

Application No: 15/1849C

Location: OLD COACH HOUSE ABBEYFIELDS, PARK LANE, SANDBACH,  
CHESHIRE, CW11 1EP

Proposal: Construction of dwelling.

Applicant: M Finlow

Expiry Date: 01-Jul-2015

## **SUMMARY**

The application site lies entirely 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 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 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 provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of open countryside.

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**

<b>APPROVE subject to conditions</b>
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## **REASON FOR REFERRAL**

As the proposed development is for a house in the Open Countryside and does not fall within any of the acceptable exceptions within Local Plan policies PS8 or H6, the application represents a 'departure' from the development plan.

## **PROPOSAL**

Full planning permission is sought for the erection of a detached bungalow.

Revised plans were submitted during the application process in order to address tree concerns. This change primarily involved the re-siting of the proposed access by just over 2 metres further to the west.

## **SITE DESCRIPTION**

The site relates to a square parcel of land located on the southern side of a private access road which extends from the west of Park Lane, Sandbach, within the Open Countryside.

The application site is relatively flat and measures approximately 1,227sq.m. There is a step-up in the ground-floor level from the associated private road. The site is currently used as paddock and consists of grass and trees.

The site lies adjacent to the Grade II listed former coach house to the west.

## **RELEVANT HISTORY**

None

## **NATIONAL & LOCAL POLICY**

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside  
BH4 – Listed Buildings (Effect of Proposal)  
GR1 - New Development  
GR2 - Design  
GR4 – Landscaping  
GR6 - Amenity and Health  
GR9 - Accessibility, Servicing and Parking Provision – New development  
GR16 - Footpath, Bridleway and Cycleway Networks

GR20 - Public Utilities  
GR21 - Flood Prevention  
GR22 - Open Space Provision  
NR1 - Trees and Woodlands  
NR2 - Wildlife and Nature Conservation – Statutory Sites  
H1 - Provision of New Housing Development  
H6 - Residential Development in the Open Countryside and the Green Belt

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **National Policy**

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

14 - Presumption in favour of sustainable development  
47-50 - Wide choice of quality homes  
55 - Isolated dwellings in the countryside  
56-68 - Requiring good design  
69-78 - Promoting healthy communities

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

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 - Presumption in favour of sustainable development  
PG1 - Overall Development Strategy  
PG5 - Open Countryside  
PG6 - Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 - Developer contributions  
SC4 - Residential Mix  
SC5 - Affordable Homes  
SE1 – Design, SE2 - Efficient use of land  
SE3 - Biodiversity and geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 - Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management  
CO1 - Sustainable Travel and Transport  
CO4 - Travel plans and transport assessments.

### **Sandbach Neighbourhood Development Plan (Draft for Consultation)**

H1 – Housing Growth  
H2 – Design and layout  
H3 – Housing Mix and type  
H4 – Preferred Locations  
PC2 – Landscape Character

**Supplementary planning policy/guidance:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

**CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections

**Environmental Protection** – No objections, subject to conditions relating to; Hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme and the prior submission of a Phase 1 contaminated land report. In addition, informatives relating to hours of construction and contaminated land are sought

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to a condition seeking the prior submission of a surface water drainage plan

**United Utilities** – No comments received at time of report

**Cheshire Brine Subsidence Board** – Require that the foundations be strengthened, utilising a raft foundation

**Sandbach Town Council** – No objections

**REPRESENTATIONS**

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

One letter of representation received:

- Lack of consultation
- Concerns that a modern bungalow will not be in keeping with the grade II Listed Building and converted coach house

**APPRAISAL**

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability including; Environmental role, Economic role, Social role
- Planning balance

## **Principle of Development**

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these categories. As such, 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.

### Draft Sandbach Neighbourhood Plan

The Neighbourhood Plan is a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Sandbach area.

Policy H1 within the Neighbourhood Plan aims to limit large scale housing development by imposing a limit to 30 dwellings with exceptions being made for brownfield sites.

The application site is clearly a greenfield one. However, the proposal is for 1 dwelling only.

Due to the minor scale of the proposal and the site's sustainable location within close proximity and walking distance to the public facilities of Sandbach, it is not considered that it would be contrary to this Policy or be comparable to larger developments which have been deemed to be premature to the Sandbach Neighbourhood Plan and would prejudice the neighbourhood plan making process.

### 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.

This is a material consideration.

### 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 PS8, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered below.

### **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"*

Although a locational sustainability assessment has not been provided by the applicant for this scheme, the application site lies just 168 metres from the Sandbach Settlement Zone Line. Furthermore, any future occupiers could walk from the site to the town centre using public footpaths.

As such, it is considered that the site is locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

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

## **Environmental role**

### Landscape Impact

The site is a vacant parcel of land situated adjacent to the Old coach house and within the wider estate of Abbeyfields, a Grade II listed building. There are a number of trees present. The site lies at a higher level than the access road to Abbeyfields and a track which runs to the west of the site.

As the site is largely enclosed by mature vegetation, it is not considered that the erection of 1 dwelling on this site would have a significant detrimental impact upon the wider landscape, subject to appropriate landscaping and boundary treatment conditions being imposed for prior approval.

### Design

The proposed development is for 1 new dwelling.

The revised layout plan shows that the proposed dwelling would be inset from the private driveway to the north by approximately 15 metres, would be inset from the private agricultural

access to the west by 7.3 metres, from the rear of the site to the south by approximately 25 metres and from the eastern boundary by approximately 7 metres. This siting would be similar to that of the adjacent development, the 'Old Coach House' and as such, is deemed to be acceptable.

