

Application No: 13/2136C

Location: Rectory Farm, Knutsford Road, Church Lawton, Stoke-on-Trent, ST7 3EQ

Proposal: Outline application for demolition of house, garage, barns and outbuildings, removal of hardstanding and construction of housing development

Applicant: Northwest Heritage

Expiry Date: 27-Aug-2013

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **MAIN ISSUES**

- **Principle of Development**
- **Sustainability**
- **Character and Appearance**
- **Landscape Impact**
- **Ecology**
- **Highway Safety and Traffic Generation.**
- **Affordable Housing**
- **Drainage and Flooding**
- **Open Space**
- **Residential Amenity**
- **Other Considerations**

### **REFERRAL**

The application has been referred to the Southern Planning Committee because the site area is just over 0.5 hectares in size and is therefore a small scale major development.

### **1. SITE DESCRIPTION**

This application relates to the former Rectory Farm situated to the northwest of Church Lawton and to the east of the Town of Alsager. The site lies wholly within the Infill Boundary Line for Lawton Gate, which is a small settlement washed over by Green Belt. The site accommodates the main rectory farm dormer bungalow, a detached dormer ancillary outbuilding and some detached barns / stables towards.

To the north and the east, the site is bound by field and paddocks. Beyond the northern boundary of the site, the levels drop away significantly where the curtilage of Rectory Farm ceases. The land slopes downwards towards a brook beyond which there is the Trent and Mersey Canal which occupies an elevated position relative to the northern end of the site. The site can be viewed from the adjacent canal towpath.

There are residential properties further to the east and residential properties bounding the southern boundary of the site which form part of the Lawton Gate settlement. To the west is Old Knutsford Road, which runs parallel with the A50.

## **2. DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of up to 9 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for approval at a later stage.

## **2. RELEVANT PLANNING HISTORY**

The submission of this scheme follows the refusal of a larger scheme for 31 units. This involved developing a larger site which included a Green Belt designated paddock / field outside of the infill boundary line of Lawton Gate. The scheme was deemed to be inappropriate in Green Belt terms because it extended outside of the settlement. The site subject of this application is within the settlement limits.

12/3016C - Outline Application for New Residential Development and Access Roads for up to 31 residential units – Refused 03-Apr-2013

## **3. PLANNING POLICIES**

### **Policies in the Congleton Borough Local Plan**

PS6	Settlements in the Open Countryside and the Green Belt
GR1	New Development
GR2	Design
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR17	Car parking
GR18	Traffic Generation
GR21	Flood Prevention
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR5	Habitats
BH9	Conservation Areas
H2	Provision of New Housing Development
H13	Affordable Housing and Low Cost Housing

**Other relevant planning guidance:**

National Planning Policy Framework

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

**4. OBSERVATIONS OF CONSULTEES****Environment Agency**

The Environment Agency has no objection to the submitted Flood Risk Assessment subject to the following conditions:

- Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

**United Utilities**

No objection, subject to the site being drained on a separate system, with only foul drainage connected into the public foul sewerage system.

**Campaign to Protect Rural England (CPRE):**

Object on the following grounds:

- Development not essential to local needs or rural economy
- Development would harm the character and openness of the Lawton Gate Estate
- Sustainability – whilst most of the facilities referred to are within the required distance, they cannot be reached without crossing the busy A50
- No measures to assist pedestrians
- Limited visibility from second proposed access
- Loss of wildlife and habitats – full otter and vole surveys should be carried out and various mitigations should be proposed

**Highways**

No objection subject to the following conditions and financial contributions:

1. Upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres.
2. Streetlighting scheme for Old Knutsford Road to a point north of the proposed access and include for 30mph speed limit signs to the southern approach, to the satisfaction of the LPA.
3. Financial contribution of £7,250 towards the upgrade of the local bus shelter facilities

### **Canal & Rivers Trust**

No objection

### **Archaeology**

No objection - The 19<sup>th</sup> century Ordnance Survey maps show the application area in some detail, including the actual rectory. This structure is the one shown in the photo included in the Design and Access Statement, which looks no older than mid-19<sup>th</sup> century. It is likely, however, to be the latest in a long line of rectories going back into the medieval period and, significantly, the 1839 tithe map shows an earlier structure on a slightly different alignment, which is surrounded by extensive 'pleasure grounds'. The sites of both structures lie partially within the application area and will, inevitably, be affected by the development.

The evidence is not sufficient to generate an objection to the development on archaeological grounds or necessitate any pre-determination work. However, a developer-funded watching brief would be appropriate in order to record any remains of the rectories (especially the earlier one) and the associated pleasure grounds. Any such watching brief would be limited to the areas referenced above and would need to be maintained during relevant groundworks (topsoil stripping, excavation of foundations). The work may be secured by condition.

