

Application No: 15/1964N

Location: Green Lane House, 31, GREEN LANE, AUDLEM, CREWE, CHESHIRE, CW3 0ES

Proposal: Outline Application for proposed residential building plot on existing garden area for 4 bed detached house

Applicant: Mr Mark Ellis, Markden Ltd

Expiry Date: 23-Jun-2015

SUMMARY:

It is acknowledged that the Council is unable to robustly 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 in close proximity 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, albeit on a small scale.

Local concerns of residents are noted, particularly in respect of loss of Open Countryside, compliance with the neighbourhood plan and highway safety. 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, flood risk, drainage, landscape, trees, ecology and design.

The scheme represents a sustainable form of development and therefore the presumption in paragraph 14 applies. Applying the tests in paragraph 14, the benefits of the proposal are not significantly and demonstrably outweighed by the disbenefits and therefore the planning balance weighs in favour of supporting the development subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

This is an outline application for the erection of one detached dwelling with all matters reserved.

Whilst all matters are reserved a plan has been submitted showing access from Green Lane, which is the existing access to the property. An indicative layout has also been submitted to demonstrate impact on trees and ecology.

SITE DESCRIPTION

The application site comprises part of the garden of Green Lane House, which is a two-storey dwelling. There are residential properties on the opposite side of the road, and the site is within walking distance of Audlem which is a local service centre with many facilities and services.

The land is designated as being within Open Countryside in the adopted local plan.

RELEVANT HISTORY

P03/0415 Approval for side extension (2003)

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

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

Audlem Neighbourhood Plan 2015 – 2030 (Draft)

H1 – Number of New Homes
H3 – Scale of New Development
H4 – Size of Homes
H5 – Type of Homes
D1 – Character & Quality
D2 – Size & Space
D3 – Position & Topography
D7 – Efficiency & Sustainability
D10 – Drainage
D11 – Residential Parking

CONSULTATIONS:

Highways:

No objection subject to a condition relating to visibility splay.

Environmental Protection:

None received at the time of report writing.

Environment Agency:

No objection.

Flood Risk Manager:

No objection subject to a condition requiring development in accordance with the Flood Risk Assessment.

Parish Council:

Object to the proposal.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 2 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- Development on greenfield land
- Adverse impact on the character of the village
- Not in accordance with the neighbourhood plan
- Highway safety
- Enough houses are approved for Audlem

APPRAISAL

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

Principle of Development

The site lies within 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”.

A key consideration is the NPPF. According to paragraph 49 in the absence of a 5 year supply of housing, which is the case in Cheshire East at present, applications should be considered in the context of the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether the presumption therefore applies. If it does apply, a conclusion must be reached as to whether the benefits of the proposal outweigh the harm.

Audlem Neighbourhood Plan (Draft)

The Audlem Neighbourhood Plan is currently at the stage of completing consultations, but as yet has not been tested at examination.

Whilst this application site is located outside the settlement boundary of the village, it is not considered that a single dwelling, sited in the garden of an existing dwelling would compromise the aims and aspirations of the draft neighbourhood plan.

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 Audlem which is a local service centre and there bus services to the wider range of facilities and employment opportunities available in Crewe and Nantwich. As such it is considered to be locationally sustainable

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 immediately adjacent to existing residential development and is within walking distance of services and facilities in Audlem.

Open Countryside Policy

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside. In the absence of a 5 year housing land supply open countryside policies are out of date and therefore attract reduced weight. However, harm to the intrinsic character and beauty of the countryside should still be played into the overall planning balance. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

The site is designated as Open Countryside in the adopted local plan, but is currently used as garden land; as such its value in retaining the intrinsic character and beauty of the countryside is very limited. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained.

Landscape

The site is located on the outskirts of the village of Audlem. It is readily visible from Green Lane on the approach to the village. The site is identified as open countryside in CNBC local plan.

The site forms part of the mature garden to existing dwelling. A grassed lawn with specimen trees slopes down from the existing dwelling to the south and east and a tree lined watercourse, providing an attractive outlook and a transition from the existing dwelling to agricultural land to the south.

