

Application No: 15/4766C

Location: Mere End Barns, HASSALL ROAD, ALSAGER

Proposal: Outline single dwelling

Applicant: Steven Hancock

Expiry Date: 17-Dec-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 must be the dis-benefits, which in this case would be the loss of open countryside and impact upon trees.

In this instance, due to the mitigation which can be secured to overcome the tree concerns, it is considered that the benefits of the scheme would outweigh the dis-benefits.

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

PROPOSAL

This application seeks outline planning permission to erect 1 dwelling with all matters reserved.

SITE DESCRIPTION

The site relates to a front garden of a residential barn conversion location on the western side of Hassall Road, Alsager within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005.

The site is triangular in shape and measures approximately 891 square metres.

RELEVANT HISTORY

06/1148/FUL - Change of use of land to residential curtilage and formation of new driveway to access the highway – Approved 6th February 2007

05/1207/FUL - Construct a pair of houses on the footprint of redundant agricultural buildings, identical to the proposal approved under 04/0333/FUL, 28.01.05 – Approved 17th January 2006

04/0333/FUL - Conversion of redundant farm buildings to 2no. dwellings and garages – Approved 28th January 2005

35055/6 - Renewal of Application No. 30033/3 For Change Of Use Of Redundant Agricultural Buildings To Dwellings And Garages – Approved 22nd November 2002

30033/3 - Change of Use Of Redundant Agricultural Buildings To Dwellings And Garages – Approved 27th July 1998

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

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
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

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
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

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No comments received at time of report

United Utilities - Advised that a public sewer crosses this site and as such, they may not permit building over it.

UU have therefore requested that they will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

UU have advised that either a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

Alsager Town Council – Object to the proposal on the following grounds;

- Over-intensification of site
- Impact upon trees

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, no letters of objection have been received.

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and 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 development would be a 'departure' and 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.

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 in support of the proposal.

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 overall 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”

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

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 completed this assessment, but has provided an alternative locational sustainability assessment which details distances. These are fed into the checklist below;

Adherence with checklist

Post box (500m) – 300 metres
Amenity Open Space (500m) – 500 metres
Outdoor Sports Facility (500m) – 500 metres
Children’s Play Space (500m) – 300 metres
Primary School (1000m) – 500 metres
Leisure Facilities (Leisure Centre and Library) (1000m) – 600 metres
Local meeting place (1000m) – 600 metres
Public House (1000m) – 800 metres
Bus Stop (500m) – 200 metres
Railway station (2000m where geographically possible) – 2000 metres

50 percent failure of less

Supermarket (1000m) – 1,500 metres

Bank or cash machine (1000m) – 1,500 metres
Pharmacy (1000m) – 1,500 metres

Failure

Post Office (500m) – 1,500 metres
Child Care Facility (nursery or crèche) (1000m) – 1,650 metres
Medical Centre (1000m) – 1,800 metres

Unknown

Any transport node
Secondary School (1000m)
Convenience Store (500m)
Public Right of Way (500m)

Given that the development would fall within or be within 50% of the majority of the public facilities listed, it is considered that the development would be considered 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 proposed development would be sited within the front garden of Mere Barns, a residential barn conversion located on the western side of Hassall Road within the Open Countryside.

The Alsager settlement boundary lies on the opposite side of the road.

The boundary of the site comprises of a post and rail fence and a conifer hedge above on the Hassall Road frontage approximately 2.5 metres in height, a post and rail fence and hedgerow approximately 1.3 metres in height on the northern boundary with a field and an open boundary to the private driveway to the southwest.

There are TPO protected trees along the Hassall Road frontage.

Although the proposed dwelling would be sited in the Open Countryside, given that the site lies between existing built form in terms of the residential barn conversions to the west and residential development across Hassall Road to the east, it is not considered that the siting of a dwelling in this particular location would have a significant detrimental impact upon the openness of the Open Countryside.

As such, it is considered that the impact upon the landscape would be limited.

Trees and Hedgerows

The application is supported by a tree survey.

Whilst this is an outline application, the indicative layout plan depicts the dwelling within the Root Protection Areas (RPA) of the adjacent trees. The applicant has submitted additional information showing that the foundation design could be facilitated on the site without adversely affecting adjacent trees. However, the Council's Tree Officer has advised that the information fails to take into consideration issues of social proximity including fear of failure, light attenuation, and seasonal nuisance and future pressure for removal.

Located directly adjacent to the east of the existing driveway is the stump of a recently felled Sycamore. The tree appears not to form part of the 1970 Tree Preservation Order which extends down the Hassall Road field boundary hedge line. The Council's Tree Officer has advised that evidence of decay was noted within the central core of the trees felled stump.

