

Application No: 12/2508C

Location: Lyndale & No 2 Somerford View, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Outline Application for Residential Development to Include the Demolition of Lyndale

Applicant: Mr & Mrs F Bailey & Mr M Beech

Expiry Date: 04-Oct-2012

Summary Recommendation:- Refuse

Main Issues:-

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

REFERRAL

This application has been referred to the Southern Planning Committee as it is for 10 dwellings and is therefore a small scale major development.

1. SITE DESCRIPTION

The development site is an 'L' shaped site within the curtilage of the property known as 'Lyndale' and the rear garden area of No.2 Somerford View, off Holmes Chapel Road. The proposal site is positioned on the edge of the Brereton Heath infill boundary line, which is sited within the open countryside, adjacent to large woodland TPO and a site of biological importance. The application site has a site area of 0.39ha; the site frontage has a width of 45m and a length of 90m with the addition of the rear garden of No.2 Somerford View to the rear of the site. The site currently contains a small bungalow and a group of small outbuildings to the rear, mainly of a temporary nature.

Somerford View is a small semi-detached two storey dwelling with a large rear garden. The surrounding streetscene is largely of similar type of mixed house type and design, and of a ribbon development pattern along Holmes Chapel Road towards the more dense development within the nucleus of the settlement.

2. DETAILS OF PROPOSAL

Outline planning permission is sought with all matters reserved except access, (which has been added recently due to Highways comments). The indicative layout shows ten dwellings on the site of a two storey nature, 7no detached dwellings and 3no. terraced properties. The access is proposed off Holmes Chapel Road within the centre of the development site. The access would form a cul-de-sac with 6no. properties accessed off the internal road, and the other 4no. properties fronting and accessed off Holmes Chapel Road.

3. RELEVANT PLANNING HISTORY

21356/1 – Bungalow – Refused 3rd October 1989

20024/1 – Detached dwelling (bungalow) – Refused 23rd August 1988

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

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

PS5 Villages in the Open Countryside and Inset in the Green Belt

PS8 Open Countryside

NR1 Trees and Woodlands

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 and Green Belt
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

5. OBSERVATIONS OF CONSULTTEES

United Utilities

- No objections

Environment Agency

- No Objections, see standard advice note

Highways

[Response received on 20th August 2012]

This application is outline in nature. However there is no indication on the application forms regarding the reserved matters. In addition, other similar local developments have provided a Traffic Statement and a detailed access design for those development proposals. This application does not provide that level of detail.

The indicated layout for the development does not appear to meet adoptable design standards. However the plan provided is of such small scale that it is difficult to understand the specific intentions of the design. Without the above information the Strategic Highways Manager cannot support this application or indeed provide a guiding comment to the LPA or indeed Members.

The Strategic Highways Manager therefore recommends refusal of this planning application on the grounds of lack of information.

The S.H.M. also recognises that there may well be a viable highway solution for this site in terms of design and layout however this would need negotiation to resolve.

Jodrell Bank - No comment received at the time of report preparation.

Environmental Health - No objection, subject to conditions for hours of operation, pile foundations, phase environmental management plan, dust control and contaminated land.

Greenspaces Officer - No comments received at the time of report preparation.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Somerford Parish Council

- The Parish Council argue against the sustainability of affordable housing.
- The access is dangerous and adding more pressure to the main road.
- The plan does not fit into the character of the area.
- The question needs to be asked as to whether the demand has been met for affordable houses already due to the recent activity?
- The road is of a major concern and the density does seem high for the area.
- It is to be noted that housing has already been granted along the A54 recently and the site is within the infill boundary.

Brereton Parish Council;

Totally support the letters of objection, including that of Fiona Bruce MP, on the Cheshire East website. Specifically:

- No need for (additional) housing, particularly because of impending development of the 'Ivanhoe' & 'Rose Cottage' sites
- The proposed development meets none of the National Planning Policy Framework (NPPF) for sustainability (apart from the present bus service)
- Sustainable developments at 'Loachbrook Farm' & the Aventis sites (approx. 430 dwellings)
- Further erosion of the 'rural character' of this area
- Significant concerns about road safety.

