

Application No: 11/1498C

Location: Ivanhoe, Holmes Chapel Road, Brereton, Congleton, CW12 4SP

Proposal: Demolition of Existing Buildings and Redevelopment of the Site for 11 Dwellings (Including 3 Affordable Units) with Associated Landscaping and Access Improvements

Applicant: Cranford Estates Ltd

Expiry Date: 23-Aug-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

**Principle of Development
Housing Land Supply
Jodrell Bank
Residential Amenity
Ecology
Contaminated Land
Trees and Landscape.
Access and Highway Safety.
Affordable Housing
Design and Layout
Open Space**

REFERRAL

The application has been referred to planning committee because it is for more than 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

The broadly rectangular site has an area of 0.465 ha and lies on the south western side of the main A54 Holmes Chapel Road. The site is abutted to the north and south by the modern residential developments of Broomfields and Holly Croft respectively. The site has a wide road frontage of 66 metres which then tapers back to 45 metres along the rear (west) boundary. The site has a depth of 105 metres long the southern boundary adjacent to Hollycroft and a depth of 75 metres along the northern boundary abutting Broomfields.

The current use of the subject site is as an agricultural holding along with the existing dwelling of Ivanhoe positioned in the south eastern corner of the site. The site currently contains a variety of outbuildings and workshops in different states of repair along with a collection of machinery and equipment as is commonly found on such land uses but due to its main road frontage serves to detract from the overall character of the area.

2. DETAILS OF PROPOSAL

The proposal involves the demolition of all the existing buildings on the site and the erection of 11 dwellings, including 3 affordable units. The proposed dwellings would be a mixture of two-storey detached and terraced properties. Four of the proposed dwellings, comprising a terrace of three units, and a single detached property, would front on to Holmes Chapel Road. Whilst the remainder, which are all detached houses, would be arranged around a courtyard / cul-de-sac to the rear.

3. RELEVANT PLANNING HISTORY

36724/1	2004	Residential development – Refused
35428/1	2003	Residential development – Refused
23005/1	1991	One Bungalow Dwelling – Refused
13721/1	1981	One Dwelling – Refused

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control

Regional Spatial Strategy

DP1 – Spatial Principles
DP4 – Make best use of resources and infrastructure
DP5 – Managing travel demand
DP7 – Promote environmental quality
DP9 – Reduce emissions and adapt to climate change
RDF1 – Spatial Priorities
L4 – Regional Housing Provision
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets
MCR4 – South Cheshire

Local Plan Policy

PS8 Open Countryside
NR4 Non-statutory sites
GR1 New Development

GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy

4. OBSERVATIONS OF CONSULTEES

United Utilities

- No objection to the proposal provided that in accordance with PPS25 surface water is not allowed to discharge to foul/combined sewer.

Environment Agency

- No comments to make on this application.

Highways

- No comments received at the time of report preparation.

Jodrell Bank

- The University of Manchester makes no comment on the above application.

Environmental Health

- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- No objection provided highways check the junction for emergency vehicle access and any section 106 monies are allocated to the town for public realm.

6. OTHER REPRESENTATIONS

Representations have been received from West Lodge making the following points supporting the application:

- The present site is an eye sore and totally out of keeping with the residential development on either site.
- The proposed scheme will remove a nuisance and complete the residential frontage between the existing housing developments.
- The layout and house types are appropriate and will give the choice of smaller and less expensive units
- There is proven demand for affordable housing in the area, and the units included in the development will help to reduce that shortfall
- This type of Brownfield site should be utilised in rural areas to ensure that bona -fide Greenfield locations are protected.

7. APPLICANT'S SUPPORTING INFORMATION:

Planning Statement

- This statement has extensively described the proposed development and analysed it against the relevant national and local planning policies and guidance along with providing additional background details relating to the scheme such as the public consultations undertaken. It is concluded that the scheme is entirely acceptable in respect of all aspects including principle, density, privacy, amenity, design, layout, access, landscaping and affordable housing and as such planning permission for the development can be granted accordingly.

Transport Statement

- The site is accessible by sustainable modes of travel with a bus service running directly past the site;
- There is an established network of footways located within the vicinity of the site providing links to the surrounding residential areas;

- Appropriate servicing facilities and car parking can be catered for within the development site.
- Traffic generated by the proposed development will have a negligible impact on Holmes Chapel Road and the surrounding highway network.
- In conclusion, there are no highway or transportation reasons why the proposals should not receive planning consent.

