

Application No: 12/4125C

Location: LAND ADJACENT TO HAWTHORNE COTTAGE, SWETTENHAM LANE,  
SWETTENHAM, CONGLETON, CHESHIRE, CW12 2LB

Proposal: Construction of 2no semi detached dwellings.

Applicant: Mr D Giles

Expiry Date: 26-Dec-2012

## **SUMMARY RECOMMENDATION**

### **REFUSE**

#### **MAIN ISSUES:**

- Principle of the development
- The impact upon the Area of Special County Value (ASCV)
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact upon protected species
- The impact upon trees

## **REASON FOR REFERRAL**

The Cheshire East Council's Scheme of delegation advises that for '*applications involving a significant departure from policy which a Planning Committee is minded to approve*' should be referred to Strategic Planning Board for determination. As this development is for new dwellings in the Open Countryside, it does represent a departure from local plan policy. However, given that the proposal relates to just 2 units, it is not considered to be a **significant** departure. As such, the application has been referred to Northern Planning Committee as a departure from policy only.

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to an oblong shaped field immediately to the west of Hawthorne Cottage within the Open Countryside and an Area of Special County Value.

## **DETAILS OF PROPOSAL**

Full Planning permission is sought for the erection of 2 semi-detached dwellings.

## **RELEVANT HISTORY**

**07/1434/FUL** (Hawthorne Cottage) – Proposed replacement of existing single storey conservatory/sun lounge & minor alterations to rear of property – Approved 11<sup>th</sup> February 2008

**8109/3** (Hawthorne Cottage) – Alterations to dwelling house – Approved 9<sup>th</sup> November 1978

**1127/3** (Hawthorne Cottage) – Extension to form new lounge – Approved 19<sup>th</sup> December 1974

**0838/3** (Hawthorne Cottage) – Extension to form new lounge – Withdrawn 16<sup>th</sup> October 1974

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS8 – Open Countryside

PS9 – Areas of Special County Value

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR20 – Public Utilities

H1 & H2 - Provision of New Housing Development

H6 – Residential Development in the Open Countryside and the Green Belt

NR2 – Wildlife and Nature Conservation (Statutory Sites)

### **Other Material Considerations**

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments

The Cheshire East Council Interim Planning Policy on the release of Housing Land (2011)

Cheshire East Strategic Housing Land Availability Assessment (SHLAA) 2010

Cheshire East 2010 Strategic Housing Market Assessment (SHMA)

## **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager** – Object to the proposal due to a lack of information regarding the proposed new access.

**Environmental Health** – No objections, subject to conditions relating to hours of construction, pile foundations and a contaminated land informative.

**United Utilities** – No objections, subject to informative with regards to drainage.

**University of Manchester (Jodrell Bank)** - No objections, subject to the incorporation of electromagnetic screening measures.

**Housing (Cheshire East Council)** – No objections

**Open Space (Cheshire East Council)** - No comments received at time of report.

#### **VIEWS OF THE PARISH COUNCIL:**

**Swettenham Parish Council** – Object to the proposal due to its detrimental impact upon the Green Belt.

#### **OTHER REPRESENTATIONS:**

One objection to the proposal on the following grounds;

- Amenity – Overlooking, noise
- Highway safety

#### **SUPPORTING INFORMATION:**

Planning, Design and Access Statement

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories including;

- Agriculture and Forestry
- Facilities for outdoor sport
- Recreation
- Tourism
- Other uses which preserve the openness of the Open Countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling in accordance with Policy H6
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings
- The re-use or redevelopment of existing employment sites.

The proposed development is for the erection of 2 new semi-detached dwellings and as such, is subject to Policy H6 as per above. Policy H6 of the Local Plan advises that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories;

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill for those settlements identified in Policy PS6
- Affordable housing.

Page 11 of the applicants submitted Planning, Design and Access Statement advises that *'Limited infilling would be acceptable under local policies and as has been shown in this statement the site proposed for the construction of the two new cottages is an end plot of land next to and an existing cluster of homes. It is a tree lined to the highway and fenced to the remaining boundaries, is a secluded plot, ideally suitable for residential use.'*

As such, the applicant considers that the site falls within the limited infill category. Policy H6 of the Local Plan advises that limited infill is permitted within the boundary line of those settlements identified in Policy PS6. The application plot does not fall within one of those identified settlements. As such, it is considered that the development is contrary to Policy H6 and subsequently PS8 of the Local Plan.

With regards to the NPPF, Paragraph 49 advises that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. 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 to deliverable housing sites.'*

Given that Cheshire East Council cannot currently demonstrate a five-year supply of deliverable housing sites, the relevant policies in the Local Plan cannot be considered up-to-date. As such the NPPF should be given greater weight than Policy H6 and PS8.

