

Application No: 11/1621M

Location: THORNTREE BUNGALOWS, SALTERS LANE, LOWER WITHINGTON, MACCLESFIELD

Proposal: New Build Residential Development Comprising 4no. 2 Bed Houses, 2no. 2 Bed Bungalows for Rent, Forming a New Car Park and Access, and Extending Existing Car Park

Applicant: Cheshire Peaks & Plains Housing Trust

Expiry Date: 05-Jul-2011

Date report prepared: 29<sup>th</sup> July 2011

### **SUMMARY RECOMMENDATION**

Approve with conditions

### **MAIN ISSUES**

- Principle of the Development
- Sustainability of the site
- Whether there is a genuine need for affordable housing in Lower Withington
- Scale and design and layout
- Highways and Parking
- Residential amenity
- Jodrell Bank Telescope
- Section 106 Agreement – Affordable Housing (social rented)

### **REASON FOR REFERRAL**

This application has been called in by the Local Ward Member (Councillor Smetham), as concerns have been raised in respect of:

- Lack of Community facilities
- Drainage problems
- Site is not allocated for housing
- Unproven need in the context of neighbouring villages
- Design and layout not appropriate to the site and area

### **DESCRIPTION OF SITE AND CONTEXT**

The application comprises a rectangular piece of land measuring 0.24 hectares located to the rear of Thorntree Bungalows, and Thorntree Farm on Salters Lane. Leach Lane lies immediately to the north of the site, whilst there is an open field to the east (rear) of the site.

The site is located on the northern edge of the village of Lower Withington, designated as “Countryside beyond the Green Belt” within the Macclesfield Borough Local Plan 2004.

The site has a rural character, it is currently grassland used informally as a garden area by the residents of Thorntree Bungalows. There are a number of garden sheds located to the rear of the site adjacent to the existing car park. There are a number of mature trees positioned to the north of the site, adjacent to Leach Lane.

The site is situated in a relatively isolated location, with no public transport links, and limited facilities available within the village. The closest larger villages to Lower Withington are Goostrey, (3 miles away), which provides limited local services and amenities and Chelford, (just over 4 miles away in the opposite direction), which provides more local services, such as a shop, post office, petrol station, village hall, market and farm supplies shop and public transport links.

## **DETAILS OF PROPOSAL**

Full planning permission is sought by Cheshire Peaks and Plains Housing Trust - CPPHT (a local registered social landlord) for the erection of 6 No. rural affordable dwellings: 4no. two bedroom houses and 2no. two bedroom bungalows. Permission is also sought for the formation of a new car park to the north of the site, with vehicular access off Leach Lane and an extension to the existing car park to the south of the site, which currently serves Thorntree Bungalows.

The properties will be managed by CPPHT and will be available at an affordable rent to local individuals (through a cascade provision) who meet the Cheshire East Homechoice initiative criteria.

## **RELEVANT PLANNING HISTORY**

10/1166M - New Build Residential Development to Include 4 No 2 Bed Houses and 3 No 2 Bed Bungalows for Rent – Withdrawn 23.07.10

On 18<sup>th</sup> January 1974 outline planning permission was granted to build 9 units on the application site (planning application No. 5/5/12598) but this was not furthered and the permission has long since expired.

## **POLICIES**

### **National Guidance**

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS4 Planning for Sustainable Economic Growth

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation  
PPG13 Transport

PPS7 states that housing in the Countryside should meet local needs as determined by local housing needs assessment, whilst Local Development Documents should specify where the development should take place. Further advice is available in PPS3, which relays the Government's commitment to improving the affordability and supply of housing in all communities, including rural areas. The delivery of housing in rural areas should respect the key principles underpinning PPS3, providing high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages however, a further policy objective limits housing developments to suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

Paragraph 30 of PPS3 is relevant and makes reference to Rural Exception Site policy.

PPS4 mentions locating development in existing settlements where services and other services can be provided close together.