Tree Survey

- The site has one residential building and includes several storage facilities for farm animals, equipment and vehicles. The majority of trees and vegetation surveyed are classified as grade C with the expectations G14, G15 and T17 which are classified as grade B and are located offsite. The trees to the front of the site have been managed to prevent canopy growth into the overhead cables. The hedge along the Southern boundary provides a substantial screen to the boundary.
- All the trees on site are of an average quality and no tree preservation orders are registered against this site.

Ecological Survey

- Access for bats and roost potential was found to be low.
- No evidence of loft or crevice dwelling bat use.
- Demolition of the property will not result in the loss of high value bat roost potential
- The buildings are absent of typical nest places for barn owls and no evidence of the species was ground
- It is possible that other more common bird species may use the buildings at some stage
- There are no badger setts within the development area
- The potential of the pond for Great Crested Newts could not be assessed
- If it is suitable a full survey will be required.

8. OFFICER APPRAISAL

Principle of Development

The site lies within the Infill Boundary Line for the settlement of Brereton Heath, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

Housing Land Supply

A previous planning application (36724/1 refers) was refused in 2004 on this site due to an oversupply of housing within Congleton Borough at that time. However, there have been a number of policy changes in respect of housing supply since that time. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it

should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

Jodrell Bank

Previous applications (36724/1 and 35428/1) on this site have also been refused due to impact on the efficient working of the radio telescope at Jodrell Bank. However, the University of Manchester has examined the current proposals and raised no objection. Therefore it is not considered that a refusal on the grounds of impact on Jodrell Bank could now be sustained.

Residential Amenity

The surrounding development comprises modern residential cul-de-sac development to the north and south sides, and open countryside to the rear. On the opposite side of the road lie open fields, that are currently utilised for equestrian purposes. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

Distances in excess of those recommended in the SPG will be achieved between plots 4 – 9 and the adjoining dwellings in Hollycroft to the South. The proposed dwellings are also located immediate to the north of the houses at Hollycroft, which will further reduce the potential for any impact on amenity resulting from loss of sunlight. The flank elevation to Plot 5 includes a first floor en-suite bathroom window and two ground floor windows serving a kitchen and dining area. Appropriate boundary treatment, which can be secured by condition, will ensure that there is no overlooking of neighbouring dwellings from the proposed ground floor windows, whilst an obscured glazing condition will be sufficient to avoid any loss of privacy from the first floor window.

To turn to the relationship with the properties at Broomfield, distances in excess of 21.3m will be achieved between the principal windows of Plot 11 and the existing houses at no.1 and no.5 Broomfield. Furthermore, the principal elevations of the existing and proposed dwellings will be at an oblique angle from each other. Similarly, the principal elevations of Plot 10 and no. 7 Broomfield are also not directly facing each other. A distance of over 30m will be maintained between the principal elevations of Plot 10 and no.9 Broomfield and a distance of over 13.7m will be achieved between the flank elevations of plot 10 and no.7 Broomfield.

Plot 10 is similar in design, to Plot 5 and incorporates a kitchen and dining room window to the ground floor of the flank elevation, and similarly, an appropriate boundary treatment, will prevent any overlooking of the adjoining dwelling at no.5 Hollycroft. However it, unlike Plot 5, Plot 10 does not contain any first floor windows in the flank elevation.

The separation distance between these 2 houses, stands at 10m, at the closet point, which is measured between the Flank elevation of Plot 10 and the rear elevation of the two storey outrigger at the rear of no.5 Broomfield, which contains principal windows. Whilst this is below the recommended minimum distance, in this case, this reduction is considered to be acceptable as the two elevations are not directly opposing. The rear elevation of no.5

Broomfield faces south east, whilst the flank elevation of Plot 10 will face due north. Consequently, the windows in the rear elevation of the 2 storey outrigger referred to above will overlook the single storey garage element of plot 10. The Council's SPG states that in the case of single storey development the separation distance between a principal elevation and a flank gable can be reduced to 10m. It is therefore considered that this relationship will not result in any reduction in the level of residential amenity afforded to no.5 Broomfield.

