

Application No: 13/0791C

Location: Lyndale & 2 Somerford View, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Outline application for erection of four new dwellings including improvement of existing access (resubmission)

Applicant: Mr & Mrs F bailey & Mr M Beech

Expiry Date: 18-Apr-2013

Summary Recommendation:- Refuse

Main Issues:-

- Principle of Development
- Jodrell Bank
- Residential Amenity
- Ecology
- Contaminated Land
- Access and Highway Safety.
- Affordable Housing
- Design and Layout
- Open Space
- Trees

REFERRAL

An application of the size would usually be dealt with under the Council's delegated powers, however this application has been called into planning committee by Councillor Wray for the following reason,

'Both Somerford & Brereton Parish Councils have requested me as Ward Councillor to call-in this application to Committee as a previous similar application was determined by Committee and refused.'

'Significant concerns or potential significant impact of the development - Unsustainable location and Road Safety as the access is at a dangerous point on the A54'.

1. SITE DESCRIPTION

The development site is an 'L' shaped site within the curtilage of the property known as 'Lyndale' and the rear garden area of No.2 Somerford View, off Holmes Chapel Road. The proposal site is positioned on the edge of the Brereton Heath infill boundary line, which is sited within the open countryside, adjacent to large woodland TPO and a site of biological importance. The application site has a site area of 0.39ha; the site frontage has a width of 45m and a length of 90m with the addition of the rear garden of No.2 Somerford View to the rear of the site. The site currently contains a small bungalow and a group of small outbuildings to the rear, mainly of a temporary nature.

Somerford View is a small semi-detached two storey dwelling with a large rear garden. The surrounding streetscene is largely of similar type of mixed house type and design, and of a ribbon development pattern along Holmes Chapel Road towards the more dense development within the nucleus of the settlement.

This application is a resubmission of a previously refused outline application 12/2508C for 10 dwellings and the demolition of Lyndale.

1. DETAILS OF PROPOSAL

Outline planning permission is sought with all matters reserved. The indicative layout shows four dwellings on the site, and the existing bungalow 'Lyndale' retained. A large dormer bungalow sited to the front of the site, and an 'L' shape two storey barn style development split up into three units. The access is proposed off Holmes Chapel Road within the centre of the development site. The access would form a court yard style development, and would retain an existing outbuilding as a garage for four cars.

2. RELEVANT PLANNING HISTORY

12/2508C - Outline Application for Residential Development to Include the Demolition of Lyndale – Refused 25th September 2012

21356/1 – Bungalow – Refused 3rd October 1989

20024/1 – Detached dwelling (bungalow) – Refused 23rd August 1988

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

L4 – Regional Housing Provision
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets
MCR4 – South Cheshire

Local Plan Policy

PS5 Villages in the Open Countryside and Inset in the Green Belt
PS8 Open Countryside
NR1 Trees and Woodlands
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside and Green Belt
H13 Affordable Housing and Low Cost Housing

Other Material Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

5. OBSERVATIONS OF CONSULTEES

Environment Agency – Environment Agency do not have any comments as the proposal falls outside their scope of consultations.

Highways - [Response received on 14th March 2013]

This application is outline in nature however the access to the site is not a reserved matter. In addition, other similar local developments have provided a Traffic Statement and a detailed access design for those development proposals. This application does not provide that level of detail.

The indicated layout for the development is that of a private drive with some highway dimensions shown however full junction geometry and visibility is not provided. Without the above information the Strategic Highways Manager cannot support this application or indeed provide a guiding comment to the LPA or indeed members.

The Strategic Highways Manager therefore recommends refusal of this planning application on the grounds of lack of information. The S.H.M. also recognises that there may well be a viable highway solution for this site in terms of design and layout however this would need negotiation to resolve.

Environmental Health - No objection, subject to conditions for hours of operation, pile foundations and contaminated land.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Brereton Parish Council;

Brereton Parish Council object to this planning application on the grounds of unsustainability. Since the previous application (12/2508C) was deemed unsustainable and the facts remain the same then surely this application will be the same since no circumstance has changed.