## **Regional Spatial Strategy**

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Making the Best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility  
DP7 Promote Environmental Quality  
DP8 Mainstreaming Rural Issues  
DP9 Reduce Emissions and Adapt to Climate Change  
RDF1 Spatial Priorities  
RDF2 Rural Areas  
L2 Understanding Housing Markets  
L4 Regional Housing Provision  
L5 Affordable Housing  
RT2 Managing Travel Demand  
RT9 Walking and Cycling  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

## **Macclesfield Borough Local Plan 2004**

H1 (Phasing policy to ensure that that the structure plan housing requirement is met but not exceeded and that previously developed sites will be developed before Greenfield sites)  
H2 (High quality living environment in housing developments)  
H5 (Criteria for the development of windfall housing sites)  
BE1 (Design principles for new developments)  
GC5 & GC6 (Development in Countryside Beyond the Green Belt)  
NE11 (Protection and enhancement of nature conservation interests)  
DC1 (High quality design for new build)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8 (Requirements to provide and maintain landscape schemes for new development)  
DC9 (Tree protection)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC41 (Standards for space, light, privacy and highway safety for housing redevelopment)  
DC63 (Measures to control contaminated land including landfill gas)

## **OTHER MATERIAL CONSIDERATIONS**

### **Draft Interim Planning Statement on Affordable Housing (2011)**

The Council has recently produced an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy.

The Interim Planning Statement underwent a period of public consultation running from the 8th November 2010 - 20th December 2010 and was adopted at a Council meeting on 24th February 2011. It is a material consideration in the determination of this application.

Paragraph 3.10 of the Council's *Interim Housing Statement on Affordable Housing (2011)* advises:

*"Planning Policy Statement 3 'Housing' advises Local Planning Authorities to consider releasing sites solely for affordable housing in rural areas where planning permission for housing development would not normally be allowed.... Proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL. In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community.... Unless the survey indicates a need for such provision, planning permission will not be granted".*

## **CONSULTATIONS**

### **Environment Agency:**

No objection, subject to a condition in respect of drainage.

### **Environmental Health – Public Protection and Health (Contaminated Land)**

The Contaminated Land report submitted in support of the application did not identify any significant sources of contamination. It is recommended that an informative be attached to an approval in respect of Environmental Regulations.

Conditions are also recommended in respect hours of construction, and for the details of any pile driving to be submitted and approved, prior to the commencement of development, in the interests of amenity, having regard to the location of the site.

### **Forestry:**

Initial concerns were raised by the Forestry Officer in respect of the new Leach Lane car park extending within the Root Protection Area (RPA) of the large mature off site Oak T18, the loss of T11 and the positioning of plot 1, which extends slightly within the RPA of the mature Oak T3. It was recommended that the whole development be moved south, to take plot 1 outside the RPA of the mature Oak T3.

Revised plans and additional information were submitted on the 26 July 2011 to address these concerns.

The Forestry Officer advises that the revisions are sufficient to overcome his initial concerns. A condition will be required in respect of a construction method statement for the elevation and interface associated with Plot 1 and T3.

### **Jodrell Bank Observatory (University of Manchester)**

The University of Manchester opposes this application as it would harm the efficient operation of the telescopes at Jodrell Bank Observatory. The potential electrical interference generated from this development is of considerable concern, particularly because the dwellings lie to the south east of the observatory, and are also less than 3 miles from the site.

The University of Manchester have had a meeting with the architects relating to the reduction in the number of houses and bungalows and also a reduction in height, with all apertures pointing away from the telescope. It is noted that one bungalow has been removed, but no reduction in height or house numbers. The University of Manchester therefore object.

### **Landscape:**

The views of the Landscape Officer are awaited.

**United Utilities:**

No objections, subject to informatives.

**VIEWS OF THE PARISH / TOWN COUNCIL**

Lower Withington Parish Council object to the proposed development. In summary, their main concerns are in respect of:

- Lack of community facilities
- Drainage problems
- The site is not allocated for housing
- Unproven housing need in the context of neighbouring villages
- Design and layout not appropriate to the site and area

**OTHER REPRESENTATIONS**

Three letters of support have been received, these supporters recognise the need for affordable housing within the Countryside.

Fifteen letters of objection have also been received, including an objection from Plan 8 (Planning Consultant). The following concerns have been raised:

**Unsustainable Location**

The application site falls within Lower Withington, an area that offers limited / no employment opportunities.