6. OTHER REPRESENTATIONS

Objections have been received from 4 addresses, and Fiona Bruce MP making the following comments:

- Not infill development,
- Demolishing existing dwelling and using domestic curtilage to create a higher density development is not in the spirit of the infill policy,
- Development is not appropriate for the local character and is of a much higher density than the surrounding houses,
- Existing dwellings form a string development pattern,
- Clearly back land development rather than infill
- No local need for more dwellings in the area. The Strategic Housing Market Assessment (SHMA) states that demand equals supply in the Sandbach Rural area,
- The proposed development site is not in a sustainable location,
- Although there is an hourly bus service to Congleton and Holmes Chapel no other sustainable services within Brereton Heath,

- No shop, pub, post office, petrol station, social/formal leisure facilities of any kind,
- Financial contribution for offsite open space will not help the community,
- No local jobs,
- Significant impact on road safety,
- Significant amounts of residential development have already taken place in the area,
- Increased impact on local school and health centre,
- Further affordable housing is not required in the area,
- A mature oak tree was removed from the front of the site, this is a very regrettable impact on the area,
- Impact on the open countryside,
- Impact on neighbouring amenity to No.1 Somerford View by reason of noise, disturbance and overlooking,
- Visual impact of the development,
- Overdevelopment of the site,

7. APPLICANT'S SUPPORTING INFORMATION:

- Planning/Design and Access Statement
- Protected Species Survey Report

8. OFFICER APPRAISAL

Principle of Development

Local Plan Policy

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.

National Planning Policy Framework

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

It is considered that the general principal of residential development on the site is acceptable.

Consequently, the application turns on whether the development is sustainable, or if there are specific policies in the Framework which would indicate the development should be restricted, and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply. Of particular relevance in this case is the impact of the proposal on the character of the surrounding area in terms of the design and layout. However, also of relevance are the impact on Jodrell Bank, Residential Amenity, Ecology, Contaminated Land, Trees and Landscape, Access and Highway Safety, and Affordable Housing.

Sustainability

The onus is placed onto the applicant to demonstrate that the proposal is considered sustainable development, in accordance with the National Planning Policy Framework. The applicant contends that the site is sustainable as there is an hourly bus to the town of Congleton and the village of Holmes Chapel where local community facilities are sited. This would allow for a sustainable form of transport other than cars to nearby facilities. Furthermore, the applicant argues that the sustainability of the settlement has recently been accepted in two housing developments along Holmes Chapel Road.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. The location of this proposal on the edge of Brereton Heath would not create isolated new homes. Furthermore, the site is located within the infill settlement boundary and therefore the suitability and sustainability of the settlement in principle for some further limited development has been established through this policy. This is reflected in the two recent applications for housing developments along Holmes Chapel Road.

Whilst it could be argued that Brereton Heath is an unsustainable location in that there are no local shops. Schools etc, it is sited on a bus route between Congleton and Holmes Chapel with a regular service. Both settlements are also within cycling distance.

Development in this location will help to maintain the viability of the existing community and will help to sustain the existing bus service and may result in the provision of other community facilities being viewed as a viable prospect. On this basis, in these locational terms, it is not considered that a refusal on the grounds of sustainability could be justified.

With regards to the design of the dwellings themselves, sustainable construction methods can be agreed as part of a reserved matters application.

Jodrell Bank

No comment had been received from the University of Manchester at the time of report preparation. Once comments have been received details will be considered as part of an update report to the committee.

Residential Amenity

The surrounding development comprises a semi-detached dwelling to the north of the site and a large protected woodland area to the rear. To the west of the site is an area of land used for commercial purposes. The wider area is surrounded by open countryside. 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.

