

Application No: 13/0784C

Location: Ivanhoe, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Residential development of 2no units.

Applicant: Sherrie Shaw, Bloor Homes Ltd - North West

Expiry Date: 03-May-2013

SUMMARY RECOMMENDATION:

REFUSE

MAIN ISSUES:

Principle of Development

- (i) National Policy
- (ii) Housing Land Supply
- (iii) Sustainability

Design Considerations

Trees

Highways

Residential Amenity

Ecology

1. REASON FOR REFERRAL

This application has been called in for determination by the Southern Planning Committee by Cllr Wray. The reasons given are that the application is contrary to Policies PS8, H6 and S9 of the adopted Congleton Borough Local Plan First Review (2005).

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.17 ha parcel of land, situated to the rear (east) of a development recently approved for the erection of 11 no. houses on the site referred to as 'Ivanhoe', fronting Holmes Chapel Road in Somerford. The site is roughly rectangular in shape.

The site is abutted to the north and southeast by the modern residential developments of Broomfields and Holly Croft respectively. The site is adjoined to the west by Open Countryside.

The site lies outside of the Infill Boundary Line for Brereton, which curtails the site. As such, the site falls within Open Countryside as designated in adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 2 no. residential dwellings to the rear of the site referred to as Ivanhoe, situated on Holmes Chapel Road, Brereton. Access to the site would taken off the head of the cul-de-sac serving the residential development approved under planning ref; 12/0763C which is currently being built.

4. RELEVANT HISTORY

12/0763C 2012 Demolition of Existing Buildings and Development of 11No. Residential Dwellings (Inc 3No. Affordable Units) along with the Creation of a New Access - Approved
11/1498C 2012 Development of 11 dwellings inc. 3 affordable - Approved
36724/1 2004 Residential development – Refused
35428/1 2003 Residential development – Refused
23005/1 1991 One Bungalow Dwelling – Refused
13721/1 1981 One Dwelling – Refused

5. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 Open Countryside
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

6. CONSIDERATIONS (External to Planning)

Highways:

No objection. The proposal does not materially alter the agreed position for 11 dwellings that received consent by virtue of planning ref; 12/0763C.

Environmental Health:

No objection subject to conditions and an 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 electro-magnetic interference.

United Utilities (UU):

No objection provided that the site is drained on a separate system with only foul drainage connected to the foul sewer.

7. VIEWS OF THE BRERETON PARISH COUNCIL

Object - Since Cheshire East Council can meet and exceed the 5 year housing supply requirement there is no need for housing to be built in the open countryside particularly large, open market sale housing as proposed here.

The land where the houses are proposed is outside of the settlement boundary of Brereton Heath as defined in the 2005 Congleton Local Plan and is therefore in the open countryside and should be refused.

The proposed residential development of two new 4 or more bed roomed houses are not affordable houses nor is there any evidence that they are for persons employed full-time in agriculture or forestry or other exceptions that might be allowed in the open countryside.

The development is not sustainable as there are no local services or community facilities in Brereton Heath other than a bus stop and post box. The proposed development would be predominantly car based as the area generally lacks pavements; the A54 is a busy, narrow road where cycling is dangerous and the one bus service is infrequent and does not cover the whole day. As such the presumption in favour of sustainable development does not apply as this proposal does not constitute sustainable development.

8. OTHER REPRESENTATIONS

Letters have been received from 12 addresses objecting to this proposal on the following grounds:

- This is a Green Field site outside of the settlement boundary
- No housing need for these 2 units
- Urban development out of keeping with area
- Not sustainable - there are no amenities in the area i.e. no schools, shops, pubs etc
- Frequency of bus services is poor and its viability is in question
- Development will be overcrowded
- Will put additional strain on existing utilities / infrastructure
- Detrimental to the environment

- Poor cycling links
- No need for housing in Brereton Heath
- The houses are not affordable
- Directly adjacent to a Site of Biological Importance
- Construction noise
- Highway Safety A54 is a fast and dangerous road with few footpaths - difficult to cycle and walk along safely

9. APPLICANT'S SUPPORTING INFORMATION

Panning & Design & Access Statement
 Phase 1 Habitat Survey
 Tree Survey
 Amended Plans

10. 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.

