

Application No: 11/4371N

Location: LAND OFF, MONKS LANE, HANKELOW, CHESHIRE

Proposal: 2 No. New Build Detached Properties

Applicant: Mr N Warburton

Expiry Date: 01-Feb-2012

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES:

- Main Issues;
- Principle of Development;
- Assessment Against Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside)
- Living Conditions;
- Design Standards;
- Flood Risk
- Highways and Access;
- Drainage;
- Landscaping;
- Impact on Hedgerow;
- Ecology

REFERRAL

This application was to be determined under the Council's delegation scheme. However, Councillor Rachel Bailey has requested that the application be referred to the Southern Planning Committee for the following reason:

'For assessment on impact, amenity and on streetscene'.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the south side of Monks Lane, Hankelow. The site was previously used as a paddock by the applicant and is relatively flat. The boundary treatment to the south and east of the paddock comprises hedgerow. Whilst to the north and west is post and rail fencing. It was noted that there was a field access point adjacent to Oak Cottage, which allows access into the paddock. The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

Outline planning permission with all matters reserved apart from access and layout is sought to erect two detached dwellinghouses at land adjacent to Monks Lane, Hankelow.

RELEVANT HISTORY

7/11849 – One Detached Dwelling – Refused – 11th April 1985

7/10542 – One Dwelling – Approved with Conditions – 8th December 1983

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

TRAN.9 (Car Parking Standards)

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

RES.5 (Housing in the Open Countryside)

Other Material Considerations

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS7 (Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

CONSIDERATIONS (External to Planning)

Highways:

Pre application advice was given regarding the location of the proposed access, position of gates and length of required visibility splays.

Before the highways authority can make any further comments, a scale drawing must be provided addressing the above.

VIEWS OF THE PARISH / TOWN COUNCIL

No objections subject to the following comments:

- The development is outside the current settlement boundary;
- The Site can be seen from a public road; and

- Although the application site is outside the village settlement boundary, Monks Lane has been progressively infilled over the past 50 years. The proposed planning application seems a logical extension of the building line and the initial scoping suggests the architects have taken note of the likely impact by height and space intrusion.

OTHER REPRESENTATIONS

No representations received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
A letter from Land Registry

OFFICER APPRAISAL

Main Issues

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape.

Principle of Development.

The site is located wholly within the open countryside, local plan policy NE.2 explains that there is a presumption against development unless it is essential for the purposes of agriculture, forestry, outdoor recreation or other uses or works appropriate within a rural area. Proposals for new residential development within the open countryside comprising of one or two dwellings may be appropriate where there is an opportunity to infill a small gap within an otherwise built up frontage.

National Planning Policy (PPS 3: Housing) states that most additional housing development should be concentrated in urban areas and that the Planning Authority should facilitate for the efficient use of brownfield land to minimise the amount of greenfield land being taken for new development. According to the applicants agent the site was previously used as a paddock and is therefore regarded as being Greenfield. The agent goes on to state that the application site is no longer required by the applicant as a paddock. Therefore given its location the proposal would also assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. In any event, the information given in PPS 3 is only guidance and each application must be determined on its own individual merits. In light of this, and considering the proximity of this site local services and factors cited above, the broad principle of residential development in this location could be considered acceptable, subject to the matters discussed below.

PPS7 states that Local Planning Authorities should strictly control new house building (including single dwellings) in the open countryside, away from established settlements or from areas allocated for housing in development plans. Isolated new dwellings within the countryside will require special justification for planning permission to be granted. Exceptions can include agricultural workers dwellings, rural exception sites, barn conversions and infilling. As no special justification for the dwelling has been put forward, the proposals would need to satisfy the infill criteria.

Assessment against Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside)

Development along this stretch of Monks Lane is characterised by ribbon development and is of a scattered and sporadic nature. In addition there are varying styles of house types which have been erected in the 1960's/70's and many older cottages. The application site is approximately 60m in width. Although the Local Plan does not define what constitutes a 'small gap', the question has been considered on many occasions by Inspectors at Appeal. In a decision relating to a property known as Esteale, like Monks Lane, the neighbouring properties were set in relatively large plots, and a single dwelling was proposed within a gap of 46m in width between Esteale and the adjoining dwelling, known as Hollies. At paragraph 5 the Inspector says there are *'significant separation distances between the properties which, in my opinion, give rise to a sporadic pattern of development rather than a cohesive group of dwellings'*. Furthermore, Members may recall that the recent refusal of an application for three properties at 202 Crew Road, Haslington (11/4228N). This proposal was also located wholly within the open countryside. Whilst, it is acknowledged that this application was for the erection of 3 no. properties (one of them was considered to be a replacement house). In relation to this application, it was considered due to the size of the gap of approximately 45m did not constitute the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

There are a number of similarities with the current application and the cases cited above. Whilst it is noted that Oak Cottage has a wide frontage (approximately 53m), which is located to the north of the application and Abbots Lodge has a smaller site frontage (approximately 30m) and other residential properties to the south have even smaller site frontages, namely Eastways (22m) and Willow Bank (20.5m). Approval would extend development on the southern side of Monks Lane into the open countryside. The remainder of the frontage would not be considered 'an otherwise built-up frontage' due to the separation distances between Oak Cottage and Abbots Lodge. Therefore, this section of Monks Lane is not read as a continuous cohesive group and therefore does not qualify as infilling of an existing gap in an otherwise built up frontage.

