

Application No: 16/0914M

Location: CHERRY BARROW FARM, CONGLETON ROAD, MARTON,
CHESHIRE, SK11 9HF

Proposal: Outline application for construction of two detached, 3-bedroom houses
on land to the west of Cherry Barrow Farm

Applicant: Mrs W Basnett

Expiry Date: 20-Apr-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Macclesfield Borough Local Plan.

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 Policies GC5 and GC6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside and the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve with conditions (subject to Jodrell Bank referral)

REASON FOR REPORT

This application is referred to Northern Planning Committee as it proposes housing in the Open Countryside. This would represent a departure from the Development Plan.

PROPOSAL

This application seeks outline planning permission for the construction of two detached dwellings with all matters reserved for subsequent approval with the exception of access. The proposal therefore merely seeks to establish whether the construction of two dwellings in this location would be acceptable as a matter of principle, and whether the means of access is acceptable.

The scheme has been supported by a basic indicative layout to show two detached dwellings on the land to the rear Cherry Barrow Farm. Access to the site would be via the existing point of access from Congleton Road.

SITE DESCRIPTION

The site relates to a parcel of land which is located to the rear of a property known as Cherry Barrow Farm which is located within the Open Countryside as defined by the Local Plan Policies Map. The site lies on the edge of the settlement of Marton. The land is currently in use for the grazing of horses while a stable block is located adjacent to the site.

The site lies within the Jodrell Bank Radio Telescope Consultation Zone.

RELEVANT SITE HISTORY

15/1032M - Erection of Brick Columns and Gates to Driveway – approved – 06/07/15.

10/4525M - Erection of 3 timber stables and ancillary storage bay – approved – approved – 28/04/11.

LOCAL & NATIONAL POLICY

Marton Neighbourhood Plan (Draft)

Has been independently examined, with the Examiner recommending that that the plan, once her modifications have been made, proceeds to referendum.

Macclesfield Borough Local Plan (2004)

BE1 – Design Guidance
GC5 – Countryside Beyond the Green Belt
GC6 – Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone
GC14 – Jodrell Bank
H2 – Environmental Quality in Housing Developments
H5 – Windfall Sites
H13 – Protecting Residential Areas
DC1 – Design & Amenity – New Build
DC3 – Design & Amenity – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 – Materials and Finishes
DC37 – Landscaping
DC38 – Space, Light and Privacy

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 - Overall Development Strategy
Policy PG2 – Settlement Hierarchy
Policy PG5 – Open Countryside
Policy PG6 – Spatial Distribution of Development
Policy SD1 - Sustainable Development in Cheshire East
Policy SD2 - Sustainable Development Principles
Policy SE1 – Design
Policy SE2 - Efficient Use of Land
Policy SE4 - The Landscape
Policy SE5 - Trees, Hedgerows and Woodland
Policy SE9 - Energy Efficient Development
Policy SE12 - Pollution, Land Contamination and Land Instability
Policy IN1 – Infrastructure

National Policy

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

7 – Achieving Sustainable Development; 14 - Presumption in favour of sustainable development; 17 – Core planning principles; 32 – Promoting sustainable transport; 47-50 - Wide choice of quality homes; 56-68 - Requiring good design; 69-78 - Promoting healthy communities; and, 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

CEC Highways – No objections - Access to the proposed dwellings, which is shared with Cherry Barrow Farm, is satisfactory and I am satisfied there is sufficient space within the site, for off-street parking provision to be in accordance with CEC minimum parking standards and for vehicles to enter and exit the site in a forward gear.

There are no other material highway implications associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

Jodrell Bank - Oppose the development. The impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope.

Ask that the planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

United Utilities – No objection subject to conditions.

Marion Parish Council - In many ways this application fits the criteria set in our emerging Neighbourhood Plan (now in stage 16) but unfortunately it is in conflict with our policy to support brown field development over greenfield development. We also have to take issue with several items listed in the support letter provided by Andrew Ellis.

The proposal is in Open Countryside as defined in Policy PG5 and would restrict views from the area of the Church to the countryside beyond.

The applicant states the proposal recognizes the shortage of 2 & 3 bedroom houses within Marion for sale or rent. This is not the case & has been demonstrated in our recent Housing Needs Survey done as part of the Neighbourhood Plan, additionally houses of this type are currently available within the village.

The Emerging Local Plan no longer proposes 2950 houses in rural areas & now states there is no requirement for additional dwellings in rural areas.

Although the application is for only 2 houses we have to disagree with the description of Marion as a sustainable area. We have no mains gas, public transport, post office nor basic shopping facilities. There is very limited employment opportunity & all everyday needs including medical care can only be found by car in Macclesfield or Congleton.

The Parish Council cannot support this application & recommend it be refused.

REPRESENTATIONS

Two letters of general comments received:

- Highways should be consulted;
- Scale of proposals should be in keeping with village;
- Is the building on agricultural land;
- Not infill development.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The site is designated as being within the Open Countryside where Policy GC5 (Open Countryside) of the Macclesfield Borough Local Plan states that development will only be permitted if it falls within one of a number of categories, while Policy GC6 sets out further criteria for appropriate development in such locations. Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version identifies that housing development will only be acceptable where it is the subject of a number of criteria.