The proposal is in outline. However an indicative layout shows distances in excess of 40m will be achieved between the proposed plots and the adjoining dwellings at Somerford View. The flank elevation to Plot 6 will be sited 14m away from the principal elevations of plots 7 and 8. This also meets the requirement of the SPG.

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 small rear garden and 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 exceeded in respect of distances to existing properties and, within the site. The indicative layout therefore appears to meet relevant residential amenity standards.

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.

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 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.

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.”*)

Local Plan Policy NR3 requires developers to submit a comprehensive assessment of a proposals impact on nature conservation as part of an application to develop a site which would result in the loss of damage of habitats for protected species.

The NPPF 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.”

The NPPF 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 instance the Council’s Ecologist has assessed the application and states that there is evidence of bat activity in the form of minor roosts of two relatively common bat species has been recorded within the bungalow and garage. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the provision of a bat loft as a means of compensating for the loss of the roost and also recommends the timing of the works to reduce the risk posed to any bats that may be present when the works are completed.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The Councils Ecologist advises that whilst the proposed mitigation/compensation is broadly acceptable and is likely to be sufficient to maintain the favourable conservation status of the species concerned it lacks detail in terms of the location etc. of the proposed bat loft. However, as the application is outline only the proposed mitigation/compensation is regarded as indicative only at this stage. Therefore the inclusion of several conditions in relation the further details being submitted as part of the reserved matters application in relation to bat mitigation measures, and breeding birds the proposal is considered to be acceptable.

Contaminated Land

The proposed end use of the site is considered to be a “sensitive” use, and therefore an appropriate condition to secure an investigation and risk assessment is requested from Environmental Health. It is considered that this is acceptable and therefore subject to this condition, the proposal meets the requirements of Policy GR.8 of the local plan.

Access and Highway Safety

The application initially did not include any reserved matters and only included an indicative layout showing the access to the centre of the site with no further detail. The indicative layout also appears to suggest a parking provision of around 200%. However the Strategic Highways Manager (SHM) considered that the information initially submitted with the application was insufficient for the Highways department to make comments on the application and therefore recommended refusal on the grounds of insufficient information.

However in response to the comments from the SHM the applicant has submitted a revised scheme showing further information on the plan, widening the access point and showing visibility splays. This information has been passed to the SHM for consideration, although at the time of writing this report further comments had not been received on this matter. Therefore an update on the amended comments will be made to the committee.

Affordable Housing

The Council's Interim Planning Policy Statement for Affordable Housing states 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 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 10 units, and that there is a need for a mix of 1 bed, 2 bed, 3 bed and 4/5 bed units. There are currently 9 applicants on the housing register who have selected Brereton or Somerford as the area of their first choice property.

Therefore, there is a clear need for affordable housing in the area, and the provision of 3 dwellings on the site meets the 30% provision required on this site. However, the Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The indicative layout shows the affordable housing sited to the front of the site within a terraced block. This would clearly highlight the dwellings as affordable and does not meet the guidance. However, as this is an indicative layout the actual allocation and design of the affordable units could be improved and better integrated into the layout as proposed at reserved matters.

Therefore, the affordable housing requirements could be secured through a Section 106 Agreement, with the detailed layout approved at reserved matters stage. Any Section 106 agreement would state that the scheme will provide 3 units as affordable housing, with a tenure mix of 2 social rented units and 1 intermediate tenure unit and that the affordable housing should be provided no later than occupation of 50% of the market units.

Design and Layout

Whilst the proposal layout is only indicative the plan shows how 10no. dwellings can be sited within the application site. To achieve a development scheme of 10no. dwellings a similar layout to that proposed will be required. For that reason it is considered that the proposed development is unacceptable and the density will result in an over development of the site, which would be out of character with the surrounding area.

The north edge of Holmes Chapel Lane is characterised by ribbon development with properties fronting the highway with a small gap to the front of the dwelling and with large rear gardens which back on to the area of TPO trees to the rear. Whilst it is acknowledged that

there have been several small housing developments of a similar layout and design these have been sited closer to the nucleus of the settlement and not on the edge of rural periphery, differentiating them from the proposal site.

