

Application No: 15/1447N

Location: Land at Main Road, Worleston, Crewe, Cheshire, CW 56 DN

Proposal: Proposal of two detached dwellings shared a single point of access

Applicant: Peter Hollinshead

Expiry Date: 26-May-2015

### **SUMMARY:**

It is acknowledged that the Council is unable to 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 favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing close to an existing settlement where there is existing infrastructure and amenities.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of loss of open countryside, design, highway safety and loss of open space have been considered but do not outweigh the reasons for recommending approval of the application.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, landscape and design.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the Framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions**

**CALL IN**

The application has been called in to Committee by Cllr Michael Jones on the grounds of loss of amenity, no proven need and unsupported.

**PROPOSAL**

This is an outline application for the erection of two dwellings, with all matters reserved apart from access. **Indicative** plans have been submitted with the application indicating that the proposed development would consist of two detached, five bedroom dwellings two detached double garages.

Access would be taken centrally on the site from Main Road and the **indicative** layout shows a shared driveway with the dwellings to either side of it and the garages sited centrally opposite the access.

**SITE DESCRIPTION**

The application site lies within the open countryside and comprises a field 0.26 hectares in size. The site is on the eastern side of Main Road with the Royal Oak public house to the south and four cottages to the north.

**RELEVANT HISTORY**

14/0163N    2014    Approval for new vehicular field access

**NATIONAL & LOCAL POLICY**

**National Policy:**

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

Of particular relevance are paragraphs 14 and 47.

**Development Plan:**

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

The relevant Saved Policies are: -

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.3 – Housing Densities

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:

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  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

#### **Other Considerations:**

North West Sustainability Checklist  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

#### **CONSULTATIONS:**

##### **Highways:**

No objection.

**Environmental Protection:**

No comments received at the time of report writing.

**Parish Council:**

*"The proposed development is outside of the settlement boundary of Worleston village, which runs through the Royal Oak car park across Main Road. It is then therefore in "Open Countryside" Recent development of 5 houses to the south of the Royal Oak as stated as a supporting factor for this application are actually within the settlement boundary and therefore not directly comparable*

*The proposed development is not in the development plan adopted for the village, which will in turn will core to the proposed Neighbourhood Plan now under development*

*The access to this site, proposed by the applicant, was granted planning permission to Worleston and District PC 27/3/14 Ref. 14/0163N. It was granted with the following conditions:*

*a) That the access from Main Road onto the site was granted for a rural field for amenity and not for development*

*b) The splay was to constructed of a porous substrate to reduce run-off*

*In addition the applicant has moved the position of the entrance from that granted originally in the successful application from WDPC. In addition, the latter were successful based on the condition that access from the public house car park was to be closed and the land was to be used as a "village green"*

*There is a sewerage septic tank on the site for three village properties not adequately addressed in the application, to date as far as we are aware only one property has been contacted regarding this issue.*

*The public house and this adjoining land in question is subject to a Community Asset order granted to Worleston and District PC and registered by CEC*

*From the supporting statement the following applies:*

*There is no public telephone*

*There is no daily bus route or informal agreement to stop*

*As a parish council, we are focussed on developing a "heart" for the village which is highly linear village based on two roads separated by several hundred yards. This is a classic case of "development creep" into Open Countryside totally at odds with the aims and objectives of the village development plan."*

**REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 15 representations have been received which can be viewed on the Council website. These included a highways assessment commissioned by local residents. The representations express several concerns including the following:

- There is no public telephone or bus route
- The approved access is for a village green not residential development
- The site is not in the parish plan
- The field is part of an asset of community value
- The site is in the open countryside
- Problems relating to an existing septic tank
- Concerns about the public house closing
- Inconsistencies on the plans
- Conflict with the local plan
- Two large houses would not enable young families to buy in the village
- Highway safety
- Loss of open space
- The dwellings would be out of character with the area
- Drainage issues

## **APPRAISAL**

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

### **Principle of Development**

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state 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, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **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. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The site is designated as Open Countryside in the adopted local plan and currently has the appearance of a paddock. As such its value in retaining the intrinsic character and beauty of the countryside is limited and its landscape value could not be argued to be so valuable that its loss could be considered significant. As such it is considered that a refusal on the grounds of adverse impact on open countryside could not be sustained.

### **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 site is adjacent to Worleston which has a shop and public house and is between existing residential development and the Royal Oak public house. The site is adjacent to the settlement boundary and as such it is considered to be locationally sustainable and a refusal on these grounds could not be sustained.

There are, however, three dimensions to sustainable development: 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; and

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

## **ENVIRONMENTAL SUSTAINABILITY**

The site is designated as being within open countryside and therefore not the first priority for development. It is however adjacent to existing residential development and is within walking distance of facilities in Worleston.

### **Landscape**

The site is currently a relatively large paddock set between existing built development and while its loss would be unfortunate, it is not considered that there would be significant and severe harm to the overall character of the landscape of the area. As such a refusal on landscape impact could not be sustained.

### **Trees and Hedgerows**

There are no trees within or adjacent to the site that would be impacted by the proposed development.

Having regard to hedgerows, consent was granted in 2014 to remove a section of hedgerow to create an access to what was to be a village green. The access proposed for this application is in a different position but would still require the removal of a section of hedgerow, which is considered to be acceptable.

## **Ecology**

The removal of the section of hedgerow could have implications for breeding birds. As such a condition should be imposed to ensure their protection during the breeding season.

## **Design & Layout**

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout 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 development that would not appear inappropriate in this context where there are a variety of property designs and sizes in the vicinity.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

## **Highways**

This is an outline application for two dwellings, all matters are reserved except for the access.

There have been previous planning approvals given for a field gate access to this site although the access position in this application is in a different location.

Adequate visibility can be achieved from the proposed shared access although some of the hedgerow will be required to be removed in order to provide the required visibility splays which are 2.0m x 60m in both directions.

The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

## **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 Worleston, including additional trade for the local shop and public house, jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

The site is within walking distance of Worleston, which has a shop and public house and would contribute to the supply of housing in the local area albeit in a limited manner.

### **Residential Amenity**

The proposal is for two detached dwellings on this site. It would be possible to achieve adequate separation distances between the existing and proposed dwellings, which would be demonstrated and secured at reserved matters stage.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

Should the application be approved a condition should be imposed relating to piling operations.

### **Other Matters**

The Royal Oak public house is listed as an Asset of Community Value (ACV); however this application is only for the field adjacent to it and does not include the public house. As such the ACV would not be lost as part of this proposal.

Many of the objectors have raised the issue of drainage and the septic tank in the field which serves neighbouring properties. This would be a private matter and not a material planning consideration but any issues could be addressed at the reserved matters stage.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular loss of open countryside, design, highway safety and the loss of what was to have been a village green, have been assessed by Officers and found to be acceptable.

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

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The development would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. The access to the site shall have visibility splays of 2.0m x 60m with no obstructions in excess of 0.6m in height**
- 5. Submission of tree and hedgerow protection measures**
- 6. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 7. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 8. Reserved matters to include details of any external lighting.**
- 9. Submission of drainage scheme to include foul and surface water**
- 10. Tree and hedgerow protection measures**
- 11. Breeding bird survey for works in the nesting season**
- 12. Submission of details of features suitable for use by breeding birds and roosting bats**
- 13. Submission of updated protected species survey**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

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