

Application No: 16/0574C

Location: Land East of Rushcroft, CONGLETON ROAD, SANDBACH

Proposal: Residential Development comprising up to 7No Dwellings

Applicant: Edward Dale, The Dale Land Trust

Expiry Date: 04-Apr-2016

SUMMARY:

The site is located within the Open Countryside where under Policy PS8 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

DEFERAL

The application was called in to be decided by Members of the Committee by Cllr Moran on 3rd March 2016 as *“the impact on highways traffic generation and safety is causing much concern to residents.*

in terms of:
1. *The new site access proximity to Park house Residential Care Home; and*
2. *The accumulative, additional adverse impact on Congleton Road taking into account current nearby Taylor Wimpey/Seddons house building and yet to start house building on Capricorn site, plus additional new traffic that will use Congleton Road, resulting from the significant other house building in Sandbach.*

A report to Southern Planning Committee will give residents the opportunity to consider highways officers' assessments and then address Members with their highways concerns, as appropriate.”

PROPOSAL

Outline Planning Permission is sought for the residential development of the land for up to 7 dwellings.

This proposal seeks to establish the principle of residential development and the access. Matters of layout, scale, landscaping and appearance are reserved for subsequent approval.

SITE DESCRIPTION

The application site comprises a rectangular parcel of land situated on the northern side of Congleton Road, Sandbach. The site is currently open pasture land.

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

RELEVANT HISTORY

15/3606S – EIA Screening & Scoping Opinion relating to proposed development Phase 2B - Mixed-use development including employment and residential development, major open space and landscaping, park and ride and associated highway access works and infrastructure

NATIONAL & LOCAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been made on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC1 (Areas of Separation) and H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations).

Development Plan:

The Development Plan for this area is the Congleton Borough Local Plan First Review, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

PS8 –Open Countryside
GR1 - General Criteria for Development
GR2 and GR3 - Design
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision
NR1 - Trees and Woodland
GR21 - Flood Prevention
H1 & H2 - Provision of New Housing Development
H6 - Residential Development in the Open Countryside and the Green Belt

SPG2 - Provision of Private Open Space in New Residential Development

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:

SD1 (Sustainable Development in Cheshire East),
SD2 (Sustainable Development Principles),
SE1 (Design),
SE2 (Efficient Use of Land),
SE4 (The Landscape),
SE5 (Trees, Hedgerows and Woodland),
IN1 (Infrastructure)

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

CONSULTATIONS:

Head of Strategic Infrastructure (Highways): No objection, *“the revised access layout received 01/03/16 is to standard and adequate access visibility has been demonstrated. The access location is an acceptable distance from Park House Drive and there have been no recorded road traffic accidents over the last 5 years in the vicinity of the proposal, indicating no existing highway safety issues.”*

Environmental Protection: No objection subject to conditions relating to the noise mitigation scheme and Informatives relating to pile foundations, construction hours of operation and land contamination.

United Utilities: No objection subject to conditions relating to three drainage conditions.

Nature Conservation (Ecology): No objection subject to two conditions relating to nesting birds.

Landscape Officer: No objection as it is not considered that there will be any significant landscape or visual effects.

Parks Management Officer: No objection and no contribution necessary.

Strategic Housing: No objection and no requirement for affordable housing;

“The Councils Interim Planning Statement: Affordable Housing (IPS) states that in Settlements with a population of 3,000 or more we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or larger than 0.4 hectares in size. This is a development for 7 dwellings on a site which according to the submitted application form is 0.4 hectares in size (0.399ha) and therefore there is no requirement for affordable housing.”

Sandbach Town Council: Object to the proposed development on the grounds that the application goes against Policies PC2 (Landscape Character), H2 (Design and Layout), PC3 (Outside the Zone Line), HC1 (not an existing commitment and not identified in the emerging local plan) and H5 (Preferred Location) of the emerging Sandbach Neighbourhood Development Plan.

REPRESENTATIONS:

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

- Application site is green field
- Development is not in keeping with the area
- This development would lead to further development on neighbouring site
- Already a large volume of housing developments in Sandbach
- Increase in population
- Impact on road network
- Impact on highway safety
- Site is outside of settlement zone line
- Impact on landscape
- Visual intrusion
- Proposal is against the Sandbach Neighbourhood Plan
- Light pollution
- Drainage issues
- Impact on property values in the area

APPRAISAL

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

Principle of Development

The NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

As such, although weight that can be given to the SNP, at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

The site lies within the Open Countryside as designated by the Congleton Borough Local Plan First Review, where Policy PS8 states that development will only be permitted if it is for the purposes of agriculture, forestry, outdoor recreation/tourism, new dwellings in accordance with Policy H6, controlled infilling within the settlements identified in Policy PS7 (Green Belt), affordable housing for local needs, development for employment purposes, the re use of existing rural buildings and the re use of existing employment sites. Policy H6 (Residential Development in the Open Countryside and the Green Belt) states that new residential development in the open countryside or within the green belt will not be permitted unless it falls within one of the following categories:

- i) a dwelling required for a person engaged full-time in agriculture or forestry or, in areas outside the green belt, other rural enterprise appropriately located in the countryside that is sited within and designed in relation to a nearby group of dwellings or a farm complex;
- ii) the replacement of an existing dwelling by a new dwelling which is not materially larger than the dwelling it replaces;
- iii) the conversion of an existing rural building into a dwelling provided that the proposal accords with policies BH15 and BH16;
- iv) the change of use or redevelopment of an existing employment site or premises in accordance with policy E10;
- v) limited development within the infill boundary line of those settlements identified in policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance;
- vi) affordable housing in accordance with rural exceptions policy H14;

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

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 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, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside from inappropriate development.

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 lies directly opposite the Sandbach Settlement Zone Line and is bounded by residential development to the west and southern boundaries (as well as the Care Home approximately 90 metres (m) to the east). 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 an uncultivated 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 and this is supported by the Council's Landscape Officer. As such a refusal on landscape impact could not be sustained.

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.”

This is an outline planning application with all matters reserved (except for access). Should the application be approved appearance, landscaping and scale would be determined at reserved matters stage.

An indicative layout has been provided. The proposed layout would introduce a cul-de-sac pattern running parallel with Congleton Road. 2 units would be sited parallel to Congleton Road, both of which would front onto Congleton Road itself to the south. The other dwellings would face inwards towards the centre of the application site.

With respect to the design and layout of the development, the indicative layout is a dense form of development which not in keeping with the surrounding pattern of development. Congleton Road is characterised by linear development with large, detached dwellings located within spacious plots and set well back from Congleton Road. With the exception of Rushcroft, the dwellings within the immediate vicinity of the application site are set back from Congleton Road by at least 20 m. The indicative layout shows Plot 1 and Plot 7 are to be set 4.3 m back from Congleton Road.

The application forms state that the site area is 0.4 hectares. This equates to a density of 17.5 dwellings per hectare. This is not considered to be excessive in a town location however the application site is located in the Open Countryside and is located on the fringe of the settlement that is characterised by linear, spacious residential development. It is noted that Emerald Drive (a recent, comparative scheme approximately 80 m to the west of the application site) has followed the surrounding existing pattern of development. No.1 and No 2 are both set back from Congleton Road by approximately 20 m. The Emerald Drive development (32779/3 allowed on appeal 15 August 2001) is located in a plot that is deeper (by approximately 23 m) than the application site and 6 dwellings were considered to be acceptable here. It is worth noting that the Emerald Drive site was read between existing residential development with the majority of the dwellings set behind two larger dwellings and as such the impact on the street scene would be comparatively less, than is considered to be the case here.

With the above in mind it is considered that the illustrative layout represents an over development of the site that is out of context with the character of the area. These matters are reserved for future consideration, however, it is considered necessary to include a condition on any planning approval which specifically does not accept the indicative scale and layout as proposed in this case. This would allow for a development in keeping with the local character, as opposed to the overtly dense, out of keeping current indicative proposal.

Highways

Access to the site is proposed via a new access track taken from Congleton Road.

The Head of Strategic Infrastructure (HSI) has reviewed the proposal and has agreed the most suitable location for the new access and has no objections.

Ecology

The Council's Principal Nature Conservation Officer has reviewed the submitted information and has no objection, subject to conditions.

Having regard to other ecological issues, conditions should be imposed relating to breeding birds.

Agricultural 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 edge of settlement 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'.

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 limited way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Sandbach 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 up to seven dwellings on this site. It is considered that this could be accommodated on this site, without having any significant adverse impact on neighbouring

properties in terms of light and privacy. Whilst outlook for other properties would change, it is not considered that this would be a reason for refusal that could be sustained.

Following a request from Environmental Protection a noise assessment was undertaken. This has been reviewed and Environmental Protection have no objection to the scheme subject to a condition relating to the noise mitigation scheme.

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy GR6 of the adopted local plan.

Conclusion – The Planning Balance

The site is located within the Open Countryside where under policy PS8 and H6 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 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 following conditions:

- 1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.**
- 2. Submission of reserved matters to be approved**
- 3. Approved plans (to include access but NOT the illustrative layout)**

4. Foul water (United Utilities)
5. Surface water (United Utilities)
6. Sustainable drainage management (United Utilities)
7. Nesting bird survey condition
8. Mitigation for nesting birds
9. Noise mitigation
10. Environment Management Plan to be submitted. Implementation
11. Boundary treatments

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 Chair/Vice Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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