

Application No: 13/3582C

Location: Land adjacent to, Upper Thurlwood Locks, Rode Heath, Cheshire

Proposal: Construction of four dwellings

Applicant: MR K SHENTON

Expiry Date: 16-Oct-2013

SUMMARY RECOMMENDATION

REFUSE

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 a Public Right of Way
- The impact upon protected species
- Affordable housing
- Impact upon drainage / flooding

REASON FOR REFERRAL

This application has been referred to Southern Planning Committee by Councillor A J Barratt for the following reasons:

'The piece of land that is proposed to be built on, is a Brownfield site situated in a greenbelt zone. Two of the houses will replace an existing old farm building and the other two will sit on the footings of the old farm house and piggeries.'

There seems to be a 50/50 split on whether the locals like the idea, even the local parish Council was split decision.

The land at present is a eyesore, of no agricultural value, the buildings are of no value or use and are slowly going into disrepair. This land is adj to the Canal and accessed via an unadopted road from the A533 the main road through the village. The developer is proposing improvements to both the Canal and road.'

DESCRIPTION OF SITE AND CONTEXT

This application relates to a parcel of land on the southern side of the Trent and Mersey Canal adjacent to Thurlwood Upper Locks, Farams Road, Rode Heath. The site lies within the Green Belt and adjacent to the Trent and Mersey Canal Conservation Area. Currently on site are 2 dilapidated brick structures.

DETAILS OF PROPOSAL

Full Planning permission is sought for the erection of 4 detached dwellings.

The proposed units would lie adjacent to each other fronting the Trent and Mersey Canal facing in a north-easterly direction. The dwellings would each be of a different design and would comprise of x3 2-bedroomed properties and x1 1-bedroomed property.

The proposal is a re-submission of 13/1885C which was withdrawn. Although the application was to be recommended for refusal in principle, the applicant wanted to address all other concerns in readiness for an appeal. In this instance, the other concern was the amount of useable amenity space which has subsequently been addressed following pre-application discussions.

RELEVANT HISTORY

13/1885C- Construction of 4 New Dwellings – Withdrawn 15th July 2013

13/0146C - Construction of 4 New Dwellings – Withdrawn 18th February 2013

22369/1 - Demolition of ruinous outbuildings and garage workshop in former orchard to provide site for single dwelling – Refused 10th July 1990

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS7 - Green Belt

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

GR1 - New Development – General Criteria

GR2 - Design

GR6 - Amenity

GR9 - Accessibility, Servicing and Parking Provision

GR20 - Public Services

GR21 - Flooding

NR2 - Protected Species

BH9 - Conservation Areas

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No comments received at time of report

Comments to previous submission:

'Although Farams Lane is narrow and lacking footways, it is un-adopted and even with the proposed development the total volume of traffic will still be very low. There will of necessity be construction traffic, but this will be controlled in some degree by the owners of the bridge. Therefore I do not consider there are sufficient highway grounds for objection' (28/06/2013)

Environmental Health – No objections, subject to conditions restricting the hours of development, piling and the prior submission of a piling method statement. Furthermore, a land contamination condition is sought.

United Utilities – No comments received at time of report

Environment Agency – No objections

Public Rights of Way – Request that an advisory note be added to the decision notice advising the applicant of their legal responsibilities.

Canal & River Trust – No objections, subject to a condition regarding the prior submission of the works to the canal bank and a condition requesting the prior commencement of measures to protect Thurlwood Bridge from damage during construction and occupation of the dwellings proposed.

In addition, an informative requesting the contact details of the Canal & River Trust's third party works team and estates team are obtained to ensure that the developments comply with the trusts code of practice.

VIEWS OF THE PARISH COUNCIL:

Odd Rode Parish Council – Object to the proposal on the grounds that it is unacceptable development in the Green Belt and there are no very special circumstances for the development.