The proposed development does not satisfy the criteria set out for development in the Local Plan nor does it represent an opportunity for infilling or any of the other categories set out in emerging Policy PG5.

It is noted that the Draft Marton Neighbourhood Plan identifies the site as falling within the settlement boundary for Marton, and that Policy within the document allows for residential development “at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton”. The Neighbourhood Plan prioritises the use of brownfield sites, but all applications will be considered on their individual merit. The NP also states that residential development will be acceptable where it meets an identified local need.

The proposed development is sited on the edge of the settlement and although a greenfield site, is considered to be an acceptable location for development in accordance with the draft Neighbourhood Plan. Although the Examiners Report into the plan has now been published, the plan has yet to be ‘made’ so full weight cannot be given to the policies as yet.

As a result, the proposed development constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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. These are considered below.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

This is a material consideration in support of the proposal.

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”

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 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;

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

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

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. These are considered below.

Environmental role

Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One 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.

A locational sustainability assessment has not been provided by the applicant for this scheme. Notwithstanding this, planning permission has been approved for the construction of

a single dwelling immediately adjacent to the site where it has been accepted as being a locationally sustainable site.

The NPPF states in paragraph 55 that isolated new dwellings in the countryside should be avoided unless there are special circumstances. Paragraph 55 also acknowledges that development should be located where it would enhance or maintain the vitality of rural communities. There are a number of services and facilities within the settlement of Marton which the proposed development would help to sustain (including Primary School, local shop, public house, restaurant/café, church). The site is accessed from the A34 which provides good transport links to nearby settlements. The proposal could not therefore be considered to represent isolated dwellings in the countryside.

It should also be noted that the Marton Neighbourhood Plan states that:

Local housing needs will be met through:

- *The redevelopment of brownfield sites*
- *Infill (see definition above)*
- *Conversions*
- *And at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton.*

Landscape Impact

The application site is located to the rear of the property known as Cherry Barrow Farm which is sited to the south of the village. Cherry Barrow Farm and the adjacent Church Farm are the first properties visible on the entrance to the village on the western side of the A34. As the proposed dwellings would be sited to the rear (west) of these buildings, they too would be visible on the approach to the village.

There is an element of site screening by existing vegetation along the A34 which would help to soften any impact, while supplementary landscaping could also be provided. As the proposal is in outline it is unclear at this stage how the proposals would be assimilated into the landscape. Notwithstanding this, appropriately design dwellings of modest height and bulk could be provided on the application site without resulting in undue harm to the landscape or setting of the settlement.

Design

The application is in outline with all matters reserved including scale, layout and appearance. Notwithstanding this, an indicative layout shows the provision of up to 2 new dwellings perpendicular to Cherry Barrow Farm. The indicative layout shows that the development can be accommodated on the site without representing an overdevelopment of the site.

As acknowledged above, provided the dwellings are appropriately designed it is unlikely that the proposal will have a detrimental impact on the character and appearance of the area and, the indicative layout is deemed to be acceptable in principle.

Access

Detail of access is sought for approval under this application. The submitted proposals indicate that the dwellings would be accessed via the existing point of access from the A34. At this point the A34 is 30mph. Plans have been provided which demonstrate that visibility splays of 78m to the south and 130m can be provided. CEC Highways have reviewed the proposals in respect of the visibility splays and are satisfied that the site can be safely accessed without resulting in Highway Safety issues.

Environmental Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, highway safety, and design, subject to conditions.

As a result of the above reasons, it is not considered that the proposed development would be environmentally neutral.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.'

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Calverley, and the surrounding villages, including additional trade for local businesses, jobs in construction and economic

benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

Social Role

The proposed development would provide two open market dwellings which in itself, would be a social benefit.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. In respect to the spacing standards, these are set out in the guidance contained within policy DC38. Policy DC41 states that proposals should not result in overlooking of existing gardens or lead to excessive overshadowing to existing habitable rooms.

The proposed indicative layout shows the proposed detached dwellings to be sited perpendicular with Cherry Barrow Farm. The indicative layout demonstrates that the proposed development can be accommodated on the site without resulting in any overshadowing or overbearing on adjoining properties. To the north and south of the site is agricultural land, there would be no overlooking or loss of privacy issues arising on that land.

The site can be developed whilst providing an appropriate level of private amenity space for the proposed dwellings.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy GC14 of the Local Plan.

Policy GC14 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 GC14 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 GC14.

The impact of recent developments and particularly their cumulative impact is becoming critical to the efficient operation of the telescope. The University of Manchester (who operate Jodrell Bank), have advised that the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. However, the increasing number of smaller developments are cumulatively creating a greater and more harmful effect which will only get worse the more developments are allowed – albeit there has not been many recent developments in Marton village. This contrasts with other more sensitive areas within the Jodrell Bank consultation zone.

