

Application No: 16/3732C

Location: Heathend Farm, HASSALL ROAD, ALSAGER, ST7 2SJ

Proposal: Demolition of the existing Farm House, Garage & Stables and Proposed 5 Number 5 Bedroom Dwellings with Detached Garages all on the land at Heathend Farm

Applicant: Bruce Davies

Expiry Date: 05-Oct-2016

**SUMMARY:**

The proposed development would be contrary to Policies PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies PS8 and H6 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside, and limited landscape impact of the development.

However, the benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions**

## **PROPOSAL**

Outline approval with all matters reserved is sought for the demolition of the existing farm house, garage and stables and the erection of five, 5 bedroom dwellings with detached garages.

## **SITE DESCRIPTION**

The application site is located on the western side of Hassall Road and is designated as being within the Open Countryside in the adopted local plan. Opposite the site is land within the settlement zone line of Alsager, to the west at Mere End Barns a single dwelling has been approved and to the south, on the boundary to the site, 34 dwellings have been approved.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Open Countryside.

The relevant Saved Polices are: -

PS8	-	Open Countryside
GR1	-	General Requirements for New Development
GR2	-	Design
GR6	-	Amenity and Health
GR9	-	Accessibility, Servicing and Parking Provision
H1&2	-	Provision of New Housing Development
H6	-	Residential Development in the Open Countryside
SPG2	-	Provision of Private Amenity Space in New Residential Developments

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (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  
SE 14 Jodrell Bank  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

## **CONSULTATIONS:**

### **Highways:**

No objection.

### **Environmental Protection:**

Recommend conditions/informatives relating to noise, disturbance, dust, air quality and contaminated land.

### **United Utilities:**

No objection subject to conditions relating to foul and surface water drainage.

### **Alsager Town Council:**

Object to the proposal on the grounds of intrusion into Open Countryside, highway safety and ecology. These can be viewed in full on the Council website.

## **REPRESENTATIONS:**

At the time of report writing one representation has been received which can be viewed in full on the Council website. It raises concerns about the type of homes proposed, highway safety and encroachment into open countryside.

## **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 adopted Congleton Borough Local Plan First Review 2005, where Policies PS8 and H6 require 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 and affordable housing.

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 the development 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.

## **Sustainable Development**

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”*

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.

The site is currently host to a dwelling and associated outbuildings and garden and a paddock with equestrian buildings and manege. There are trees and hedgerows on the boundaries of the site and

on the existing access. Residential development has been approved adjacent to the site to the west and to the south.

Given the size of the site and the approved development surrounding it, 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.

## **Trees**

The application is supported by a detailed Arboricultural Implications Assessment (AIA). The report identifies the removal of 21 individual trees in order to implement the proposed development; the majority have been identified as low value Category C specimens with two un-classified. Their removal will have a negligible impact on the amenity of the immediate area and the wider landscape; their loss is considered to be acceptable.

Sixteen trees are identified for retention including seven high value Category A specimens, all of which can be protected in accordance with current best practice. The submitted AIA contains the sufficient detail precluding the need for the matter to be addressed by condition.

The proposed development layout establishes adequate space in terms of spatial separation and social proximity between trees and the adjacent dwellings and their respective external living space. Post development issues have been designed out.

The AIA contains a detailed replacement planting scheme which is considered a net gain in terms of the numbers and quality of the trees identified for removal. A condition should be imposed requiring the arboricultural works to be carried out in accordance with the AIA.

## **Design & Layout**

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

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

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

The **indicative** layout shows a five detached dwellings, in large plots which is considered to be acceptable given the variety of properties both existing and approved in the vicinity.

The proposal is therefore considered to be unacceptable and contrary to Policies GR1 and GR 2 of the adopted local plan that seek to conserve and enhance the character of areas in the borough.

## **Highways**

This application is to demolish the existing farm house and other associated buildings and erect 5 No. dwellings. The existing access to the site is to be used to serve the development and it is indicated that it will be a private access drive although access is a reserved matter and is not to be determined at this stage.

The Head of Strategic Infrastructure (HSI) has no objections in principle to a further four dwellings being constructed on the site. However, the reserved matters should deal with visibility splays on to Hassall Road and speed surveys should be submitted with any reserved matters application.

There will be a requirement for a communal bin store located close to the access point or facilities should be provided internally to accommodate a refuse vehicle.

## **Ecology**

An Extended Phase 1 Habitat Survey has been submitted with the application. The report has been assessed by the Council's Ecologist who considers that it is acceptable and addresses the necessary issues. Conditions are recommended relating to breeding birds and features to be incorporated into the development for bats and breeding 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 to maintain a flexible and responsive supply of land for housing as well as bringing direct and

indirect economic benefits, to the local area, including additional trade for businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

The proposal is for five dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site.

Should the application be approved a condition should be imposed relating to a Phase I Contaminated Land Investigation in order to protect future occupiers of the proposed dwellings.

Having regard to noise, a condition should be imposed requiring a noise mitigation scheme to address noise generated from the M6 motorway.

Having regard to air quality, whilst this is a small scheme, it is recommended that a condition is imposed requiring the provision of electric vehicle charging point for each dwelling.

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

### **Affordable Housing**

Following a Court of Appeal judgement on 19<sup>th</sup> May 2016, National Planning Practice Guidance was amended. The result of this is that in developments of 10 dwellings or less, contributions for affordable housing should not be sought. As such there is no requirement for the provision of affordable housing.

In order to comply with the NPPG a condition will be attached to ensure that the reserved matters does not have a maximum combined gross floorspace of more than 1000sqm.

### **Education**

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

### **Health**

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

### **Response to Objections**

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

### **Conclusion – The Planning Balance**

The proposed development would be contrary to Policies PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies PS8 and H6 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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## **RECOMMENDATION:**

### **Approve subject to conditions**

- 1. Commencement**
- 2. Submission of reserved matters**
- 3. Approved plans**
- 4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays**
- 5. Submission of Construction Management Plan**
- 6. Provision of an electric vehicle charging point to each dwelling**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Submission of tree/hedgerow protection scheme**
- 9. Breeding bird survey for works in the nesting season**
- 10. Compliance with the Extended Phase One Habitat Survey**
- 11. Reserved matters to include Noise Mitigation Scheme**
- 12. Reserved matters to include details of external lighting**
- 13. Reserved matters to include features for breeding birds and roosting bats**
- 14. Reserved matters to include existing and proposed levels.**
- 15. The reserved matters shall have a maximum combined gross floorspace of no more than 1000sqm**

**In order to give proper effect to the Board's/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 her 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.**

