

Application No: 15/1422N

Location: LAND OFF, HOLMSHAW LANE, HASLINGTON, CREWE, CHESHIRE, CW1 5TN

Proposal: Erection of 5 Dwellings, Associated garaging, Car Parking and Landscaping

Applicant: Mr & Mrs M Wheeler

Expiry Date: 20-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, ecology and residential amenity 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, drainage, 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 John Hammond on the following grounds:

“The proposed development is in open countryside outside the settlement boundary. It would have an adverse impact on the character and amenity of adjoining land and property together with the surrounding area. It would also have a detrimental impact on highway safety in this narrow country lane with blind bends which serves several farms with associated machinery.

In this instance I would also strongly recommend that a site visit would be beneficial to Members of the Committee.”

PROPOSAL

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

Access would be taken from Holmshaw Lane and the **indicative** layout shows a shared driveway of which the dwellings would be distributed.

SITE DESCRIPTION

The application site lies within the open countryside and comprises a triangular plot of land on the eastern side of Holmshaw Lane. To the north of the site are two dwellings and adjacent to the northern boundary, there is approval for one dwelling that was granted on appeal (14/0020N). There are also dwellings sited to the west and the east of the site.

RELEVANT HISTORY

No relevant planning history relating to this site.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 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:

None received at the time of report writing.

United Utilities:

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

Parish Council:

"Haslington Parish Council object to the proposed development and have the following specific concerns:

The development would be in the open countryside and outside the settlement boundary for Haslington. It is not infilling a small gap in the developed frontage of Holmshaw Lane with one or two houses, and is not providing property essential for agricultural or other workers in the countryside. It is on a road without kerbs or pedestrian footpaths making it difficult for residents to walk into Haslington for services, it fails most sustainability checks, distance to a bus stop is the only one likely to be achieved. The proposed short section of pavement across the front of the site is likely to be abused by vehicles trying to pass in a section of road that is barely wide enough for single vehicles, pedestrian safety would be severely impacted by those vehicles.

Even if Holmshaw Lane was widened along the frontage of the site to allow vehicles to pass, the parish council would be concerned at any encouragement of additional traffic along this road given the further blind bends and narrow sections close to the development. Holmshaw Lane is popular with cyclists and walkers as it provides links to other routes on the local footpath network.

The construction of five houses will not make a significant impact on the shortfall in the five year supply for Cheshire East, but would significantly impact the character of the area, on a well used route into the local countryside for local residents. The character of the western end of Holmshaw Lane would become urbanised by allowing development on both sides of the lane.

Haslington Parish Council share the concerns of neighbours to the development site and the issues raised in the report from Axis commissioned by neighbours.

Haslington Parish Council request that the application be refused as contrary to policies NE2/RES5 Open Countryside, BE1 Amenity, BE3 Safe Access."

REPRESENTATIONS:

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

At the time of report writing 14 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:

- Development out of keeping with the character of the area
- Highway safety
- Dangerous access
- Increase in traffic when combined with Haslington Hall
- Danger to horse riders, cyclists and pedestrians
- Loss of privacy
- Loss of amenity to neighbouring properties
- Impact on wildlife
- Loss of farmland
- Would exceed the spatial distribution of development for Haslington
- Could not be considered as infill development
- No more development is needed in Haslington
- Would not create jobs or prosperity
- It is a money making opportunity for the developer

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 within walking distance of Haslington which has shops, public houses, a primary school and a regular bus service to the wider range of facilities and employment opportunities available in Crewe. In addition to this, three appeal decisions have determined that two sites in very close proximity to the site are sustainable locations (13/4301N, 14/5411N & 14/0020N). 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 services and facilities in Haslington.

Landscape

The site is currently close mown grassland with sections of boundary hedge, sapling trees and a mature Oak. The application describes the site as vacant rough grassland last used for grazing. Levels rise across the site with the higher levels to the east.

The site lies within Open Countryside as defined in the local plan and has no national landscape designation. The present eastern boundary to 236a Crewe Road provides a well defined boundary between that property and further agricultural land beyond. The proposed development would extend residential development beyond the existing residential development line on this side of the lane. The development would require the remove of a significant section of roadside hedge and potentially the mature Oak tree.

Whilst an outline application with only access included, the controlling parameters plan indicates that development is intended to be mainly two storey. A concept landscape layout plan is provided indicating proposed new landscape works including a replacement roadside hedge and strengthened boundaries.

The submission also includes a report entitled 'Landscape Appraisal' which indicates that it has been 'undertaken in order to assist in the development of a site layout scheme and a Landscape design strategy that will react to the prevailing conditions of potential visual impact that may be encountered by the development of this site'.

The Appraisal identifies a number of visual receptors, referring to these as 'Landscape receptors'. Impact of landscape change is described as significant for properties 236 and 236a Crewe Road. A major change to rural setting is identified for 4 further residential properties with two further properties having what is described as 'new visual elements' introduced into the landscape setting. As indicated above, landscape mitigation is proposed. With regard to the residual effect on landscape receptors upon establishment of mitigation, the assessment indicates that the purpose of landscape treatment is to create a varied height of softening against building masses, gables and roofscapes.

Development as proposed would clearly alter the appearance and character of the immediate site and impacts on a number of visual receptors have been identified within the submission as detailed above. Landscape works could be required as part of a detailed scheme which may provide a degree of mitigation although this would take time to mature and should deciduous plant material be used, it is likely development would be readily visible in winter.

Should the application be approved, landscape conditions should be imposed to ensure that hard and soft landscaping, proposed levels and contours and boundary treatments are acceptable.

