit in the vicinity of the proposed access has recently been reduced from the national speed limit (60mph for cars on this type of road) to 30mph.

It is therefore considered that the proposed access will be safe and suitable.

However, in order to construct the proposed site access the speed limit sign positioned in the verge will need to be moved. A condition for the relocation of this sign and the twin speed limit sign opposite is required.

The latest plans indicate that the fields and barn behind the proposed dwelling will be maintained via a separate access.

The access drive is to be constructed at a 1:20 gradient, which is suitable, with details of construction materials to be agreed.

Subject to the inclusion of condition relating to the provision of a plan showing repositioning of the speed limit change signs and visibility splays The Head of Strategic Infrastructure has no objection to this planning application.

It is therefore considered that the proposed access will be safe and suitable, and that the parking provision for the proposed bungalow would accord with Crewe and Nantwich Local Plan policy guidelines, with two spaces.

The proposal would comply with Policy BE.3 of the Borough of Crewe and Nantwich Local Plan 2011.

### Trees and Hedgerows

The site constitutes a lawned area with isolated fruit trees and a group of mature trees including holly, it is bound by leylandii hedge to the rear and native hedge to the frontage.

The proposals would remove a number of isolated trees within the site and the leylandii hedge to the rear. The landscaping plan shows the retention of the native hedge to the frontage replacement native hedge planting to the rear boundary. It also shows the position of temporary fencing to protect the hedgerow and group of trees to the east.

Consultation with the Councils Forestry officer confirmed that there are no significant Arboricultural implications associated with this application. The trees on the site to be removed are all low value Category C specimens the loss of which will have limited impact on the amenity of the immediate area and the wider landscape.

Removal of a section of road side hedging to facilitate access cannot be considered in terms of the 1997 hedgerow regulations the hedge forms part of a domestic garden curtilage.

### Ecology

The councils ecologist has not raised any ecological issues as a result of the proposals provided that a condition be attached to protect breeding birds from the propose works to the hedgerows and trees.

Therefore subject to the inclusion of conditions the proposals would accord with Local Plan Policy NE.9 (Protected Species).

### Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

Subject to the prior approval of a surface water drainage scheme it is considered that the proposed development would adhere with Policies BE4 of the Local Plan.

### Environmental Conclusion

The proposed development would not create any significant landscape, hedgerow, design, access, flooding or drainage concerns.

As such, it is considered that the proposed development would be environmentally sustainable.

### **Economic Role**

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Audlem for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry

supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

## **Social Role**

The proposed development would provide 1 market dwelling which would be a social benefit.

## Amenity

Policy BE.1 (Amenity) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. The Supplementary Planning Document on Extensions and Householder Development sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring property to the application site with the potential to be affected by the proposals would be the occupiers of the neighbouring property 'Fields View', at its closest point would be approximately 17 metres from the side elevation of the proposed unit. This would satisfy all required separation standards and therefore would not raise any significant residential amenity concerns.

The Council's Environmental Protection Team has advised that they have no objections to the development subject to informatives on hours of construction and a contaminated land.

With regards to the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a useable, private amenity space of at least 50 square metres. There would also be sufficient private amenity space retained for the existing dwelling (170sq.m).

As such, it is considered that a detached dwelling and a garage would not result in any significant amenity concerns. The proposal is therefore considered to adhere to Policy BE.1 of the Local Plan.

## **Neighbourhood Plan**

In this case approval has been given to designate a Hankelow Neighbourhood Plan Area. To date a questionnaire has been undertaken and the Hankelow Neighbouring Plan Steering Group are currently applying to Cheshire East for assistance in the production of a draft plan.

## **Planning Balance & Conclusion**

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to 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).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant.

Given the site’s location adjacent to the Hankelow Settlement Boundary and adjacent to an established form of residential development as well as its proximity to services and facilities in nearby settlements, and the recent appeal decision north of the site, it is not considered that the incursion into open countryside and loss of residential garden is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Commencement of Development**
- 2. Plans**
- 3. Submission of materials detail**
- 4. Nesting birds**
- 5. Submission / Approval of a Surface Water Disposal Scheme**
- 6. Submission / Approval of Access Details including relocation of the speed limit signthe**
- 7. Removal of Permitted development Rights – Extensions, Outbuildings and Dormer windows**

**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.**