We have further concerns regarding road safety in that the site access is at a dangerous point on the A 54 with an adjacent access/site used by all manner of private & commercial vehicles.

Finally, there is no 'local' need for new housing either within Brereton Heath or Cheshire East's plans since Cheshire East has recently indicated that it has in excess of the 5 yr (Government) requirement, the Ivanhoe site, sited on the A54 is well under way (first completions, June of this year) & the Aventis site in nearby Holmes Chapel is also progressing at a pace.

6. OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of 2 properties. The main issues raised are;

- Existing dwellings form a string/linear development pattern,
- Clearly back land development rather than infill
- There is no need for further residential development in the area,
- The Local Planning Authority can demonstrate a 5 year supply of housing land
- The proposed development site is not in a sustainable location,
- Although there is an hourly bus service to Congleton and Holmes Chapel no other sustainable services within Brereton Heath,
- Significant impact on road safety on a dangerous road,
- Contrary to NPPF in that the development would not improve the economic, social and environmental conditions of the area
- No shop, pub, post office, petrol station, social/formal leisure facilities of any kind,
- Impact on the open countryside,
- Impact on neighbouring amenity to No.1 Somerford View by reason of noise, disturbance and overlooking,

- Visual impact of the development,

7. APPLICANT'S SUPPORTING INFORMATION:

- Planning/Design and Access Statement
- Protected Species Survey Report

8. OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The site lies within the Infill Boundary Line for the settlement of Brereton Heath, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is 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".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) 2013. The SHLAA has put forward a figure of 7.1 years housing land supply.

Although the development site is situated within the open countryside it is considered that as the site lies within the infill boundary where there is some potential for limited development, it is considered that the general principal of residential development on the site is acceptable.

In this case, the impact of the proposal on the character of the surrounding area in terms of the design and layout is an important policy factor. Also of relevance are the impact on Jodrell Bank, Residential Amenity, Ecology, Contaminated Land, Trees and Landscape, Access and Highway Safety, and Affordable Housing.

Sustainability

The onus is placed onto the applicant to demonstrate that the proposal is considered sustainable development, in accordance with the National Planning Policy Framework. The applicant contends that the site is sustainable as there is an hourly bus to the town of Congleton and the village of Holmes Chapel where local community facilities are sited. This would allow for a sustainable form of transport other than cars to nearby facilities. Furthermore, the applicant argues that the sustainability of the settlement has recently been accepted in two housing developments along Holmes Chapel Road.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. The location of this proposal on the edge of Brereton Heath would not create isolated new homes. Furthermore, the site is located within the infill settlement boundary and therefore the suitability and sustainability of the settlement in principle for some further limited development has been established through this policy. This is reflected in the two recent applications for housing developments along Holmes Chapel Road. The sustainability of the site was also considered to be acceptable in the Committee Report for the previous application on the site.

Whilst it could be argued that Brereton Heath is an unsustainable location in that there are no local shops. Schools etc, it is sited on a bus route between Congleton and Holmes Chapel with a regular service. Both settlements are also within cycling distance.

Development in this location will help to maintain the viability of the existing community and will help to sustain the existing bus service and may result in the provision of other community facilities being viewed as a viable prospect. On this basis, in these locational terms, it is not considered that a refusal on the grounds of sustainability could be justified.

With regards to the design of the dwellings themselves, sustainable construction methods can be agreed as part of a reserved matters application.

Jodrell Bank

No comment had been received from the University of Manchester at the time of report preparation. However, no objection was received to the previous application nor other developments close by and therefore it is not considered that this limited amount of the development would have a significantly detrimental impact on Jodrell Bank.