The site is inaccessible to services.

Lower Withington has few facilities on offer in terms of schools, doctor's surgeries, post offices. The only bus service into the area runs once a week.

PPS7 encourages sustainable forms of development, with new development focused on existing towns or villages.

**Whether there is a genuine need for affordable dwellings within this location?**

A number of representations question whether there is a genuine need for affordable dwellings within the Lower Withington area. Mention is given to the Dooley's Grig site where little interest has been generated at all. 2 bedroom dwellings are still available to buy in this development.

**Impact upon highway**

Due to the unsustainable location there will be a heavy reliance on private vehicles to the proposed dwellings.

The increased level of traffic would impact upon Leach Lane.

## **Sewage & Drainage Issues**

Sceptic tank run-off has previously been an issue in the area.

Concerns are raised with regards to how the proposal would impact upon surface water run-off. Flooding is an issue currently.

## **Impact upon character of the area**

Is the design of the proposal appropriate within the location?

## **Loss of Open Space**

Contrary to PPG17.

## **The application site is comprised of Greenfield land**

The area is a Greenfield site and building upon it would result in loss of open space. (Contrary to PPS3).

The site does not comprise Previously Developed Land.

Priority should be given to previously developed land, unless no PDL is available.

No sequential assessment has been submitted to demonstrate why other previously developed land / derelict /vacant sites cannot be utilised.

The site was not put forward as part of the SHLAA, and has therefore not been assessed against sustainability criteria.

## **Housing Density**

Concerns raised regarding the density of the dwelling within the rural context of the site.

## **Nature Conservation implications**

The proposed compromised hedgerow is a priority habitat. Objections are raised to the loss of any hedgerow along Leach Lane.

## **Lack of reference made to the Section 106 agreement**

Poor information provided with regards to the section 106 agreement.

## **Interim Planning Statement – Affordable Housing**

IPS has been adopted without a Sustainability Appraisal or a Habitats Regulation Assessment as required by the T&CPA 2004, therefore document should be given no weight in the determination of this application

No reference within the rural exception policy to sustainability criteria. Without this criteria, housing could be located in the wrong location

## **APPLICANT'S SUPPORTING INFORMATION**

- Design and Access Statement
- Development Statement
- PPS3 Housing Self Assessment Checklist
- Code for Sustainable Homes – level 4
- Register of Interest
- Community Consultation document
- Visual Impact Assessment
- Ecological walkover survey
- Phase 1 Desktop assessment (Land contamination)
- Heads of Terms

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Countryside beyond the Green Belt in the adopted Macclesfield Borough Local Plan (2004). Policy GC5 gives a presumption against development unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Affordable housing is not specifically mentioned in Policy GC5, however, it is a use appropriate to a rural area where a local need is identified.

National policy PPS3 states:

*“In providing for **affordable housing in rural communities**, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities”.*

### **Sustainability**

The application site is not considered to be a sustainable location, with limited access to facilities/shops/services and public transport, however, the same could be said about a number of villages in the Borough, and this does not change the position that there is a



proven need for Affordable Housing. It could be argued that the development would assist in making the village more sustainable, by bringing additional demand for shops/services and public transport, and would help support the rural economy.

## **Housing Need**

The application is made as a Rural Exceptions site application for 4 x 2 bed houses and 2 x 2 bed bungalows in the parish of Lower Withington as the application is for a rural exceptions site there is a necessity to prove housing need.

A rural housing needs survey was carried out by the former Macclesfield Borough Council in 2008 in a number of parishes including Lower Withington, the survey was conducted by sending out a questionnaire to all the households in the survey area and there was a return rate of 31% for the Lower Withington parish. The rural housing needs survey for Lower Withington identified that there were 12 hidden households (households which have at least 1 adult in the household who wished to form a separate household), 6 of these 12 hidden households indicated they would consider rented accommodation, however only 1 had an income in excess of £25,000 therefore very few in housing need would be able to afford a home on the open market.

The survey also established that there are 4 people who moved out of the borough in the last five years because they could not afford to rent or buy in the parish who would like to return. This rural housing needs survey has identified there are a total of 16 persons with a direct local connection who are potential occupiers of affordable homes within the parish.

