

Application No: 15/5508C

Location: Land Adjacent 23, Sandbach Road, Church Lawton, Cheshire East, ST7 3DW

Proposal: Two Dwellings at House Plot Numbers 19 and 21 Sandbach Road, Church Lawton

Applicant: Mr Anthony Chadwick

Expiry Date: 05-Feb-2016

## **SUMMARY**

**The principle of the development is considered to be acceptable in Green Belt terms and the development would accord with paragraph 89 of the NPPF as appropriate development constituting limited infilling within a village in the Green Belt.**

**The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.**

**Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.**

**As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.**

**The application is therefore recommended for approval, subject to conditions.**

## **RECOMMENDATION**

**APPROVE subject to conditions**

## **REASON FOR REFERRAL**

The application has been called into Southern Planning Committee by Councillor R. Bailey for the following reasons;

*'A substantial body of opinion has been formed of residents who are opposed to this application, and who would want to make representations direct to the committee on the grounds of inappropriate development outside the Lawton Gate green belt/green field infill boundary line.'*

## **PROPOSAL**

This application seeks outline planning permission to erect 2 dwellings and matters of Access. Matters of appearance, Landscaping, Layout and Scale are not sought for approval at this stage.

## **SITE DESCRIPTION**

The site relates to a paddock, approximately 1755 m2 in size, located on the southern side of Sandbach Road, Church Lawton within the Green Belt.

## **RELEVANT HISTORY**

**33908/3** - Extension to Existing Stable (Retrospective) – Approved 11<sup>th</sup> February 2002

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Green Belt protection, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design and 79-125 – Protecting Green Belt Land

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS7, as Green Belt.

The relevant Saved Policies are:

PS7 – Green Belt, GR1 New Development; GR2 Design, GR4 Landscaping, GR6 Amenity and Health, GR9 Accessibility, Servicing and Parking Provision – New development, GR16 Footpath, Bridleway and Cycleway Networks, GR20 Public Utilities, GR21 Flood Prevention, GR22 Open Space Provision, NR1 Trees and Woodlands, NR2 Wildlife and Nature Conservation – Statutory Sites, H1 Provision of New Housing Development, H6 Residential Development in the Open Countryside and the Green Belt and H13 Affordable and low cost-housing.

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:

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG3 – Green Belt, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments.

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** - No objections, subject to a condition that any obstructions within the demonstrated visibility splay be cleared prior to the first occupation of the dwellings

**Environmental Protection** - No objections subject to a number conditions relating to; pile foundations and dust mitigation and informatives relating to hours of construction and contaminated land

**Housing (Cheshire East Council)** – Proposal does not trigger an affordable housing requirement

**Flood Risk Manager** – No objections, subject to a condition that a design, management and maintenance plan for surface water drainage be submitted to and approved in writing by the Local Planning Authority

**Cheshire Brine Subsidence Board** – Require the foundations of the development be strengthened to mitigate the effects of any future potential movement in an are of potential subsidence

**United Utilities** – No objections

**Church Lawton Parish Council** – Object to the proposal on the following grounds;

- Principle – application site is within the Green Belt
- No affordable housing provision
- Sustainability of the location
- Highway safety

### **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, 6 letters of objection have been received. The main areas of objection raised include;

- Principle – application site is within the Green Belt, does not represent infill
- Amenity – Loss of privacy
- Sustainability of the location
- Highway safety
- Impact upon existing hedgerows and trees

## **APPRAISAL**

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

### **Principle of Development**

Policy PS7 of the Congleton Borough Local Plan First Review 2005 seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy. These purposes include; development which is required agriculture or forestry, essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; new dwellings in accordance with Policy H6, controlled infilling within settlements in Policy PS6, limited affordable housing for local needs, development for employment purposes and the re-use of existing rural buildings will be permitted.

While the proposal permits limited infilling, where this infilling takes place is limited by Policy PS6 to 10 specific settlements, none of which apply to the application proposal.

Therefore, in seeking to restrict infilling to a small number of villages within the Green Belt, Policy PS7 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification.

This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight.

On Monday 9 February 2015, the Court of Appeal (Sullivan, Bean and King LJJ) allowed an appeal against the judgment of HHJ Mackie (sitting as a Deputy High Court Judge) in *Wood v Secretary of State for Communities and Local Government* [2014] EWHC 683 (Admin). The Appellant had appealed against the decision of Gravesham Borough Council to refuse planning permission for a single dwelling in a site which lay in the Green Belt but was surrounded by existing built development. The principal issue for the Court was the

proper interpretation of one of the exceptions in the NPPF to the construction of new buildings being "inappropriate development" in the Green Belt. Paragraph 89 provides that an exception to the general rule is "limited infilling in villages".

