

Application No: 17/1454C

Location: Land south of Elm Tree Lane, Elworth, Sandbach

Proposal: Development of five detached dwellings (outline application including the matters of access and layout only) and increased area for use by Cricket Club

Applicant: P E Richardson, Elworth Estates

Expiry Date: 22-Jun-2017

## **SUMMARY**

The application site lies within the countryside and outside of the Policy Boundary as defined by the Sandbach Neighbourhood Development Plan (2016), and within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by SNP Policy PC3 and the Congleton Local Plan Policy H6. 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 consider 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).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates

a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market dwellings in a relatively sustainable location, along with the minor economic benefits created predominantly during the construction phase of the scheme and end use of the development.

Balanced against these benefits, must be the adverse impacts, which in this case would be the loss of Open Countryside, the landscape impact of the development and the design issues of the development. There is also insufficient information provided with the application to determine the full impact that the development would have on trees; hedgerows; biodiversity; best and most versatile agricultural land; and, the potential noise impact of adjoining land uses on future occupants of the development. The development would also cause harm to the plan led system by virtue of the proposal's non compliance with policies with in the made Sandbach NP.

In this instance, is considered that the dis-benefits of the scheme, significantly outweigh the benefits.

## **RECOMMENDATION**

**REFUSE**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee as it proposal a major planning application due to the site area exceeding 1ha.

## **PROPOSAL**

This application seeks outline planning permission for the construction of five detached dwellings with the matter of access and layout only sought for approval, all other matters are reserved. The application seeks to establish whether residential development would be acceptable on this parcel of land as a matter of principle.

A site plan has been provided showing the proposed layout for the site. The layout shows the provision of 5 detached dwellings with double garages (three detached and two integral). The scheme shows private amenity spaces and off street parking to serve each of the dwellings. Access would be provided off Elm Tree Lane, with the dwellings served by a shared access road.

The indicative plan also shows the provision of a village green and a paddock. The scheme shows the removal of a stretch of the existing hedgerow adjacent to Elm Tree Lane.

The proposal also seeks to transfer a strip of land along the southwestern boundary of the site to the Elworth Cricket Club, which lies to the southwest. This would represent a change of use of land.

## **SITE DESCRIPTION**

The site relates to an agricultural field which measures 1.15ha in area, the site lies within the Open Countryside as defined by the Congleton Borough Local Plan and the adopted Sandbach Neighbourhood Plan. The site is adjoined to the north and west by properties on Elm Tree Lane, a railway to the east and Elworth Cricket Club to the southwest. The site perimeters are defined by hedgerows and trees. Sandbach Footpath 35 runs adjacent to the eastern and northern boundaries of the site.

## **RELEVANT SITE HISTORY**

None

## **LOCAL & NATIONAL POLICY**

### **Sandbach Neighbourhood Plan (2016)**

PC2	Landscape Character
PC3	Policy Boundary for Sandbach
PC4	Biodiversity and Geodiversity
PC5	Footpaths and Cycleways
H1	Housing Growth
H2	Design & Layout
H3	Housing Mix & Type
H5	Preferred Locations
IFT1	Sustainable Transport, Safety and Accessibility
IFT2	Parking
CW2	Sport and Leisure Facilities
CC1	Adapting to Climate Change

### **Congleton Borough Replacement Local Plan 2011**

The relevant Saved Policies are;

PS3	Settlement Hierarchy
PS8	Open Countryside
GR1	Design
GR2	Design
GR4	Landscaping
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, Servicing and Parking Provision

NR1	Trees and Woodlands
NR3	Habitats
NR4	Non-statutory Sites
H6	Residential Development in the Open Countryside and the Green Belt
RC1	Recreation and Community Facilities – General
RC4	Countryside Recreational Facilities

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

Policy MP1	Presumption in Favour of Sustainable Development
Policy PG1	Overall Development Strategy
Policy PG5	Open Countryside
Policy PG6	Spatial Distribution of Development
Policy SD1	Sustainable Development in Cheshire East
Policy SD2	Sustainable Development Principles
Policy IN1	Infrastructure
Policy SC1	Leisure and Recreation
Policy SC2	Indoor and Outdoor Sports Facilities
Policy SC4	Residential Mix
Policy SE1	Design
Policy SE2	Efficient Use of Land
Policy SE3	Biodiversity and Geodiversity
Policy SE4	The Landscape
Policy SE5	Trees, Hedgerows and Woodland
Policy SE9	Energy Efficient Development
Policy SE12	Pollution, Land Contamination and Land Instability