Residential Amenity

The surrounding development comprises a semi-detached dwelling and a bungalow to the north of the site and a large protected woodland area to the rear. To the west of the site is an area of land used for commercial purposes. The wider area is surrounded by open countryside. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

The proposal is in outline. However an indicative layout shows distances in excess of 30m will be achieved between the proposed plots to the rear of the site and the dwellings fronting Holmes Chapel Road. The side elevation of the new bungalow has secondary windows at ground floor level facing towards the side elevation of the retained bungalow, Lyndale. There are no windows on the side elevation of the bungalow, and the separation distance increases to 15m to the conservatory. This would meet the separations distances and therefore will not have a detrimental impact on neighbouring amenity. The internal separation distances are also acceptable.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be exceeded in respect of distances to existing properties and, within the site. The indicative layout therefore appears to meet relevant residential amenity standards.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above,

and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

The submitted report relates to the previously refused application (in relation to the demolition of building on the site which are now to be retained) however was carried out less than 1 year ago.

In this instance the Council's Ecologist has assessed the application and states that there is evidence of bat activity in the form of minor roosts of two relatively common bat species has been recorded within the bungalow and garage. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present.

The report recommends the provision of a bat loft as a means of compensating for the loss of the roost and also recommends the timing of the works to reduce the risk posed to any bats that may be present when the works are completed.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

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

The Council's Ecologist advises that whilst the proposed mitigation/compensation is broadly acceptable and is likely to be sufficient to maintain the favourable conservation status of the species concerned it lacks detail in terms of the location etc. of the proposed bat loft. However, as the application is outline only the proposed mitigation/compensation is regarded as indicative only at this stage. Therefore the inclusion of several conditions in relation to the further details being submitted as part of the reserved matters application in

relation to bat mitigation measures, and breeding birds the proposal is considered to be acceptable.

Contaminated Land

The proposed end use of the site is considered to be a “sensitive” use, and therefore an appropriate condition to secure an investigation and risk assessment is requested from Environmental Health. It is considered that this is acceptable and therefore subject to this condition, the proposal meets the requirements of Policy GR.8 of the local plan.

Access and Highway Safety

The application initially did include access as a reserved matter however, given the objection from the highways authority the agent has removed this element from the outline and is not to be considered as part of the reserved matters applications.

However, the Strategic Highways Manager (SHM) considered that the information initially submitted with the application was insufficient for the Highways department to make comments on the application and therefore recommended refusal on the grounds of insufficient information.

The applicant has submitted a further detailed plan in relation to the access. This information has been passed to the SHM for consideration, although at the time of writing this report further comments had not been received on this matter. Therefore an update on the amended comments will be made to the committee.

Affordable Housing

The site is located partially over 2 parishes therefore the affordable housing need for both parishes has been considered. The Parishes are located in separate sub-areas for the purposes of the SHMA 2010. The sub-areas the Parishes are located in are Sandbach Rural and Congleton Rural.

The SHMA 2010 shows that there is a requirement for 10 new affordable units per year in the Congleton Rural sub-area and 1 new affordable unit per year in the Sandbach Rural sub-area between 2009/10 – 2013/14, this equates to 55 new affordable units for the two sub-areas, made up of a need for 4 x 1 bed, 2 x 2 bed, 3 x 3 bed, 5 x 4/5 beds and 2 x 1/2 bed older persons accommodation per year (the SHMA 2010 identified a slight oversupply of 2 & 3 beds in the Sandbach Rural area which gives the net requirement of 10 units per year.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 10 applicants on the housing register who have selected Brereton or Someford as the area which is their first choice for a property. The number of bedrooms these applicants require are 2 x 1 bed, 6 x 2 bed and 2 x 3 bed.

The IPS for Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 ‘Housing’ states that local authorities may wish to set lower minimum thresholds where viable and practical this

approach is supported by the 2010 SHMA, subject to substantiating evidence.

It goes on to state:

Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

As the proposed development is for 4 dwellings and the site area exceeds 0.2ha there is a requirement for 30% of the dwellings to be affordable, this equates to 1 dwelling.

The applicant has agreed to provide one of the dwellings as an affordable unit as an intermediate tenure unit. The Housing department have agreed that one unit on the site would be acceptable however require more information with regards to the size of the unit.

