

Application No: 12/0874C

Location: Firlands, 36, BLACK FIRS LANE, SOMERFORD, CONGLETON, CW12 4QQ

Proposal: Outline Application for the erection of 2No. Detached 2 - 2.5 storey residential dwellings with garages.

Applicant: G Jackson

Expiry Date: 26-Apr-2012

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**MAIN ISSUES:**

**Principle of Development**

- (i) **National Policy**
- (ii) **Housing Land Supply**
- (iii) **Appeal Decision**

**Design Considerations**

**Trees**

**Highways**

**Residential Amenity**

**Neighbouring Amenity**

**1. REASON FOR REFERRAL**

The application has been referred to Southern Planning Committee because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Congleton.

**2. DESCRIPTION AND SITE CONTEXT**

This application relates to a 0.4 ha parcel of land, to the side of the garden associated with the property known as Firlands, which is located at the edge of development on the eastern side of Black Firs Lane in Congleton. It occupies a frontage to the road of some 60 metres which hosts a belt of mature trees and planting, which is afforded protection by the Blackfirs Lane, Congleton TPO 1990. Open fields reside to the east. The site lies outside of the Congleton Settlement Zone Line and just outside of the Infill Boundary Line for Somerford. As such, the site falls within Open Countryside as designated in adopted Congleton Borough Local Plan First Review (2005).

**3. DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of 2 detached dwellings on land associated with the property referred to as 'Firlands', 36 Black Firs Lane, Congleton. All matters relating to access, appearance, landscaping, layout and scale are reserved for consideration at a later stage. As such, this application seeks to establish the principle of 2 new units on the site.

#### **4. RELEVANT HISTORY**

11/0394C - Outline Application for the Erection of 2no. Detached 2-2.5 Storey Residential Dwellings with Garage – Refused and Allowed at Appeal 14.06.2011

#### **5. POLICIES**

##### **National Policy**

National Planning Policy Framework (NPPF)

##### **Local Plan Policy**

PS8 - Open Countryside

GR1 - New Development

GR2 – Design

GR6 – Amenity

GR9 - Accessibility, Servicing & Parking Provision

H1 & H2 - Housing Land Supply

H6 - Residential Development in the Open Countryside

NR1 – Trees and Woodland

NR2 - Wildlife & Nature Habitats

SPG2 - Private Open Space in New Residential Developments

SPD14 – Trees and Development

#### **6. CONSIDERATIONS (External to Planning)**

##### **Highways:**

No objection subject to conditions requiring submission of an amended plan which details visibility splays provided commensurate to the speed limit at this point on Black Firs Lane.

##### **Environmental Health:**

No objection subject to conditions and informative relating to construction hours (including piling) and land contamination.

##### **Jodrell Bank:**

No objection subject to a condition requiring inclusion of materials aimed at reducing electro-magnetic interference.

#### **7. VIEWS OF THE SOMERFORD PARISH COUNCIL**

No objection

#### **8. OTHER REPRESENTATIONS**

None

## 9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement  
Planning Statement  
Access Plan (Amended)  
Tree Survey

## 10. OFFICER APPRAISAL

### Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. 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 there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These include changes in national policy, housing land supply and a recent appeal decision for a similar development next to the site.

### (i) National Policy

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".*

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

## **(ii) Housing Supply**

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) identifies that, at 31<sup>st</sup> March 2010, the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level (3.9 years). In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as well as other smaller towns provided they are small scale and appropriate and sustainable.

The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension. With respect to sustainability, the site is located on the extremities of Congleton, but is still within walking distance of local amenities and public transport and is thus considered sustainable.

## **(iii) Appeal Decision**

The site is adjoined to the south by a similarly sized parcel of land associated with the property known as Oak House. Recently, the Council refused a similar outline application for the erection of 2 dwellings, as the principle of development was deemed to be at variance with local plan policy, the Interim Planning Policy on the Release of Housing Land and the Councils general spatial objectives to direct the majority of new development towards Crewe.

An appeal was subsequently lodged against this decision, and the appeal was allowed. The Inspector concluded that the small scale nature of the development and its relatively sustainable location would mean that approval of the development would not undermine the housing objectives and the spatial vision for the area. The inspector went on to say the proposal would make a small, but valuable contribution towards helping the authority reduce its undersupply of housing within the borough and would tie in with the existing pattern of development in the area. As such, having regard to ‘other material considerations i.e. national policy, housing supply and the cited appeal decision, it is considered that approval of this small scale development would be acceptable in principle.