Cheshire east Design Guide

### **National Policy**

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

- 7 – Achieving Sustainable Development
- 14 - Presumption in favour of sustainable development
- 17 – Core planning principles
- 32 – Promoting sustainable transport
- 47-50 - Wide choice of quality homes
- 55 - Isolated dwellings in the countryside
- 56-68 - Requiring good design
- 69-78 - Promoting healthy communities
- 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

### **CONSULTATIONS (EXTERNAL TO PLANNING)**

**Environmental Protection** – Insufficient information to determine whether there would be loss of amenity caused by noise from the Cricket Club and the adjacent railway line.

Recommend conditions relating to a Construction Environmental Management Plan; Electric Vehicle Infrastructure; and, Contaminated Land.

**United Utilities** – No objection subject to drainage conditions

**CEC Highways** - The site would have 2 vehicle access points off Elm Tree Lane which is a private road and currently provides access to around 12 residential properties. Elm Tree Lane is accessed from London Rd.

The site accesses and the access onto London Rd have sufficient visibility and off-road parking provision would accord with CEC standards. The northern end of Elm Tree Lane, for an approximate length of 80m, would be widened to 5.5m as shown on plan '6753-SK2', which would provide more width for passing cars of the existing and the proposed residents.

There would be sufficient turning area for refuse vehicles.

No objection is raised.

**Network Rail** – No objection subject to drainage condition and informatives relating to Network Rail assets.

**Sandbach Town Council** - No comments received.

## REPRESENTATIONS

8 letters of objection received from nearby residents. The salient points being:

- Greater strain on infrastructure
- Loss of hedgerow/habitat
- Conflict between pedestrians (using footpath) and vehicles
- Urban sprawl on edge of settlement
- Loss of agricultural land
- Pond filled and land may be unsuitable for housing
- Elm Tree Lane is not suitable for more traffic, road could not be widened
- Character will be eroded
- Pollution, noise, traffic and loss of trees
- Cricket club boundary does not need extending
- Overdevelopment of village
- Brownfield sites should be built upon, not Greenfield sites
- Lane is unsuitable for construction vehicles
- Will occupants pay for maintenance of road
- Village green a roundabout rather than an area of play
- Unsafe access
- Development does not protect the countryside contrary to SNP
- Sandbach and Elworth does not require additional housing
- Housing provision already been exceeded
- Water main under site
- Level of housing is not of strategic significance and makes no contribution for affordable housing
- Paddock land of a size for two new houses which could not be resisted

One letter of support:

- Boundary does need extending
- Trees and hedge will be replaced

## **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**

The application site is located within the Countryside as defined by the Sandbach Neighbourhood Development Plan, and also the Congleton Borough Local Plan Proposals Map. Policy PC3 of the Sandbach Neighbourhood Plan states that new development will be supported in principle where the site lies within the policy boundary (Sandbach), however, outside of the boundary, which is where the application site lies, only a limited number of developments will be permitted. The construction of new market dwellings, as proposed, is not listed as an appropriate form of development outside of the Policy Boundary. Policy H5 sets out the preferred locations for development and states that housing development will be supported within the Policy Boundary. Policy H1 relates to housing growth and states that housing growth to meet the housing requirement of the Cheshire East Local Plan will be delivered through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls.

Policy PS8 (Open Countryside) of the Congleton Borough Local Plan states that development will only be permitted if it falls within one of a number of categories. Policy H6 outlines the forms of residential development which may be acceptable within the Open Countryside. The application proposals does not satisfy any of the exception criteria for appropriate development within this Open Countryside location.

Policy PG5 of the emerging Cheshire East Local Plan also identifies those forms of development which may be acceptable in the Open Countryside, as an exception. The development would not satisfy the list of criteria set out in the emerging Development Plan.

