

Application No: 15/1437N  
Location: Holly Cottage, Gauntons Bank, Norbury, SY13 4HP  
Proposal: Proposed construction of one dwelling on land adjacent to Holly Cottage.  
Applicant: R LEWIS  
Expiry Date: 20-May-2015

## **SUMMARY**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favorably consider suitable planning applications for housing that can demonstrate that they comply.

It is considered that the proposal is compliant to Open Countryside policy NE.2 which states paragraph 4.14 that:

*'Within the open countryside there are numerous small settlements, some of which are no more than a group of dwellings. These do not justify the drawing of settlement boundaries, as there is little prospect of further development. It is recognised, however, that within the existing limits of some of these settlements there remain genuine opportunities for infilling.'*

Additionally, RES.5 states that housing will in the open countryside will be acceptable subject to meeting the criteria for infilling contained within Local Plan Policy NE.2, which this proposal is considered to adhere to as above.

Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the benefits of this development would weigh in favour of this proposal.

## **RECOMMENDATION**

**APPROVE subject to conditions**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Davies for the following reasons:

*'Over domination. Not in keeping with the street scene. Overlooking a Listed Building'*

The application was deferred when taken to committee on 6<sup>th</sup> January 2016. This was in order to give Members' the opportunity to conduct a site visit. The item then returned to committee and was further deferred for the design of the house to be altered to appear more 'cottage like'

The plans were revised and re-submitted on the 16<sup>th</sup> November 2016 and as such, is now returning to committee on the 21<sup>st</sup> December.

## **PROPOSAL**

The proposal seeks to construct one dwelling on land adjacent to Holly Cottage.

The original submission sought 2 detached dwellings on the corner plot between Gauntons Bank and Frith Lane. This was altered to one dwelling during the application process due to concerns that this would represent an over-development of the site. This amendment was then subject to a further period of consultation.

## **SITE DESCRIPTION**

The site lies on a corner plot of land between Gauntons Bank and Frith Lane. The proposed site is located within the open countryside, outside the settlement boundary.

## **RELEVANT HISTORY**

**14/0411N-** Proposed rear two storey extension, single storey side extension and extension to existing garage – Approved with conditions- 17-March 2014.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 53- Inappropriate development of gardens, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE2, as Open Countryside.

The relevant Saved Policies are:

NE.2 Open Countryside, BE.1 Amenity, BE.2 Design Standards, BE.3 Access and Parking, BE.4 Drainage, Utilities and Resources, NE.5 Nature Conservation and Habitats and RES.5 Housing in the Open Countryside.

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, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SC4 - Residential Mix, 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 and SE13 - Flood risk and water management

## **CONSULTATIONS**

**Marbury and District Parish Council:** With reference to the above Application Marbury and District Parish Council wish to confirm that previous objections to plans related to the proposed development are still relevant. The Amended Plans do not answer any of the objections put forward previously- the proposed building/s is/are totally inappropriate on this site when Policies BE 1 and 2 are considered especially if NPPF, Paragraph 55 is also taken into account.

The Parish Council fully supports the objections of local residents who are obviously aware of the negative impact this proposed development would have on this site - some members questioned if a site visit by the Planning Department had taken place, if it has it should be obvious how inappropriate the development would be?

**Head of Strategic Infrastructure:** No comment or objection in relation to the revised layout. Section 184 Agreement informative advised.

**Environmental Health:** No objections however hours of construction informative advised. A method statement, dust control and contaminated land conditions are all advised.

**Landscape:** No objection, a condition to ensure the retention and protection of the boundary hedge is recommended, together with a landscaping scheme are advised.

**Ecology:** Commented on the application on the 16/12/15 and stated that he does not anticipate any significant ecological issues with the proposed development. It is not considered that any circumstances have reason to alter this.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

There have been 10 letters of objection based on the most recent revisions to the scheme which can summarised below:

- The proposal is against National Planning Policy paragraph. 53.

- Not in keeping with the character of the area.
- Loss of amenity by way of visual intrusion on the corner.
- Noise pollution.
- Vehicular access is dangerous and falls short of highways standards, location and visibility.
- Will alter the openness and character of the area and create a built up appearance when viewed from the road and adjacent properties.
- The corner plot should be reinstated to be an asset to the community.
- National planning does not expect every bit of green land to be built upon.
- No soil testing has been done in terms of contamination.
- Newts in the area, applicant hasn't undertaken any surveys to do with Newts.
- Totally inappropriate build in an open rural.
- House will be in the garden of an already extended house; over development of the site.
- Building line will be lost.
- Not an area designated for residential development which is adequately catered for in Wrenbury.
- Overlook a listed building.
- Covers more of the plot than the original application.
- Higher and larger than the adjacent bungalow.
- Only 2 miles from a new housing development which is being started.
- Loss of building line.
- No newt survey; omission.

## **APPRAISAL**

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Emerging Local Plan policy
- Amenity
- Design

### **Housing Land Supply**

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

### **Open Countryside Policy**

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside.

