

Application No: 16/0105N

Location: Cherry Tree Cottage, Chester Road, Alpraham, Cheshire, CW6 9JA

Proposal: Outline application for proposed detached cottage

Applicant: Mr Alistair Newsome

Expiry Date: 04-Mar-2016

## **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Crewe and Nantwich Local Plan 2011.

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 NE.2. 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 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.

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**

Outline planning permission with all matters reserved is sought for the erection of one dwelling. Although the application is in outline form an **indicative** site layout plan with proposed elevations have been submitted showing the scale and general layout, with access being taken directly from the A51.

## **SITE DESCRIPTION**

The application site comprises a triangular parcel of land situated on the southern side of the A51 Chester Road and associated with the property known as Cherry Tree Cottage located immediately to the east. The site lies within the Open Countryside, as designated within the adopted Local Plan and is approximately 68 metres to the west of Alpraham Village Settlement Boundary.

There is a hedgerow bounding two sides of the site, but no significant trees within it, and to the south west of the site runs a footpath, with right of way following a track linking Chester Road with Bunbury Lane to the south.

## **RELEVANT HISTORY**

**10/0263N** - Extension to Residential Curtilage of Dwelling and Erection of Detached Garage - Approved 22 March 2010.

**09/3554N** - Extension to Residential Curtilage of Dwelling and Erection of Detached Garage and Shed in Retrospect – Refused 23 December 2009

**7/19123** - Vehicular access – Approved 05 December 1990

## **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.

**Environmental Protection:** No objection subject to informative.

**United Utilities:** No objection subject to informative.

**Rights of Way:** No objection subject to informative.

**Alpraham Parish Council:** No objections to this infill planning application subject to Cheshire East Highways approving access to the A51.

## **REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing one representation in support of the proposal has been received which raises the following points;

- This small development will not impact upon anybody
- The site sits well within the 30mph section of the road and adequate visibility splays can be achieved
- Housing of this nature will enhance the village and prevent it becoming a dormitory village
- The linear form of development does not detract from the identity of the village

## **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 by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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 would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. 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 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 receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing land

This is a material consideration in support of the proposal.

### Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where

appropriate, as at Sandbach Road North and the Gables in Spurstow, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

## **Sustainability**

### Sustainability of Location

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The application site is located approximately 68m west of Alpraham Village Settlement Boundary.

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.

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

- Post box (500m) 7m
- Amenity Open Space (500m) 400 m to Alpraham playground and 2574.95m - 1.6 miles. Bunbury Jubilee playing fields
- Children’s Play Space (500m) 400m to Alpraham playground and 11426.3m - 7.1 miles away. [Polar Palace Play & Party Centre](#)
- Outdoor Sports Facility (1000m) 400m to Alpraham play area and 1.4 miles to Bunbury playing fields 10943.5m – 6.8 miles. Barony Park Sports Complex, Barony Road, Nantwich CW5 6EP,
- Public House (1000m) 682.8m – The Tollemarche Arms

- Bus Stop (500m) 321.869m – 0.2 miles. Vale Road
- Public Right of Way (500m) 7m there is a bridle way right behind the proposed site

The following amenities/facilities fail the standard:

- Post Office (500m) 2896.82m – 1.8 miles
- Primary School (1000m) 3218.69m - 2.0 miles
- Child Care Facility (nursery or crèche) (1000m) 2253.08m - 1.4 miles to Bunbury pre school 16093.4m – 10.1 miles. Elizabeth Morris
- Pharmacy (1000m) 4023.36m – 2.5 miles. Rowlands Pharmacy.
- Railway station (2000m where geographically possible) 11748.2m – 7.3miles. Nantwich station
- Bank or cash machine (1000m) 2526.67m - 1.57 miles. Link ATM
- Supermarket (1000m) 15932.5m - 9.9 miles. Sainsbury's
- Secondary School (1000m) 3057.75m - 1.9 miles. Tarporley High School
- Medical Centre (1000m) 2253.08m - 1.4 miles. Bunbury Medical Practice
- Convenience Store (500m) 3057.75m– 1.9 miles. Bunbury Village
- Local meeting place (1000m) 3057.75m– 1.9 miles. Bunbury Village

This assessment shows that the site is well within the recommended distance of 7 of the 19 criterion, and not close to meeting the standards on the remaining 12 criterion.

This assessment identifies that the site would not be located near to a number of key services including child care, schools, or medical centre, which are located in Bunbury village.

However on the other hand the sites close proximity to Alpraham Village and facilities including play area sports facilities and public house and bus stop served by a regular service to Chester, Tarporley and Crewe would mean that many of the services in these centres would be readily available without the need for car travel.

