

Application No: 15/3099N

Location: Land To The Rear Of Sandy Lane Numbers 1 To 16, SANDY LANE, WINTERLEY

Proposal: Outline application for 1no. or 2no. residential properties, with primary access (single vehicle) off Sandy Lane, private access to the site owned by applicants

Applicant: Mrs Doris Cooke

Expiry Date: 01-Sep-2015

#### **SUMMARY:**

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape, trees and ecology.

In this instance, 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.

**DEFERAL**

The application was deferred for a site visit by Members of the Committee at the previous meeting on 3<sup>rd</sup> February 2016.

**PROPOSAL**

Outline planning permission with all matters reserved is sought for the erection of up to two dwellings. Although all matters are reserved, access would be taken from an existing track off Sandy Lane.

**SITE DESCRIPTION**

The application site comprises an irregular parcel of land situated on the south eastern side of Sandy Lane and the north eastern side of Hassall Road, Winterley. It formerly housed a small scale cattle haulage business and there are dilapidated buildings on the site with the remainder having the appearance of an overgrown paddock.

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

**RELEVANT HISTORY**

No relevant planning history relating to this site.

**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

### **CONSULTATIONS:**

#### **Highways:**

No objection subject to there only being one dwelling.

#### **Environmental Protection:**

Request conditions/informatives relating to noise disturbance and contaminated land.

#### **Parish Council:**

No comments received at the time of report writing.

### **REPRESENTATIONS:**

At the time of report writing nine representations have been received which can be viewed in full on the Council website. These express concerns about the following issues:

- No need or demand for additional housing in Winterley
- Development on greenfield land
- Loss of agricultural land

- Dangerous access
- Highway safety
- Flooding
- Loss of outlook
- Increased noise
- Light pollution
- Loss of privacy
- Over looking
- Impact on wildlife
- Haslington and Winterley will merge into Crewe
- There is no benefit to the local community
- Land contamination

## **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”.

The issue in question is whether this proposal 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 proposal.

## **Sustainable Development**

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.

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.

Having regard to this site, recent appeal decisions in the locality have concluded that Winterley is a sustainable location. In particular, Land North of Pool Lane – 13/4632N, where the Inspector concluded the following:

*“The LPA acknowledges that Winterley and the site are sustainable in locational terms. Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location.”*

Given the Inspector's views, it is considered that a refusal on the grounds of locational sustainability could not be defended at appeal in this case.

## **ENVIRONMENTAL ROLE**

### **Open Countryside Policy**

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, 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 this case the site is designated as Open Countryside in the adopted local plan, but the site consists of a small uncultivated field with some development to the north west and south. 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 currently part of an uncultivated field containing some dilapidated buildings, set between existing built development and while its loss would be unfortunate, it is not considered that there would be significant and severe harm to the overall character of the landscape of the area. As such a refusal on landscape impact could not be sustained.

### **Design**

This is an outline planning application with all matters reserved, therefore no layout has been provided. Should the application be approved, access, appearance, landscaping and scale 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.”*

## **Highways**

This is an outline application for the development of up to two residential units on land off Sandy Lane in Winterley. Access to the site is proposed via an existing access track taken from Sandy Lane.

The Head of Strategic Infrastructure (HSI) has reviewed the proposals and notes concerns raised by neighbours regarding the suitability of the access to serve the site for residential purposes; given its narrow width and poor visibility where the access meets Sandy Lane.

Having visited the site, the HSI notes there are a number of buildings on the site including a large Barn that, whilst currently unused, can, without the need for planning permission be brought back into use. The planning application form indicates that the previous use was as a Cattle Haulage Yard for the temporary grazing of Cattle.

Having regard for the potential lawful re-use of the site, as a Cattle Haulage Yard, the HSI considers that the use of the site and its existing access for the development of the site for **one** dwelling would be acceptable.

## **Ecology**

The Council's Principal Nature Conservation Officer has visited the site and concluded that the buildings are not suitable for Barn Owls or roosting bats, therefore a survey for these species is not required.

Having regard to other ecological issues, conditions should be imposed relating to breeding birds, external lighting and features for breeding birds and roosting bats.

## **Agricultural Land**

Local Plan Policy NE.12 has been saved. The National Planning Policy Framework advises that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The application does not contain an Agricultural Land Assessment. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

## **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, albeit in a limited way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Winterley and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

The proposal is for up to two dwellings on this site. The HIS has concluded that the access would only be suitable for one dwelling. A single dwelling could be easily accommodated on this site, without having any significant adverse impact on neighbouring properties in terms of light and privacy. Whilst outlook for other properties would change, it is not considered that this would be a reason for refusal that could be sustained.

Should the application be approved, a condition should be imposed relating to piling.

The application area has a history of light haulage use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A site visit has been undertaken and it is understood the site has previously had a use as an agricultural hauliers, with some limited maintenance also undertaken on site. Although there is an above ground fuel tank, there is no evidence on site of any underground fuel storage tanks.

Due to the previous uses on site and the proposed sensitive end use, further assessments with regard to land contamination are required. This will be secured through the use of a planning condition.

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

### **Response to Objections**

There have been nine objections to the proposal, expressing concerns about highway safety, loss of open countryside, impact on wildlife, land contamination and impact on amenity. These issues are addressed in the main body of the report.

### **Conclusion – The Planning Balance**

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. 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

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The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, drainage, landscape, trees and ecology.

In this instance, 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 completion of a Section 106 Agreement to secure the affordable housing provision following conditions:**

1. **Standard time**
2. **Submission of reserved matters**
3. **Approved plans**
4. **Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays**
5. **Submission of Construction Management Plan**
6. **Contaminated Land**
7. **Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
8. **Submission of tree/hedgerow protection scheme**
9. **Breeding bird survey for works in the nesting season**
10. **Reserved matters to include details of boundary treatments**
11. **Reserved matters to include existing and proposed levels**
12. **Reserved Matters shall be limited to one dwelling only**

**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 Chair/Vice Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

