

Application No: 16/3153N

Location: GREENFIELDS, HOLMSHAW LANE, OAKHANGER, CREWE,
CHESHIRE, CW1 5XE

Proposal: Outline application for two four bedroom, twin bathroom detached houses

Applicant: Anthony Lloyd-Weston

Expiry Date: 23-Aug-2016

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 and trees.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits by virtue of the loss of 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:

DELEGATE to the Head of Planning (Regulation) in consultation with the Chairman of Southern Planning Committee to approve with conditions, subject to no objections from Natural England.

PROPOSAL

Outline planning permission with all matters reserved is sought for the erection of two detached dwellings.

SITE DESCRIPTION

The application site comprises a parcel of land used as garden, to the north of the dwelling house.

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

RELEVANT HISTORY

P99/0675 – Approval for extensions – 22nd September 1999

7/17636 – Approval for stable block and access onto Holmshaw Lane – 16th November 1999

7/17588 – Approval for vehicular access – 2nd November 1989

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 Proposed Changes (Consultation Draft) March 2016 (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.

Haslington Parish Council:

None received at the time of report writing.

REPRESENTATIONS:

None received at the time of report writing.

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 wholly within any of these exceptions other than that of outdoor recreation. 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.

ENVIRONMENTAL ROLE

Locational Sustainability

The site is classified as being within open countryside and a short distance from several public footpaths, including Haslington Footpath 8, which leads to Butterson Lane where there are regular bus services to Crewe, Alsager and Stoke-on-Trent. In addition a recent appeal decision concluded that a site in very close proximity to the application site was a sustainable location, due to its proximity to Alsager and the regular bus services available, and that it was not an isolated location. (15/3983N APP/R0660/W/16/3147994) As such the site is considered to be in a sustainable location.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

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 an existing garden area to the north of the existing dwelling, 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.

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 two dwellings sited off Holmshaw Lane, with a similar building line to the existing dwelling. To the rear of the site is the significant equestrian operation known as Oakhanger Equestrian Centre, with all its associated buildings and ancillary development.

It is considered that the proposed development of two dwellings on this site, would not have any significant adverse impact on the intrinsic character and beauty of the countryside. This is due to its current use as garden and the surrounding development.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

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

The Head of Strategic Infrastructure (HIS) is satisfied that the development can be safely accommodated on the adjacent highway network; 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

The application site falls within Natural England’s SSSI impact risk zones associated with Oakhanger Moss SSSI for development that results in a net increase in residential units. Natural

England has been consulted upon this application and a response has not been received at the time of report writing.

Oakhanger Moss is also part of the Meres and Mosses Ramsar. Therefore it may be necessary for the Council to undertake an Assessment of Likely Significant Effects prior to determining this application. The Council's ecologist considers that the habitats on site do not present a constraint to the proposed development.

Traditionally managed orchards are a priority habitat. There are a number of fruit trees on site. However the site does not appear to support a particularly valuable example of this habitat type. If planning consent is granted it is recommended that a condition be attached requiring the retention/planting of fruit and nut trees as part of the landscaping scheme developed as the reserved matters stage.

A tree on site has been identified as having potential to support roosting bats; however the submitted ecological assessment states that this would be retained as part of the proposed development. If this tree is proposed for removal at the detailed design stage a bat survey may be required.

Trees

An Arboricultural Impact Assessment (AIA), in accordance with the British Standard has been submitted with the application. This identifies twenty two individual trees, eight groups of trees and one hedge.

Several trees would require removal to facilitate development; however the majority of these are of low quality specimens. One good quality Weeping Willow is also to be removed and it should be replaced as part of a landscaping scheme for the site.

The remaining trees should be protected during construction in accordance with the recommendations in the AIA. This should be secured by condition.

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 negative impact due to the loss of open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to 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 2 dwellings on this site. Adequate separation distances can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site. The distances to existing residential properties would be capable of meeting or exceeding the minimum separation distances required.

Should the application be approved, conditions should be imposed relating to piling, lighting, noise and ecology. In terms of air quality, a condition should be imposed requiring an electric vehicle charging socket to be provided at each of the dwellings.

Subject to the conditions the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

Following a Court of Appeal judgement on 19th May 2016, National Planning Practice Guidance was amended. The result of this is that in developments of 10 dwellings or less, contributions for affordable housing should not be sought. As such there is no requirement for the provision of affordable housing.

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.

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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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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

Delegate to the Head of Planning (Regulation) in consultation with the Chairman of Southern Planning Committee to approve, subject to no objections from Natural England and the following conditions:

- 1. Commencement**
- 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. Provision of an electric vehicle charging point to each dwelling**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Compliance with the tree/hedgerow protection scheme within the Arboricultural Impact Assessment**
- 9. Submission of a Phase 1 Contaminated Land Report**
- 10. Breeding bird survey for works in the nesting season**
- 11. Reserved matters to include features for breeding birds and roosting bats**
- 12. Reserved matters to include existing and proposed levels.**

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.