Whilst the loss of this established garden area would be regrettable, it is not considered that the proposals would result in any significantly adverse landscape or visual impacts that would warrant refusal of the application.

Trees

Whilst this is an outline application the arboricultural detail identifies an indicative plot position and associated access details which requires the loss of five trees (T1, 1 from G18, T20, T21, T22). None are considered to be significant high value specimens worthy of formal protection as they contribute little to both the amenity of the immediate area or the wider landscape aspect. The loss of these trees can be easily mitigated as part of a suitable landscape scheme should development proceed.

The higher value trees located closer to the stream can all be retained and protected in accordance with current best practice. Adequate space is available to ensure issues of social proximity can be designed out providing some thought is given in terms of the orientation of main habitable rooms should this proceed to reserved matters.

Given the information available Officers are comfortable that development can be accommodated from an arboricultural perspective without significant tree loss

Flood Risk

The application is supported by a Flood Risk Assessment (FRA). The Flood Risk Manager has assessed the FRA and is satisfied that the development is acceptable in flood risk terms, subject to compliance with the measures set out in the FRA, including the finished floor levels. Given the

sloping nature of the site, the proposed dwelling could be constructed in accordance with this without appearing too elevated within the site.

Design & Layout

This is an outline planning application with all matters reserved, therefore all matters including design 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.”

There is space within the plot to accommodate a four bed detached property, as intimated in the description of development. Appearance, siting and scale would be the subject of a reserved matters application should this proposal be approved in principle. However an indicative layout, that is considered to be acceptable has been submitted to demonstrate impact on trees and ecology.

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

Highways

The Head of Strategic Infrastructure (HSI) originally objected to the application due to a lack of information. Subsequently further details were submitted and the HIS is now satisfied that, subject to a condition requiring adequate visibility to be provided, that objection is now withdrawn.

The proposal is therefore considered to acceptable in highway safety terms and in accordance with Policy BE.3 of the adopted local plan.

Ecology

The application site is bounded by a stream to the south. The stream may be of ecological value and may also potentially support protected species. No ecological information has been submitted in support of this application.

Potential impacts on the stream can be avoided by means of a condition requiring an 8 metre undeveloped buffer to be provided adjacent to the stream. The buffer zone would need to be fenced off and safeguarded during the construction process.

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, albeit small scale to Audlem, 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 Audlem, 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 one detached dwelling on this site. Adequate separation distance can be achieved between the existing dwelling and that proposed and adequate private residential amenity space can be provided within the site.

Should the application be approved conditions should be imposed relating to piling operations and a Phase I Contaminated Land Report..

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy B.1 of the adopted local plan.

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 and highway safety, have been assessed by Officers and found to be acceptable.

Conclusion – The Planning Balance

It is acknowledged that the Council is unable to robustly 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 consider planning applications for housing in the context of the presumption in favour of sustainable development. It is therefore necessary for proposals demonstrate that they meet the definition of sustainable development for the presumption to apply.

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.

The boost to housing supply is an important benefit and this proposal achieves this in the context of a deliverable, sustainable housing land release, albeit on a small scale.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. This is not considered to be significant given the nature of the site (residential garden). Therefore, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

The scheme represents a sustainable form of development and therefore the presumption in paragraph 14 applies. Applying the tests in paragraph 14, the benefits of the proposal are not significantly and demonstrably outweighed by the disbenefits and therefore the planning balance weighs in favour of supporting the development subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters**
- 3. Approved plans**
- 4. Retention of an 8 metre undeveloped buffer zone between the dwelling and any hardstanding and the stream, including fencing and safeguarding during construction**
- 5. Provision of adequate visibility splays**
- 6. Compliance with the Flood Risk Assessment**
- 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. Submission of a Phase I Contaminated Land Report**
- 9. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 10. Tree and hedgerow protection measures**

11. Breeding bird survey for works in the nesting season

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.