To turn to the levels of residential amenity to be provided within the development, distances of 21.3m would be achieved between all the principal elevations, in the cases of Plots 9 and 10, and 7 and 11, the separation distance between flank and principal elevations will be reduced to approximately 10m. Whilst this is below the recommended standard, this will enable a more enclosed courtyard effect to be created, and will help to achieve a design which is more in keeping with manual for streets philosophy, which advocates tightly defined streets and spaces with pinch points opening out into larger courtyards or squares.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of the 3 terraced houses on the frontage, which will each benefit from a rear garden area of between 36 and 45sqm. They will also have small gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, however, it is considered that a smaller area of amenity space can be justified for these dwellings, as they are much smaller, two bedroom properties, and are therefore less likely to be occupied by families with children.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be considerably exceeded and in view of the other mitigating factors, it is not considered that a refusal on amenity grounds could be sustained.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

Local Plan Policy [insert policy number and summary of content as appropriate]

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, the Council's Ecologist has examined the application and is satisfied that there is no evidence of Bats and Barn Owls at the site and therefore no further action is required in respect of these two species.

There is no evidence of a badger sett being present on site. Based on the current status of badgers on site he is satisfied that the proposed development is unlikely to have an adverse impact upon them. However, if planning consent is granted he recommends that a condition is attached requiring a further badger survey to be undertaken prior to the commencement of development as a precautionary measure. Similarly, if planning consent is granted standard conditions will be required to safeguard breeding birds.

Great Crested Newts are known to breed at a pond within 250m of the proposed development. No specific great crested survey has been undertaken in respect of this application, however the submitted ecological survey has identified that the site supports habitats that could potentially be utilised by this species. As no assessment of the likely impacts of the proposed development on great crested newts has been undertaken and no mitigation/compensation proposals have been provided it is currently not possible for the Council to assess the likely impacts of the proposed development upon this European protected species or to determine this application in accordance with its policy and statutory obligations.

However, the outstanding survey has been requested from the applicant and an update will be provided for Members either prior to, or at their meeting.

Contaminated Land

The proposed end use of the site is considered to be a “sensitive” use, and therefore an appropriate condition to secure a full ground investigation and any necessary mitigation measures is considered to be necessary. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of PPS.23 Planning and Pollution control and Policy GR.8 of the local plan.

Trees and Landscape.

The Senior Landscape Officer has examined the proposals and commented that there is existing vegetation on this site although nothing of significant public amenity value. In general, the proposed site layout appears to be reasonable and as proposed would only involve the removal of some poor specimens. Nonetheless, proposed plot 5 is very close to an early mature Sycamore tree and a privet hedge on the southern boundary. It would be impractical to retain these features with the dwelling in the position indicated. Whilst the sycamore, could be replaced as part of a landscaping scheme, the hedge provides valuable screening between the existing properties and the new development. Therefore, there needs to be greater separation between plot 5 and the hedge. The applicant is committed to retaining the hedge and has been made aware of this issue. They are currently revising their landscape proposals in the light of this issue and further update will be provided in due course.

Plot 11 will need special construction techniques for the driveway to protect a retained tree to the north. This could be covered by condition. Protection measures would be required for retained trees and hedges and proposals are provided on TEP plan 03 B. Subject to the imposition of these conditions the proposal is considered to be acceptable in tree and landscape terms.

Access and Highway Safety.

The proposal accesses directly on to the main A54 Congleton to Holmes Chapel Road. It is not considered therefore that the traffic generated by the 11 additional dwellings is likely to prove problematic in terms of congestion on local roads. The access will be constructed to current highway authority specification and benefits from good visibility in both directions, as the road is relatively straight at this point. The proposal embraces manual for streets principles and includes features such as shared surfaces and pinch points to slow vehicle speeds, without the need for heavily engineered traffic calming. A minimum of 2 off road parking spaces are provided for each dwelling and additional space is available for visitors, it is not considered therefore that there is any risk of parking over spilling on to the main A54.

The applicants transport statement has pointed out that the site is accessible by sustainable modes of travel with a bus service running directly past the site, giving access to both Congleton and Holmes Chapel. There is an established network of footways located within the vicinity of the site providing links to the surrounding residential areas.

Whilst comments were awaited from the Council's Highway Engineer at the time of report preparation, in the light of the above it is considered to be unlikely that any concerns will be raised on highway safety grounds, although a further update will be provided for Members on this issue.

Affordable Housing

As the application for this site is for 11 units there would not normally be any affordable housing requirement on it, however as it is a rural windfall site in Brereton, where there is a population of less than 3,000 there is an affordable requirement on the site. The Interim Planning Statement for Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 'Housing' states that local authorities may wish to set lower minimum thresholds where viable and practical this approach is supported by the 2010 SHMA, subject to substantiating evidence.

