

Application No: 12/4318C

Location: Land Adjacent to Sandyacre, 51, Main Road, Goostrey, Crewe, CW4 8LH

Proposal: Construction of 3 new houses adjacent to Sandyacre

Applicant: Mrs Alison Rose

Expiry Date: 07-Jan-2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- **Principle of Development**
- **Housing Land Supply**
- **Residential Amenity**
- **Trees and Landscape**
- **Highway Safety**
- **Design and Layout**
- **Sustainability**

REASON FOR REPORT

This type of application would normally be dealt with under the Council's scheme of delegation; however it has been called into Southern Planning Committee by Cllr Andrew Kolker for the following reason;

"The application is "a significant development within the village"

DESCRIPTION OF SITE AND CONTEXT

The application site is a field situated off Main Road Goostrey. The site sits just outside of the Settlement Zone for Goostrey adjacent to the eastern edge.

To the west of the site lie the residential dwellings of Sandy Lane, while to the east lie dwellings 61 and 61A main Road. To the north are open fields with Main Road passing to the south. The site is bordered to the east and west with a mature boundary hedge. The site contains trees protected under Tree Preservation Orders.

DETAILS OF PROPOSAL

This is a full planning application seeking approval for three two-storey detached dwellings with access being taken from the existing field access off Main Road.

The dwelling occupying plot one will have a roof ridge height of 8.3 metres, plot two 8.6 metres at the highest point and plot 3 8.4 metres at the highest point.

RELEVANT HISTORY

2558/3 – Two detached houses – refused 1975

29439/3 – Erection of stable block and use of land for keeping horses – approved with conditions 1997

POLICIES

Congleton Borough Local Plan First Review 2005 Policy

GR 1 – New Development

GR 2 – Design

GR 4 – Landscaping

GR 6 – Amenity and Health

GR 9 - Accessibility, Servicing, and Parking Provision

NR1- Trees and Woodland

NR 3 – Habitats

PS 5 - Settlements in the Open Countryside and Green Belt

PS 10 – Jodrell Bank Radio Telescope Consultation Zone

Interim Planning Statement: Affordable Housing

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health

No objection with the following recommended conditions:

- Hours of constructional operation:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil
- Hours of pile driving :

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil
- Major Development Environmental Management Plan
- Contaminated Land Assessment

United Utilities

No objections

Highways

It is proposed to construct 3 new dwellings on a green field site off Main Road, Goostrey.

The access uses the position of an existing field gate access, there is adequate visibility available at the access point for the level of development proposed. The access is a private drive access serving the 3 units and there is more than sufficient off-street parking being provided at each unit.

Although, it has been indicated that the site is sustainable, it is not considered in transport terms that it is sustainable as a very limited bus service exists and it is a considerable distance from the railway station. However, as the development consists of only three units this is not considered a severe impact issue to reject the application.

There are no highway objections raised to the application.

University of Manchester (Jodrell Bank)

No objections subject to condition requiring the applicant to incorporate materials to help reduce electromagnetic interference.

VIEWS OF THE PARISH / TOWN COUNCIL

Goostrey Parish Council objects on the following grounds:

1. The land in the application is open countryside.
2. The suggestion in the design statement that the land is generally flat is incorrect. The topography is in fact raised especially to the right hand side, where there is a proposal for a large house that will over shadow the bungalow next door.
3. The scale of all of the buildings are much larger than the surrounding bungalows and dormer houses.
4. The design of the properties is not in keeping with a Rural Cheshire village. These types of properties are more suited to Urban Cheshire, i.e. Alderley Edge, Wilmslow, Knutsford etc. Rural villages do not need homes surrounded by 6ft high brick walls and large gates.
5. A previous planning application has been made on the site for low cost housing. This was refused by Congleton Borough Council.
6. The sustainability statement suggests that there is adequate public transport to access medical facilities in Holmes Chapel, this is not the case as the village circular bus would leave a wait of over two hours to return, assuming that you can register with an already overloaded medical centre and obtain an appointment at your time of choosing.
7. There would be an increase of at least 6-8 cars with the development and on present practices the majority with children would drive to the village school, here there is no public parking available.

OTHER REPRESENTATIONS

16 letters of representation have been received from local residents, with 3 objecting for the following reasons:

- Detract from rural appearance of the village
- Impact upon rural views
- Domination of 61 Main Road and the main Road Frontage
- Safety of access
- Low demand for houses in Goostrey
- Effect upon light and privacy of 61A Main Road, and

13 supporting the application for the following reasons:

- Plot is situated between two houses
- Site is easily accessible
- Existing hedge will screen most of the development
- Good amenities in Goostrey
- Good size houses sized family houses
- Low density high value housing
- Development is of architectural value
- Limited impact on the village
- Good use of underutilised land
- Development would enhance the village
- Development in keeping with surrounding area
- Low environmental impact
- Proposed houses are not close to boundaries of neighbouring properties
- Adequate car parking space within curtilage
- Land not registered as being of any scientific or environmental importance
- Proposal would prevent more intensive development in the future
- Environmentally sensitive and energy efficient construction
- Enhance the village and support local businesses

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Planning Statement
Sustainability Statement
Tree Survey

OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005, where policy PS.8 (Open Countryside) states 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*”.