OTHER REPRESENTATIONS:

22 letters of support have been received. The main reasons for their support include;

- The current site is an eyesore / untidy
- Fly-tipping takes place
- Drug taking takes place
- Dangerous site

- Brownfield site
- Increase the value of neighbouring properties
- Hub for Anti-Social behaviour
- Dog fouling
- Proposal would result in road improvements

10 letters of objection have been received. The main reasons for the objections include;

- Loss of Green Belt & no mitigating circumstances, therefore contrary to policy
- No evidence that an alternative use has been explored
- No affordable housing
- Highway safety – Impact upon the bridge and existing road, and safety concerns due to extra traffic
- Subsidence concerns
- Proposals would not replace agricultural buildings with like replacements
- Precedent for further development
- Overdevelopment of site
- No affordable housing proposed
- No fly tipping or anti-social behaviour

SUPPORTING INFORMATION:

Design and Access Statement
 Photographs
 Protected Species Survey
 Secondary bat survey
 Landscaping Plan
 Levels information

OFFICER APPRAISAL

Principle of Development

The NPPF requires a degree of consistency between the Local Plan and those policies within the framework. Where Local Plan policies are not consistent with the framework, greater weight should be given to the NPPF.

Policy H6 of the Local Plan advises that residential development will not be permitted in the Green Belt unless it falls within a number of categories including:

- A dwelling required for a person engaged full-time in agriculture or forestry or, in areas outside the green belt, other rural enterprise appropriately located in the countryside that is sited within and designed in relation to a nearby group of dwellings or a farm complex;
- The replacement of an existing dwelling by a new dwelling which is not materially larger than the dwelling it replaces;
- The conversion of an existing rural building into a dwelling provided that the proposal accords with policies BH15 and BH16;

- The change of use or redevelopment of an existing employment site or premises in accordance with policy E10;
- Limited development within the infill boundary line of those settlements identified in policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance;
- Affordable housing in accordance with rural exceptions policy H14;

The proposed development does not fall into any of the above categories and as such, is deemed to be contrary to the Policy H6 and therefore PS7 of the Local Plan.

Paragraph 89 of the NPPF advises that one of the exceptions with regards to new buildings in the Green Belt is;

‘Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.’

This policy is not referred to within the Local Plan policy and as such, takes precedence over the Local Plan.

Within the applicant’s Design and Access Statement it is advised that *‘Historically the land has formed part of the Upper Thurlwood community, centred on activity around canal locks, and has accommodated both residential and commercial properties (including a smithy, the Bull Barn, a commercial garage and public house...). At present time there are two buildings on the site and the remains of two others can be clearly identified.’*

To support this claim, the applicant has submitted historic photographs.

The definition of brownfield land within Annex B of PPS3: Housing, states;

‘Previously-developed land (often referred to as brownfield land)

‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’

The definition includes defence buildings, but excludes:

- *Land that is or has been occupied by agricultural or forestry buildings.*
- *Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- *Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.*
- *Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).’*

As it is accepted that the application site is a brownfield site, the next test is whether the proposal as a whole would *'have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

It is considered that the 2 existing brick structures on site could be replaced with residential dwellings without any greater impact upon the openness of the Green Belt. However, given that the other 2 structures referenced are no longer in situ, it is considered that 2 of the proposed units would have a greater impact upon the openness of the Green Belt is developed.

As a result of these additional 2 dwellings, it is considered that the proposed development would have a detrimental impact upon the openness of the Green Belt and would therefore be contrary to the NPPF and be unacceptable in principal.

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.

With regards to neighbouring properties, the closest neighbours to the proposed new dwellings would be those on the opposite side of the Trent and Mersey Canal over 150 metres away. Given this large separation distance, it is not considered that the development would have a detrimental impact upon the amenities of these neighbours.

Between the proposed dwellings themselves, all 4 would be largely constructed adjacent to each other and would front onto the canal.

