

Application No: 15/2353C

Location: ARCLID GRANGE, HEMMINGSHAW LANE, ARCLID, CHESHIRE, CW11 4SZ

Proposal: Construction of two new residential dwellings.

Applicant: The Trustees of Derek Beresford Family T

Expiry Date: 17-Jul-2015

SUMMARY

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favorably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a boost to the local economy.

However, the development would lead to a loss of Open Countryside and is not located in a sustainable location.

Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would be significant in this instance to warrant refusal of this application. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development would be sustainable and should therefore be approved.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

Revised plans have been submitted for the erection No.2 detached dwellings, 2 detached garages and an associated access.

The original submission sought 2 access points onto Hemmingshaw Lane. This was changed to 1 access during the application process following concerns being raised by the Council's Landscape and Nature Conservation Officer's regarding the loss of the hedgerow frontage.

SITE DESCRIPTION

The site relates to a paddock located to the northern side of Hemmingshaw Lane, Arclid, within the Open Countryside and within the Jodrell Bank Radio Telescope Consultation Zone Line.

The application site measures 2254 square metres and its topography is predominantly level and in line with the Lane. The site is currently paddock and is accessed via a wooden gate off Hemmingshaw Lane.

RELEVANT HISTORY

34822/3 – (Arclid Grange) - Conversion of Workshop to Create One Dwelling – Approved 27th September 2002

20031/3 - (Arclid Grange) - Extension to Existing Dwelling House and Change Of Use To Provide 6 No Bed And Breakfast Guest Bedroom Low Budget Accommodation – Approved 23rd August 1988

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR1 - New Development; GR2 - Design, GR4 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR20 - Public Utilities, GR21 - Flood Prevention, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory

Sites, H1 - Provision of New Housing Development and H6 - Residential Development in the Open Countryside and the Green Belt

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability and SE13 - Flood risk and water management

CONSULTATIONS

Jodrell Bank (University of Manchester) – No comments received at time of report

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No objections, subject to a condition requiring the prior submission of a Phase 1 contaminated land report and informatives relating to hours of construction and contaminated land

Flooding (Cheshire East Council) – No comments received at time of report

United Utilities – No comments received at time of report

Arclid Parish Council – No comments received at time of report

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

No letters of objection have been received at the time of the report.

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Emerging Local Plan policy
- Sustainability

- Planning balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. 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 the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered within the Environmental Role section of this report.

Emerging Local Plan Policy

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the

Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational 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. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant has not submitted this completed toolkit. However, the Planning Officer can confirm that the site is not likely to adhere to the majority of the public facilities listed due to its location and as such, the proposed development cannot be considered to be locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

Landscape, Trees and Hedgerows

The site is a small paddock contained by trees/hedging and currently grazed by horses. There is residential development to the south, west and east and an employment site to the north.

The revised plans annotate that the existing boundary treatments shall be retained.

The site is in open countryside as defined in the Congleton Borough local plan. It is well contained and would appear an infill plot. The Council's Landscape Officer has concluded that subject to retention of all boundary vegetation (which provides good containment), she considers the site could accommodate the development proposed without a significant landscape impact.

Ecology

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

If planning consent is granted, the Council's Nature Conservation Officer has advised that the standard nesting bird condition would be required.

Design

The proposed development is for 2 new dwellings.

The submitted layout plan shows that the proposed dwellings would be erected adjacent to each other fronting onto Hemmingshaw Lane.

Each would be accessed via the existing access to the site which would lead to a driveway for each unit. Each dwelling would benefit from a detached garage.

The units would be inset from the highway by approximately 13 metres, be inset from the rear of the site by between 12.5 and 17 metres respectively and sit relatively centrally within their respective plots.

It is considered that this layout and inset from the highway would largely reflect the layout of the closest adjacent properties and as such, is considered to be acceptable.

With regards to form and scale, the dwellings would each be detached, and be of a 1 ½ storey design.

Bearsford Lodge to the west is of a bungalow design. Badgers Holllow and Squirrels chase to the east are 1 ½ storey barn conversions. The property on the opposite side of the road from the application site comprises of a detached, two-storey design.

As such, it is not considered that the erection of a further 2 detached 1 ½ storey units in this part of Hemmingshaw Lane would appear incongruous within the streetscene given the range of forms and scales.

Of the 2 dwellings proposed, the dwelling to the west entitled; House 1 would have an elongated frontage, a dual-pitched roof including a dual-pitched dormer window, a forward projecting two-storey gable feature to one side and a central front door and porch.

To the rear, the dual-pitched roof is extended to form a cat-slide roof design which would also contain a dual-pitched dormer window. A single-storey rear outrigger and side outrigger is also proposed.

The associated double garage would be single-storey, comprise of a dual-pitched roof, a central large garage door on the frontage and a pedestrian door on the side elevation.

The dwelling proposed to the east, House 2, would be of a narrower design characterised by a 1 ½ storey gable frontage that would consume more than half of the dwelling frontage.

The gable feature would comprise of a diamond shaped window within the frontage of the roof space and a ground-floor porch.

A dual-pitched roofed former window would be proposed within the roof space of the non-gable aspect of the principal elevation.

To the rear, a two-storey gable outrigger is proposed.

The associated double garage would mirror the design of the garage proposed with House 1.

