

Application No: 12/4194C

Location: The Orchard, PADGBURY LANE, CONGLETON, CW12 4HX

Proposal: Outline Application for Residential Development of up to 3No Dwellings, including Access

Applicant: Edwina Darnell

Expiry Date: 31-Dec-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES:

- Principle of the development
- 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 3 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 a square shaped field on the south-western side of Padgbury Lane, Congleton within the Open Countryside.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the erection of 3 detached dwellings. Permission is also sought for access. Landscaping, appearance, scale & layout are reserved for

subsequent approval. As such, this proposal seeks to establish the principle of residential development and the acceptability of the access onto Padgbury Lane.

RELEVANT HISTORY

24373/1 - (Outline) Residential development for private and social housing. Provision of community centre and community playing field – Refused 16th June 1992

23369/1 - (Outline) Erection of 24 no. Detached dwelling houses together with associated access/landscaping/garaging – Withdrawn 6th June 1991

17996/1- (Outline) Residential development – Refused 9th September 1986

16303/1- (Outline) Residential development – Refused 13th November 1984

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 – Open Countryside

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR16 – Footpath, Bridleway and Cycleway Networks

GR20 – Public Utilities

H1 & H2 - Provision of New Housing Development

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

NR1 – Trees and Woodland

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 – No objections

Environmental Health – No objections, subject to conditions relating to hours of operation, site compound, pile foundations and contaminated land

United Utilities – No objections, subject to informatives regarding drainage and connections to sewers

Environment Agency - No objections, subject to conditions relating to hours of construction, hours of piling, contaminated land, submission of a piling method statement & submission of a site compound plan.

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

Housing (Cheshire East Council) - No objections

VIEWS OF THE TOWN COUNCIL:

Congleton Town Council – Object on the grounds that the site is outside the settlement boundary.

OTHER REPRESENTATIONS:

11 neighbouring letters of objection have been received. Concerns have been raised in relation to the following issues;

- Highway safety / traffic
- Amenity – Overlooking
- Impact upon trees / hedgerows
- Impact upon local wildlife
- Layout of the scheme
- Outside settlement boundary / impact upon countryside
- Precedent for more development
- Extra pressure of doctors / schools
- Lack of Local Plan should not mean that such a development is acceptable.

1 letter of objection on behalf of 3 councillors (Cllr Baxendale, Cllr Domleo & Cllr Topping) has been received. Concerns have been raised in relation to the following issues;

- Outside settlement boundary / impact upon countryside
- Lack of Local Plan should not mean that such a development is acceptable.

SUPPORTING INFORMATION:

Design, Access & Planning 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 3 new 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

As the proposal fails to fall into any of these categories, the development is deemed to be contrary to the Local Plan and as such, unacceptable in principle with regards to the Local Plan.

Paragraph 49 of the NPPF 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, and as such the determination that the application is contrary to Policy H6 and therefore PS8 will have reduced weight.

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.

Within the submitted Design, Access & Planning Statement, it is advised that *'The site is in a sustainable location close to primary and secondary schools, West Heath local shopping centre and employment and Radnor Park.'* It should be noted that the Porters Service Station, which includes a small shop is within 90 metres of the site.

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	
Open Space:	Amenity Open Space (500m)	482m
	Children's Play Space (500m)	482m
	Outdoor Sports Facility (500m)	482m
Local Amenities:	Convenience Store (500m)	82m
	Supermarket (1000m)	1600m
	Post box (500m)	321m
	Playground / amenity area (500m)	482m
	Post office (1000m)	804m
	Bank or cash machine (1000m)	1600m
	Pharmacy (1000m)	1600m
	Primary school (1000m)	804m
	Secondary School* (1000m)	965m
	Medical Centre (1000m)	2574m
	Leisure facilities (leisure centre or library) (1000m)	3218m
	Local meeting place / community centre (1000m)	965m
	Public house (1000m)	407m
	Public park or village green (larger, publicly accessible open space) (1000m)	482m
	Child care facility (nursery or creche) (1000m)	804m
Transport Facilities:	Bus stop (500m)	128m
	Railway station (2000m where geographically possible)	4506m
	Public Right of Way (500m)	428m
	Any transport node (300m in town centre / 400m in urban area)	3057m

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).