## **Design Considerations**

All matters are reserved for future consideration and therefore at this stage, full consideration cannot be given to the design of the scheme. In terms of character, to the south of the site, Blackfirs Lane is characterised by a linear form of development with properties of varying size and style. The proposal would continue this linear form of development.

The properties immediately to the south of the site are well-proportioned detached two-storey dwellings with some accommodation within the roof space. This proposal is supported by some indicative elevations, which would replicate the style and form of the adjacent dwelling known as 'Oak House' and those allowed at appeal under planning ref; 11/0394C. The proposals would be commensurate in terms of size and scale parameters, but this detail would be considered and controlled as part of a reserved matters application.

### **Trees**

Trees to the south and west of the site lie within the Congleton Borough Council Blackfirs Lane TPO 1980. The submission includes a tree survey based on the indicative layout provided. It would be essential to ensure that comprehensive tree protection measures were employed, with the access retained on its present route and a no dig surfacing method utilised. Nonetheless, based on the layout provided and subject to comprehensive tree protection measures, it would be possible to accommodate 2 dwellings on the site without harming the health or amenity values of the trees comprising the TPO.

### **Highways**

Although access is reserved for subsequent approval, the applicant has submitted an indicative layout proposing a single point of access in the far southwestern corner of the plot where there is already a vehicular access. A plan has been submitted detailing visibility splays in both directions. The Strategic Highways Manager has offered no objection to this proposal subject to a condition requiring an amended plan to be submitted in accordance with some specified junction requirements. Such junction requirements would be achievable without harm to the TPO trees on the site. The Strategic Highways Manager has offered no objection to this proposal. As such it is considered that an appropriate access could be achieved from the site at the reserved matters stage compliant with the aims of policy GR9.

### **Neighbouring Amenity**

Given that the application has reserved layout and appearance for subsequent approval, full consideration cannot be given to the impact on neighbouring properties. Nonetheless, the only property that could potentially be affected by the proposal would be the applicant's property to the north 'Firlands' and the properties approved at appeal to the south which have yet to be built.

The properties approved to the south were in outline form, and therefore the precise position of windows has yet to be agreed. Nonetheless, provided both proposals front Blackfirs Lane, their principal windows should not face one another and as such issues of overlooking, overshadowing and visual intrusion can be avoided. This will be controlled at the reserved matters stage.

According to the indicative layout, the applicant's property to the north (Firlands), would benefit from a separation greater than 21.8 metres, which is the minimum specified between principal main windows. As such, the amenity afforded to Firlands would not be unduly harmed. Sufficient private amenity space would be provided for all properties. The scheme is deemed to accord with policies GR6 and SPG2.

## **11. CONCLUSIONS AND REASONS TO APPROVE**

In conclusion, whilst the proposal represents a departure from the development plan, there are 'other material considerations' which would outweigh the proposals non-compliance. These include the recent changes in national policy, the council's under delivery of housing in the borough and the recent appeal decision on the site next door. The site is considered sustainable being sited on the edge of Congleton and the small scale nature of the proposals would not undermine the council's spatial vision. It is considered that the principle of development is acceptable.

The proposal would continue the linear form of development in the area and would not materially harm the amenity afforded to the neighbouring properties including those recently permitted. The proposal would not lead to or exacerbate existing traffic problems. Subject to conditions, the proposal would not prejudice trees protected under TPO. The proposal is deemed to be in compliance with relevant development plan policies and the adopted National Planning Policy Framework and as such is recommended for approval.

## **12. RECOMMENDATION:**

**APPROVE** subject to the following conditions:

### **Conditions**

- 1. The reserved matters shall be submitted prior to the commencement of development**
- 2. The reserved matters shall be submitted within 3 years**
- 3. Development shall commence within 2 years of approval of reserved matters**
- 4. The reserved matters shall include measures for retention of trees shown as protected and retained in accordance with submitted Tree Survey**
- 5. No tree works until approved tree protection measures are in place**
- 6. Tree Protection measures**
- 7. Development to be carried out in accordance with approved tree protection measures**
- 8. Construction hours limited (inc piling)**
- 9. Removal of Permitted Development for extensions and outbuildings (Classes A-E)**

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