The Bull Barn, the proposed dwelling to the far south-eastern end of the row includes no windows in its relevant side elevation fronting onto The Smithy. The Smithy includes no side windows in either of its side elevations. The Cricketer's includes 2 secondary dining / living room windows on its side elevation fronting the side of The Smithy. On the other side of the Cricketer's, side onto the final proposal, Thurlwood Lock Stables, includes 3 openings. These all serve an open plan kitchen / breakfast room. Thurlwood Lock Stables includes no openings on its relevant side elevation facing The Cricketer's. As a result of these side-on relationships either being blank or including secondary windows, it is not considered that the proposed developments would have a detrimental impact upon each other from an amenity perspective.

The proposed gardens are considered to be of a sufficient size and design for the future occupiers to be able to contain basic requirements such as a clothes drying line, a garden shed, a family sitting out area and a multi-purpose area. The revised landscape plan has allowed space for such functions with the introduction of terracing.

Environmental Health have proposed a number of conditions including; hours of construction, pile foundation hours and piling method statement and a contaminated land condition. Subject to these conditions, it is considered that the development would adhere with Policy GR6 of the Local Plan.

Conservation Area / Design

The proposal would consist of 4 detached dwellings in a linear pattern fronting the Trent and Mersey Canal.

Although the site lies outside of the Trent and Mersey Canal Conservation Area, the impact of the development upon the Conservation Area is a material consideration.

It is advised within the submitted Design and Access Statement that the dwellings have been *'...designed to reflect the traditional local building style and layout of Upper Thurlwood. The footprint of the new buildings will be no greater than that of the previous buildings on the site.'*

There will be a mixture of 1 and 2 storey and 1 and 2 bedroom properties.

'The Bull Barn' to the south-east of the site would have a 'T-shaped' design, be 2-storey in nature and be a 2-bedroomed property. It would measure approximately 5.8 metres in height and have a footprint of approximately 67 square metres.

'The Smithy' to the northwest of the above, would also have a 'T-shaped' design, be single-storey in nature and be a 1-bedroomed property. It would also benefit from an integral garage. It would measure approximately 7.4 metres in height (at its maximum point) and have a footprint of approximately 133 square metres (including the garage).

'The Cricketer's House' to the northwest of the above, would also have a square footprint, be 2-storey in nature and represent a 2-bedroomed property. It would measure approximately 8 metres in height and have a footprint of approximately 67 square metres.

'Thurlwood Lock Stables' to the northwest of the above, would also have an 'L-shaped' footprint, be 2-storey in nature and represent a 2-bedroomed property. It would measure approximately 6.5 metres in height and have a footprint of approximately 74 square metres.

As such, the proposed dwellings would vary between design, height and footprint.

It is advised on each of the proposed plans of the above dwellings that they would all consist of *'selected Red Cheshire reclaimed brick' walls with 'traditional lime mortar', a 'traditional reclaimed tile' dual pitched roof, timber fenestration and cast iron rainwater goods.*

The Council's Conservation Officer has advised that he has no objections to the proposed development. However, it is advised that the detailing of the eaves and windows will need to be agreed prior to commencement of development. Furthermore, additional detail of the materials and finishes should be sought, should the application be approved given its sensitive location adjacent to a Conservation Area and within the Green Belt.

It is also recommended that a condition requesting details of both hard and soft landscaping be secured. It is advised that Permitted Development Rights should also be removed for alterations to the exterior of the buildings, outbuildings and boundary treatments.

As such, subject to the conditioning of the above, it is considered that the proposed development would adhere with Policies GR2 and BH9 of the Local Plan.

Highways and Parking

The Strategic Highway's Manager was consulted as part of the pre-application process and advised that they would have no issues with the scheme in principal. When questioned about the bridge, it was advised that because the access road and the bridge are unadopted, any issues in relation to these features would be a private matter.