The proposed development does also not fall within any of the categories listed within the adopted Neighbourhood Plan, saved Policies of the Development Plan, and emerging Development Plan Policies and as such is an unacceptable form of development as a matter of principle. There is therefore a presumption against the proposal.

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. These are considered below.

### **Housing Land Supply**

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the

recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy the plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his report he concludes:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richborough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

*“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”*

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

## **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”*

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 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;

**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

These roles should not be undertaken in isolation, because they are mutually dependent.

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. These are considered below.

## **Environmental role**

## Locational Sustainability

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.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. 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.

A locational sustainability assessment has not been provided by the applicant for this scheme. However, the LPA has carried out its own assessment base on the proximity of the site to the facilities:

Bus Stop – 370m (Standard 500m)  
Public Right of Way – 0m (500m)  
Railway Station – 700m (2000m)  
Amenity Open Space – 500m (500m)  
Childrens Playground – 550m (500m)  
Outdoor Sports - 330m (1km)  
Public Park and Village Green – 0m (1km)  
Convenience Store – 1.2km (500m)  
Supermarket – 2.5km (1km)  
Post Box – 330m (500m)  
Post Office - 3km (1km)  
Bank/Cash Machine – 1.2km (1km)  
Pharmacy – 700m (1km)  
Primary School – 1km (1km)  
Secondary School – 2.1km (2km)  
Medical Centre – 2.5km (1km)  
Leisure Facilities - 2.1km (1km)  
Meeting Place/Community Centre – 600m (1km)  
Public House – 450m (1km)  
Child Care Facility – 1.3km (1km)

Footnote 46 of the emerging Local Plan, access to a “range” of facilities is considered to be within the recommended distance of a bus stop, a multi functional open space; a convenience store; and four or more other services or amenities. While the site is beyond the recommended distance from

a convenience store, it is evident from the above assessment that the site is accessible to a range of services and facilities and should be considered to be locationally sustainable.

Therefore, in light of recent permissions, and particularly given the modest scale of the proposed development, it is considered that the proposal is sustainably located with reasonable access to services and facilities.

### Open Countryside Impact

The application site represents an area field which is undeveloped in its totality. The site is adjoined by ribbon development along Elm Tree Lane, a railway line and Elworth Cricket Club. The application proposals, would ultimately change the character of the site, and would undermine the open countryside protection policies which seek to protect the countryside from this form of development for its own sake. As outlined above this is a matter of principle and this weighs substantially against the proposed development

### Landscape Impact

The application site lies within the Open Countryside and has a semi-rural character given its current agricultural use, open appearance and established landscape features. The application site is not covered by any landscape designation, notwithstanding this the site is visible from London Road, Elm Tree Road and the public footpath immediately adjacent to the site. The proposals would completely alter the character of the area which would be detrimental to the character and appearance of the area.

### Impact on Landscape Features

#### *Trees*

There are significant established trees along the boundary of the site with Elworth Cricket Club, and also off site along the railway boundary. The application proposals have not been supported by any arboricultural information. The trees along the Elworth Cricket Club boundary appear to be scheduled for removal as part of the development. The application submission has not been supported by any arboricultural information and therefore the LPA has insufficient information to assess the existing tree cover or the impact of the development on trees.

#### *Hedgerows*

The site boundaries are defined by established and mature hedgerows of some length along the roadside and Elworth Cricket Club boundaries. The layout shows the roadside boundary completely removed while the hedgerow with the cricket club also appears to be scheduled for removal.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The LPA therefore has insufficient information to determine the impact of the development on existing hedgerows.

### Impact on Biodiversity

The scheme would result in the loss of features which could be considered to be priority habitats or may have the potential to support protected species. Aerial photography and OS data also indicate the presence of a pond within the site, although it is understood that this may no longer be present. Notwithstanding this, no ecological information has been submitted to support the proposed development. The Councils Ecologist has confirmed that an extended Phase 1 Habitat

Survey is requested, to include assessment of the current state of the pond, and the hedgerows and trees which will be lost under the proposed plans. There is therefore insufficient information for the Local Planning Authority to adequately assess the impact that the proposed development would have on protected species and their habitats.

