

Application No: 15/4145C

Location: Land Adjacent 17, ELM TREE LANE, SANDBACH

Proposal: Vacant brown field plot developed with new 4 bedroom house

Applicant: John Westerside

Expiry Date: 16-Nov-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 favorably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

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, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

Furthermore, the development site is situated outside the Sandbach settlement boundary as denoted by the Sandbach Town Neighbourhood plan, and the policies relating to housing in the area.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 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. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a sustainable location with links to Sandbach.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are not significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

This application seeks full planning permission for 1 detached dwelling house on land adjacent to No.17 Elm Tree Lane, Sandbach.

SITE DESCRIPTION

The site relates to a rectangular plot of land on Elm Tree Lane, between No.17 and a property known as the Gables. The site is situated within the open countryside.

The application site is approximately 0.06 hectares in size, and is approximately 22m wide and 30m deep. Currently the site is vacant and overgrown and there is a boundary fence on all four sides of the plot.

RELEVANT HISTORY

19606/3 – one family house and two retirement bungalows – Approved subject to legal agreement 1988

NATIONAL & LOCAL POLICY

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
and 69-78 - Promoting healthy communities

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
PS10 – Jodrell Bank Radio Telescope Consultation Zone
GR1 - New Development
GR2 – Design
GR4 – Landscaping
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision – New development
GR20 - Public Utilities
GR21 - Flood Prevention
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.

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.

Sandbach Town Neighbourhood Plan

PC2 – Landscape character
PC2a – Policy Boundary for Sandbach
H1 – Housing Growth
H2 – Design and Layout
H3 – Housing Mix and Type
H4 – Housing and an ageing population

H5 – Preferred Locations

CONSULTATIONS

Environmental Health: No objections subject to condition relating to contaminated land, and an informative for construction hours.

Strategic Highways Manager: None received at time of writing this report.

Sandbach Town Council – No objections

REPRESENTATIONS – none received at time of writing this report.

APPRAISAL

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 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 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.

Sandbach Town Neighbourhood Plan

The site lies outside the Sandbach settlement boundary as denoted by the emerging Sandbach Town Neighbourhood Plan. Policy PC2a states that only development which is required in a rural setting will be permitted in the open countryside. The policy sets out the type of development which is considered to be appropriate to open countryside locations to be; agricultural and forestry, replacement buildings, rural/farm diversification projects, reuse of existing rural buildings, and expansion of existing commercial buildings.

Furthermore, Policy H5 goes on to state that

‘e) Housing infill development, the conversion of existing buildings to residential use, self-build projects, co-housing and the subdivision or amalgamation of existing residential units with suitable space will be supported within the policy boundary for Sandbach (see Fig.2), but only within the countryside when they conform to countryside developments permitted in Policy PC2a. They must also contribute positively to local character and help to meet identified housing needs.’

It is considered that this development complies with Policy H5d of the Neighbourhood Plan in that it would contribute positively to local character and help to meet identified housing needs.

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 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.

Emerging Local Plan Policy

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

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”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant has not submitted this completed toolkit. However, the site is on the edge of Sandbach Town settlement boundary, and has very clear links with the settlement which is easily accessible by foot, cycle or bus from the London Road, and is within walking distance of Sandbach Train Station which has links to Crewe and Manchester. Therefore in locational sustainability it is considered that the future occupiers of the site would be able to access local services and facilities

either by walking/cycling or a small car journey and in turn considered the location to be 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 in open countryside as defined in the Congleton Borough local plan. It is well contained and would clearly appear as an infill plot, albeit outside the settlement boundary line. The site boundary will follow the existing rear boundaries of the adjacent sites which will help to assimilate the dwelling into the existing built up frontage. Subject to the retention of all the existing boundary hedging and trees (which provides good containment), it is considered the site could accommodate the development proposed without a significant landscape impact.

Trees and Hedgerows

Although there are a couple of trees and hedgerows on the site, no detailed arboricultural information has been provided. The applicant has stated that trees are self seeded and are of a low standard. The proposed access into the site will not affect the hedgerow and therefore it is considered unlikely that the proposed works will have any arboricultural impacts.

Ecology

The Council's Nature Conservation Officer has assessed the application, and does not anticipate that there would be any significant ecological issues associated with the proposed development. However, it is considered that should the application be approved a condition should be attached to safeguard nesting birds.

Design

The proposed development is for 1no new dwelling. The submitted plan shows a 4 bedroom one and half storey property with an attached garage and associated driveway. The proposed dwelling will have a gable roof design and a double fronted front elevation. The dwelling is of a size, position and design which is in keeping with the existing rural area. Subject to conditions for materials to be approved it is considered that the proposal is acceptable.

Access

The proposed development would utilise an existing access off Elm Tree Lane, which is an un-adopted lane off London Road. The proposed dwelling will have an integral garage with two spaces and there is space within the site to park several cars and enter and egress the site in a forward gear safely. It is therefore considered unlikely that the proposal development would have a detrimental impact on highway safety.

Flood Risk and Drainage

The application site falls within Flood Zone 1 and is not of a scale which requires the submission of a Flood Risk Assessment.

Conclusion

The proposed development would not create any significant landscape, tree or hedgerow, design, access, ecology, flooding or drainage issues.

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

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops 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 housing unit.

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.

There are dwellings on either side of the plot. The Gables to the north-east is a bungalow and Newholme (No.17) to the west is a two storey dwelling. The bungalow to the east has one secondary window on the side elevation at ground floor level, and the two storey dwellinghouse has a window at first floor level and a covered car port at ground floor level. The Proposed dwelling will be sited a minimum of 6m away from The Gables and 8m away from the side elevation of Newholme. The proposed dwelling will have several secondary windows on the side elevations at ground floor level and one window at first floor level serving the second bedroom. It is considered that the existing boundary treatment and the secondary nature of the side elevation windows at ground floor level will ensure the neighbours amenity is not affected, however the secondary window proposed on the side elevation to the Bedroom 2 will overlook the garden area of Newholme and it is considered that an obscure glazing condition should be added to safeguard the amenity of the neighbours private amenity space.

There is sufficient space within the site to allow the new dwelling to be constructed without detrimentally impacted on privacy, light or visual intrusion of the neighbouring properties.

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

Furthermore, the Council's Environmental Protection Team have advised that they have no objections to the proposal subject to a condition for further contaminated land details prior to the occupation of the dwelling and informatives relating contaminated land and construction hours.

As such, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

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, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

Furthermore, the development site is situated outside the Sandbach settlement boundary as denoted by the Sandbach Town Neighbourhood plan, and the policies relating to housing in the area.

The proposal therefore remains contrary to Open Countryside policy regardless of the Council's 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. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a sustainable location on the edge of Sandbach settlement boundary and within easy walking distance of the Rail Way station, bus stops and a number of general amenities.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are not significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions;

1. **Time Limit**
2. **Development in accordance with approved plans**
3. **Materials to be submitted**
4. **Surfacing materials to be submitted**
5. **Obscured window to first floor elevation**
6. **Prior to occupation/first use contamination report**
7. **Landscaping**
8. **Landscaping implementation**
9. **Boundary treatment**
10. **Nesting Bird features**

Informatives:

1. **NPPF**
2. **Contaminated Land**
3. **Construction Hours**

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 his absence the Vice Chair) of 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.