It is advised within the submitted Design and Access Statement that both houses would feature a brick plinth, timber windows and stone surrounds, stone cills, lead detailing, projecting rafter feet.

It is advised within the application form that the dwellings and garages would comprise of brick and rendered walls, tile roofs and timber fenestration.

Subject to the detail of the materials being secured for prior approval by condition, it is considered that the appearance of the proposed dwellings and garages would not appear incongruous within this setting of a mixture of dwelling forms and designs.

As a result, once the materials have been conditioned, it is considered that the proposed development would be of an acceptable design and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Access

The revised layout plan demonstrates that the proposal seeks the utilisation of the existing agricultural access onto the Lane.

The Head of Strategic Infrastructure (HSI) has advised that access to the proposed dwellings is taken from an un-adopted private road some 200m from its junction with the nearest adopted highway, the A534 Congleton Road.

It is advised that the commuter peak hour and daily traffic generation associated with the development of two dwellings would not be expected to have a material impact on the operation of the junction or the wider highway network.

Accordingly, the Head of Strategic Infrastructure has no objection in relation to the above planning application

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

Conclusion

The proposed development would not create any significant landscape, tree or hedgerow, design, access, ecology, flooding or drainage issues.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide 2 market dwellings.

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 in terms of 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 closest neighbouring properties to the application units would be the occupiers of Bearsford Lodge to the west, the occupiers of Badgers Holllow to the east and the occupiers of Arclid Lodge on the opposite side of the Lane.

At its closest point, the detached garage of the proposed House 1 would be approximately 14.5 metres away from the side elevation of Bearsford Lodge. The side elevation of House 1 itself would be approximately 23.7 metres away from this neighbouring unit.

Within the relevant side elevation of the proposed garage, no openings are proposed. Within the relevant side elevation of House 1, a ground-floor window to a utility room is proposed.

Given the large separation distance between this neighbouring dwelling and this closest window, it is not considered that any loss of privacy would be created to this side.

Within the relevant side elevation of Bearsford Lodge, at ground-floor level, there are 2 secondary lounge openings and 2 secondary dining room openings. At first-floor level, there is a principal bedroom window. However, this is significantly set back from the ground-floor windows on this eastern elevation.

Given the separation distance between this neighbouring dwelling and the garage associated with House 1, in conjunction with its single-storey nature, it is not considered that the occupiers of Bearsford Lodge would be significantly impacted in terms of loss of light or visual intrusion. House 1 itself is considered to be too far away to cause such amenity concerns.

Badgers Hollow is located approximately 16.2 metres away from the eastern side boundary of the site, approximately 18.2 metres from the proposed garage for House 2 and approximately 25 metres from the side elevation of the House 2 itself.

Given these large separation distances, it is not considered that the proposal would create any privacy, light or visual intrusion issues for the occupiers of this neighbouring dwelling.

Arclid Lodge on the opposite side of Hemmingshaw Lane would be over 21.5 metres away from the application site, far enough away for their amenities not to be impacted by the proposal.

The Council's Environmental Protection Team have advised that they have no objections to the development on environmental disturbance grounds subject to a number of conditions including; the prior submission of a phase 1 contaminated land report and a hours of construction and contaminated land informative.

Each dwelling would benefit from a garden of sufficient size and subject to the opposing first-floor side windows of each of the proposed dwellings being obscurely glazed to prevent loss of privacy for the future occupiers; it is not considered that the dwellings would have a detrimental impact upon each other.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have not provided any comments at the time of writing this report suggesting that they have no objections. Should this position change, the Members shall be updated as part of a written update prior to committee.

Other Matters

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy.

However, the planning dis-benefits are that development would lead to a loss of Open Countryside and would not located in a sustainable location.

Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would be significant in this instance. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development would be sustainable and should therefore be approved.

RECOMMENDATION

APPROVE subject to the following conditions

- 1. Time**
- 2. Plans**
- 3. Prior submission of material details**
- 4. Retention of boundary treatment**
- 5. Contaminated land – Phase 1**
- 6. Obscure glazing**
- 7. Nesting birds**

Informatives:

1. NPPF
2. Contaminated land
3. Hours of construction

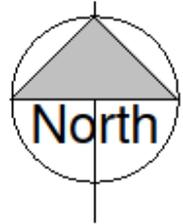
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



Location Plan
1 : 2500

Revision Schedule

Number	Date	Description	Author



NOTES:
 All building work to be carried out in accordance with all relevant national, local authority planning and statutory planning conditions approved by the Local Planning Authority.
 All building work to be carried out in accordance with all relevant building regulations and all relevant health and safety legislation and to the satisfaction of the building control officer on site.
 The contractor to check all dimensions and conditions on site before commencing. Planned dimensions shall be confirmed to actual dimensions. All building conditions on site shall be confirmed to actual conditions.
 Conditions to be read in conjunction with the Employees' Disputes and Resolution Act 1998.
 It is intended that this drawing has been prepared and issued for the sole purpose stated within the title block. It is not intended that this drawing be used for any other purpose or for any other system.

DRAWING:
 Infill Plots at Arclid Hall
 Arclid, Sandbach
 Mr. David Beresford

DRAWING:-
 Location Plan

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Jay Ashall Partnership
Chartered Architects