

Planning Reference No:	11/0471C
Application Address:	Tall Ash Farm, Buxton Road, Congleton, CW12 2DY.
Proposal:	The construction of 20 new build affordable houses and new access road.
Applicant:	Plus Dane Group
Application Type:	Full Planning Permission
Ward:	Congleton Town East
Registration Date:	2 nd February 2011
Expiry Date:	4 th May 2011
Date report Prepared	7 th April 2011
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve with conditions, subject to the completion of a Section 106 Agreement relating to affordable housing.

MAIN ISSUES:

- Principle of the Development
- Housing Need
- Retention of Affordable Housing
- Highways and Parking
- Protected Species
- Amenity
- Design, Layout and Scale
- Landscaping
- Section 106 Agreement

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee, as the scheme is a major development for more than 10 houses.

DESCRIPTION AND SITE CONTEXT

The site is located on the edge of Congleton town centre and is adjacent to the Macclesfield Canal. The site forms part of the existing Tall Ash Farm which itself lies just beyond the eastern settlement boundary of the town. The site is essentially greenfield in nature but has been used for a wide variety of intensive agricultural uses over the years. Currently the site has no specific use but is being used for intermittent storage of plant and machinery.

The main farm house to the east is a traditional brick and tile dwelling of some scale albeit only two storey in form. In addition, there are a number of agricultural buildings clad mostly of portal farm construction with corrugated iron or asbestos sheeting. These buildings though lie outside of the development area and are to be retained by the landowner as part of the working farm.

To the north of the site is the main Buxton Road across which lies a residential estate comprising of mostly 1960's and 1970's dwellings. These do not front the main road however and are separated from the site by a large, mature mixed species native hedge and a grassed area beyond which is a service road to access the fronts of the dwellings.

The Macclesfield canal lies to the east of the site but does not directly abut the development area as the site owner has sought to retain an existing access road to service his fields to the south. The canal whilst not only being lower than the site is also physically separated from it by virtue of a tall native hedge some 2.5 to 3.0m high.

The southern boundary of the site is not defined and leads into open grazing fields. Whilst the main development area of the site is relatively flat, the land to the south beyond the site boundary falls away significantly by approximately 3.0 to 4.0m whilst to the west; the land beyond the site begins to rise on the approach into town.

In terms of the physical location of the site, the nearest shop is 515m away and Buglawton Primary School is 660m away. The main town centre is 2.1km away.

A previous application was determined by the Planning Inspectorate, following an appeal on the grounds of non-determination (09/1116C). The Inspector concluded that: *"The proposal would not unduly harm the character and appearance of the local area and it would not pose unacceptable risk to highway safety. I also agree that the overall layout of the scheme and the design of the houses are acceptable and that the site itself is suitable for an affordable housing development. Nevertheless, these and the other positive aspects of the scheme outlined by the appellant company neither alter nor outweigh my concerns about the deficiencies of the completed unilateral undertaking, which would not prevent 100% private ownership of the proposed dwellings and would not adequately ensure occupation by local people as required by the policies i have referred to. For this reason, the appeal must fail."*

DETAILS OF PROPOSAL

This application is for the development of 20 dwellings comprising of a variety of semi-detached houses and two blocks comprising of three houses.

The site is to be accessed from a single road off the main Buxton Road which in turn leads into the heart of the site and then splits around an area of public open space. The two arms of the access road then lead to the south east and south west corners of the site into parking areas for the dwellings. To facilitate the provision of the access road, a break is to be made in the hedge that fronts the site along Buxton Road. The two ends of the hedge are then to be pulled back into the site itself along the lines of the visibility splays to retain this landscape feature.

The houses themselves are two storey in nature with some of the smaller two bedroom properties having lower ridge heights and the upper windows

breaking the eaves line on the roof. The buildings are to be rendered with tile roofs and timber windows and doors. Whilst much of the site is grass, the development will result in the removal of a livestock building and a storage building which are in the south east of the existing farm complex (south west of the application area). Both of these are in a poor state of repair and unsightly.

RELEVANT HISTORY

09/1116C Application for 20 affordable houses, dismissed at appeal on the grounds of non-determination.