Located immediately adjacent to the stump are two mature trees, an Oak and Sycamore; it appears the Sycamore is identified as T5 within the Order but the Oak is not protected. The Council's Tree Officer has advised that evidence on the ground in the form of what appears to be desiccated fungal brackets or Toadstools were noted within the RPA of both trees. However, identification was not possible as recent cold weather and time has caused them to degrade.

The Tree Officer has advised that the presence of the fungal infection may be reflective of the condition of the Sycamore which presents significant signs of reduced vigour and vitality.

The submitted Arboricultural report identifies the tree (T2) as a Category C poor specimen to be felled because of condition. The Council's Tree Officer has advised that he concurs with this conclusion, but replacement planting will be required.

The Oak T1 within the report has been identified as a category A high value specimen. The Council's Tree Officer has advised that this categorisation is considered to be high given the trees form and contribution to the street scene.

The Council's Tree Officer has advised that the Oak presents a particularly poor crown formation as a result of suppression from the adjacent mature Sycamore, and certainly not worthy of formal protection. The possible presence of a fungal infection also has to be taken into consideration. The remaining Sycamores which remain on site and protected as part of the 1970 Order are not affected as part of this outline application.

The Council's Tree Officer has concluded that should the application proceed to reserved matters a detailed Arboricultural Impact Assessment (AIA) which addresses all matters of construction will be required to support the application.

As such, subject to the addition of this recommended condition, it is considered that the proposed development would adhere with Policy NR1 of the Local Plan.

No issues in relation to hedgerows would be created.

Design

Policy GR2 of the Local Plan relates to design. It states that new development will be permitted where a proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The proposed development is for 1 new dwelling. Layout, appearance and scale are not sought for approval as part of this application. Therefore, the design aspect of the development considers whether the site could feasibly accommodate 1 dwelling on this plot of an acceptable design, in principle.

The submitted indicative layout plan demonstrates that a new detached dwelling could be accommodated within the site, forward of the applicant's property, Mere End Barn.

Indicative plans of the footprint and elevations have been submitted. These plans indicate a detached, two-storey dwelling of a design which incorporates many mock barn conversion features.

Should a dwelling of the scale and design indicated be submitted at reserved matters stage, it is considered that it would not appear incongruous within this area which comprises of a mixture of barn conversions and two-storey detached dwellings.

As a result, it is considered that the aspects of the proposal which can be considered 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).

Access

Access arrangements are also not sought for approval as part of this application. Again, the principle of the access to the site and the site's ability to accommodate sufficient off-street parking is therefore considered only.

The indicative layout plan demonstrates that the proposed new dwelling would be accessed off the existing access and driveway to the applicant's property, Mere End Barns.

The Council's Head of Strategic Infrastructure has reviewed the proposal 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.

Ecology

The Council's Nature Conservation Officer has reviewed the proposal and advised that if Tree referenced as T2 on the submitted tree survey is removed as part of the development, as it indicated that it will, a condition is recommended requiring a bat and bird survey of the trees be completed and a report submitted to the council prior to commencement of development.

As such, subject to this condition, 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.

United Utilities (UU) have reviewed the application and advised that a public sewer crosses this site and as such, they may not permit building over it.

UU have therefore requested that they will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

UU have advised that either a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

In response, given that Layout is not sought for approval as part of this application and because this matter would normally be resolved outside of the planning process, it is not considered that this concern impact the planning assessment of this application.

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

Environmental 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 condition.

As such, it is considered that the proposed development would be environmentally neutral as any impacts would either be limited or mitigated against.

Economic Role

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Alsager 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 applicant's property, Mere End Barns to the west and the occupiers of No.95 Hassall Road on the opposite side of the road to the east.

As layout is not sought for approval, consideration as to whether a dwelling could be accommodated within the site without creating any significant amenity concerns shall be made.

The indicative layout plan indicated that the side elevation of the proposed dwelling would be sites approximately 14.5 metres away from the corner of Mere End Barns.

Given this significant offset relationship between the applicant's property and the indicative siting of the proposed dwelling, it is considered that a dwelling could be sited on this site without creating any significant issues in relation to loss of privacy, light and visual intrusion.

The indicative layout also indicates that the side elevation of the proposed dwelling would be located approximately 25 metres away from the dwellings on the opposite side of Hassall Road. At this distance, it is not considered that any issues would be created to this side in terms of the above considerations.

The Council's Environmental Protection Team have not provided any comments at the time of report. An update will be provided to committee in the form of a written update.

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, subject to the outcome of the consultation response from the Council's Environmental Protection Officer, 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.

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 must be the dis-benefits, which in this case would be the loss of open countryside and impact upon trees.

In this instance, due to the mitigation which can be secured to overcome the tree concerns, it is considered that the benefits of the scheme would outweigh the dis-benefits.

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 of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Access, Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**

- 5. Prior approval of an Arboricultural Impact Assessment (AIA)**
- 6. Prior approval of a Tree replacement plan**
- 7. Prior approval of bat and bird survey**

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 their 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.