#### Loss of Agricultural Land

The application site is a field measuring approximately 1.15ha. The site has historically been farmed, while some recent activity also appeared to be evident. Comments from neighbours also suggest an agricultural use of the site. Emerging Policy SE2 relates to the efficient use of land and identifies that development should safeguard natural resources including high quality agricultural land. No information has been submitted to demonstrate that the proposed development would not result in the loss of best and most versatile land.

#### Design

The application is in outline however layout is sought for approval. The scheme proposes the introduction of 5 detached dwellings on the site, along with new access road, driveways, garages, and landscaped areas. The scheme includes the retention of some land as a paddock, and the creation of an area of open amenity land at the head of Elm Tree Lane.

The proposed dwellings, by reason of their size, the extent of their respective curtilages, along with the layout of the scheme would be at odds with the pattern of development in this rural location. The scheme therefore fails to contribute positively to the surrounding area, and as such would fail to be sympathetic to the surrounding built and natural environment. While matters of scale and appearance are reserved, it is considered that the layout of the scheme as submitted provides sufficient concern for the LPA to raise issue relating to the design of the scheme and its compatibility with the surrounding area.

Policy H3 of the Neighbourhood Plan seeks to secure a mix of housing types. The application proposals only seek to provide large detached dwellings and therefore would not provide the mix of housing which local planning policy seeks to achieve.

#### Highways Matters

The application is in outline with the means of access sought for approval at this stage. The application proposals show that the development would be accessed via the creation of two points of access of Elm Tree Lane. Elm Tree Lane is an unadopted road which provides access to approximately 12 dwelling dwellings.

The Strategic Infrastructure Manager is satisfied that the site accesses on to Elm Tree Lane, and the access onto London Road have sufficient visibility and off-road parking provision which would accord with CEC standards. The northern end of Elm Tree Lane, for an approximate length of 80m, would be widened to 5.5m which would provide more width for passing cars of the existing and the proposed residents. There would be sufficient turning area within the site for refuse vehicles. Consequently the Strategic Infrastructure Manager has raised no object to the proposed scheme.

#### Environmental Conclusion

The proposal would result in the development of a greenfield site within the open countryside and is unacceptable as a matter of principle. It is considered that the proposed development would have a detrimental impact on the character and appearance of the area, and local landscape. The scale, siting, and layout of the scheme, along with the lack of mix of housing would also cause

harm. There is insufficient information provided for the LPA to be satisfied that the impact on landscape features and biodiversity is acceptable, while there is also insufficient information relation to the loss of best and most versatile agricultural land.

While it is considered that the site is locationally sustainable this in no way outweighs the identified environmental harm.

## **Economic Role**

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, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Elworth/Sandbach, and the surrounding villages, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

## **Social Role**

The proposed development would provide five open market dwellings which in itself, would be a social benefit. However, as acknowledged above, the mix of housing would not provide wider social benefits. The improvements to Elworth Cricket Club would also be a social benefit by improving the facilities offered by that entity.

## Amenity

While full detailed design has not been provided it is considered that the proposed development would be sited a satisfactory distance from nearby residential properties not to give rise to any detrimental amenity impact through loss of daylight/sunlight, loss of privacy, overlooking or overshadowing. It is acknowledged that there would be a significant change of outlook from existing properties towards the site; however this is more of a design issue than an amenity issue. The comings and goings generated from the site would not be so significant as to cause harm to amenity through noise and disturbance.

It is considered that a scheme can be provided on the application site which would provide an appropriate level of private amenity space for the requirements of future occupants of the development.

The application site is located adjacent to a railway line and also a cricket club. Environmental Protection have concluded that there is insufficient information provided with the application to assess the proposed impact that these adjoining noise generative uses would have on the amenity of future occupants of the development. Given the proximity of the site to a railway and the likely noise that this could generate, and its proximity to dwellings and gardens it is considered that this should be considered at this stage rather than being secured by condition as it may be that satisfactory noise levels could not be achieved internally and/or externally, plus the visual impact of any mitigation which may be required (i.e. acoustic fencing) should be considered in this open countryside location.

### Other Matters

Given the scale of the proposed development in terms of house numbers, there is no requirement for the proposed development to provide any affordable housing, education or open space contributions.