The form of the proposal would be a detached bungalow. The closest surrounding development on the private access road comprises of recently approved, two-storey residential barn conversions and a grade II listed former stately home all to the west. To the east, on Park Lane, the dwellings comprise of a mixture of detached bungalows and two-storey units.

As such, it is not considered that the form of a detached bungalow would appear incongruous.

In relation to scale, the proposed dwelling would be of a bungalow design. At its maximum height, it would measure approximately 6.3 metres. Given that the nearest barn conversion to the west is two-storey in height and given the mixture of dwelling heights on Park Lane, it is considered that this height would be acceptable. Furthermore, the footprint would not be out of character.

The dwelling would be of a bungalow design comprising of a dual-pitched roof and a small forward projecting gable on the frontage.

It is advised within the submitted Design and Access Statement that the dwelling would be constructed from brick and include brick headers and cill detailing in order to compliment the adjacent 'Old Coach House' barns.

It is advised that the roof would be constructed from tile to match the adjacent building and the windows and doors would be constructed from timber.

Subject to the detail of the materials being submitted for prior approval by the LPA, it is considered that the appearance of the dwelling would be acceptable and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

The Council's Heritage Officer has advised that he has no concerns with regards to the proposals impact upon the setting of the Grade II listed building given the large distance between the application proposal and the listed building (approximately 90 metres).

### Access

The layout plan demonstrates that the proposal seeks the creation of a new access point onto the private driveway to the north. Sufficient parking space would be provided for at least 200% parking.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and advised that he has no objections.

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.



## Trees and Hedgerows

Trees to the eastern boundary section of the application site are protected by the Sandbach Urban District Council (Abbeyfields) Tree Preservation Order 1970 (Area A4 Beech and Sycamore).

A revised Arboricultural Implications Assessment and Method Statement have been received during the application process in order to address the concerns of the Council's Tree Officer.

The Council's Tree Officer has reviewed this latest information and completed a site visit and advised that he is satisfied that the access position has been relocated as requested, providing a greater separation from protected trees.

The Arboricultural Method Statement has been revised to show the removal of the protected Beech (T7), the unprotected Beech (T1) and the retention of Sycamore (T2). Of the trees to be removed the Arboricultural Impact Assessment rates them as follows:

- Beech T7 – Grade B (Moderate Quality and Value) – This tree co-dominant specimen with poor form and in an early stage of decline. The Council's Tree Officer has inspected this tree and discovered that there is evidence of Honey Fungus and Bleeding Canker. As a result terminal decline is likely within the next 10 years.
- Beech T1 – Grade C (low Quality and Value) – estimated life span of 10-20 years

The Council's Tree Officer has noted that the Revision B documents do not include provision for the position of Tree Protective fencing so has advised that this will need to be added as a condition.

The Council's Tree Officer has advised that the Arboricultural Method Statement 14 September 2015 Ref: TRE/CHA/Rev B and Method Statement drawing AFS/MS/01 Rev B dated 7/6/2015 can form part of the approved documents and plans.

As the relevant amendments to the survey's and access point have been made, the Council's Tree Officer has raised no objections, subject to a number of conditions including; Tree Protection, the submission of Landscape scheme (to include provision for the replacement of the protected Beech T7) and Landscaping Implementation.

The proposal is therefore considered to adhere with Policy NR1 of the Local Plan.

## Ecology

The Council's Ecologist advised that there is a significant 'protected species' sett located within a woodland to the south of the application site, consequently there is potential for further setts to be present on the application site itself. As such, a 'protected species' survey was sought during the application process.

On receipt of this survey, the Council's Ecologist has advised that based upon the submitted survey, 'protected species' are not reasonable likely to be affected by the proposed development.

As such, it is considered that the proposal would adhere with Policy NR2 of the Local Plan.

## Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

The Council's Flood Risk Officer has reviewed the application and advised that they have no objections, subject to a condition seeking the prior submission of a surface water drainage plan.

As such, subject to the above, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

## Conclusion

The proposed development would not create any significant landscape, hedgerow, design, access, ecology, flooding or drainage concerns. The impact upon protected trees would be acceptable, subject to a number of conditions.

As such, it is considered that the proposed development would be environmentally sustainable.

## **Economic Role**

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

## **Social Role**

The proposed development would provide 1 market dwelling which would be a social benefit.

## Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of the Old Coach house located approximately 23 metres to the west.

Given this large separation distance, it is not considered that the proposal would create any issues in relation to loss of light, privacy and visual intrusion.

The Council's Environmental Protection Team have advised that they have no objections to the development subject to conditions relating to; Hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme and the prior submission of a Phase 1 contaminated land report. In addition, informatives relating to hours of construction and contaminated land are sought.

With regards to the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a useable, private amenity space of at least 65 square metres.

As such, the proposal is considered to adhere to Policy GR6 of the Local Plan.

### **Other Matters**

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

The comments of the Brine Board are noted and an informative will be attached to the decision notice. This issue will be dealt with at the Building Control stage.

### **Planning Balance**

The application site lies entirely 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 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 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 provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of open countryside.

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. Time (3 years)**
- 2. Plans**
- 3. Materials – Prior approval required**
- 4. Boundary treatment – Prior approval required – to include the replacement of Beech T7**
- 5. Tree Protection – Prior approval required**
- 6. Landscaping – Prior approval required**
- 7. Landscaping – Implementation**
- 8. Surface water drainage scheme – Prior approval required**

**Informative:**

- 1. Brine Board recommendations**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