In 1998, application 29648/1 for the development of 4.5 Ha of housing land and 3.8 Ha of woodland submitted by Redrow Homes was refused principally on the grounds that the scheme was for open market housing on greenfield land.

A more recent scheme 08/2055/FUL was withdrawn in 2009 on a number of details including the layout and character of the site. Like the current proposal, this scheme was for the development of 20 dwellings for affordable housing.

POLICIES

National Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPS23 Planning and Pollution Control

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP8 Mainstreaming Rural Issues

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside

H1 & H2 Provision of New Housing Development
H6 Residential Development in the Open Countryside and Green Belt
H13 Affordable and Low Cost Housing
H14 Rural Exception Sites
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
GR10 New Development & Travel
GR18 Traffic Generation
NR1 Trees & Woodlands
GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments
SPD6 Affordable Housing and Mixed Communities

OTHER MATERIAL CONSIDERATIONS

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies(which may, where relevant, include matters such as job creation and business productivity);*
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) ensure that they do not impose unnecessary burdens on development.*

Interim Planning Statement on Affordable Housing

The Council has recently adopted an Interim Planning Statement on Affordable Housing. This document sets out the Council’s definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the

Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy.

Strategic Market Housing Assessment (SHMA)

The SHMA carried out on behalf of Cheshire East Council has been published and reports that there is a need for 33 affordable homes per annum in the Congleton sub-area.

OBSERVATIONS OF CONSULTEES

Housing:

The Housing Department have identified that there are currently 72 applicants for Cheshire Home Choice, who require 2 or 3 bedroom homes. They also state that the indicated mix of 13 rented and 7 Newbuild Homebuy properties meets the recommended tenure split in the SHMA for 65% rented and 35% intermediate tenure.

Based on the available information on housing need, subject to a Section 106 Agreement securing the affordable housing tenure and the requirement that any purchasers of the Newbuild Homebuy units who have staircased to 100% ownership and wished to sell, would have to offer the property for sale back to The Plus Dane Group initially to try and maintain affordable housing in perpetuity. The Housing Department would have no objections to the scheme.

Environmental Health:

No objection subject to conditions relating to the potential for land contamination, compliance with the mitigation methods recommended in the Air Quality Impact Assessment submitted with the application, submission of a scheme for the protection of the proposed dwellings from noise and vibration, limits on the hours of construction and deliveries and limits on the hours of piling if it is necessary.

United Utilities:

No objections subject to the site being drained on a separate system, with only foul drainage being connected to the main sewer. Surface water should discharge directly into the soakaway/watercourse/surface water sewer.

Strategic Highways Manager:

The junction design with the A54 Buxton Road has been agreed with previous applications is satisfactory and the details in the Transport Assessment are acceptable.

Traffic generation from the site would have a negligible impact on the A54 Buxton Road which has sufficient capacity to accept the traffic generated from the site.

The internal layout offered for adoption as public highway is acceptable, however the Strategic Highways Manager remains concerned that the proposed layout would allow access to Open Countryside beyond the proposed site boundary and recognises that the available dimensions would only allow limited numbers of additional dwellings to be served.

Given the application detail, the Strategic Highways Manager does not have an objection to the proposal subject to a condition requiring submission and approval of a detailed suite of plans for the agreed junction design and adoptable internal layout.

British Waterways:

No objections. British Waterways would like to suggest a condition requiring submission of details of surface water drainage in order to protect from wall collapses to the canal caused by surface water run off due to increased hard surfacing in gardens driveways and roads.

Cheshire Archaeology Planning Advisory Service:

Confirm that no features currently recorded in the Cheshire Historic Environment Record will be affected by the proposals.

VIEWS OF TOWN/PARISH COUNCIL

The proposed construction of 20 homes is on a rural exception site and as such is deemed unsuitable as it compromises the openness of the Green Belt and its strategic functions. Additionally the entrance is located on the brow of a busy road, Buxton Road; therefore there are considerable access problems which also make it unsuitable.