### **Planning Balance**

The application site lies within the countryside and outside of the Policy Boundary as defined by the Sandbach Neighbourhood Development Plan (2016), and within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by SNP Policy PC3 and the Congleton Local Plan Policy H6. 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 consider 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).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market dwellings in a relatively sustainable location, along with the minor economic benefits created predominantly during the construction phase of the scheme and end use of the development.

Balanced against these benefits, must be the adverse impacts, which in this case would be the loss of Open Countryside, the landscape impact of the development and the design issues of the development. There is also insufficient information provided with the application to determine the full impact that the development would have on trees; hedgerows; biodiversity; best and most versatile agricultural land; and, the potential noise impact of adjoining land uses on future occupants of the development. The development would also cause harm to the plan led system by virtue of the proposal's non compliance with policies with in the made Sandbach NP.

In this instance, is considered that the dis-benefits of the scheme, significantly outweigh the benefits.

Accordingly it is recommended for refusal.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

- 1. The proposal involves the development of a parcel of countryside outside of the Policy Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016 and**

**involves development within the Open Countryside as set out in the Congleton Borough Local Plan First Review 2005. The proposal erodes the rural character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Policy PC3 of the Sandbach Neighbourhood Plan Policy, Policies PS8 and H6 of the Congleton Borough Local Plan First Review 2005, emerging Policy PG5 of the emerging Cheshire East Local Plan and guidance contained within the National Planning Policy Framework.**

**2. In the opinion of the Local Planning Authority, the proposed development would significantly alter the character and appearance of the area. The scale, siting, layout and mix of the proposed development would fail to respect the pattern of development in the area resulting in a development which would fail to integrate satisfactorily into the built and natural environment. The proposed development would be contrary to Policies H2 of the Sandbach Neighbourhood Plan, Policies GR1 and GR2 of the Congleton Borough Local Plan, emerging Policies SD1, SD2, SC4, SE1 and SE2 of the emerging Cheshire East Local Plan, and guidance contained within the National Planning Policy Framework.**

**3. The application site contains established hedgerows which are sited along the site boundaries which are scheduled for removal. Insufficient information has been provided to determine whether this is an "Important" Hedgerow (for the purposes of the Habitat Regulations 1997). The proposed development would therefore be contrary to Policies NR3, GR1 and GR5 of the Congleton Borough Local Plan, emerging Cheshire East Local Plan Policies MP1, SD1, SD2, and SE5, and guidance contained within the National Planning Policy Framework.**

**4. There are existing mature trees which are sited on and off the application site which would or could be affected by the proposed development. Insufficient information has been provided to enable the Local Planning Authority to adequately assess the existing tree cover and the impact that the proposed development would have on trees. The proposal would therefore be contrary to Policies NR1, GR1 and GR5 of the Congleton Borough Local Plan, emerging Cheshire East Local Plan Policies MP1, SD1, SD2, and SE5, and guidance contained within the National Planning Policy Framework.**

**5. Insufficient information has been provided to determine whether the proposed development would result in the loss of Best and Most Versatile agricultural land. The loss of such land would be contrary to emerging Policy SE2 of the Cheshire East Local Plan, and guidance contained within the National Planning Policy Framework.**

**6. The application site is located adjacent to noise generative uses including a cricket ground and railway line. Insufficient information has been provided to determine whether future occupants of the development would benefit from an acceptable level of amenity, internally and externally, having regard to these adjacent uses. It is also necessary to consider any mitigation (if required) and the impact that these may have on character of the open countryside. The proposed development would therefore be contrary to Policy GR6 of the Congleton Borough Local Plan, and guidance contained within the National Planning Policy Framework.**

**7. The application proposals include the loss of hedgerow and trees, while aerial photography and OS data indicate the presence of a pond on the site, the current status of**

**which is unclear. The application has not been supported by a Phase I Habitat Survey and therefore there is insufficient information for the Local Planning Authority to determine the impact that the proposed development would have on protected species and/or their habitats. The development is therefore contrary to Policy PC4 of the Sandbach Neighbourhood Plan, Policy NR3 and NR4 of the Congleton Borough Local Plan, Policies SD1 and SE3 of the Cheshire East Local Plan, and guidance contained within the National Planning Policy Framework.**

**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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