Living conditions

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The Councils adopted Supplementary Planning Document relating to development on backland and garden sites states that minimum distances of 21m and 13m should be maintained between two principal elevations and a principal and flank elevation respectively. There is no minimum separation distance between 2 flank elevations.

It is considered that the redevelopment of the site for housing is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants and in this respect Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The neighbouring property to the north of the application known as Oak Cottage is at a slight angle in relation to the proposed dwellinghouses shown on the indicative plan. Oak Cottage is a two storey detached dwellinghouse located within a large residential curtilage. There is a distance in excess of 25m separating the properties. Consequently, it is considered that the separation distances, orientation of the properties and boundary treatment will help to mitigate any negative externalities caused by the proposed development.

Located to the south of the application is a detached bungalow (Abbots Lodge), which is also set within a large residential curtilage. According to the indicative plans there is a distance in excess of 9m separating the gables of the two properties. The boundary treatment separating the two properties comprises a hedgerow and it was noted that there were no windows in the gable of Abbots Lodge overlooking the application site. Overall, it is considered the boundary treatment, separation distances and orientation of the properties will help to alleviate any problems associated with the proposal. It is considered that the proposal will not result in any over shadowing, loss of privacy or have an overbearing impact on the residential amenities of the occupiers of Abbots Lodge. Overall, it is considered that the proposal complies with policy BE.1 (Amenity).

Design Standards

PPS1 and PPS3 support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

The collection of dwellings around the application site have been constructed over approximately the last 120 years and provide an eclectic mix of architectural styles, forms and differing scales of dwellings. The application site is a rectangular parcel of land located in between residential plots to the north and south. According to the indicative layout plan the proposed dwellings will be located centrally within the plot and will front directly on to Monks Lane. The proposal will be accessed via an existing field access point, which is located adjacent to Oak Cottage and this shared driveway will serve both properties.

According to the illustrative plans the footprint of the proposed dwellinghouses are roughly 'L shaped' and measures approximately 14m wide by 12m deep (at the widest points). The proposed dwellinghouses are located well off the boundaries. Even though this is an outline application with all matters reserved apart from access and layout. It is noted that the property to the north of the application site was two storeys high, whilst the property to the south was a bungalow. It is felt that it is prudent to attach a condition stipulating that the proposed dwelling shall not exceed two storeys in height. In addition, located to the north of the proposed dwelling is a detached double garage. Overall, it is considered that the proposal as shown on the illustrative plan will not appear overly conspicuous (as conditioned) and will not have a detrimental impact on the character and appearance of the streetscene and is in accord with advice advocated in policy BE.2 (Design Standards) and PPS 1: Delivering Sustainable Development.

Flood Risk

The applicant has submitted a letter from Land registry that the application site does not fall within a floodplain and is more than 500m from the nearest floodplain.

Highways and Access

The proposal involves using the existing single point of access in order to serve the 2 proposed dwellings via a private drive. Such shared access arrangements are generally considered to be acceptable for small developments such as this. Minimising the number of points of access is beneficial to highway safety and it is not considered that the proposal for two additional dwellings would raise any significant concerns in respect of traffic generation. Adequate parking and turning space for the occupant's vehicles would be provided within the site and therefore the proposal would not result in any additional on-road parking which would be to the inconvenience of other residents or the detriment of highway safety. Colleagues in Highways have requested that a scale drawing be submitted regarding the proposed location of the access point, position of the gates and visibility splays. This information has been requested from the applicants agent, but at the time of writing this report had not been received. Members will be updated when this information has been received. The failure to provide this information may result in a second reason to refuse the application.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimick natural drainage patterns.

Landscaping

This matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

Impact on Hedgerow

According to the submitted plans and when the case officer conducted his site visit he noted that there was a mature native hedgerow which fronts onto Monks Lane. In order to improve access into the application site a small section of the hedgerow will have to be removed. However, the remainder of the hedgerow is to remain in situ and this will be conditioned accordingly, if planning permission is to be approved.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

- in the interests of public health and public safety,
- for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection:

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. *"This may potentially justify a refusal of planning permission."*

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species *"Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."*

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to *“refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”*

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case there is no protected species survey submitted with the application. However, there are no known ponds to be within close proximity of the site. Therefore, the presence of Great Crested Newts is unlikely. It was noted that the boundary to the front of the site comprised mature native hedgerow, which according to the submitted plans will be retained. It is considered prudent if the application is to be approved a condition stipulating building works to take place outside of the bird breeding season, unless the hedgerow is inspected by prior to the commencement of works by a suitably qualified and experienced ecologist. The Councils ecologist has been consulted and raises no objection and as such the proposal complies with policy NE.9 (Protected Species) and PPS 9 (Biodiversity and Geological Conservation).

CONCLUSIONS AND REASON(S) FOR THE DECISION

Refuse

The Local Planning Authority considers that the proposed dwellinghouses are an unacceptable form of development due to their location within an area of open countryside where there is strict control over new residential development. The development is not considered to fulfil the criteria for infill development and no evidence of need has been made to justify an exception to policy to warrant this intrusion into the open countryside. The proposals would therefore be contrary to policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