Paragraph 14 of the Local Plan advises that for decision making, sustainable development means *'Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless...specific policies in this Framework indicate development should be restricted.'*

Paragraph 55 of the NPPF refers in new housing development in the countryside. Paragraph 55 advises that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities...Local planning authorities should avoid new isolated homes in the countryside...'* As such, the Framework restricts new housing in the countryside if it is deemed to be isolated. As a result, the principal acceptability of this application is whether the proposed development site is considered to be isolated, in terms of sustainability.

The NPPF supports a presumption in favour of sustainable development. The application unit is situated within the Open Countryside in an isolated location. There is a significant separation between the application site and the village centre of Swettenham itself. Between the village and the site are agricultural fields.

Page 7 of the submitted Design, Access and Planning Statement advises that Swettenham ‘...offers many amenities including a Church, post boxes, public telephone, the Swettenham Club and a public house.’

Given the remote location of the site, it is considered that there are limited amenities within close proximity. The North West Sustainability Checklist is often used to assess sustainability. The results of this assessment conducted by the Local Planning Authority are shown below.

Category	Facility	
<b>Open Space:</b>	Amenity Open Space (500m)	697m
	Children’s Play Space (500m)	4667m
	Outdoor Sports Facility (500m)	533m
<b>Local Amenities:</b>	Convenience Store (500m)	7402m
	Supermarket (1000m)	8046m
	Post box (500m)	516m
	Playground / amenity area (500m)	4667m
	Post office (1000m)	2574m
	Bank or cash machine (1000m)	7402m
	Pharmacy (1000m)	4345m
	Primary school (1000m)	5632m
	Secondary School* (1000m)	5954m
	Medical Centre (1000m)	4345m
	Leisure facilities (leisure centre or library) (1000m)	8207m
	Local meeting place / community centre (1000m)	560m
	Public house (1000m)	654m
	Public park or village green (larger, publicly accessible open space) (1000m)	567m
	Child care facility (nursery or crèche) (1000m)	4506m
<b>Transport Facilities:</b>	Bus stop (500m)	514m
	Railway station (2000m where geographically possible)	5471m
	Public Right of Way (500m)	529m
	Any transport node (300m in town centre / 400m in urban area)	5471m

**Disclaimers:**

*The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.*

*\* Additional parameter to the North West Sustainability Checklist*

*Measurements are taken from the centre of the site*

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

Although Swettenham does provide some amenities, the outcome of this assessment demonstrates that the location of the proposed housing is not sustainable. Other than Swettenham, the next nearest notable settlement is Holmes Chapel approximately 4 miles away and Congleton, 5.7 miles away. Due to this lack in local amenities, approval of dwellings in this location would encourage unsustainable vehicle movements to and from the site.

Given the isolated location of the application site and the lack of local amenities, it is considered that the application site is not a sustainable location, and as such is contrary to the NPPF and unacceptable in principle.

### Area of Special County Value

The site falls within the Dane Valley (Between Congleton and Holmes Chapel) ASCV designation. Policy PS9 advises that *'within these designated areas, development which would damage the character or features for which the Area of Special County Value has been designated will not be permitted.'* It is considered that the proposed new dwellings would have a detrimental impact upon the ASCV however, this would not be significant. Furthermore, because the studies that were used to form this designation are not up-to-date, only limited weight can be attached to this policy consideration.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, 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 residential amenity space provided for the new dwellings would be satisfactory.

The only neighbouring dwelling which could be impacted by the proposal is the applicants dwelling, Hawthorne Cottage which would be located approximately 16 metres to the east. On the side elevation of the closest of the 2 proposed dwellings, 3 ground floor openings are proposed. A window would serve a W.C, a door to a hallway and another, a secondary window to a bedroom.

Paragraph 2.8 of SPG2 advises that *'In the case of two or three storey residential developments (i.e houses) where the main windows of a dwelling directly face the flank wall of*

*an adjacent dwelling, the minimum distance acceptable between dwellings would be 13.8 metres.* Given that the distance between these elevations is 16 metres, it is not considered that the proposal would create any loss of amenity to the applicant's property.

There would be no new amenity issues created to any other side. In addition, the two dwellings would not have a detrimental impact upon each other.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions such the application be approved. These include, hours of construction, hours of piling, a piling method statement and an informative regarding contaminated land.

As a result of the above, once conditioned, it is considered that the development would adhere with Policy GR6 of the Local Plan.

### **Design and Layout**

The proposal is for 2 semi-detached, two-storey, dwellings which would all front onto Swettenham Lane. 1 unit would consist of 3 bedrooms, the other, 2 bedrooms. The appearance of each dwelling would be similar. Each dwelling would be positioned approximately 22 metres to the south of Swettenham Lane and would have a footprint of approximately 61 metres squared and consist of dual-pitched roofs approximately 8.4 metres in height.