### **Environmental Health**

No objection, subject to conditions restricting hours of construction / piling, submission of an environmental management plan, scheme for dust control and contaminated phase II survey.

### **Public Rights of Way (PROW):**

No objection

## **5. VIEWS OF THE CHURCH LAWTON PARISH COUNCIL**

The Parish Council has objected to the proposals on the following grounds:

- Proposal is not in accordance with the development plan
- Proposal is outside of an identified settlement boundary
- Proposal would compromise the openness and strategic functions of the Green Belt
- The site is Green field and is not sustainable
- The relevant local plan policies are up to date and consistent with the NPPF
- The Council now has a 5 year housing land supply and should not release this Green Belt site

- NPPF does countenance refusal of planning permission for inappropriate development in Green Belt
- There are no 'special circumstances' to justify approval
- The adverse impacts of the development would not outweigh the benefits of the scheme
- A Number of Omissions in the previous application have been repeated in this one
- There is no Primary School in Church Lawton
- No public consultation has taken place

## 6. OTHER REPRESENTATIONS

Representations from over 90 addresses (including letters from Rectory Farm Action Group) have been received objecting to this application on the following grounds:

- This is a Green Belt site
- No more applications on this site should be allowed
- Proposal is contrary to local policy and the NPPF and is not in the Council's strategy
- There are no special circumstances to justify the development and is therefore inappropriate
- Proposal will set a precedent and open up the rest of the site for building
- Other Brownfield sites should be used e.g. Twyfords
- There is no demand for such houses
- There are already vacant properties which cannot be sold in the area
- Permission for hundreds of houses has already been permitted in Alsager
- The site is not sustainable with poor pedestrian links and limited amenities and services (shops, schools, churches, community centre, GP services, post office, bank, train station) are situated or provided either in Rode Heath or in Alsager
- Canal Towpath linking site with Rhode Heath is dangerous especially for children
- Nearby Kidsgrove Brook already floods
- Increased risk of flooding from more surface and drainage water in the area
- Traffic Levels along A50 and approach roads would be increased
- The junction with the A50 is dangerous
- Local roads are narrow and the nearby aqueduct may be affected by increase in traffic and larger vehicles
- Local roads are congested when there is an accident on M6
- Would not amount to an infill development
- Would impact detrimentally on the character and appearance of the area
- Impact of protected species and local ecology
- Loss of views
- Loss of privacy - overlooking
- Swallows, bats, badgers and other wildlife regularly use the site / meadow
- Proposed protected species mitigation is not acceptable
- The area is enjoyed by walkers
- The site is prominent from the adjacent canal
- Loss of property values
- Disturbance to neighbouring amenity

- Schools in the locality are oversubscribed (Cherry Lane School has been closed for years)
- Proposed houses would not be in keeping with the area or adjacent low level bungalows
- There is a main sewer running through the site
- Subsidence
- Lack of local amenities and infrastructure, the nearest are in Alsager
- Lack of consultation – they have disregarded local opinion
- The site is overlooked by public footpaths
- Impact on adjacent Canal conservation area
- Inaccuracies made by agent
- There is no local employment to warrant this development
- The proposed open space is not suitable
- There is contamination on the site
- The existing barn should be converted

5 letters of support has been received commenting that:

- This application is acceptable in planning terms being within the Lawton Gate settlement
- The land is poor quality and should be developed
- There is a need for affordable houses
- Will assist with ecology

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- Floor Risk Assessment
- Planning & Design & Access Statement
- Highways Statement
- Ecological Assessment
- Arboricultural and Tree Impacts Assessment
- Letter Responding to Objections

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The application site is situated within an existing settlement that is 'washed-over' by Green Belt. Paragraph 89 of the NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except where it comprises of limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan. This advice is consistent with the relevant local plan policies PS6 and H6. Policies PS6 and H6 state that the principle of new residential development within the settlements will be permitted where it is 'limited' and is appropriate to the local character in terms of use, intensity, scale and appearance.

In terms of use, the settlement is predominantly residential and therefore the proposal would be appropriate and complimentary in this regard. With regard to intensity, the explanatory text

to Policy PS6 explains that 'limited development' would comprise of the building of a single or small group of dwellings.

This proposal would involve the erection of up to a maximum of 9 residential units. The proposed dwellings would be tightly grouped within part of the settlement that is previously developed and would be small relative to the size of the settlement. As such, the proposal is considered to represent 'limited development'. Subject to appropriate scale and appearance, which will be considered later and as part of any subsequent reserved matters application/s, the proposal is found to be acceptable in principle.