Sullivan LJ (with whom Bean and King LJ agreed) found that the policy required the decision-maker to consider whether, as a matter of fact on the ground, the site appeared to be in the village. The fact that the site lay outside the village boundary as designated in the development plan was not determinative of the point. In limiting himself to considering whether the proposal was within the designated village boundary, the Inspector had misdirected himself as to the proper meaning of paragraph 89 of the NPPF.

Although it is noted that the application site lies within washed over Green Belt land outside of the Lawton Gate & Lawton Heath Infill Boundary Lines, as shown on the Congleton Borough Local Plan, the site is considered to be visually, physically and functionally located within these adjoining villages. For the purposes of paragraph 89 of the NPPF, it is considered that the construction of 2 infill dwellings in this location should not be considered to constitute inappropriate development in the Green Belt.

The proposed site comprises of plots sizes of very similar sizes to the neighbouring residential plots. The width and depth of the proposed plots are clearly comparable with others in the immediate vicinity of the site and is clearly capable of accommodating 2 detached dwellings comparable to those in the immediate vicinity of the site.

There is existing built development to north, east and west of the site and development of the site would reflect the existing form of linear development. The extent of the rear gardens would reflect those of the adjacent plots and therefore would not extend significantly into the Green Belt.

The proposed development is for 2 detached dormer bungalows. The plot is set between two existing residential plots which form part of a developed frontage facing Sandbach Road, the opposite side of which forms the boundary of the Lawton Heath Infill Settlement Zone Line.

Overall therefore, the development of the plot for 2no dwellings is considered to constitute limited infilling within a village in the Green Belt. It would therefore fall under one of the exceptions listed under paragraph 89 of the NPPF and is considered to constitute appropriate development in this location in Green Belt terms.

### Housing Land Supply

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 Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' 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.

This is a material consideration.

## **Sustainability**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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. One 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.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant has not completed this particular assessment, but has advised within their submitted Planning Statement that there are;

- 8 Primary schools within a 1.5 mile radius of the application site
- 10 senior schools within a 5 mile radius of the site
- 2 convenience stores within 0.5 miles of the site
- Daily bus service linking Lawton-gate to Alsager, Congleton, Crewe, Hanley, Keele, Nantwich and Newcastle-under-Lyme

Further investigation suggests that the application site would include public facilities that would either be within the recommended distances or close to half of those listed within the checklist.

Furthermore, as the application site lies within 500 metres of a bus stop with links to Rode Heath, Scholar Green and Newcastle-Under-Lyme. These settlements include the majority of the facilities which are not within walking distance to the application site.

As such, for the above reasons it is considered that the proposal should be considered to be locationally sustainable.

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

The site is located to the south of Sandbach Road within Green Belt and outside the Infill Boundary Line in the area. The main site area forms part of a field with some encroachment into the garden of 23 Sandbach Road. There is some existing vegetation present including a mature Oak tree within the field, a group of trees on the boundary with No 23 and Beech hedge on the Sandbach Road frontage. The wider field has post and rail fence to the roadside and southern boundary.

Development on the application side of Sandbach Road is relatively sporadic with only three dwellings in the section of the road between its junctions with Lawton Heath Road and Cherry Lane. As such, there are gaps between the existing dwellings which allow unimpeded views to the south from Sandbach Road.

Although the proposed development would close up this gap between No's 23 and 17 Sandbach Road, given that the developments would be detached dormer bungalows and therefore relatively low in height, be enclosed by existing development on 3 sides and because a degree of openness around these dwellings would be retained, it is not considered that subject to landscape and boundary treatment conditions, this impact upon the wider landscape would be significant.

### Trees and Hedgerows

The proposed site layout plan shows a number of existing trees close to the western boundary of the site, a single tree on land to the west of the site, and a hedge to the north-west.

The Council's Tree Officer's site assessment confirmed existing tree and hedge cover as indicated on the proposed site plan including a mature Oak tree within the site which is shown may conflict with the indicative footprint of plot 1.

Given that Layout and Landscaping are not sought for approval at this stage, and because the dwellings could be re-sited marginally further forward at Reserved Matters stage, it is not considered that the impact upon this tree would be significant.

To create a new access, the proposed development would result in the loss of a section of mature roadside Beech hedge which marks the residential curtilage of 23 Sandbach Road.

The Council's Tree Officer has advised that in the event the proposal is deemed acceptable in principle, she suggests at reserved matters stage, the application should be supported by a comprehensive package of arboricultural information following BS 5837:2012 guidelines.

In addition, it is recommended that a condition that the development shall be carried out in strict accordance with the submitted Hedgerow Impacts and Replacement Planting Drawing P.410.14.10 dated 14/1/2016, should also be imposed.