As a result, whilst the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car, it is considered that its close proximity to Alpraham Village and regular bus service to the nearby large service centres of Crewe and Chester that the site would represent a sustainable location, albeit at a marginal level, 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**

### **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.

The site forms part of a parcel of land which is associated with Cherry Tree Cottage, but as shown within the planning history does not form part of a residential curtilage (approved application 10/0263N does not cover the full site). None the less the site has a managed appearance and consists of a number of orchard trees and grass bound by mature hedges on two sides. As a result the site appears detached from surrounding countryside. To the east of the site lie ‘Cherry Tree Cottage’ and adjoined ‘Jasmine Cottage’ and property known as ‘The Cottage’ is located to the west.

The siting of a dwelling would be seen within the context of the built form on this stretch of Chester Road and not viewed in the context of the surrounding countryside. Therefore it is not considered that there would be significant and severe harm to the overall character of the landscape of the area as a result. As such a refusal on adverse impact on the character and beauty of the Open Countryside or landscape in general could not be sustained.

### **Trees and Hedgerows**

The site has a number of trees within it, none of which are subject to any protection and the majority of which are fruit trees. There are two semi mature trees to within the southern boundary which have the potential to be affected by the development and a short section of hedge removed to enable the construction of the access. It is considered that the loss of these trees would not have an adverse impact upon the appearance of the wider area having regard to Policy BE.2.



## **Design**

This is an outline planning application with all matters reserved. Therefore the layout drawing is only indicative. 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.”*

The indicative layout shows the proposed dwelling centrally positioned within the plot with access and parking located to the north, the suggested scale and siting of the dwelling within the plot would not be out of character with that of the nearby dwellings and not be in discord with current building line off Chester Road.

It is therefore considered that the site is capable of accommodating a dwelling having regard to Policy BE.2 of the Crewe and Nantwich Local Plan.

## **Highways**

As stated above the application is in outline form with all matters reserved for future consideration.

The indicative layout shows an access on to the A51 with proposed parking and turning and parking for up to three cars.

The Head of Strategic Infrastructure (HSI) is satisfied that a development of a single dwelling can be safely accommodated on the adjacent highway network and would provide satisfactory off street parking in accordance with CEC minimum parking standards; accordingly, the HSI has no objection to the planning application.

The proposal is therefore considered to be acceptable in highway terms and in accordance with Policies BE.3 and BE.5 of the adopted local plan.

## **Ecology**

Given the rural nature of the surroundings and the presence of trees, it is considered that any reserved matters application should include details of provision of features for bats and birds to be incorporated into the buildings.

A condition should be imposed to ensure the protection of breeding birds should development be taking place between 1<sup>st</sup> March and 31<sup>st</sup> August in any year.

## **Drainage and Flood Risk**

Consultation with United Utilities raised no objection to the proposals.

Subject to the provision of surface drainage details it is considered that there would not be any significant surface water drainage in the local area.

As such it is considered that the proposals would not raise any significant drainage or flood risk and would accord with Policy BE.4 of the Crewe and Nantwich Local Plan 2011

## **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Bunbury and public houses in Alpraham 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 SUSTAINABILITY**

### **Residential Amenity**

As all matters are reserved, the precise positioning and impacts will be assessed at a later date. The indicative plans give an example of a proposed layout which achieves a separation distance to side elevation of neighbouring dwellings Cherry Tree Cottage and 'The Cottage' in excess of 30m.

As shown within the provided indicative plans it is considered that a dwelling could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties, as set out in the Authorities SPD on 'Development on Backland and Gardens', which would be demonstrated and secured at reserved matters stage.

In terms of the amenities of the future occupiers of the proposed dwelling, the layout plan suggests that the proposed dwelling would have a garden space of approximately 80sqm and would therefore comply with Local plan guidance.

Environmental Health has advised that they have no objections to the proposal subject to the inclusion of informative on hours of construction and contaminated land.

It is considered that given the size of the plot, that it should be possible to construct a dwelling which ensures no adverse loss of privacy or amenity to adjacent dwellings and having regard to Policy BE.1 of the adopted Local Plan.

## **Rights of Way**

The property is adjacent to public bridleway no.13 Alraham, as recorded on the Definitive Map. Consultation with the Council Rights Of Way Unit suggests that there would not likely be an impact upon the right of way, and subject to the inclusion of an informative to outline the applicants obligations no objection are raised.

## **Conclusion – The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The development would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

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 be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as Open Countryside.

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 period for submission of reserved matters**
- 2. Commencement of development**
- 3. Submission of reserved matters (all matters)**

- 4. Approved plans**
- 5. Submission of drainage scheme to include foul and surface water**
- 6. Breeding bird survey for works in the nesting season**
- 7. Submission of details of features suitable for use by breeding birds and roosting bats.**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**



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