

Application No: 15/4892C

Location: 4, NEEDHAMS BANK, MOSTON, SANDBACH, CW11 3PF

Proposal: Erection of Single Detached Dwelling

Applicant: Mr Ian Larvin

Expiry Date: 24-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 H.6. 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 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; its locational sustainability, linkages to Sandbach and its associated public facilities, the provision of a market dwelling and a minor boost the local economy.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

The design of the scheme is considered to be acceptable and it would not have a detrimental impact upon the setting of the Conservation Area, amenity of neighbouring properties, ecology, trees or highway safety.

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.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

This application seeks full planning permission to erect a single detached dwelling measuring 11m by 8m with open brick finish, white wooden fenestration under tiled roof with maximum height of 7.6 m and eaves of 4.2 m.

SITE DESCRIPTION

The site relates to a largely triangular parcel of land within what appears to be residential curtilage of no. 4 Needhams Bank.

Needhams bank is located off Red Lane and consists of a small group of 6 dwellings.

The application site falls just within Open Countryside outside the Sandbach Settlement Zone. Immediately to the East of the site is the Trent and Mersey Canal Conservation Area.

RELEVANT HISTORY

None

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 and 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, PS9 – Areas of Special County Value, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR1 - New Development; GR2 - Design, GR4 and GR5 - 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, and 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, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments.

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

Moston Parish Council: Object to proposals for following reasons:

- Damage to Open Countryside
- Road safety
- Residential amenity
- Setting preserved

Environmental Protection: No objection subject to inclusion of contaminated land condition and informative

Brine Board: No objection subject to condition relating to provision of a risk assessment.

Canal & Rivers Trust: No objection subject to inclusion of conditions and informative (submission of Construction Method Statement; Drainage Scheme; Details of facing materials; removal of PD rights).

United Utilities: No objections.

REPRESENTATIONS

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

Two neighbour representations were received objecting to the proposal on the following grounds:

- Intrusion into Open Countryside
- Design and appearance out of keeping

- Scale and layout
- Drainage
- Residential Amenity impacts -
 - loss of light;
 - outlook (oppressive)
 - privacy
- Traffic and access and parking impacts

Appraisal

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability of proposal including; 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 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.

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 scheme.

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 in this instance which is considered within the environmental section 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”

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 accessibility of the site shows that following facilities meet the minimum standard:

Leisure Facilities (1000m) – 949m
Public House (1000m) – 430m
Public Park or Village Green (1000m) – 1000m
Public ROW (500m) – adjacent to site

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

Railway station (2000m where geographically possible) – 2090m
Pharmacy (1000m) – 1500m
Bank or Cash machine (1000m) – 1200m
Bus Stop (500m) – 579m

The following amenities/facilities fail the standard:

Post box (500m) – 965m
Post Office (1000m) – 3500m
Convenience Store (500m) – 1400m
Medical Centre (1000m) – 3370m
Child Care Facility (nursery or crèche) (1000m) - 2500m
Playground/ amenity area (500m) – 1000m
Supermarket (1000m) – 3370m
Convenience Store (500m) – 1400m
Leisure Facilities (1000m) – 3000m
Secondary School (1000m) – 3050m

This assessment shows that the site is within the recommended distance of 4 of the 18 criterion, is close to meeting the standards on another 4 criterion and not close to meeting the standards on the remaining 10 criterion.

Notwithstanding the outcome of this assessment, it should also be noted that on the opposite side of the canal to the proposed development, approval has been granted for and 102 Dwellings at Canal Fields 120 dwellings at the former Foden’s Factory site. Both sites which were considered to be locationally sustainable.

As a result, it is considered that the application site is in a sustainable location, and as such would adhere to the NPPF.

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

Design & Character of Development

The proposed dwelling would be located within a 'Backland' site to the north of No.4 Needhams bank, to the West lies open pasture land, and to the East and North across the canal lies two large residential developments with nearest dwelling from which is located directly across the canal from the proposed site.

As highlighted above a significant consideration is the impact the development would have upon the landscape and openness of the countryside. This also includes the impact on the adjacent Trent and Mersey Conservation Area.

When viewed from surrounding countryside the proposed dwelling would be set down from the canal and seen within the context of the existing group of dwellings off Needhams Bank and that of the new residential development to the east across the canal.

It is considered that the proposals would represent an appropriate scale form and layout, would have acceptable design and would only have limited impacts upon the openness of the countryside and that of the adjacent Conservation Area.

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the

proposal to neighboring properties, the street scene and to the locality generally. In addition Policy BH9 restrict development that by its design siting and scale would be inappropriate in relation to the setting of a Conservation Area.