Trees and Hedgerows

The application is supported by a Tree Survey and Assessment and a Tree Protection Plan.

The only mature tree on the site is an Oak identified as T1 within the arboricultural documentation. The tree is located within the hedge on the Holmshaw Lane road frontage. The report identifies the tree as a category C specimen (low quality and value). The trees condition is in keeping with its age classification with no more deadwood present within the canopy than would be anticipated taking into consideration previous agricultural practices and its roadside location. Whilst it is considered that the tree should be up graded to a B category (moderate quality and value), its position immediately adjacent to the highway on a narrow bend and presenting a section of the stem extending into the highway precludes its long term retention and consideration for formal protection.

The remaining trees scattered throughout the site are small insignificant immature specimens. Some could be removed and replanted whilst other could be removed and easily replaced within a landscape scheme ensuring a net gain.

In order to facilitate access on to the site and provide the required visibility splay as requested by highways, a large section of the Holmshaw Lane hedge will require removal. A section of the same hedge will also form part of the southern most plot's domestic garden curtilage. No details have been provided in terms of an assessment of the hedge under the 1997 Hedgerow legislation to assess its importance.

Subject to the satisfactory submission of the requested Hedgerow Assessment, which will be the subject of an Update Report, there appears to be no reason why the application cannot proceed from an arboricultural perspective.

Ecology

The grassland habitats on site support a number of species which are considered to indicative of 'restorable' semi-improved grassland under the Cheshire region local wildlife site selection criteria. The abundance of species indicative of agricultural improvement means that the grassland habitats are not considered to be of significant nature conservation value.

A disused protected species habitat has been recorded on the application site and protected species are active on the site. It is considered that the proposed development is unlikely to have a significant impact upon protected species, however there is likely to be some loss of foraging habitat. It is considered that this impact can be mitigated through the incorporation of fruit trees into the boundary landscaping of the site.

As the status of protected species on a site can change within a short time therefore if planning permission is granted a condition should be attached requiring an updated survey to be submitted to the LPA prior to the commencement of development.

Hedgerows are a priority habitat and hence a material consideration. The proposed access will result in the loss of a section of existing hedgerow to facilitate the site access. Additional hedgerows are proposed along the sites eastern boundary which would be adequate to compensate for the loss of habitat. It must however be ensured that this is done with appropriate native species. If planning permission is granted this matter may be dealt with through the attachment of a landscape condition.

If planning consent is granted a condition would be required to safeguard nesting birds and to ensure some additional provision is made for nesting birds and roosting bats as part of the proposed development.

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 in the vicinity.

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

Highways

The site extends to some 0.44 hectares in area and is located approximately one kilometre to the north-east of the centre of Haslington. Access to the site is taken from Holmshaw Lane via a Field Gate. The development proposals involve the development of five dwellings each with four bedrooms and associated off- street car parking. All dwellings will be served from an internal access road which will form a new simple priority junction with Holmshaw Lane.

The Head of Strategic Infrastructure (HSI) has not been made aware of any wider transport impacts in the area such as Air Quality Management impact for example, but recognises that the relevant officers would respond in detail on such items.

The proposals for access will involve hedge removal along the site frontage with Holmshaw Lane.

The HSI has reviewed the highways reports submitted by the applicant in support of the development proposals and the highways report submitted objecting to the proposals on behalf of a number of neighbouring households of and finds the following:

Holmshaw Lane connects Oakhanger to the south-east of the site with Crewe Road to the north-west; it is a lightly trafficked rural lane with a carriageway width of around 3.0m and a speed limit of 60mph. However, in the vicinity of the site, due to the carriageway width and horizontal alignment of Holmshaw Lane, vehicle speeds are restricted to around 20 – 25mph. There are no footways or street lights on Holmshaw Lane in the vicinity of the site.

Access from the site to the wider highway network would generally be expected to be taken via the Holmshaw Lane / Crewe Road priority junction, the HSI recognises that visibility along Crewe Road for traffic emerging from Holmshaw Lane is limited. However, the addition of traffic associated with five dwellings at the junction would not be expected to have a material impact on highway safety.

The site is considered to be in a sustainable location, a range of facilities are within reasonable walking distance, the town centre of Crewe is within reasonable cycling distance and there are bus stops on Crewe Road around 300m to the north of the site.

Access to the site is taken from a new priority controlled junction with Holmshaw Lane; the proposed junction layout is illustrated in the submitted drawings and comprises:

- A site access carriageway width of 5.0m;
- Corner radii of 4.0m;
- Visibility splays of 2.4m x 33m; and
- A 2.0m footway leading from the site access in a northerly direction along the extent of the site boundary.

In terms of junction geometry, layout and visibility the access proposals are considered to be an acceptable solution to serve a development of 5 dwellings in this location.

The commuter peak hour and daily traffic generation associated with the development of five dwellings would not be expected to have a material impact on the operation of the adjacent or wider highway network.

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

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

SOCIAL SUSTAINABILITY

The site is within walking distance of Haslington, which offers a wide range of essential facilities and would contribute to the supply of housing in the local area albeit in a limited manner.

Residential Amenity

The proposal is for five 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.

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 residential amenity, 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. Submission of tree and hedgerow protection measures**
- 5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 6. 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.**
- 7. Reserved matters to include details of any external lighting.**
- 8. Submission of drainage scheme to include foul and surface water**
- 9. Tree and hedgerow protection measures**
- 10. Breeding bird survey for works in the nesting season**
- 11. Submission of details of features suitable for use by breeding birds and roosting bats**
- 12. Submission of updated protected species survey prior to commencement of development**

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.

