

Application No: 16/4408N

Location: Land At, CHESTER ROAD, ALPRAHAM

Proposal: Outline application for proposed 2no. residential dwellings

Applicant: Mr & Mrs D Evans

Expiry Date: 08-Dec-2016

SUMMARY

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

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 Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and although it would provide 2 dwellings it is not considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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 consider 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 planning dis-benefits are that the proposal would cause limited visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the location to the bus stop, the wide area the bus serves and the frequency of this service.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE with conditions

PROPOSAL

The proposal seeks outline consent with all matters except access for the erection of 2 detached dwellings

SITE DESCRIPTION

The application site comprises an open field in this open countryside location. The area consists of predominantly residential properties in a row of ribbon development.

The nearest residential properties are sited to the north, south and west of the site. Land level drops from the road into the site and also drops to the east

There is no existing access. The boundary treatment consists 1m high planting to Chester Road to the north, 1.6m high hedge to the boundary shared with Jasmine Cottage to the west, 1m high post and rail fence to the east and trees/planting to the southern boundary.

No significant trees are located on the site.

RELEVANT HISTORY

No relevant planning history

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Local Plan 2011

Policy BE.1 – Amenity
Policy BE.2 – Design Standards
Policy BE.3 – Access and Parking
Policy BE.4 – Drainage, Utilities and Resources
Policy NE.2 – Open Countryside
Policy NE.5 – Nature Conservation and Habitats
Policy NE.10 – New Woodland Planting and Landscaping
Policy RES.2 – Unallocated Housing Sites
Policy RES.3 – Housing Densities
Policy RES.5 – Housing in the Open Countryside
Policy TRAN.9 – Car Parking Standards

Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 – Overall Development Strategy
Policy PG2 – Settlement Hierarchy
Policy SD 1 – Sustainable Development in Cheshire East
Policy SD 2 – Sustainable Development Principles
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE5 – Trees, Hedgerows and Woodlands
Policy SE13 – Flood Risk and Water Management
Policy CS4 – Residential Mix

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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
17 – Core planning principles
47-50 - Wide choice of quality homes
56-68 - Requiring good design

Supplementary Planning Documents (SPD):

North West Sustainability Checklist

CONSULTATIONS

Highways (Cheshire East Council)

No objection

Environmental Protection (Cheshire East Council)

No objection subject to the following conditions:

- 1) Dust control measures
- 2) Contaminated land
- 3) Working hours for construction

United Utilities

No objection subject to the following conditions:

- 1) Foul and surface water drainage

2) Sustainable Drainage System

Alraham Parish Council

The application would require an additional access point onto the already busy A51. We note the original plan of the applicant was to use a single access for both properties and this was advised against at pre-application. This would, in our opinion, have been a more appropriate solution to minimise access onto this busy main road. The Parish Council has ongoing concerns regarding the sewage disposal in this area and the management of soakaway systems into surrounding drainage has been an issue for some years. These properties would appear to contribute to this issue and would have a negative effect on surrounding properties and the general sanitation and drainage in the area.

REPRESENTATIONS

3 letters of objection have been received raising the following points:

- Inadequate neighbour consultation
- Request an extension of time for neighbour comments
- Drainage concerns
- Traffic and parking concerns
- Loss of privacy
- Loss of outlook
- Overbearing impact
- Noise and disturbance
- Not considered to constitute an in-fill development
- No need for houses of this type
- Impact to wildlife

APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Amenity
- Impact on trees/important landscape features
- Character/appearance
- Highway safety

APPRAISAL

Principle of development

The site is located outside the settlement boundary and is within the open countryside as defined by the Local Plan. Within the open countryside Policy NE.2 advises that:

'All land outside the settlement boundaries defined on the proposals map will be treated as open countryside.

Within open countryside 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.

An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.'

In this instance the proposal is not listed as an appropriate form of development. The issue of whether or not the proposal is sited within an otherwise built up frontage is finely balanced as it has properties sited to the north, west and south with open land to the east and south-west. On balance given the absence of building to the east and south-west of the site, it is not considered to be sited in an otherwise built up frontage.

