

Application No: 15/3137C

Location: Bank Farm, Macclesfield Road, Twemlow, Cheshire, CW4 8BG

Proposal: 1No New Detached Dwelling on an Infill Plot between Bank Farm & Maple Hayes on Macclesfield Road, Twemlow

Applicant: Marshall Barnett

Expiry Date: 07-Sep-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 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. In addition the site is located in a relatively sustainable location with links to Goostrey and Holmes Chapel.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to conditions**

## **REFERAL**

This application as recommended would constitute a departure from the Local Plan and therefore should be considered by the Southern Planning Committee.

## **PROPOSAL**

This application seeks full planning permission to 1no detached dwelling house on land between Bank Farm Barns and Maple Hayes on Macclesfield Road, Twemlow.

## **SITE DESCRIPTION**

The site relates to a roughly rectangular plot of land on Macclesfield Road, between Bank Farm Barns and Maple Hayes. The site is situated within the open countryside.

The application site is approximately 0.12 hectares in size, and is approximately 40m wide and 30m deep. Currently the site is used for the grazing of sheep and there is a boundary hedge facing Macclesfield Road.

The site falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

## **RELEVANT HISTORY**

10/1371C – Permission to keep horses – Approved with conditions 27<sup>th</sup> July 2010

## **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  
and 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  
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  
IN1 – Infrastructure  
IN2 - Developer contributions  
SC4 - Residential Mix  
SC5 - Affordable Homes  
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  
SE13 - Flood risk and water management.

### **CONSULTATIONS**

**Environmental Health:** No objections subject to conditions for glazing specification on front elevation for habitable rooms and contaminated land.

**Strategic Highways Manager:** None received at time of writing this report.

**Jodrell Bank (University of Manchester)** – No objections, but recommends the use of electromagnetic screening measures in the construction of the proposed development.

**United Utilities** – No objections

**Twemlow Parish Council** – The site is not within the infill boundary line as stated. The three barn conversions adjacent to the proposed dwelling do not wish the access to be across their shared access with the applicant and desire a separate access from the A535.

## **REPRESENTATIONS**

To date, letters of observation have been received from 3 neighbouring properties. The main issues raised are,

- Dispute the applicant's right to access the application site, as deeds allow access to farmhouse and fields for himself, his tenants, his servants and visitors but not for additional person to a new house.
- Site is not within the Congleton Borough Local Plan infill boundary
- The proposed dwelling would detract from the rural appearance of the barn development, and the village as a whole,

## **APPRAISAL**

### **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 below.

### **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, they have stated that in a recent Appeal Decision at Land at Hiverley Cottage, Twemlow Green to the Inspector concluded that (similarly) although the site is in a rural area it is close to the IBL of Twemlow Green village and that there is access to a circular bus service, school and college buses and there is a restaurant nearby. The site is within cycling distance of Goostrey and Holmes Chapel which are defined as Local Service centres in the CELP. Therefore in locational sustainability the Inspector considered that the future occupiers of the site would be able to access local services and facilities either by walking/cycling or a small car journey and in turn considered the location to be 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 Impact

The site is in open countryside as defined in the Congleton Borough local plan. It is well contained and would appear as an infill plot, albeit outside the infill boundary line. The site boundary will follow the existing rear boundaries of the adjacent sites which will help to assimilate the dwelling into the existing built up frontage. Subject to the retention of all the existing boundary hedging and trees (which provides good containment), it is considered the site could accommodate the development proposed without a significant landscape impact.

### Trees and Hedgerows

Although there are trees and hedgerows in the vicinity, no detailed arboricultural information has been provided. However, these trees and hedgerow are largely sited within the periphery of the site and the proposed dwelling will be sited centrally. The proposed access into the site will not affect the hedgerow and therefore it is considered unlikely that the proposed works will have any arboricultural impacts subject to a tree protection condition.

### Ecology

The Council's Nature Conservation Officer has not yet commented on the application, however as the land is currently in use as an area of grazing land it is unlikely that the development will have any significant impact on ecology in the area. Furthermore, as the proposal does not include the removal of any hedgerow or trees it is unlikely to have any adverse impact on nature conservation in the area.

### Design

The proposed development is for 1no new dwelling. The submitted plan shows a fairly standard 4 bedroom property with an attached garage and associated driveway off the existing private drive

serving the Bank Farm Barns. The proposed dwelling will have a hipped roof design and a fairly symmetrical double fronted front elevation. The dwelling is of a size, position and design which is in keeping with the existing rural area. Subject to conditions for materials to be approved it is considered that the proposal is acceptable.

### Access

The proposed development would utilise an existing drive way off Macclesfield Road, which currently serves Bank Farm Barns and the Farmhouse. The neighbours have objected to this proposed access due to a disagreement over the applicant's right of access on this land. However this is not a material planning consideration and is a civil legal matter between the applicant and the Bank Farm Barns Management company.

The Strategic Highways Manager has yet to comment on the application and these comments will form part of an updated report to the Committee.

### Flood Risk and Drainage

The application site falls within Flood Zone 1 and is not of a scale which requires the submission of a Flood Risk Assessment. United Utilities have also reviewed the application and have no objections to make.

### 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 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 1 market dwelling housing unit.

### 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 site include; Bank Farm Barns 2 & 3 and Maple Hayes.

There will be a 21m separation distance between the side elevation of Maple Hayes and the proposed side elevation of the new dwelling. The proposed side elevation will have only secondary windows on the side elevation and there are a number of large trees on the boundary which will help to mitigate for any overlooking. There will also be a separation gap of 44m from the side elevation of the proposed garage of the dwelling to the front and side elevations of 2 & 3 Bank Farm Barns.

There is sufficient space within the site to allow the new dwellings to be constructed without detrimentally impacted on privacy, light or visual intrusion of the neighbouring properties.

The Council's Environmental Protection Team have advised that they have no objections subject to conditions for glazing specification on the front elevation and prior to the occupation and post construction Contamination details and informative relating contaminated land.

The Environmental Protection Team consider that the close proximity of the main A535 to the proposed new dwelling has potential to have a negative impact on the future occupiers of the dwelling by means of noise. The proposed condition requires all habitable rooms on the front elevation of the building to achieve a minimum of 34 dB R +Ctr and include details of acoustic trickle ventilation systems. This would help to mitigate for any significant noise impact and is therefore considered reasonable.

In terms of the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a private amenity space of at least 65 square metres.

As such, 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 advised that they have no objections to the proposal, but recommend the incorporation of electromagnetic screening measures into the construction of the proposed development.

As such, subject to the addition of this condition, it is considered that the proposal would adhere with Policy PS10 of the Local Plan and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.

## **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. In addition the site is located in a relatively sustainable location with links to Goostrey and Holmes Chapel.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions;

- 1. Time Limit**
- 2. Development in accordance with approved plans**
- 3. Materials to be submitted**
- 4. Prior submission of electromagnetic screening measures (Jodrell Bank)**
- 5. Glazing specification for front elevation of property**
- 6. Prior to occupation/first use contamination report**
- 7. Landscaping**
- 8. Landscaping implementation**
- 9. Boundary treatment**
- 10. Tree Protection**
- 11. Nesting birds**

**12. Prior submission of features suitable for breeding birds**

**13. Obscure glazing to first floor windows to the side elevation of the proposed dwelling**

**Informatives:**

**1. NPPF**

**2. Contaminated Land**

**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.**