The NPPF clearly states at paragraph 14 that at the heart of the NPPF there is a presumption in favour of sustainable development. For decision making, this means approving development that accords with the development plan without delay, unless the development plan is absent, silent, policies are out of date or material considerations indicate otherwise.

With respect to housing land supply, 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."*

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Council's Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply for the Borough. Given that Cheshire East can demonstrate a five year supply of housing land, the relevant housing policies in the adopted Congleton Borough Local Plan are not considered to be out of date and therefore apply in this case. Taking the above into account, the scheme is found to be acceptable in principle.

## **Sustainability**

Being located on the built up edge of Church Lawton, the site already benefits from existing local facilities. These include: a local store at Lawton Gate, which is within 500 metres of the site and facilities at Rode Heath including: a primary school, doctor's surgery, and a few shops. There are three public houses (2 in Rodeheath), and a petrol filling station locally as well. Lawton Gate is easily within walking distance on footpaths and Rodeheath can be accessed by the well used canal towpath or connecting roads.

Bus services are available with two services having stops within the 500 metre requirement advised by the former North West Development Agency sustainability toolkit. These services are hourly or two-hourly, although there is a third service with a 20 minute frequency but this is a little further away. Overall, the site is considered to be acceptable in sustainability terms having regard to the small scale nature of the proposals.

## **Character and Appearance**

An indicative layout plan has been submitted with the application. This shows the entrance to the site situated in between the properties referred to as 'Rectory Bungalow' and 'Rectory

Lodge'. Given that the site is situated to the rear of existing properties, with a single point of access, and because the site is self contained, there is little opportunity or need for frontage onto Old Knutsford Road.

Within the site, the indicative layout demonstrates that the site may accommodate up to 9 residential units by arranging the development around a cul-de-sac. The access road would turn 90 degrees and would travel to the rear of Rectory Bungalow with the proposed properties fronting the street and backing onto the eastern boundary. The pattern of the development would follow the shape of the site and details how 9 units could be laid out within the site. The indicative layout would not deviate or harm the character or appearance of the area. As such, it is deemed to be acceptable.

The proposed units would be of differing shape and size which would present the opportunity for some visual interest. Given the mix in character of the area and having regard to the fact that the site would be self contained, the dwellings would not appear out of keeping with the area. However, it is important to note that in general, the adjoining residential properties are limited in terms of their scale insofar as they are dormer properties. Thus it is recommended that the scale parameters be limited to respect this existing character. Subject to this, the proposal would not harm the character or appearance of the area or views from the adjacent Trent and Mersey Canal Conservation Area.

## **Landscape Impact**

In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being 'of good quality. This is a pleasant rural landscape having a reasonable distribution of semi-natural features'.

The Council's Landscape Officer has stated that as this is an outline application and the layout shown is illustrative, it is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This would be secured at the reserved matters stage. Subject to this, the provision of 9 units would not materially harm the landscape character of the area when viewed from areas generally accessible to the public and would not impact on the openness given that it would amount to infill and the majority of the site is previously developed.

## **Ecology**

It must be demonstrated that proposed developments and their infrastructure must not impact on designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010.

The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist. The Council's ecologist has examined the assessment and



commented that evidence of a minor roost of common bat species has been recorded within one of the buildings on the site. However, the usage of the buildings by bats is likely to be limited to a small number of animals using the buildings for short periods of time during the year.

Where a European Protected Species has been recorded on site and is likely to be affected by the proposed development, the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives
- the favourable conservation status of the species will be maintained

The loss of the buildings and associated roost in the absence of mitigation is likely to have a minor impact upon a small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The development could however lead to the disturbance/killing/injuring of any bats present when the work was undertaken and therefore whilst the roost is minor in nature, its loss should be compensated for.

To compensate for the loss of the existing roost, the applicant is proposing to incorporate a bat loft into one of the proposed properties. It is proposed that the demolition works will be supervised by a licensed bat worker to mitigate the risk of roosting bats being disturbed. Subject to this, the Council's Nature Conservation Officer is satisfied that if planning consent is granted the favourable conservation status of the species of bat concerned will be maintained.

Following the completion of further survey work, reptiles and other species groups are unlikely to be present or affected by the proposed development. With respect to breeding birds, the site has the potential to support breeding birds including the more widespread Biodiversity Action Plan (BAP) species which are a material consideration. Subject to conditions that require a survey to be carried out if works are to be undertaken during the bird breeding season and the incorporation of features into the scheme for breeding birds and the planting of native hedgerows, the scheme is found to be acceptable in terms of the impacts on nature conservation.