As a result, it constitutes a "departure" from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

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”

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

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to 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.

Accessibility is a key factor of sustainability that can be measured. One 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 criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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:

- Post Box (500m) – 500m
- Amenity Open Space (500m) – 300m
- Children’s Play Space (500m) – 300m
- Outdoor Sports Facilities – bowling green 200m
- Public House (1000m) – 200m & 500m
- Bus Stop (500m) – x3 No. bus stops either side of the road all within 200m)
- Public Right of Way (500m) (Bridleway BR13 – 125m and Public Right of Way Alpraham Footpath FP4 – 300m)

It demonstrated that the proposal failed to meet the minimum standard for the following facilities;

- Post Office (2.1 miles)
- Primary School (1000m) site within Calveley Primary Academy – 2.8 miles
- Secondary school (1000m) Site with catchment area of Tarporley High School and 6th Form – 2.3 miles

Not provided

- Leisure Facilities (Leisure Centre or Library) (1000m)
- Child Care Facility (nursery or crèche) (1000m) Pharmacy (1000m)
- Railway station (2000m where geographically possible)
- Bank or cash machine (1000m)
- Supermarket (1000m)
- Secondary School (1000m)
- Medical Centre (1000m)
- Convenience Store (500m)
- Local meeting place (1000m)

Based on the above figures the proposal meets 7 out of the 20 elements appraised. 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 site is in close proximity to Alpraham Village (12m outside settlement boundary) and facilities including play area, sports facilities and public house. The number 84 bus route also passes the site and this has a service to Chester, Tarporley, Crewe and Nantwich every hour Monday to Saturday but with a slightly reduced service on Sunday until approx. 5pm. The bus stop is located 20m to the east of the site which is assessable by footpath. As a result 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, Nantwich and Chester, that the site would represent a sustainable location, albeit at a marginal level, and as such would adhere to the NPPF.

It is noted that an appeal decision for a site in Alpraham (ref 15/2514N), concluded that particular site was not sustainable. However that site was further away from both the settlement boundary and the application boundary by some way (700m away to the west from the current application site) and the bus route was not assessable by public footpath. The current proposal is much closer to the settlement boundary and to bus stop is located 20m from the site via footpath. In this case therefore it is considered that a different conclusion is justified and this has been supported by a number of planning decisions which have been approved by Southern Planning Committee.

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

The proposal would result in the loss of land forming part of the open countryside as per the Crewe and Nantwich Local Plan.

However it is considered that the proposal would be viewed as forming a natural extension to the village settlement boundary to the north which would limit the actual visual impact.

However notwithstanding the actual visual impact, the proposal would result in the loss of open countryside which has limited weight against the proposal.

Landscape

Based on the layout and indicative property designs and potential for additional planting, the landscape and visual appraisal concludes to the effect that the site has the capacity to absorb the proposed changes without any significant effects on the surrounding landscape or on the visual amenity of adjacent receptors.

Whilst the anticipated effects appear to be localised, adverse visual effects have been identified for users of Nantwich Road and Bunbury Road together with a number of residential properties

close to the site. The effects are all categorised as negligible in the report. Development of the site would alter the character of the site removing an open area of agricultural land from the street scene.

Should the proposals be deemed acceptable, a reserved matters application would need to provide comprehensive details of proposed levels, (supported by sections showing existing and proposed). The height of buildings would need to be considered carefully at reserved matters stage.

In order to assess screening, a detailed landscape proposal should also be submitted with a final layout design which again can be assessed at reserved matters stage.

Finally it is considered necessary to attach a condition to any planning approval requiring the retention and protection of the roadside hedge (apart from the access points).

Trees

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

There are no trees on the site, therefore it is not considered to pose any threat to existing trees on site. However the proposal is considered an opportunity to provide some additional planting to soften the visual impact of the development which can be addressed at reserved matters stage.

Design

An illustrative site plan has been provided which attempts to show one possible way in which the site may be developed. The plan indicates that the properties could be accommodated on site in a way which respect the existing property build lines and therefore would not be overly prominent in the street scene.