The proposed development site is on the edge of the infill settlement boundary and the character of the settlement is typically more of a rural ribbon development at this point. The proposed development, if approved, would clearly appear as an alien feature at this point of the streetscene, creating a suburban cul-de-sac on the edge of a rural settlement. A smaller development of properties facing the road frontage with large gardens would be much more appropriate in the location.

Furthermore, it is clear from Policy PS6 (Settlements in the Open Countryside and Greenbelt) that infill development will only be acceptable where it is appropriate to the local character in terms of use, intensity, scale and appearance. The proposed development does not reflect the immediate settlement and is therefore considered to be unacceptable and contrary to the Development Plan.

Furthermore, the development must be considered in accordance with the National Planning Policy Framework. Paragraph 56 of the NPPF confirms the central Government commitment that good design is a key aspect of sustainable development. Going on further to state in Paragraph 58 that....decisions should aim to ensure that developments,

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is clear that Local Plan policy and National Planning Policy Framework both require good design which improves the character of an area. This proposal fails to comply with these policies and therefore the harm of approving such a scheme would outweigh the need for housing in Cheshire East.

Open Space

Policy GR22 and SPG1: Provision of Public Open Space in New Residential Development requires the provision of Public Open Space on new developments. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the*

Borough Council's currently adopted standards and having regard to existing levels of provision'. SPG1 states that 'the requirement for public open space will normally apply to all developments of 7 or more dwellings'. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

The applicant notes that there will be private open space provided within the site but that no public open space will be provided on site. The application proposes to provide a contribution in lieu of open space. However no specific figure has been proposed. The Greenspaces Officer has not yet commented on this application at the time of preparing this report. Therefore an update to the report will be given the Members of the committee with regard to this aspect of the proposal.

Trees

The Congleton RDC (Brereton Heath) TPO 1972 & Congleton RDC (Brereton Heath No1.) TPO 1958 protect woodlands to the south and west of the site. The canopy of at least one protected tree extends over the site to indicative plot 9 on the southern boundary.

Taking into account the off-site trees and the orientation of the plots, the indicative layout would result in the gardens of plots to the south of the site being heavily shaded for a significant part of the day. This would be likely to provide poor private amenity contrary to SPG 2 Private Open Space and SPD 14 Trees and Development and could result in future pressure to prune or fell trees which would be difficult to resist. Given that the layout is only indicative this element could be designed out at reserved matters stage and therefore it is not considered prudent to recommend refusal on these grounds. However, it is clearly an issue which should be considered should a development for 10 dwellings be accepted by the Committee.

9. CONCLUSION

This proposal should also be considered in the context of the presumption in favour of sustainable development, as required by the NPPF. Whilst it is accepted that the Council cannot demonstrate a 5 year supply of deliverable housing land and as a consequence there is a presumption in favour of approval, in this case it is considered that the adverse impacts of granting permission would outweigh the benefits.

Specifically officers are of the view that the development is out of character with the surrounding land use which is of a simple ribbon development with single properties sited to the front of a plot with larger rear gardens. The proposed development would create a backland form of development within the curtilage of two dwellings on a prominent position on the entrance into the rural settlement. Whilst it is acknowledged that similar schemes have been allowed elsewhere within Brereton Heath, these are located close to the nucleus of the settlement which has a more densely developed character. Consequently the proposal is considered to be out of keeping with the character and appearance of the surrounding area. This is contrary to both Local Plan policy and policies within the National Planning Policy Framework.

10. RECOMMENDATION – Refuse

- 1. The proposed development, by means of its layout, siting, scale and density would appear cramped and out of character with the existing residential development in this rural settlement contrary to Policies GR1, GR2, PS7 and H6 of the First Review of the Congleton Borough Local Plan and the National Planning Policy Framework.**

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