

Application No: 12/0864C

Location: LAND ADJ BARLEY ORCHARD, 42, BLACK FIRS LANE, SOMERFORD, CONGLETON, CW12 4QQ

Proposal: Proposed Detached House and Garage (Outline)

Applicant: Daniel Taylor Limited

Expiry Date: 25-Apr-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:

Principle of Development

- (i) **National Policy**
- (ii) **Housing Land Supply**
- (iii) **Appeal Decision**

Design Considerations

Highways

Residential Amenity

1. REASON FOR REFERRAL

The application has been referred to Southern Planning Committee because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Congleton and outside of the limits of the Infill Boundary Line of Somerford.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.2 ha parcel of land, positioned to the southern side of the property known as Barley Orchard, which is located at the edge of development on the eastern side of Black Firs Lane in Congleton. It occupies a frontage to the road of some 55 metres which is lined with a mature hedge. To the south is the property known as 'Firlands', which is subject to the application which Members are also considering under planning ref, 12/0874C. Open fields reside to the east. The site lies outside of the Congleton Settlement Zone Line and just outside of the Infill Boundary Line for Somerford. As such, the site falls within Open Countryside as designated in adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Outline planning permission, with access, is sought for the erection of a single detached dwelling and garage on land associated with the property referred to as 'Barley Orchard', 42 Black Firs Lane, Congleton. The proposal will be served by an existing vehicular access located in the southwest corner of the plot. Matters relating to appearance, landscaping, layout and scale are reserved for consideration at a later stage. As such, this application seeks to establish the principle of one new unit on the site.

4. RELEVANT HISTORY

11/0394C - Outline Application for the Erection of 2no. Detached 2-2.5 Storey Residential Dwellings with Garage – Refused and Allowed at Appeal 14.06.2011

28238/1 – Proposed Single Dwelling

5. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 - Open Countryside

GR1 - New Development

GR2 – Design

GR6 – Amenity

GR9 - Accessibility, Servicing & Parking Provision

H1 & H2 - Housing Land Supply

H6 - Residential Development in the Open Countryside

NR2 - Wildlife & Nature Habitats

SPG2 - Private Open Space in New Residential Developments

6. CONSIDERATIONS (External to Planning)

Highways:

No comments received.

Environmental Health:

No objection subject to conditions and informative relating to construction hours (including piling) and land contamination.

Jodrell Bank:

No objection subject to a condition requiring inclusion of materials aimed at reducing electromagnetic interference.

7. VIEWS OF THE SOMERFORD PARISH COUNCIL

No objection

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement

9. OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 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.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These include changes in national policy, housing land supply and a recent appeal decision for a development further along Black Firs Lane to the south.

(i) National Policy

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer

of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

(i) Housing Supply

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) identifies that, at 31st March 2010, the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level (3.9 years). In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as well as other smaller towns provided they are small scale and appropriate and sustainable.

The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension. With respect to sustainability, the site is located on the extremities of Congleton, but is still within walking distance of local amenities and public transport and is thus considered sustainable.

(ii) Appeal Decision

The site is adjoined to the south by a large two-storey property referred to as ‘Firlands’. Beyond this is the site subject to application 12/0874C, also being considered by Members, and similarly sized site associated with the property known as Oak House. Recently, the Council refused an outline application for the erection of 2 dwellings on the Oak House site, as the principle of development was deemed to be at variance with local plan policy, the Interim Planning Policy on the Release of Housing Land and the Councils general spatial objectives to direct the majority of new development towards Crewe.

An appeal was subsequently lodged against this decision, and the appeal was allowed. The Inspector concluded that the small scale nature of the development and its relatively sustainable location would mean that approval of the development would not undermine the housing objectives and the spatial vision for the area. The inspector went on to say the proposal would make a small, but valuable contribution towards helping the authority reduce its undersupply of housing within the borough and would tie in with the existing pattern of development in the area. As such, having regard to ‘other material considerations’ i.e. national policy, housing supply and the cited appeal decision, it is considered that approval of this small scale development would be acceptable in principle.

Design Considerations

All matters relating to layout and appearance are reserved for future consideration and therefore at this stage, full consideration cannot be given to the design of the scheme. In terms of character, to the south of the site, Black Firs Lane is characterised by a linear form of development with properties of varying size and style. This linear form will be continued by the

appeal scheme mentioned earlier and the application being considered under planning ref; 12/0874C.

This site presents the last opportunity to infill the linear pattern of development; as beyond number 44, development terminates and open fields dominate. Thus, the proposal would continue and complete this linear form of development on the east side of Black Firs Lane.

The properties immediately to the south of the site are well-proportioned detached two-storey dwellings with some accommodation within the roof space. The indicative layout shows that the proposals would be commensurate with neighbouring developments in terms of size and scale parameters. Nonetheless, this detail would be considered and controlled as part of a reserved matters application.

Highways

This application proposes a single point of access in the far southwestern corner of the plot where there is already a vehicular access. The Strategic Highways Manager has not commented on this application. However, the proposal will only serve one dwelling, and there is sufficient distance between the edge of the highways and the position of the gate to improve visibility for emerging vehicles from the site. Nonetheless, confirmation will be sought from the Strategic Highways Manager, and this will be reported by way of an update.

Neighbouring Amenity

Given that the application has reserved layout and appearance for subsequent approval, full consideration cannot be given to the impact on neighbouring properties. Nonetheless, the only properties that could potentially be affected by the proposal would be those either side i.e. Barley Orchard and Firlands to the north and south respectively.

The properties approved to the south were in outline form, and therefore the precise position of windows has yet to be agreed. Nonetheless, both the Firlands and Barley Orchard benefit from a decent separation with the boundaries to the site. Provided both dwelling fronts Black Firs Lane, its principal windows should not face these neighbouring properties and as such issues of overlooking, overshadowing and visual intrusion can be avoided. This will be controlled at the reserved matters stage. Sufficient private amenity space would be provided for all properties. The scheme is deemed to accord with policies GR6 and SPG2.

11. CONCLUSIONS AND REASONS TO APPROVE

In conclusion, whilst the proposal represents a departure from the development plan, there are 'other material considerations' which would outweigh the proposals non-compliance. These include the recent changes in national policy, the council's under delivery of housing in the borough and the recent appeal decision nearby. The site is considered sustainable being sited on the edge of Congleton and the small scale nature of the proposals would not undermine the council's spatial vision. It is considered that the principle of development is acceptable.

The proposal would continue and terminate the linear form of development in the area and would not materially harm the amenity afforded to the neighbouring properties including those recently permitted. The proposal would not lead to or exacerbate existing traffic problems but the suitability of the access will be confirmed and updated to Members. The proposal is deemed to be in compliance with relevant development plan policies and the adopted National Planning Policy Framework and as such is recommended for approval.

12.RECOMMENDATION:

APPROVE subject to the following conditions:

Conditions

- 1. The reserved matters shall be submitted prior to the commencement of development**
- 2 The reserved matters shall be submitted within 3 years**
- 3. Development shall commence within 2 years of approval of reserved matters**
- 4. Access plan to be submitted**
- 5. Construction hours limited (inc piling)**
- 6. Removal of Permitted Development for extensions and outbuildings (Classes A-E)**

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