No details have been provided indicating the type of properties, the height or appearance. These issues would be addressed at reserved matters stage.

The locality contains a mixture of property style, types, sizes and design therefore it is considered that the site could accommodate either 2 storey or bungalow properties in the street scene without causing significant harm to the existing pattern of built form.

The illustrative plan demonstrates that the properties could be accommodated on site whilst respecting the existing urban grain and with property width and plot fills which would be comparable with other properties in the locality.

The material pallet of the area is mixed Cheshire brick/render walls & slate/tiled roofs. It is therefore considered that a continuation of these materials would be appropriate to the setting, however again this would be addressed at reserved matters stage.

As a result it is not considered that the proposal would cause significant harm to the character/appearance of the area.

Highway Safety

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

The proposal has been assessed by the Councils Highways Engineer who is satisfied that the proposed access could safely be accommodated, with adequate space within each plot for off-street parking provision to be in accordance with CEC minimum standards and for all vehicles to enter and exit each plot in a forward gear.

As a result it is not considered that the proposal would pose any significant harm to the existing highway network.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

United Utilities have been consulted as part of the application and have not raised any objection subject to conditions regarding foul and surface water drainage and sustainable drainage systems.

Subject to the above conditions it is not considered that the proposal would result in any concerns from a flood risk perspective.

Ecology

A supporting Phase 1 Habitats Report has been provided which has been assessed by the Councils Ecologist who advises that he is satisfied with the survey and ecological assessment of the site and risk to protected species. The Councils Ecologist is satisfied that the risk to protected species is negligible, however he recommends a condition pertaining to breeding birds, should the Council be minded to approve the application.

Therefore subject to the above conditions it is not considered that the proposal would pose any significant concerns from an ecology perspective.

Environmental Conclusion

On balance the proposed development is considered to constitute sustainable development from a locational perspective with a neutral impact in terms of trees, ecology, design, flooding and drainage, subject to conditions where necessary.

As such, it is considered that the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development would bring the usual economic benefits to the closest public facilities in the closest villages 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.

Social Role

The provision of market dwellings would be a social benefit and would go some way to address the national housing shortage.

Residential Amenity

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

The proposed dwellings are shown as being sited 28m to properties at Vine Tree Farm to the north and 35m to the nearest facing windows of the nearest property to the south Amberlee. These separation distances comply with Council separation policy of 21m (main face to main face) and are not therefore considered to cause any significant harm to living conditions. Whilst representations have been received regarding loss of view/outlook it should be noted that the properties are shown as being sited 10m to the boundary shared with Amberlee and 19m to the boundary shared with Vine Tree Farm, these distances are significant to prevent any significant harm through loss of outlook/overbearing impact.

The proposed dwellings are shown as being sited 15.5m to the windowless side elevation of Jasmine Cottage to the west. This separation distance complies with Council separation policy of 13.5m (main face to side elevations) and is not therefore considered to cause any significant harm to living conditions.

As a result it is not considered that the proposal would cause significant harm to the living conditions of the occupiers of neighbouring properties.

Other matters

Loss of a view is not a consideration relevant to the determination of a planning application.

Issues of noise and disturbance during construction can be dealt with by an informative which limits working hours. It is not considered that residential use of the property would result in any significant harm through noise and disturbance.

Planning Balance

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

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 Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and although it would provide 2 dwellings it is considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**
- 5. Reserved matters application to include dust control measures**
- 6. Submission / Approval of Information regarding Contaminated Land**
- 7. Reserved Matters application to include details of the existing and proposed land levels. No levels should be raised on site that may result in the flooding offsite.**
- 8. No development should commence on site until such time as detailed proposals for foul and surface water drainage have been submitted to and agreed in writing**
- 9. Nesting bird survey measures to be submitted and approved**
- 10. The reserved matters application shall include a landscaping plan for the site including a scheme to secure the retention and protection of the roadside hedge**

In order to give proper effect to the Board`s/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 her 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.