### Ecology

The Council's Nature Conservation Officer has reviewed the proposal and advised that he does not object to this application.

There is an Oak on site (T9) which the Council's Nature Conservation Officer has advised that is not sufficiently mature to be reasonably likely to support a bat roost and as such, no survey is required.

Should the application be approved, it has recommended that a condition to protect breeding birds be imposed.

### Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale which requires the submission of a Flood Risk Assessment (FRA).

The Council's Flood Risk Manager have advised that they have no objections, subject to a condition that the applicant/developer submit a detailed design and associated management and maintenance plan of surface water drainage for prior approval.

United Utilities have raised no objections on drainage matters.

As such, subject to the implementation of the proposed conditions by the Council's Flood Risk Manager, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

### Design

The indicative layout shows the provision of 2 new dwellings within the site.

The plan shows that these would follow the existing linear development on this side of Sandbach Road (south) and would front onto the road in a northerly direction.

The plan indicates that access to the bungalows would be taken from an existing access to the adjacent property (No.23 Sandbach Road) and extend to the south-east forward of the proposed dwellings, parallel with Sandbach Road.

This proposed layout also demonstrates that 2 dwellings can be incorporated within the site without appearing incongruous within its setting.

The indicative elevations and floor plans indicate the provision of 2 detached dormer bungalows.

The closest dwelling to the east is a detached bungalow with what appears to be living accommodation within the roof space as are a number of properties on the opposite side of the road further to the east.

As such, the provision of 2 further detached bungalows with living accommodation within the roof space would not be out of character with the area. However, the proposed dormer windows would be. This, however, is a matter to be considered at Reserved Matters stage, as would the appearance of the developments.

The proposed scale of the dwellings as indicated on the submitted indicative layout plans is considered to be appropriate.

### Access

In order to achieve visibility requirements it has been proposed to relocate the existing vehicle access westwards by approximately 30 metres, as shown on plan 2015/TC/SR/08(A) received 09/03/16. On the same plan, a pedestrian access to allow for refuse collection has been proposed.

The Council's Head of Strategic Infrastructure (HSI) has advised that there have been no recorded traffic accidents in the vicinity of the proposal over the last 5 years, indicating no existing traffic safety issues. In addition, adequate access visibility has been demonstrated for the proposal.

The HSI has therefore recommended that should the application be approved, a condition requiring that the visibility shown on plan 2015/TC/SR/08(A) should be cleared of any obstructions before first occupation, should be included.

As such, subject to this condition, it is considered that the access to the site is acceptable and would adhere with Policy GR9 of the Local Plan.

### Environmental Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, protected species, highway safety, design, flooding and drainage subject to conditions.

As a result of the above reasons, it is not considered that the proposed development would be environmentally neutral.

### **Economic Role**

It is accepted that the construction of a small housing development of this size would bring the usual economic benefit to the closest shops in Lawton gate and Alsager 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 open market housing which in itself, would be a social benefit.

### Amenity

Policy GR6 (Amenity and Health) 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. Supplementary Planning Document 2 (Private Open Space) 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.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings would adhere to this standard.

The closest neighbouring properties to the application site would be No.23 Sandbach Road to the west, No.17 Sandbach Road to the east and No's 24 and 18 Sandbach Road on the opposite side of Sandbach Road to the north.

In terms of the separation distances, the indicative layout plan shows that 2 dwellings could be accommodated within the site without creating an unacceptable impact upon privacy, light or visual intrusion.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to conditions relating to; pile foundations and dust mitigation and informatives relating to hours of construction and contaminated land.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

### Social Conclusion

As a result of the provision of market housing and because no amenity issues would be created, subject to conditions, it is considered that the proposed development would be socially sustainable.

## **Planning Balance**

The principle of the development is considered to be acceptable in Green Belt terms and the development would accord with paragraph 89 of the NPPF as appropriate development constituting limited infilling within a village in the Green Belt.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

The application is therefore recommended for approval, subject to conditions.

## **RECOMMENDATION**

### **APPROVE Subject to the following conditions**

- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. Prior approval of Piling Method Statement**
- 6. Prior approval of dust mitigation scheme**
- 7. Prior approval of surface water drainage/storage scheme**
- 8. Reserved Matters to be supported by a comprehensive package of arboricultural information following BS 5837:2012 guidelines**
- 9. Development in accordance with the submitted Hedgerow Impacts and Replacement Planting Drawing P.410.14.10 dated 14/1/2016**
- 10. Prior approval of breeding birds survey**
- 11. The visibility shown on plan 2015/TC/SR/08(A) should be cleared of any obstructions before first occupation**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the 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.**



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