As such, there would be an impact upon the telescope, but the impact would be ‘minor’ and this impact needs to be weighed in the overall balance of the application proposal.

Should the Committee resolve to grant planning permission the Council will be required to give 21 days notice of the intention to do so to Manchester University, in accordance with the Jodrell Bank Directive.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Macclesfield Borough Local Plan.

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 Policies GC5 and GC6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside and in this instance the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

SUBJECT TO

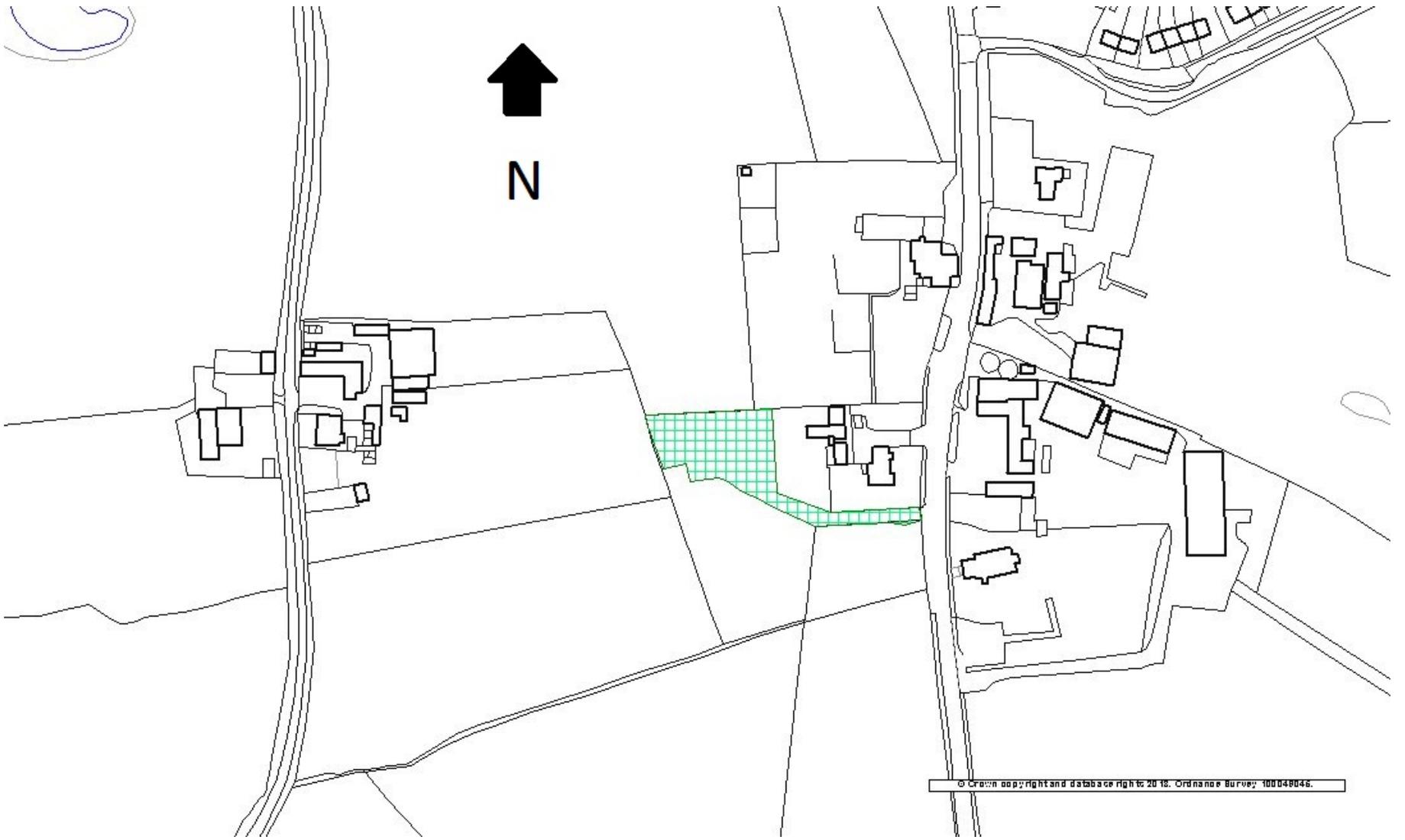
Referral of intention to grant permission to University of Manchester Jodrell Bank, in accordance with the Jodrell Bank Directive.

RECOMMENDATION

Approve subject to conditions;

- 1. Submission of Reserved Matters (Appearance, Landscaping, Layout and Scale)**

- 2. Time Limit for submission of reserved matters**
- 3. Time limit for outline permission**
- 4. Development informed by approved plans**
- 5. Details of materials to be submitted for approval**
- 6. Existing and Proposed Site Levels**
- 7. Foul and surface water shall be drained on separate systems**
- 8. Surface water drainage scheme to be submitted**
- 9. Sustainable drainage management and maintenance plan to be submitted**
- 10. Reserved matters application for scale to include section and streetscene to show relationship with Cherry Barrow Farm and Church Farm**



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