The above assessment concludes that the majority of the local amenities deemed to be essential for sustainable living are within the recommended separation distances. Given that the NPPF places greater emphasis on sustainability above all other matters, the development is considered to be acceptable in principle.

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.

The four neighbouring properties to the development site are; The Orchard, Pear Tree Cottage, Padsbridge Farm and No.5 Langdale Court. The rear elevations of The Orchard, Pear Tree Cottage and Padsbridge Farm would be between approximately 15 and 26 metres to the northwest of the closest proposed dwelling. The side elevation of No.5 Langdale Court would be over 35 metres from the principal elevation of the closest proposed dwelling.

It is advised within SPD2 that between a flank elevation and a main window, a gap of 13.8 metres should be achieved. As this gap is achieved, it is not considered that the proposal would create any amenity issues for these neighbouring properties in terms of loss of privacy, loss of light or visual intrusion.

Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions including: Hours of construction, the prior submission of details of the site compound, pile foundations and a contaminated land condition.

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

All matters, except access are reserved for later approval. However the submitted indicative plan shows that the proposal is for 3 detached dwellings, adjacent to each other which would all front onto Padgbury Lane and be inset between 22 and 26 metres from the highway. A detached garage is proposed to 1 of the 3 dwellings forward of the building line.

The applicant's property and the property directly across the road, No.5 Langdale Court are both detached, two-storey dwellings. Pear Tree Cottage and Padsbridge Farm are semi-detached two-storey dwellings. Given that two of the closest properties to the proposal are detached and two-storey; it is considered that the proposal would mirror the immediate form of the area. With reference to the dwelling's footprint, this in general terms would be similar to the surrounding dwellings.

It is therefore demonstrated that the site can accommodate dwellings appropriate to the area.

Access

The proposed dwellings would be accessed via a proposed new existing access off Padgbury Lane. The proposed driveways would accommodate at least 2 cars each. Furthermore, a detached garage is proposed to 1 of the dwellings.

The Council's Strategic Highway's Manager has advised that *'A single point of access is proposed to serve the three units and a suitable access design can be achieved to serve the site. There is adequate visibility available both directions on Padgbury Lane. Therefore, there are no highway objections to the creation of a new access point as indicated on the submitted plan.'*

As a result, it is considered that the proposal would be acceptable from an Access and Parking perspective (BE.3).

Trees

The Council's Arboricultural Officer advised that additional information is required, namely a topographical survey, a tree survey, tree categorisation, tree constraints and root protection area to influence design, an arboricultural impact assessment and an arboricultural method statement.

This information has now been submitted and is satisfactory subject to a tree protection condition. As such, it is considered that the development adheres with Policy NR1 of the Local Plan.

Ecology

The Council's Nature Conservation Officer has advised that *'There is no ecological appraisal supporting the application, but the site appears to have little nature conservation value. I can find no ponds or hedgerows within or in close proximity to the site. There are trees on the site and overhanging the site, so the usual condition covering breeding bird protection is appropriate if the trees are to be removed.'*

As such it is considered that the proposal would adhere with Policy NR2 of the Local Plan. It is not proposed that any trees will be felled as part of the development and as such, the proposed condition is not necessary.

CONCLUSIONS

In conclusion, whilst the proposal represents a departure from the development plan, there are 'other material considerations' which would outweigh the proposals non-compliance with relevant local plan policies.

As such, although the development is contrary to the Congleton Borough Local Plan First Review 2005 Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside and the Green Belt), greater weight in this instance should be given to the NPPF as the scheme represents sustainable development.

It is considered that the proposed development is of a suitable design, located in a sustainable location which would not have a detrimental impact upon neighbouring amenity, highway safety, trees or protected species. As such, the proposed development adheres with the following policies within the Congleton Borough Local Plan First Review 2005: GR1 (General Criteria for Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health), GR9 (Highways & Parking), GR20 (Public Utilities), NR1 (Trees and Woodlands) and NR2 (Wildlife and Nature Conservation (Statutory Sites)).

RECOMMENDATION:

Approve subject to the following conditions:

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Details of materials to be submitted
6. Hours of construction
7. Piling
8. Site compound
9. Contaminated land
10. Boundary treatment
11. Tree protection

Informatives

1. United Utilities have recommended the following:
 - If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer.
 - Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.
- United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development

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