Housing Land Supply

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 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”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the (now revoked) Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However the Council has a duty to consider applications on the basis of the information

that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy PS.8, which protects Open Countryside, is out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Therefore the principle of residential development on the application site is not acceptable due to the detrimental impact upon the openness of the Open Countryside.

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 and is in close proximity to a number of services.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

The table below has been carried out by the Spatial Planning department using a traffic light system.

Facility	Land adjacent 51 Sandyacre, Main Road, Goostrey,
Convenience Store (500m)	320m
Post box (500m)	320m
Playground / amenity area (500m)	320m
Post office (1000m)	645m
Bank or cash machine (1000m)	320m
Pharmacy (1000m)	640m
Primary school (1000m)	1125m
Medical Centre (1000m)	4665m
Leisure facilities (leisure centre or library) (1000m)	805m
Local meeting place / community centre (1000m)	805m
Public house (1000m)	1125m
Public park or village green (larger, publicly accessible open space) (1000m)	805m
Child care facility (nursery or crèche) (1000m)	645m
Bus stop (500m)	645m
Railway station (2000m where geographically possible)	1770m

The application site lies adjacent to the western section of the Goostrey Settlement Zone, as such the applicant has submitted a sustainability assessment of the site in terms of its location. This assessment meets most of the criteria as set out within the toolkit. Therefore, as the site lies on the edge of the Settlement Zone and relates well to an existing residential area the proposal can be considered sustainable in the context of any housing development within the parish.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

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 the Settlement Zone, close to other dwellings, is not considered to be of an isolated nature.

Affordable Housing

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate.

The Interim Planning Statement: Affordable Housing states the following about windfall sites in settlements with populations of less than 3,000 -

“The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for 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%”.

For the Strategic Housing Market Assessment 2010 the settlement of Goostrey is within the Holmes Chapel Rural sub-area where there is an identified need for 45 new affordable dwellings between 2009/10 – 2013/14, made up of an annual requirement for 6 x 2 beds, 1 x 3 bed and 2 x 1/2 bed older persons dwellings.

In addition there are also 30 applicants on the housing register with Cheshire Homechoice who have selected Goostrey as their first choice, these applicants require 5 x 1 bed, 13 x 2 bed, 7 x 3 bed and 1 x 4 bed. 4 applicants haven't specified how many rooms they need.

With the above in mind the application consists of 3 dwellings, as the population of Goostrey is under 3,000 there should be a proportion of affordable housing within the site. The general minimum proportion for any site will be 30%, in this case this would equate to one dwelling.

As this application does not include a provision for a proportion of affordable then it is contrary to The Interim Planning Statement: Affordable Housing.

Design and Appearance

Policy GR.2 (Design) of the Local Plan states that proposals for new development will be granted where the following criteria are satisfied:

The proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of:

- *The height, scale, form and grouping of the buildings*
- *The choice of materials*
- *The visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality in general*

The proposal consists of three two storey detached dwellings of differing designs with the first dwelling of plot one being closest to Main Road at approximately 18.5 metres. Plots two and three are set back behind plot one approximately 60 metres from Main Road.

Across Main Road from the application site are two storey detached dwellings of varying designs. Along Sandy lane to the west of the site are two storey detached dwellings are varying sizes and styles. To the east of the application site are the detached bungalows of 61 Main Road and 61A Main Road.

Therefore, there is no set dwelling type or style in the locality, with this in mind it is considered that the proposed development will not have a significantly detrimental impact upon the surrounding residential area or streetscene of Main Road, especially with the proposed dwellings being set well back from the passing highway.

As a result the proposed development is in accordance with Policy GR2 (Design) of the Borough of Congleton Local Plan First Review.

Amenity

In terms of residential amenity there are four neighbouring dwellings which lie adjacent to the site, Sandyacre and Courtlands to the west and 61 and 61A to the east.

Sandyacre lies approximately 28 metres from the proposed dwelling of plot one facing the side elevation. This aspect of the proposal meets the minimum separation distance of 13.8 metres as advised within the Supplementary planning Guidance notes of the Congleton Borough Local Plan.

To the east of plot one lies 61 Main Road at a distance of approximately 18 metres at the closest point. These two dwellings will have side elevations facing each other.