### **Highway Safety and Traffic Generation.**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes a single point of access off Old Knutsford Road positioned directly in-between Rectory Farm Bungalow and Rectory Lodge. The Strategic Highways Manager has confirmed that the visibility splays offered are in accordance with the requirements of Manual for Streets. Added to this, Old Knutsford Road is a lowly trafficked local semi-rural road and, as such, the traffic generation from 9 units would not give rise to local traffic

issues. Subject to conditions, proposal is deemed to be acceptable in terms of highways and compliant with local plan policy GR9.

### **Affordable Housing**

The proposed development will provide 3 affordable units (2 social / affordable rent and 1 for intermediate tenure) within the proposed 9. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. Subject to this, it is considered that the proposal would comply with Local Plan Policy and the provisions of the Affordable Housing Interim Planning Statement.

### **Drainage and Flooding**

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources. The proposed development is outline. As such, the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1.

Suitable mitigation and appropriate siting of the development can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of the NPPF. Data obtained from the FRA also places the site at low risk of flooding from other sources. In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water.

United Utilities have also raised no objections, subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

### **Open Space**

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', in development of 7 residential units and above, there is a requirement for the provision of public open space. The proposed layout shows that there would be a central core of open space delivered within the site. The agent has confirmed that any on site open space and facilities would be delivered by the developer and maintained by a management company in perpetuity.

When the previous application for 31 units was considered, the Council's Greenspaces Officer stated that there would be a deficiency in both Amenity Greenspace (open space) and Children's and Young Persons provision (play equipment) if 31 units were to be provided. On this basis, the minimum area of open space and financial contributions towards future maintenance were recommended. However, owing to the significant

reduction in the number of units, the Greenspaces Officer has been asked to revisit the calculations. A further update on this matter will be provided to Members prior to the meeting.

### **Residential Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site are reserved matters. However, the proposed layout enjoys adequate separation with the nearest neighbouring properties and demonstrates that up to 9 units could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

### **Other Considerations**

The Strategic Highways Manager is seeking a financial contribution of £7,250 towards the costs of upgrading local bus services. However, it is not considered that the proposed development of up to 9 units would place undue burden on the existing bus stops and would not be necessary or reasonable to make this proposed development acceptable in planning terms. Consequently, such requests would not meet the tests of Circular 06/2005 and subsequent CIL regulations.

### **Conclusions**

The site is largely previously developed and lies wholly within the infill boundary line of the 'Lawton Gate' settlement where there is a presumption in favour of limited sustainable development. The site is considered to be sustainable in terms of the small scale nature of the development proposed and the scheme is considered to amount to limited development having regard to the characteristics of the site and the relative size of the development to the existing Lawton Gate settlement. The principle of 9 units is therefore found to be acceptable.

Subject to securing an appropriate design at the reserved matters stage, the proposals would not undermine the character and appearance of the area or the openness of the surrounding Green Belt. The favourable conservation status of the bat species identified would be maintained and would not impact detrimentally on other species protected by law. As amended, the proposal would not impact detrimentally on highways, and there would be no material harm to neighbouring residential amenity, drainage or flooding.

With respect to public open space, some on-site provision may be required, but the exact requirements suitable to this development will be determined and updated to Members by way of a written update. The applicant has demonstrated general compliance with

national and local guidance in a range of areas and the application is therefore recommended for approval.

## **9. RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Standard outline**
- 2. Submission of reserved matters**
- 3. Approved plans including amended plans and access detail**
- 4. Contaminated land Phase II investigation to be submitted**
- 5. 30% Affordable Housing - Delivery of 3 affordable units (2 social / affordable rent and 1 for intermediate tenure).**
- 6. Scheme to deliver on site Public Open Space and managed by a management company with details of future maintenance responsibilities**
- 7. Hours of construction**
- 8. Details of pile driving operations**
- 9. Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD**
- 10. Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD**
- 11. Scheme to limit surface water runoff**
- 12. Submission of scheme to manage the risk of flooding from overland flow**
- 13. Sustainable Urban Drainage System**
- 14. Only foul drainage to be connected to sewer**
- 15. Retention of important trees**
- 16. Updated Protected species survey to be submitted with any subsequent Reserved Matters applications**
- 17. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 18. Scheme for incorporation of features into the detailed scheme for use by breeding birds**
- 19. Archaeological developer-funded watching brief to be carried out**
- 20. Environmental management plan including scheme for dust control to be submitted**
- 21. Submission of scheme to upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres**
- 22. Submission of streetlighting scheme for Old Knutsford Road to a convenient point north of the proposed access and include for 30mph speed limit signs to the southern approach**
- 23. Levels to be submitted with Reserved matters**
- 24. Scale of dwellings to be limited to 2 storey dormer properties.**

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