For the purposes of the SHMA (Strategic Housing Market Assessment) 2010 Lower Withington is in the Macclesfield Rural sub-area. There is a need for about 110 new affordable homes between 2009/10 and 2013/14, this equates to 22 new affordable homes per year.

This development would assist in meeting some of the evidenced affordable housing need in Lower Withington.

Should members approve the application, the houses would remain affordable in perpetuity secured by Section 106 Agreement.

## **Local Connection and Community Connection**

In addition, CPPHT operate a "community connection" policy when letting some properties within rural communities with a population of 3,000 or less. In these cases a person will be deemed to have a community connection if they fulfil the following criteria:

- Currently live, or have lived, within the parish boundaries and have done for at least 6 out of the last 12 months or 3 out of the last 5 years.
- Have immediate family (mother, father, brother, sister, son, daughter, grandparents, step-relatives, adoptive parents) who are currently living within the parish and have done for at least five years or more.
- Have a permanent contract of employment within the parish or nearby area.
- Other significant reasons.

## **Register of Interest**

CPPHT have refreshed the Register of Interest. 11 of the 18 original respondents (who have a local connection) are still interested in renting a property in Lower Withington and comply with the criteria above.

## **Scale, Design & Layout**

The proposed development could be accessed off either Salters Lane, or Leach Lane. The existing Thorntree Bungalow's car park would be extended to provide 4 additional parking spaces, whilst a new car park would be created off Leach Lane providing a further 9 spaces (including 2 disabled spaces).

All 6 dwellings would be sited towards the rear of the application site, facing west toward Salters Lane. The 4 no. two storey dwellings are located to the north of the site, whilst the 2 bungalows would be positioned centrally, plot 6 facing the end elevation of the existing bungalows. Each dwelling has its own private rear garden.

A Sustainable Urban Drainage System (SUDS) Storm Cell is proposed to the front of the application site, to provide drainage for the new dwellings, which is considered acceptable.

The northern boundary along Leach Lane is well screened by trees, a hedge and mature vegetation. A mature hedge separates the western boundary with Thorntree Farm. The southern and eastern boundaries are open facing a field and car park respectively. With the exception of the new opening in the hedge to provide access to the car park, and the removal of T11 to allow for the SUDS storm cell, all of the remaining trees and hedges are to be retained.

The dwellings are considered to be suitably positioned on the plot, with the 2 storey properties opposite the two storey farmhouse and the bungalows opposite the existing Thorntree bungalows. This layout is considered to be sympathetic to the local environment.

## **Construction and materials**

The dwellings would be of an acceptable design constructed of a mix of Cheshire brick and off white render, with slate roofs. The surrounding development consists of a mix of house types and sizes, including large detached dwellings and bungalows. It is considered that the development would be in keeping with the character and appearance of the area and would not have any significant adverse impact on the street scene.

## **Highways and Parking**

The views of the Strategic Highways Manager are awaited, but are an important consideration in the determination of this application.

## **Residential Amenity**

Policy DC3 of the Local Plan stipulates that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, overbearing effect, loss of sunlight and daylight, noise, vibration, smells, fumes, smoke, soot, ash, dust or grit, environmental pollution, hazardous substances and industrial processes, traffic generation, access and car parking.

The proposal fully complies with the separation distances set out in policy DC38, and therefore the development is not considered to raise any significant residential amenity issues. It is considered however that permitted development rights for extensions should be removed in order to protect the amenities of residents in the future.

Having regard to the residential amenities of the occupiers of the neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity.

## **Ecology**

The hedgerows surrounding the site are a local BAP (Biodiversity Action Plan) priority habitat and hence a material consideration. It is recommended that as much of the hedgerow as possible should be retained and enhanced as part of the development. It is also recommended that a native species hedge is provided on the western boundary to mitigate for any vegetation lost from the site and to deliver an enhancement for nature conservation as required by PPS9.

Conditions are recommended in respect of the retention of the Oak tree for foraging bats, retention of boundary hedge on Leach Lane boundary (with the exception of the access point), no directional lighting and protection of breeding birds.