Courtlands lies adjacent to the north west corner of the application site and lies approximately 22 metres away, at the closest point, from the proposed dwelling of plot 3. Again, these dwellings will have a side elevation to side elevation relationship.

Number 61A Main Road lies adjacent to the north east of the site, this dwelling lies approximately 12 metres, at the closest point, from the proposed dwelling of plot two. However, due to the orientation of the two dwellings there is not a directly facing relationship between either the side elevations or the principal elevations of either property.

As a result the proposed development is in accordance with Policy GR.6 (Amenity and Health) of the Borough of Congleton Local Plan First Review.

Highways

Access to the site is to be taken from the existing field gate access.

Policy GR.9 (Accessibility, Servicing and Parking Provision) of the Local Plan states that proposals should only be permitted when there is:

“Adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway...”

With this in mind the Council's Highways Officer is satisfied that there is adequate visibility at the proposed access point for a development of this size as well as there being sufficient off street parking to serve each proposed dwelling.

While the site may not be entirely sustainable in transport terms it is not considered to be a significantly detrimental issue to justify a refusal of this application.

As a result the proposed development is in accordance with Policy GR.9 (Accessibility, Servicing, and Parking Provision) of the Borough of Congleton Local Plan 2005 First Review.

Protected Trees

The application site is home to a prominent mature Oak Tree to the Main Road frontage which is subject to a Tree Preservation Order. Further to this there are also protected trees on land to the west of the site.

Policy NR.1 (Trees and Woodlands) of the Local Plan states that:

“Proposals for development which affect a site containing existing trees or woodlands must include sufficient information to enable assessment of the potential impact on such trees. Proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value.”

The Council's Landscape Officer is satisfied with the level of information provided by the applicant and that appropriate protection measures can be implemented to ensure that the trees on site are not harmed during the construction of the proposed development.

The recommended conditions will be attached to any permission:

- Submission, approval and implementation of Landscape scheme
- Submission, approval and implementation of programme of tree works.
- Tree protection measures, tree works, arboricultural supervision and phasing of works to be implemented in accordance with plan M304/SA/TREE/02A and as specified in Arboricultural Method Statement.

There the proposed development, as conditioned, complies with Policy NR.1 (Trees and Woodland) of the Borough of Congleton Local Plan 2005 First Review.

Jodrell Bank

The site lies within Jodrell Bank Consultation Zone C; therefore Policy PS.10 of the Local Plan applies. This policy states that:

“Within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the proposals map, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.”

In order to protect the extremely sensitive observations of distant astronomical objects made by the radio telescopes at Jodrell Bank Observatory, a 6 mile radius ‘Consultation Zone’ has been in existence around the Observatory since 1972. Planning application for developments within this Zone re referred to the Observatory, which may object if the proposed development is likely to degrade the performance of its telescopes.

With the above in mind Jodrell Bank have no objections to the proposed development provided conditions are attached to any permission requiring the applicant to incorporate materials into the development which help to reduce any detrimental electromagnetic interference which may be caused.

Landscaping

The existing boundary hedges to the east and south, and post and rail fencing to the west are to be retained with a new native hedgerow to be planted along the northern boundary as well as others to demarcate the boundaries to the proposed dwellings.

In order to comply with Local Plan Policy a condition requiring landscaping details to be submitted and approved will be attached to any permission. This condition will require the applicant to submit details to show:

“The species, siting, number, planting size and planting density of all new trees and shrubs and details of existing vegetation to be retained or removed”,

“Plant species are used which are appropriate to the nature of the development and in sympathy with the character of existing vegetation within the site and in the area generally”,

“Landscaped areas are adequate and appropriate for the intended use”, and

“Satisfactory provision is made for the maintenance and aftercare of the scheme”.

Therefore the proposed development, as conditioned, complies with Policy GR.4 (Landscaping) of the Borough of Congleton Local Plan 2005 First Review.

CONCLUSIONS

It is noted that the site is considered to be in a sustainable location, and the design and siting of the dwellings are not considered to have an impact on the amenity of adjacent property.

However, Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy PS.8, which protects Open Countryside, is out of date and the provisions

of the NPPF. Therefore the principle of residential development on the application site is not acceptable due to the detrimental impact upon the openness of the Open Countryside.

In addition, the scheme does not provide any affordable housing which is required under current policy.

RECOMMENDATIONS: Refuse for the following reasons

- 1. The proposal is located within the Open and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy PS.8 (Open Countryside of the Congleton Borough Local Plan First Review 2005, the National Planning Policy Framework and the emerging Development Strategy.**
- 2 The proposed development does not include a provision for an element of affordable housing and is, therefore, contrary the Interim Planning Statement: Affordable Housing.**

Application for Full Planning

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