With regards to the scale of the surrounding units, Hawthorne Cottage has a footprint of approximately 70.6 metres squared (as extended). Delamere, the adjacent dwelling to the applicant's property has a footprint of approximately 50.4 metres squared. Therefore the proposed footprints would fall within this range and as such, the scale of the dwellings is deemed to be acceptable. The height of Hawthorne Cottage and Delamere is approximately 8 metres and as such, the height of the proposed dwellings would also be acceptable.

In relation to materials, it is advised within the application form, that the dwellings would consist of a red Cheshire brick finish, a plain clay tiled roof and uPVC fenestration. The proposed boundary fencing would be timber and the proposed hard standing, tarmac. Given that only basic details have been provided and that some of the proposed materials would be unsatisfactory in this countryside location, it is recommended a condition be added to the decision notice requesting that further details of materials be submitted for subsequent approval.

In terms of design features, the dwellings would include 2 narrow gable ends that would project forward of the principal building line, and each front door would include a dual-pitched roofed canopy to match the pitch of the roofs. Each dwelling would include a single-storey side extension with a hipped roof, and each unit would share a centralised chimney. A brick soldier course would run at ground floor ceiling level around the properties. The windows would consist of a mixture of double and triple pane openings. It is considered that these design features would not appear incongruous within this area.

Subject to suitable materials being secured by condition, the proposed layout and design of the development is considered to be in compliance with Policy GR2 of the Local Plan.

## Highways and Parking

The proposed dwellings would be accessed via a newly created access onto Swettenham Lane. Each dwelling would benefit from a driveway which stems from this shared access point. There would be at least 2 parking spaces provided for each unit.

The Strategic Highways Manager has advised that *'A new shared access is to be provided serving the site, as the site level is significantly higher than road level I would like to see the proposed gradient of the shared drive as it meets Swettenham Lane. On the frontage of the development there are a number of existing trees that may affect visibility and no visibility splays at the access point have been indicated on the submission. Therefore, there is a lack of information provided with regard to highways and I would have to object to the development.'*

As such, given this lack of information, the Strategic Highways Manager cannot effectively assess the impact upon Highway Safety and as such, the development is deemed to be at variance with Policy GR9 of the Local Plan.

## Landscaping and Trees

There are a number of trees around the boundaries, including specimens on the road side and a small copse of trees close to the road frontage. The Council's Landscape Officer has advised that there is currently insufficient information to determine the application. As such, the following information has been requested;

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design
6. Arboricultural Impact Assessment including draft tree protection plan and (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement

As such, given this lack of information, the Council's Landscape Officer cannot effectively assess the impact upon trees or the landscape and as such, the development is deemed to be at variance with Policies NR1 and GR4 of the Local Plan.

## Ecology

The Council's Nature Conservation Officer advised that he does *'...not anticipate there being any significant ecological issues associated with the proposed development.'* As such, it is considered that the proposal would adhere with Policy NR2 of the Local Plan.

## CONCLUSIONS

The proposal is for 2 new isolated dwellings in the countryside. The units would not serve agricultural workers, would not relate to a heritage asset, would not relate to the re-use of redundant or disused buildings and are not of exceptional or innovative design. By reason of

the isolated location of the site and lack of local public amenities it is not considered that the proposal is in a sustainable location and as such, is contrary to the NPPF.

In addition, the submission does not adequately consider the presence of the trees or their potential influence on the proposed development. The proposal is therefore also contrary to the provisions of Policy NR1 of the Congleton Borough Local Plan First Review 2005 and the NPPF.

The submission does also not adequately provide sufficient information regarding the proposed access. The proposal is therefore contrary to the provisions of Policy GR9 of the Congleton Borough Local Plan First Review 2005 and the NPPF.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

**The proposal is for 2 new isolated dwellings in the countryside and as such is contrary to the NPPF. The units would not serve agricultural workers, would not relate to a heritage asset, would not relate to the re-use of redundant or disused buildings and are not of exceptional or innovative design. By reason of the isolated location of the site and lack of local public amenities it is not considered that the proposal is in a sustainable location and as such, is contrary to the NPPF.**

**In addition, the submission does not adequately consider the presence of the trees or their potential influence on the proposed development. The proposal is therefore also contrary to the provisions of Policy NR1 of the Congleton Borough Local Plan First Review 2005 and the NPPF.**

**The submission does also not adequately provide sufficient information regarding the proposed access. The proposal is therefore contrary to the provisions of Policy GR9 of the Congleton Borough Local Plan First Review 2005 and the NPPF.**

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