The Strategic Highways Manager advised that *'As part of the development, the section of roadway at the western side of the bridge would be surfaced and slightly reprofiled. Each of the properties would have three parking spaces, which should ensure access for others is not obstructed.'* It is further advised that *'Although Farams Lane is narrow and lacking footways, it is unadopted and even with the proposed development the total volume of traffic will still be very low. There will of necessity be construction traffic, but this will be controlled in some degree by the owners of the bridge. Therefore I do not consider there are sufficient highway grounds for objection.'*

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Ecology

The applicant has submitted an ecology report and a bat activity survey as part of the application. No evidence of bats was identified.

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development.

As such, subject to conditions, it is considered that the proposal adheres with Policy NR2 of the Local Plan.

Landscape

The Council's Landscape Officer has advised that insufficient detail had been received in relation to the proposed retaining structures used to support the infilling within the rear gardens. However, subject to a comprehensive hard and soft landscaping scheme being secured by condition, there would be no objections to the development in principle.

In terms of trees, the submission indicates ground works in the vicinity of the existing mature willow trees located outside of the site edged red. However, as the site currently comprises of scrub land only and because there are no protected trees on or around the site, any impact upon trees is not considered to be significant in this instance.

As such, the proposed development, subject to conditions, would adhere with Policy NR1 of the Local Plan.

Right of Way

The application site would be adjacent to public footpath Odd Rode 45 as recorded on the definitive map held at the Council offices.

The Council's Public Rights of Way Officer has advised that it is recommended that the applicant be made aware of their responsibilities in relation to a nearby public footpath by means of an informative. As such, subject to this informative, it is considered that the development would adhere with Policy GR16 of the Local Plan.

Affordable Housing

The Council's Housing Officer has advised that because the site lies adjacent to the Rode Heath Settlement Boundary (which has a population of less than 3,000 people), 30% of the dwellings should be allocated as affordable in accordance with the Council's Interim Planning Statement on Affordable Housing.

However, closer inspection of the site shows that the site falls within Odd Rode which has a population well in excess of 3000. As such, it is considered that due to the location of the proposed development, the scheme does not trigger an affordable housing requirement.

Drainage / Flooding

As the development site lies at a lower ground level to the adjacent Trent and Mersey Canal, the Environment Agency were consulted with regards to flooding.

In response to this consultation request, the Environment Agency have advised that the site is shown as falling within Flood Zone 1, which has a low probability of flooding and they have '*...no objection in principle to the proposed development*'.

It is advised that due to the difference in levels between the site and the canal, there could be a risk to the proposed development should there be a breach or overtopping of the canal bank. However, the proposals include a note that the floor slab levels of the proposed dwellings are raised 500mm above existing slab levels. '*This would provide some protection from any such flooding from the canal*'.

As such, it is considered that the proposed development would adhere with Policy GR21 of the Local Plan.

United Utilities have not provided any comments at the time of this report in respect of drainage. However, given that little drainage information has been submitted with the application, it is considered that should the application be approved, a condition requiring the prior submission of a drainage scheme to be approved by the Local Planning Authority should be imposed. Subject to this condition, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

CONCLUSIONS

In conclusion, the development is contrary to the Congleton Borough Local Plan First Review 2005 Green Belt policy. However, the NPPF allows scope for such development so long as it

would not have a greater impact upon the openness of the Green Belt than the existing situation. This policy has greater weight than the Local Plan Green Belt policies PS7 and H6.

The replacement of the 2 existing structures on site would adhere to this policy, however, it is considered that the further 2 units proposed would have a greater impact upon the Green Belt than the existing situation given that they are no longer in situ. As such, it is considered that the proposed development would be contrary to Policy PS7 (Green Belt) and the NPPF.

RECOMMENDATION

REFUSE

1. The erection of 4 detached, residential properties on this site is considered to have a greater impact upon the openness of the Green Belt than the existing derelict buildings, of which there are 2. As such, it is considered that the proposed development would be contrary to Policy H6 (Residential Development in the Open Countryside and the Green Belt) and Policy PS7 (Green Belt) of the Congleton Borough Local Plan First Review 2005 and the Green Belt policies within the NPPF.

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