OTHER REPRESENTATIONS

At the time of report writing 7 other representations have been received relating to this proposal 4 in opposition and 3 in support. The objectors express concern over the following issues:

- Highway safety, the access being on a busy road and the brow of a hill
- Loss of Green Belt land
- Loss of residential amenity in terms of the loss of views over the land
- Surplus supply of affordable housing in the area
- The development is out of character with the large detached houses in the area

The 3 letters of support express the opinion that:

- There is a shortage of affordable housing in the area
- The development would give an opportunity for young people to get a foot on the housing ladder
- The site is in a sustainable location
- The development would stop current problems such as fly tipping, vandals damaging fences, smells and dirt on the roads

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement:

This document gives an overview of the context of its site and surroundings, the national and local policy context and the history of the site.

Landscape Character Assessment:

This document gives an overview of the landscape character of the surrounding area.

Geo-Environmental and Geotechnical Report:

This document assesses the potential for the land to be contaminated and concludes that there are no human health risks and that therefore no mitigation measures will be required for the development.

Transport Statement:

This document assesses the transport issues relating to the site and comes to the following conclusions: The development site is in a sustainable location, the junction on to Buxton Road provides a safe and efficient means of access to the proposed development and the layout is in accordance with the standards contained within Manual for Streets.

Air Quality Assessment:

This document states that the development would give rise to the generation of dust during the construction phase and proposes mitigation measures to address this. It also states that there would be a negligible impact on local air quality caused by the development, and future residents are not predicted to be exposed to pollutant concentrations derived from traffic.

Surface Water Drainage Assessment:

This document assesses the various ways that surface water could be drained from the site.

Hedgerow Survey:

This document concludes that the hedge is in good condition and forms a clear boundary to the site and due to it being regularly maintained, will not have high wildlife habitat value. It proposes mitigation measures in terms of the re-planting.

Ecological Assessments:

These documents give an assessment of the ecology of the site and recommend mitigation measures should protected species be found on the site during construction.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 states that development will only be permitted if it meets one of several criteria. The relevant criterion is that it is for affordable housing in compliance with Policy H14. Policy H14 relates to rural exception sites and requires that development is close to existing or proposed services and facilities, comprise a small scheme

appropriate to the locality, consists in its entirety of housing to be retained as low cost in perpetuity, is supported by a survey identifying local housing need and is subject to a legal agreement ensuring properties are occupied by local people in housing need, cannot be disposed of on the open market and has a mechanism in place for management of the scheme. National policy PPS3 states:

“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns or villages. This requires planning at a local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”

The Planning Inspectorate decision on the previous application (09/1116C), concluded that the proposal, whether rural or not, amounts to an exception site and therefore Policy H14 should apply.

The proposal meets with the requirements of Policy H14 and is therefore considered to be acceptable,

Housing Need

The SHMA 2010 has identified that there is a need for 272 affordable homes per-annum in the former Congleton Borough area and 33 homes per-annum in the sub-area of Congleton. In addition to this there are currently 72 applicants for Congleton on Cheshire Home Choice who require 2 or three bed homes.

Given the requirement for new affordable homes and the support of the Housing Section, it is considered that housing need has been demonstrated and the proposal is acceptable in these terms.

Retention of Affordable Housing

Having regard to the appeal decision on the site (09/1116C), the Inspector found that the scheme was acceptable other than in terms of the retention of the affordability of the dwellings.

The Homes Community Agency that provides grant funding for schemes such as this do not allow restrictions to prevent first time buyers from achieving 100% ownership through staircasing, this therefore brings the scheme into conflict with Policy H14 (VI (A & B)). In order to address this the applicants have submitted a draft agreement which would include a clause requiring that where a property has

staircased out to 100% and the owners wish to sell, it shall be offered back to PlusDane and PlusDane would then return the property to the criteria for occupation as an affordable home.

It is considered that this would address the concerns of the Inspector and the Council and render the proposal acceptable in terms of Policy H14.

Highways and Parking

Several of the objectors have expressed concerns about highway safety in relation to this application. The application was submitted with a Transport Statement and the Strategic Highways Manager has assessed this statement and the proposal. It is considered that the Transport Statement appropriately addresses the traffic issues associated with the site.