## **Jodrell Bank Telescope**

The University of Manchester has objected to this proposal as they consider that it would harm the efficient operation of the telescopes at the Jodrell Bank Observatory. They state that the potential for electrical interference caused by the proposed development is of considerable concern given that it is less than 3 miles to the southwest of the observatory.

Jodrell Bank Observatory is a major local asset to the Borough and the Council would not wish to cause harm to its efficient operation, however, this has to be balanced against the nature of the site, size of the development and the recognised need for affordable housing in the area.

Following the withdrawal of the previous application, the applicant and Officers met with representatives from The University of Manchester, to discuss a way forward. At this meeting, it was agreed that “a handful of houses could be mitigated against”.

The Observatory is located to the northeast of the application site. The northern boundary of the site is heavily screened by mature trees, which would assist in reducing the electromagnetic interference from the proposed development to some degree. Furthermore, the application site is located directly to the rear of a ribbon of housing. Transmissions generated

by the occupants of these properties must interfere with the telescope at present, it has to be questioned whether the addition of 6 additional dwellings would significantly exacerbate the situation?

It is considered that the small scale nature of the development, the proven need for affordable housing, and the ability to mitigate the development by the use of measures recommended by the Observatory on other developments are a material consideration. Frequently recommended measures to reduce the impact of developments involve installing targeted screening on the roof and those walls that face towards Jodrell Bank, and to have no screening on walls that face away from the telescope. This can be achieved by using plasterboard with aluminium foil backing, Pilkington 'K glass' for the windows, reflective insulating material for use in the walls and loft and doors that are either metallic or incorporate an aluminium foil barrier. The use of these materials can be secured by condition should the application be approved by members.

Members may recall that a similar objection was received from The University of Manchester in respect of the proposal for 13 rural affordable houses at land to the north of Twemlow Lane, Twemlow Green earlier this year. Members of the Southern Planning Committee concluded that the need for affordable housing and the ability to mitigate the development with appropriate insulation outweigh the objections raised.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Rural affordable housing is considered acceptable when there is a genuine need for affordable housing in the area. A Rural Housing Needs Survey carried out in 2008 indicated that there was a potential need for 16 additional affordable houses in the parish of Lower Withington. The Strategic Housing Market Assessment confirmed that there was a need for about 110 new affordable homes between 2009/10 and 2013/14 in the Macclesfield Rural sub area, which Lower Withington falls within. This equates to 22 new affordable dwellings per year. The proposed development would clearly help in meeting the demand for affordable housing in the area.

The site is not considered to be a sustainable location, however, the same could be said about a number of villages in the Borough, and does not change the position that there is a proven need for Affordable Housing. It could be argued that the development would assist in making the village more sustainable, by bringing additional demand for shops/services and public transport, and would help support the rural economy.

The scale, design and layout of the development is considered to be sympathetic to the local environment, and the proposal is not considered to raise any significant amenity issues.

The objections from the University of Manchester are noted, however, the need for affordable housing, and the ability to mitigate the development with appropriate insulation outweigh the objections raised.

On the basis of the information above, and in the absence of the views from the Strategic Highways Manager and the Landscape Officer a recommendation of approval is made, subject to a S106 agreement.

## Heads of Terms

- Provision of 6 affordable dwellings
- Lettings via the Cheshire Homechoice scheme with the following Cascade/stair casing provision:
  1. Residents of Lower Withington
  2. Residents from parishes adjacent to Lower Withington
  3. Residents from within Cheshire East in accordance the Cheshire East Home Choice initiative
  4. Any person able to demonstrate a need for affordable housing in accordance with the criteria currently in place within the Local Authority

## Application for Full Planning

RECOMMENDATION: Approve subejct to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with revised plans (numbered)
3. Materials as application
4. Electromagnetic protection (Jodrell Bank)
5. Protection for breeding birds
6. Landscaping to include details of boundary treatment
7. Landscaping (implementation)
8. Construction specification/method statement
9. Pile Driving
10. Protection from noise during construction (hours of construction)
11. Removal of permitted development rights
12. Refuse storage facilities to be approved
13. Retention of Oak tree and boundary hedge on Leach Lane, with the exception of the opening for vehicular access into the site
14. Details of any external lighting to be submitted, no directional lighting towards tree canopy or boundary hedge