(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) in March 2012. 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".

(i) Housing Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 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".

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 in the now revoked 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. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Council's Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply for the Borough. Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 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 of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policies H6 and PS8 which protect Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. In this case, it is not considered that there are material considerations that would outweigh non-conformity with policy.

Sustainability

The site is situated to outside of the infill boundary line of the settlement of Brereton. This is a small settlement situated within Open Countryside and comprises few services or amenities. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency.

With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. This suggests that new developments should meet the following:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m),
- bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),

- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

The proposed development would only meet two of the above distances (bus stop and post box). The site is located within 500m of a post box and a bus stop. The nearest settlement which offers all of the above services and amenities is Holmes Chapel located some 3.7 miles to the northwest. Whilst the bus stop does provide access to this nearby settlement, this is not a substitute for these amenities. The proposed development would be predominantly car dependent and as such, the site is not considered to be sustainably located.

Design Considerations

The proposed dwellings would be two-storey detached units and would be located at the end of the cul-de-sac approved on the front part of Ivanhoe. The head of the cul-de-sac would be extended into the cul-de-sac and the proposed units would be angled at roughly 90-degrees to the adjacent units. In design terms, the proposed dwellings would be a similar size and scale to the adjacent developments and as such would not deviate from the character or appearance of the adjacent units. Given that the size, scale, style and character of the units would not appear incongruous, the proposal is found to be acceptable in design terms.

Trees and Landscape

The Senior Landscape Officer has examined the proposals and commented that there are trees to the south of the site which overhang the boundary. The submission includes a tree survey and a plan detailing tree removals, retention and protection. The trees surveyed are afforded Grade C in the tree survey. Although indicated on the plan, the survey report schedule does not provide details in respect a group of pine trees at the south east of the site. Nonetheless, the Senior Landscape Officer does not consider that the trees have significant merit, and notes that there has been an existing hard standing in the area previously. As such, subject to implementation of the tree protection measures indicated on the submitted Tree Plan, there are no landscape or tree issues.

Highways

The Strategic Highways Manager has examined the application and commented that the proposed access for this development would not materially affect the access that has already been approved by virtue of the adjacent development. This main access is from the A54 Holmes Chapel Road, Somerford and would match the existing and recently developed junction for the immediately adjacent development: Broomfield, which is a development of a similar scale. This scheme is only for an additional 2 units. The development of Broomfield has demonstrated that this type of junction in this rural environment does operate safely. As such, the scheme is deemed compliant with Policy GR9.

Residential Amenity

The surrounding development comprises modern residential cul-de-sac development to the north and south-eastern sides, and open countryside to the rear. 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.

Distances in excess of those recommended in the SPG will be achieved between the proposed 2 plots and those on the adjacent developments. Sufficient private amenity space would be provided for all properties. The scheme is deemed to accord with policies GR6 and SPG2.

Ecology

The Council's Nature Conservation Officer is currently considering the submitted ecological information. This will be submitted to Members by way of an update report.

11. CONCLUSIONS

The site lies outside the infill boundary and is within the Open Countryside where under Policies PS8 and H6, there is a presumption against new residential development. This is a significant difference from the earlier approved scheme for 11 dwellings. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of sustainable development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

Members will be aware of various applications that have been submitted in this area recently. A distinction is made between those that are within the designated infill boundary and those that are not. This is also critical when it comes to assessing the sustainability of the site. In this instance the site is outside the infill boundary and is not considered to be in a sustainable location there are no other material considerations that would outweigh this and as such, the scheme is recommended for refusal.

12. RECOMMENDATION:

REFUSE for the following reason:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

Application for Full Planning

RECOMMENDATION: Refuse approval

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.