A right turn lane off Buxton Road is proposed in order to allow vehicles to turn without causing obstruction to other road users. In addition a pedestrian refuge would also be provided in order that the site is accessible safely on foot.

As the proposal is considered to be acceptable in terms of highway safety and parking provision, a refusal on highway safety grounds could not be justified.

Ecology - Protected Species & Nature Conservation

The surveys submitted with the application both conclude that there is no evidence of protected species being present at the site. There are recommendations; however that if at any time protected species are found, works should stop and advice be sought from a consultant or Natural England.

As the proposal involves the removal and replacement of a section of hedgerow, a condition should be imposed in order to protect breeding birds.

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space), sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity space provided for the new dwellings would be satisfactory. It is considered however that permitted development rights for extensions should be removed in order to protect the amenities of residents in the future. In addition centrally within the site, an area of informal open space is to be provided.

Having regard to the residential amenities of neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity.

Design, Layout and Scale

The development would comprise an access road from Buxton Road leading in to the site, with an area of open space at the head of the access road. To the east of the access road would be a block of 3 dwellings with parking and landscaping to the front. To the west would be 6 semi-detached properties with a similar parking area to the front. The remaining 11 dwellings would be set behind the area of informal open space providing good surveillance of this area. They would take the form of 8 semi-detached dwellings and one block of 3 dwellings. Overall the design, layout and scale are considered to be acceptable and this view was also put forward by the Inspector in his assessment of the previous application.

Landscaping

The proposal would involve the removal a section of hedgerow and its part replacement will be set back into the site. This is necessary in order to provide adequate visibility splays for the access road to the site. Whilst the removal of part of the hedgerow is to be regretted, it is considered that provided that the part which is replaced and set back in to the site is planted with suitable and appropriate species, the harm to the character and appearance of the area would be minimal.

Landscaping and boundary treatments are shown on the plans, however it is considered that these show insufficient detail and that there would need to be some changes to that proposed. As such it is considered necessary to impose conditions requiring submission of further details relating to these matters.

Other Matters

Both Congleton Town Council and objectors have referred to the land as Green Belt. It should be noted that this is not the case and that the land is designated as Open Countryside in the adopted local plan. In addition the Inspector in his decision made it clear that it should be considered as a rural exception site.

Section 106 Agreement

Should the Council be minded to approve the application, then a Section 106 Agreement would be required to include the following matters:

- The dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connections to Congleton. In addition any properties that have staicased in to 100% private ownership should be offered for sale in the first instance, back to PlusDane.

CONCLUSIONS

In conclusion, it is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 20 dwellings in Congleton is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for in excess of the 20 affordable dwellings proposed. The siting, layout and design of the scheme is considered to be acceptable as are the access and parking arrangements. It is not considered that the proposal would result in any significant

adverse impact on the amenity of nearby residents, on existing trees on the site or on protected species.

Given the that these conclusions were shared by the Inspector at the previous appeal, the only outstanding issue is the ability to secure the affordable housing and that they will remain affordable. The proposed s106 agreement can ensure this. It is therefore considered that subject to the following conditions and the prior completion of a Section 106 Agreement, that the scheme is acceptable.

RECOMMENDATION:

Approve subject to the prior completion of a Section 106 Agreement and the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission and implementation of detailed access and junction plans**
- 5. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 6. Submission and implementation of surveys and mitigation methods for the protection of breeding birds**
- 7. Submission of a scheme of landscaping**
- 8. Implementation of approved landscaping scheme**
- 9. Submission and implementation of details of boundary treatments**
- 10. Submission of a detailed drainage scheme**
- 11. Submission of an updated Phase 1 land contamination survey**
- 12. Implementation of the mitigation recommendations within the Air Quality Assessment**
- 13. Submission of a scheme for the protection of the occupiers of the dwellings from traffic noise and vibration**
- 14. Limits on hours of construction**
- 15. Limits on hours of piling**
- 16. Removal of permitted development rights for extensions**

Location Plan: Cheshire East Council Licence No. 100049045