Therefore, the affordable housing requirements could be secured through a Section 106 Agreement, with the detailed layout approved at reserved matters stage. Any Section 106 agreement would state that the scheme will provide 1 unit as affordable housing, and that the affordable housing should be provided no later than occupation of 50% of the market units.

Design and Layout

Whilst the proposal layout is only indicative the plan shows how 4no. dwellings can be sited within the application site. To achieve a development scheme of 4no. dwellings a similar layout to that proposed will be required. For that reason it is considered that the proposed development is unacceptable, and does not address the previous reason for refusal. The proposed layout would still be out of character with the surrounding area, which is a largely linear form of development which addresses Holmes Chapel Road.

The north edge of Holmes Chapel Lane is characterised by ribbon development with properties fronting the highway with a small gap to the front of the dwelling and with large rear gardens which back on to the area of TPO trees to the rear. Whilst it is acknowledged that there have been several small housing developments of a similar layout and design these have been sited closer to the nucleus of the settlement and not on the edge of rural periphery, differentiating them from the proposal site.

The proposed development site is on the edge of the infill settlement boundary and the character of the settlement is typically more of a rural ribbon development at this point. The proposed development, if approved, would clearly appear as an alien feature at this point of the streetscene, creating a significant and permanent development on the edge of a rural settlement. A smaller development of properties facing the road frontage with large gardens would be much more appropriate in the location.

Furthermore, it is clear from Policy PS6 (Settlements in the Open Countryside and Greenbelt) that infill development will only be acceptable where it is appropriate to the local character in terms of use, intensity, scale and appearance. The proposed development does not reflect the immediate settlement and is therefore considered to be unacceptable and contrary to the Development Plan.

Furthermore, the development must be considered in accordance with the National Planning Policy Framework. Paragraph 56 of the NPPF confirms the central Government commitment that good design is a key aspect of sustainable development. Going on further to state in Paragraph 58 that....decisions should aim to ensure that developments,

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is clear that Local Plan policy and National Planning Policy Framework both require good design which improves the character of an area. Whilst it is acknowledged that the 'backland' development has been designed in such a way as to replicate a barn conversion, the position of this building would have a detrimental impact on the open countryside and the existing streetscene.

Trees

The Congleton RDC (Brereton Heath) TPO 1972 & Congleton RDC (Brereton Heath No1.) TPO 1958 protect woodlands to the south and west of the site. The canopy of at least one protected tree extends over the site on the southern boundary. The site also adjoins a Site of Biological Importance.

Taking into account the off-site trees and the orientation of the plots, the indicative layout would result in the gardens of plots to the south of the site being shaded for a significant part of the day. This would impact on private amenity. The amended layout is however, less intensive and an improvement from the last submission.

Given the plan is indicative it is considered that further tree reports will be required as part of a detailed application. Given the siting of the L shape units it is considered unlikely that the proposed development would have a significantly detrimental impact on the neighbours amenity. It is considered that the impact can be designed out and therefore should not form a further reason for refusal.

9. CONCLUSION

It is considered that the proposed development is out of character with the surrounding land use which is of a simple ribbon development with single properties sited to the front of a plot with larger rear gardens. The proposed development would create a backland form of development within the curtilage of two dwellings on a prominent position on the entrance into the rural settlement. Whilst it is acknowledged that similar schemes have been allowed elsewhere within Brereton Heath, these are located close to the nucleus of the settlement which has a more densely developed character. Consequently the proposal is considered to be out of keeping with the character and appearance of the surrounding area. This is contrary to both Local Plan policy and policies within the National Planning Policy Framework.

10. RECOMMENDATION – Refuse

- 1. The proposed development, by means of its layout, and siting would be out of character with the existing residential development in this rural settlement contrary to Policies GR1, GR2, PS7 and H6 of the First Review of the Congleton Borough Local Plan and the National Planning Policy Framework.**

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