Immediately to the East and bounding the site lies the Trent and Mersey Conservation Area. Consultation from the Councils Heritage Officer and Canal and Rivers Trust confirmed that the impact of the proposals is likely to be limited and raised no objection to the proposals subject to the inclusion of a condition requiring facing materials to be approved. Therefore subject to the approval of facing materials the proposals are considered to respect the features of the adjacent Conservation Area.

The proposed development for a single detached dwelling of a height and scale and design is considered commensurate to neighbouring dwellings and is not considered to represent an obtrusive form of development when viewed from the streetscene or locality in general nor, subject to condition, would it be considered to adversely impact on the setting of adjacent Conservation Area. The proposals are therefore considered to accord with Policies GR2 and BH9 of the Congleton Local Plan 2005.

Trees and Hedgerows

The Council's Landscape Tree Officer has advised that on the basis of the arboricultural information, there do not appear to be any significant forestry issues. It is considered that the proposed development would adhere with Policy NR1 of the Local Plan and Policy SE5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Ecology

The Council's Ecologist has advised that they do not anticipate any significant ecological issues associated with the proposed development. As a result the proposals are considered to accord with Policy NR.2 (Wildlife and Nature Conservation) of the Local Plan.

Access

The proposed dwelling would share an existing access off Needhams Bank with no. 4.

It is considered that the increase in traffic from a single new dwelling would not result in significant highways safety impacts on Needhams Bank or Red Lane and that it would not have any significant wider impacts on the wider highway network.

The retention and provision of two parking spaces for no. 4 Needhams Bank and the proposed dwelling would meet the Council's minimum parking requirements.

The proposal would therefore accord with Policy GR9 of the Congleton Local Plan 2005.

Land Stability and Drainage

The application site is immediately adjacent to the west side of the Trent and Mersey Canal.

The Canal and Rivers Trust (CRT) has raised comments with regard to the potential impact upon land stability including the canal embankment and culvert which passes under the canal adjacent to the

application site. In addition the CRT raises concerns as to the surface water drainage and in particular the position of any soakaways on site.

The CRT holds no objection subject to the inclusion of an informative and conditions requiring the approval of construction method statement, surface water drainage scheme, and that Householder Permitted Development rights be removed.

It is considered that subject to appropriate conditions the proposals would accord with Policy GR 21 (Flood Prevention) of the Congleton Borough Local Plan and guidance provided within the NPPF.

Environmental Role Conclusion

Subject to appropriate conditions the proposed development would not create any significant tree, ecology, flooding, drainage, design, land stability or highway safety issues. It is considered that the proposal's impact upon the landscape would be minimal in this case and on balance results in the proposal being considered 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 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 open market housing which is 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 Guidance 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 with the potential to be impacted by the proposals would be no's 4 and 5 Needhams Bank.

The dwelling at No 5 Needhams Bank is off-set and located to the south-west of the site. The nearest point of the proposed dwelling would be 28 metres from the nearest point of No 5 Needhams Bank which exceeds the requirements of the Councils SPG.

In terms of Number 4 Needhams Bank (which is in the same ownership as the application site) there would be a separation distance of 12 metres to the nearest point of the proposed dwelling. This separation distance is considered to be acceptable as the rear facing elevation of No 4 Needhams Bank contains no principle windows. The orientation/relationship of the proposed dwelling to No 4 is considered to be acceptable.

The Council's Environmental Protection Team have advised that they have no objections on environmental disturbance grounds, subject to conditions relating to; the prior submission of a contamination report. Informative relating to hours of construction and contaminated land are also sought.

In terms of the amenity of the future occupiers of the proposed dwelling and that of no. 4 Needhams Bank, sufficient space would be available for each dwelling to have a private amenity space of at least 65 square metres.

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

Other Matters

A number of objections to the proposals have been received on a number of grounds from amenity, highways impact, and open countryside, from both neighbouring properties and Moston Parish council these issues have been dealt within turn by the above assessment.

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.

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In this case, the development would provide positive planning benefits such as; its locational sustainability, linkages to Sandbach and its associated public facilities, the provision of a market dwelling and a minor boost the local economy.

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The design of the scheme is considered to be acceptable and it would not have a detrimental impact upon the setting of the Conservation Area, amenity, ecology, trees or highway safety.

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.

The proposal would also adhere to the NPPF. As such, the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to conditions;

- 1. Time (Standard)**
- 2. Plans**
- 3. Removal of Householder Permitted Development – Extensions and Outbuildings**
- 4. Prior Submission – External Facing and Roofing materials including windows**
- 5. Prior submission of Construction Method Statement**
- 6. Prior submission of Drainage details**
- 7. Contaminated Land – Phase 1**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (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.