Policy NE.2 states that within open countryside *'an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage'*. It is considered that the proposal is compliant with this which then goes onto state in Paragraph 4.14 *'within the open countryside there are numerous small settlements, some of which are no more than a group of dwellings. These do not justify the drawing of settlement boundaries, as there is little prospect of further development. It is recognised, however, that within the existing limits of some of these settlements there remain genuine opportunities for infilling.'*

Therefore, the proposal remains compliant to NE.2 Open Countryside Policy, thus not sustaining a reason for refusal.

Additionally it has been highlighted within various objections the concern that the proposal fails to adhere to Paragraph 53 of the NPPF. It is not considered that this is the case, as Paragraph 53 of the NPPF states the need to resist inappropriate development of residential gardens where development would cause harm to the area. As the proposal is compliant with NE.2 of the Local Plan, it is not considered that this is the case.

### **Emerging Local Plan Policy**

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

## **Sustainability**

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.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational 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 applicant has not submitted this completed toolkit. However, the Planning Officer can confirm that the site is not likely to adhere to the majority of the public facilities listed due to its location and as such, the proposed development cannot 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.

## **Design**

In regard to the form of the existing properties in the immediate area of Gauntons Bank, these comprise of predominantly detached, two-storey properties. There is also a detached bungalow adjacent to the site (known as Sunnyside).

As such, it is considered that the form of the dwelling will not look incongruous within its setting as a two storey detached dwelling, due to the variety of dwellings in the area.

The applicant has taken into account advice received at pre-application stage in that the scheme now includes the proposal of one dwelling as opposed to the original proposal for two. This is considered to be more suitable for the site without appearing as an over-development. The dwelling has been amended to sit further back from the highway and follow the curvature of the road fronting directly onto Gauntons Bank junction to avoid a prominent appearance amongst the landscape.

The size of the proposed dwelling is considered to be similar in footprint to those dwellings in the immediate area. The materials of the dwelling would consist of a natural blue grey slate roof, red Cheshire brick walls and white uPVC fenestration. These are considered to be in keeping with the surrounding area.

It is not considered that the design of the dwelling would impact upon the landscape and Open Countryside significantly. The existing boundary hawthorn hedge is proposed to be retained with soft landscaping to be agreed through the submission of a Landscaping Scheme to the Local Planning Authority. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

## **Amenity**

The proposal lies on a corner plot between Gauntons Bank and Frith Lane. There are two properties either side of the dwelling; Holly Cottage and Sunnyside.

In terms of the relationship between the proposed dwelling and Sunnyside, the only windows facing Sunnyside would be two secondary ground floor windows serving a garage and toilet and would be obscure glazed. The side elevation of Sunnyside facing the proposed site is a blank elevation and alleviates any concerns of potential amenity issues through loss of privacy or outlook.

The other adjacent property is Holly Cottage. Due to the offset relationship that the two properties would have due to the angling of the proposal in line with the building line, it is not considered that there are any issues of overlooking from the proposed dwelling. There are two narrow windows secondary sitting room windows at ground floor level which are not considered to incur any detrimental issues of amenity on the neighbouring property of Holly Cottage. The distance between Holly Cottage and the proposed dwelling at the two closest points of built form at the rear corners, measures approximately 11.7 metres. This is considered to be acceptable due to the offset nature of the dwellings.

The Cottage is measured approximately over 35 metres away from the proposal and it is therefore not considered to be affected by any detrimental issues of amenity.

Taking this into account, it is recognised that the proposal therefore complies with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

### **Impact upon the setting of the Listed Building**

There is a Grade II listed building to the east of the site known as Brook Farm. This property is located to the opposite side of the modern bungalow known as Sunnyside. Due to the scale of the proposed development and the intervening dwelling it is not considered that the development would have a detrimental impact upon the setting of this listed building.

### **Highways**

The proposed development would include a widened access with the existing dwelling at Holly Cottage. This widened access would be shared by Holly Cottage and the proposed development. In this case the highways officer has considered the application and raised no objection to the proposed development.

### **Other Matters**

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

### **RECOMMENDATION**

The application site lies entirely within the Open Countryside as determined by the Crewe and Nantwich Replacement 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. The proposed development does fall within the listed categories as it would constitute in-fill development within an otherwise built up frontage and as such the development would comply with Policy NE.2.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy.

However, the planning dis-benefits are that development would not be located in a sustainable location.

Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would be significant in this instance. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development constitutes sustainable as per paragraph 14 of the NPPF and should therefore be approved.

**APPROVE subject to the following conditions**

1. **Time 3 years**
2. **Compliance with the approved plans**
3. **Materials to be submitted and approved**
4. **Retention of boundary treatment**
5. **Contaminated land report to be submitted and approved**
6. **Landscaping Scheme**
7. **Landscaping implementation**
8. **Construction Method Statement**
9. **Dust Control Report**
10. **Contaminated Land**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (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.**