It goes on to state that monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The site is located in Brereton which is in the Sandbach Rural sub-area. However it also borders Somerford which is in the Congleton Rural sub-area so the affordable housing would serve the affordable housing need for both areas. The Strategic Housing Market Assessment (SHMA) 2010 identifies that the combined annual affordable housing need for the Sandbach Rural and Congleton Rural sub-areas is 11 units, and that there is a need for a mix of 1 bed, 2 bed, 3 bed and 4/5 bed units

The SHMA carried out in 2010 also stated that targets need to support a better mix of housing types in all locations and that in Cheshire East the largest proportion of additional affordable units are needed as social rent. As initially submitted the planning application indicated that 3 affordable units are proposed as 1 social rented unit and 2 intermediate tenure units. This is not in line with the Affordable Housing Interim Planning Statement, and in accordance with the current policy the units should be provided as a mix of 2 social rented units and 1 shared ownership units. The developer has been made aware of this issue and has agreed to this modification to the tenure split. It is therefore considered that the proposal meets the requirements of both PPS3 and the Interim Planning Statement in respect of affordable housing.

Design and Layout

The dwellings on plots 1 to 4 provide an active frontage to Holmes Chapel Road, with pedestrian access out on the pavement. However, car parking will be to the rear of these

properties which will avoid creating a car dominant frontage. The corner property on plot 4 also includes a bay window and a large hall / landing window, to create a dual aspect to break up the mass of the gable and “turn the corner” into the proposed development.

The dwellings to the rear are laid out in two rows, facing each other across a central, parking and turning area. The courtyard layout of this part of the development is also reminiscent of the many converted farmsteads in the locality. This layout helps to create a sense of enclosure and community as well as natural surveillance of the parking and turning areas. This sense of enclosure is enhanced by the fact that the dwellings on plots 7 and 11 are stepped forward slightly to create a “gateway” and sense of transition between the frontage development and the courtyard to the rear, which make up the two parts of the site and have differing and distinct characters.

The proposed dwellings are 2 stories in height which reflects the surrounding developments to either side. It is therefore considered to be acceptable in street scene terms. Furthermore, it will help to knit together the two recent developments at Broomfield and Hollycroft, to create a continuous frontage to Holmes Chapel road and to help to consolidate the nucleus of the settlement which has developed over recent years around the junction of Brereton Heath Lane and Holmes Chapel Road.

To turn to the elevational detail of the scheme, the properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Similar designs have been employed on the neighbouring developments at Hollycroft and Broomfield and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Open Space

The proposal does not provide any on-site public open space and no contribution in respect of off-site provision has been offered. Comments were awaited from the Greenspaces Officer at the time of report preparation, and a further update will be provided to Members at their meeting.

9. CONCLUSION

In summary, the proposal is considered to be acceptable in principle, as it lies within the infill boundary line as designated in the local plan. It will assist the Council in meeting its requirement for a 5 year housing land supply and will promote economic growth. The proposal is acceptable in terms of its impact on Jodrell Bank and Residential Amenity. The Contaminated Land issue can be adequately addressed through conditions and the affordable housing requirement is being met on site. The design and layout is also considered to be acceptable and will enhance the character and appearance of the surrounding area.

There are a number of issues outstanding, but it is not expected that any of these would threaten the principles identified within the scheme, and therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

10. RECOMMENDATION

APPROVE subject to

- Receipt of additional information in respect of Great Crested Newts and confirmation from the Council's ecologist that the information submitted is satisfactory
- No objection from the Highways Engineer
- No objection from the Greenscape Officer
- Receipt of amended drawings to provide for the retention of the hedge to the southern boundary.

Signing of a Section 106 agreement making provision for Affordable Housing comprising 2 social rented units and 1 shared ownership unit.

And the following conditions:

- 1. Standard**
 - 2. Plans**
 - 3. Materials to be submitted and approved**
 - 4. Obscured glazing to first floor window in south elevation of plot 5**
 - 5. Submission of contaminated land investigation**
 - 6. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
 - 7. Details of the method, timing and duration of any pile driving operations to be submitted and approved**
 - 8. Landscaping to be submitted and approved**
 - 9. Implementation of landscaping**
 - 10. Implementation of boundary treatment**
 - 11. Provision of carparking**
 - 12. Construction of access**
 - 13. Details of special construction techniques for driveway to Plot 11**
 - 14. Scheme of tree protection to be in accordance with TEP plan 03B**
 - 15. No works within protected area**
 - 16. Updated badger survey to be undertaken prior to the commencement of development**
 - 17. Protection of breeding birds.**
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